

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

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One-hundred-eighth Legislative Day Friday, April 23, 2004

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- Prayer By the President. 10
- Pledge By Senator Evans. 11
- Music "The Star Spangled Banner", presented by Columbine Middle School Band, 12  
Presentation Montrose, Colorado, directed by Bob Eisenman. 13
- Call to By the President at 9:00 a.m. 14  
Order 15
- Roll Call Present--33. 16  
Absent/Excused--2; Dyer, Nichol. 17  
Present later--Dyer, Nichol. 18
- Quorum The President announced a quorum present. 19
- Reading of On motion of Senator Sandoval, reading of the Journal of April 22, 2004, was 20  
Journal dispensed with and the Journal was approved as corrected by the Secretary. 21

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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 Resolution--SJR04-051. 22

**CONSIDERATION OF RESOLUTION--SJR04-051**

**SJR04-051** by Senator(s) Hanna; also Representative(s) Boyd--Concerning recognizing Angel Flight West, and, in connection therewith, celebrating its 21st anniversary. 23

On motion of Senator Hanna, the resolution was read at length and **adopted** by the following roll call vote: 24

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	E	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		

Co-sponsors added: Anderson, Andrews, Arnold, Cairns, Chlouber, Entz, Evans, Fitz-Gerald, Gordon, Groff, Grossman, Hagedorn, Hillman, Isgar, Johnson, Jones, Keller, Kester, Lamborn, May, McElhany, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, Veiga, and Windels. 25

**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: 26

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded to SCR04-012.

**SCR04-012** by Senator(s) Andrews; --Submitting to the registered electors of the state of Colorado amendments to section 17 of article IX and section 20 of article X of the constitution of the state of Colorado, concerning a modification of constitutional restrictions affecting the ability of the general assembly to make adjustments to state spending in response to changing levels of state revenues, and, in connection therewith, restricting the growth in the statewide base per pupil funding for the 2005-06 and 2006-07 state fiscal years to the rate of inflation plus one additional percentage point; reducing by one hundred million dollars the amount of moneys required to be spent on public school funding in the 2005-06 and 2006-07 state fiscal years; for the 2005-06 state fiscal year, requiring the state to retain up to one hundred million dollars of excess state revenues; for the 2006-07 state fiscal year, requiring the state to retain up to the sum of one hundred million dollars of excess state revenues and one hundred million dollars of such revenues as adjusted for specified factors; and, for the 2007-08 and all succeeding state fiscal years, requiring the state to retain up to the amount of excess state revenues retained in the 2006-07 state fiscal year as adjusted for specified factors.

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

YES	14	NO	21	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	N
Arnold	Y	Grossman	N	Lamborn	N	Tapia	N
Cairns	N	Hagedorn	N	May	N	Taylor	Y
Chlouber	Y	Hanna	N	McElhany	Y	Teck	N
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	N
Entz	Y	Isgar	N	Owen	N	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 two-thirds of all members elected to the Senate having voted in the affirmative, SCR04-012 was declared **lost**.

Committee of the Whole On motion of Senator Johnson, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Johnson was called to the Chair to act as Chairman.

**GENERAL ORDERS--SECOND READING OF BILLS**

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

**SB04-164** by Senator(s) Owen; also Representative(s) Berry--Concerning the retention of state revenues in excess of the constitutional limitation on state fiscal year spending for the purposes of funding state infrastructure needs, and, in connection therewith, requiring excess state revenues retained to be used first to fund state and local transportation needs and next to fund other state capital construction needs.

Laid over until Monday, April 26, to the end of the Second Reading calendar.

**HB04-1242** by Representative(s) Sinclair, Cadman, Schultheis, Berry, Crane, Fairbank, Harvey, Hefley, Johnson R., King, Lee, May M., McCluskey, Rhodes, Spence, Young; also Senator(s) McElhany--Concerning a meeting of a school district board of education at which employment contracts are negotiated.

Laid over until Monday, April 26, to the end of the Second Reading calendar.

**SB04-190** by Senator(s) Johnson S.; also Representative(s) Harvey--Concerning the creation of liens for health care providers on moneys collected by an injured person.

Laid over until Monday, April 26, to the end of the Second Reading calendar.

**SB04-151** by Senator(s) Evans, Hillman, Kester, Arnold, Cairns, Johnson S., Jones, Lamborn, May R.; also Representative(s) Lee, Clapp, Decker, Hefley, King, May M., Spence, Stengel-- Concerning judicial evaluations by commissions on judicial performance.

As amended, Senate Journal, March 26, pages 644-647.

Laid over until Monday, April 26, to the end of the Second Reading calendar.

**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 Monday, April 26, to the end of the Second Reading calendar.

**SB04-001** by Senator(s) Cairns, Hillman, Andrews, Lamborn; also Representative(s) Spradley, Schultheis, Crane, Harvey, Lundberg, May M., Mitchell, Welker, Williams T.--Concerning the exemption of business personal property from property taxation.

Amendment No. 1(L.016), by Senator Cairns.

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

"SECTION 1. Article 2 of title 2, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 11  
ECONOMIC DEVELOPMENT THROUGH BUSINESS PERSONAL  
PROPERTY TAX EXEMPTIONS AND OTHER METHODS

**2-2-1101. Interim committee on stimulating economic development through business personal property tax exemptions and other methods - creation - duties - repeal.** (1) THERE IS HEREBY CREATED THE INTERIM COMMITTEE ON STIMULATING ECONOMIC DEVELOPMENT THROUGH BUSINESS PERSONAL PROPERTY TAX EXEMPTIONS AND OTHER METHODS, REFERRED TO IN THIS SECTION AS THE "COMMITTEE". THE COMMITTEE SHALL MEET IN THE INTERIM AFTER THE CONCLUSION OF THE 2004 SECOND REGULAR SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY. THE COMMITTEE SHALL CONSIST OF TEN MEMBERS OF THE GENERAL ASSEMBLY. FIVE MEMBERS OF THE COMMITTEE SHALL BE FROM THE SENATE, THREE OF WHOM SHALL BE APPOINTED BY THE PRESIDENT OF THE SENATE AND TWO OF WHOM SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE. FIVE MEMBERS OF THE COMMITTEE SHALL BE FROM THE HOUSE OF REPRESENTATIVES AND SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES. NO MORE THAN THREE OF THE FIVE MEMBERS FROM THE HOUSE OF REPRESENTATIVES SHALL BE FROM THE SAME POLITICAL PARTY. THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT COCHAIRPERSONS OF THE COMMITTEE, WHO SHALL SHARE THE RESPONSIBILITIES OF CHAIRING THE COMMITTEE.

(2) THE COMMITTEE SHALL STUDY, BUT NEED NOT LIMIT ITS CONSIDERATION TO, THE FOLLOWING:

(a) TAX POLICY CHANGES THAT HAVE THE AFFECT OF CREATING AND RETAINING JOBS IN COLORADO, INCLUDING, BUT NOT LIMITED TO, BUSINESS PERSONAL PROPERTY TAX EXEMPTIONS THAT ELIMINATE OR PHASE OUT THE BUSINESS PERSONAL PROPERTY TAX;

(b) AN ANALYSIS OF THE CUMULATIVE FISCAL IMPACT OF SUCH TAX POLICY CHANGES ON THE STATE AND LOCAL GOVERNMENTS, INCLUDING, BUT NOT LIMITED TO, THE FISCAL IMPACT OF BUSINESS PERSONAL PROPERTY TAX EXEMPTIONS THAT ELIMINATE OR PHASE OUT THE BUSINESS PERSONAL PROPERTY TAX;

(c) DYNAMIC ECONOMIC MODELS, INCLUDING THE MULTIPLIER EFFECT, THAT USE EXISTING RESOURCES AND THAT DEMONSTRATE NET LONG-TERM REVENUE GAINS;

(d) METHODS TO MITIGATE THE POTENTIAL OF ANY REVENUE

LOSSES TO THE STATE AND LOCAL GOVERNMENTS FROM SUCH TAX POLICY CHANGES;

(e) ENSURING THAT SUCH TAX POLICY CHANGES WOULD ENCOURAGE ECONOMIC DEVELOPMENT IN RURAL AREAS; AND

(f) WHAT OTHER ACTIONS CAN BE TAKEN BY THE STATE TO ENCOURAGE, PROMOTE, AND STIMULATE ECONOMIC DEVELOPMENT IN COLORADO.

(3) THE COMMITTEE SHALL MEET SIX TIMES DURING THE 2004 INTERIM. THESE MEETING SHALL BE OPEN TO THE PUBLIC AND THE COMMITTEE SHALL SOLICIT THE TESTIMONY OF THE MEMBERS OF THE PUBLIC, ESPECIALLY THOSE MEMBERS OF THE PUBLIC WITH EXPERTISE RELATED TO THE FISCAL IMPACTS OF TAX POLICY CHANGES.

(4) (a) EXPENDITURES INCURRED IN CONDUCTING THE STUDY DESCRIBED IN THIS SECTION SHALL BE APPROVED BY THE CHAIRPERSON OF THE LEGISLATIVE COUNCIL AND PAID BY VOUCHERS AND WARRANTS DRAWN AS PROVIDED BY LAW FROM MONEYS ALLOCATED TO THE LEGISLATIVE COUNCIL FROM APPROPRIATIONS MADE BY THE GENERAL ASSEMBLY.

(b) THE LEGISLATIVE COUNCIL STAFF AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL BE AVAILABLE TO ASSIST THE COMMITTEE IN CARRYING OUT ITS DUTIES.

(5) THE LEGISLATIVE MEMBERS OF THE COMMITTEE SHALL BE COMPENSATED AS PROVIDED IN SECTION 2-2-307 FOR ATTENDANCE AT MEETINGS OF THE COMMITTEE.

(6) THE COMMITTEE SHALL MAKE A REPORT TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES. SUCH REPORT MAY INCLUDE RECOMMENDATIONS FOR LEGISLATION, INCLUDING BUT NOT LIMITED TO LEGISLATION CONTINUING THE COMMITTEE. LEGISLATION RECOMMENDED BY THE COMMITTEE SHALL BE TREATED AS LEGISLATION RECOMMENDED BY ANY OTHER INTERIM COMMITTEE FOR PURPOSES OF ANY INTRODUCTION DEADLINES OR BILL LIMITATIONS IMPOSED BY THE JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

(7) THIS PART 11 IS REPEALED, EFFECTIVE JANUARY 1, 2005.

**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."

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

**SB04-210** by Senator(s) Andrews; also Representative(s) Lee--Concerning the performance of the functions of immigration officers by state personnel.

Amendment No. 1, State, Veterans and Military Affairs Committee Amendment.  
(Printed in Senate Journal, April 8, page 775 and placed in members' bill files.)

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

Amend printed bill, page 2, line 21, strike "THEREFOR." and substitute "THEREFOR FROM THE FEDERAL GOVERNMENT AND SUCH APPROPRIATIONS SHALL INCLUDE FUNDS TO COVER TRAINING EXPENSES FOR SUCH OFFICERS ANDEMPLOYEES. THE AGREEMENT SHALL ALSO SPECIFY THAT ANY ALIENS DETAINED BY STATE OFFICERS AND EMPLOYEES SHALL BE PLACED IN THE CUSTODY OF THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, ANDTHE CUSTODY, DETENTION, AND TRANSPORTATION OF SUCH ALIENS SHALL BE THE RESPONSIBILITY OF THE SERVICES."

As amended, declared **LOST** on Second Reading.  
(For further action, see Roll Call Vote on SB04-210, page 971.)

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**SCR04-013** by Senator(s) Hillman; also Representative(s) Sinclair--Submitting to the registered electors of the state of Colorado amendments to articles IX and X of the constitution of the state of Colorado, concerning the modification of constitutional restrictions on the ability of the state legislature to adjust state spending in response to changes in state revenues, and, in connection therewith, diverting moneys to the state education fund only in years when state revenues exceed the spending limits imposed by section 20 of article X (TABOR); suspending the provisions of section 17 of article IX (amendment 23) that require annual increases in certain funding requirements for preschool through the twelfth grade public education for state fiscal years 2005-06 and 2006-07; suspending the required increase in statewide base per pupil funding in any year when state fiscal year spending limits are not reached, but prohibiting any decrease in statewide base per pupil funding in any such year; suspending the provision of TABOR that limits the maximum annual percentage change in state fiscal year spending for state fiscal years 2005-06 and 2006-07; creating a state rainy day fund consisting of moneys appropriated by the general assembly within TABOR limits; replacing the existing state emergency reserve with the state rainy day fund; and authorizing the general assembly to spend moneys in the state rainy day fund in any year when fiscal year spending is less than the TABOR limit and in declared emergencies.

Amendment No. 1, Finance Committee Amendment.

(Printed in Senate Journal, April 21, pages 924-925 and placed in members' bill files.)

Amendment No. 2(L.003), by Senator Hillman.

Amend printed concurrent resolution, page 6, line 16, strike "FIFTY" and substitute "ONE HUNDRED".

Amend the Finance Committee Report, dated April 20, 2004, page 2, line 27, strike "FIFTY" and substitute "ONE HUNDRED";

page 3, line 12, strike "FIFTY" and substitute "ONE HUNDRED".

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

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (SB04-227 as amended, SB04-217, HB04-1225, HB04-1309, HB04-1390, SB04-232, HB04-1134, HB04-1231, HB04-1386, HB04-1277, HB04-1221, HB04-1344, HB04-1015, HB04-1365, HB04-1135, HB04-1269, HB04-1165, HB04-1431, HB04-1426, HB04-1123, HB04-1425, SB04-203) of April 23, was laid over until Monday, April 26, retaining its place on the calendar.

**ROLL CALL VOTE ON SB04-210**

**SB04-210** by Senator(s) Andrews; also Representative(s) Lee--Concerning the performance of the functions of immigration officers by state personnel.

YES	14	NO	21	EXCUSED	0	ABSENT	0
Anderson	N	Groff	N	Kester	Y	Takis	N
Arnold	Y	Grossman	N	Lamborn	Y	Tapia	N
Cairns	Y	Hagedorn	N	May	Y	Taylor	N
Chlouber	Y	Hanna	N	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	N	Tupa	N
Entz	N	Isgar	N	Owen	N	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		

SB04-210 as amended, declared **LOST** on Second Reading.

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

On motion of Senator Johnson, 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: SB04-001 as amended, SCR04-013 as amended.
- Lost on Second Reading: SB04-210 as amended.
- Laid over until Monday, April 26, at the end of the Second Reading calendar: SB04-164, HB04-1242, SB04-190, SB04-151 as amended, SB04-215.
- Laid over until Monday, April 26: SB04-227 as amended, SB04-217, HB04-1225, HB04-1309, HB04-1390, SB04-232, HB04-1134, HB04-1231, HB04-1386, HB04-1277, HB04-1221, HB04-1344, HB04-1015, HB04-1365, HB04-1135, HB04-1269, HB04-1165, HB04-1431, HB04-1426, HB04-1123, HB04-1425, SB04-203.

**COMMITTEE OF REFERENCE REPORTS**

Appropriations

After consideration on the merits, the Committee recommends that **SB04-226** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, after line 8, insert the following:

**"SECTION 4. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys collected pursuant to section 9-7-108 (2), Colorado Revised Statutes, to the department of public safety, for allocation to the Colorado bureau of investigation, for the fiscal year beginning July 1, 2004, the sum of two thousand nine hundred sixty-three dollars (\$2,963), or so much thereof as may be necessary, for the implementation of this act. Of said sum, one thousand six hundred fifty dollars (\$1,650) shall be from cash funds exempt collected for federal criminal history background checks and one thousand three hundred thirteen dollars (\$1,313) shall be from cash funds generated from fees for Colorado bureau of investigation criminal background checks."

Renumber succeeding section accordingly.

Page 1, line 102, strike "PERMITS." and substitute "PERMITS, AND MAKING AN APPROPRIATION THEREFOR."

Appropriations

After consideration on the merits, the Committee recommends that **HB04-1030** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **SB04-225** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 10, after line 2, insert the following:

**"SECTION 4. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the well enforcement cash fund created pursuant to section 37-90-111.5 (5) (b), Colorado Revised Statutes, to the department of natural resources, executive director's office, for legal services, for the fiscal year beginning July 1, 2004, the sum of eight thousand five hundred eleven dollars (\$8,511), or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the well enforcement cash fund created pursuant to section 37-90-111.5 (5) (b), Colorado Revised Statutes, to the department of natural resources, division of water resources, for the fiscal year beginning July 1, 2004, the sum of one thousand four hundred eighty-nine dollars (\$1,489), or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby

appropriated, to the department of law, for the fiscal year beginning July 1, 2004, the sum of eight thousand five hundred eleven dollars (\$8,511), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from the appropriation made in subsection (1) of this section."

Renumber succeeding sections accordingly.

Page 1, line 102, strike "WATER." and substitute "WATER, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

Appropriations

After consideration on the merits, the Committee recommends that **SB04-235** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 18, after line 12, insert the following:

"(c) (I) THE BOARD SHALL DESIGNATE A FINANCIAL OFFICER WHO SHALL COORDINATE WITH THE DEPARTMENT OF REVENUE REGARDING THE COLLECTION OF A SALES AND USE TAX. THIS COORDINATION SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FINANCIAL OFFICER IDENTIFYING THOSE BUSINESSES ELIGIBLE TO COLLECT THE SALES AND USE TAX AND ANY OTHER ADMINISTRATIVE DETAILS IDENTIFIED BY THE DEPARTMENT.

(II) ANY SALES AND USE TAX AUTHORIZED PURSUANT TO THIS ARTICLE SHALL BECOME EFFECTIVE ON JULY 1 FOLLOWING THE ELECTORS' APPROVAL OF THE TAX."

Appropriations

After consideration on the merits, the Committee recommends that **HB04-1256** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **HB04-1014** be postponed indefinitely.

Appropriations

After consideration on the merits, the Committee recommends that **HB04-1157** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **HB04-1003** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 5, strike lines 1 through 14.

Renumber succeeding sections accordingly.

Page 6, after line 21, insert the following:

**"SECTION 7. Capital construction appropriation - legislative intent.** (1) In addition to any other appropriation, there is hereby appropriated, out of the moneys in the general fund not otherwise appropriated, to the capital construction fund created in section 24-75-302, C.R.S., the sum of one hundred fifty two thousand eight hundred dollars (\$152,800) to be used for purposes consistent with part 3 of article 75 of title 24, C.R.S.

(2) It is the intent of the general assembly that the general fund appropriation for the implementation of this act shall be derived from savings generated from the implementation of the provisions of S.B. 04-231, as enacted during the second regular session of the sixty-fourth general assembly."

Renumber succeeding sections accordingly.

Page 6, line 22, before "This", insert "(1)";

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	line 24, strike "date." and substitute "date; except that, sections 1, 6, and 7 of this act shall only take effect if S.B. 04-231 is enacted at the second regular session of the sixty-fourth general assembly and becomes law.".	1 2 3 4 5
Appropriations	After consideration on the merits, the Committee recommends that <b>HB04-1075</b> be referred to the Committee of the Whole with favorable recommendation.	6 7 8 9
Appropriations	After consideration on the merits, the Committee recommends that <b>HB04-1254</b> be referred to the Committee of the Whole with favorable recommendation.	10 11 12
Appropriations	After consideration on the merits, the Committee recommends that <b>HB04-1261</b> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	13 14 15 16
	Amend reengrossed bill, page 6, strike lines 13 through 23.	17 18
	Renumber succeeding sections accordingly.	19 20
	Page 1, line 101, strike " <b>DOGS, AND MAKING AN</b> " and substitute " <b>DOGS.</b> ";	21 22
	strike line 102.	23 24 25
Appropriations	After consideration on the merits, the Committee recommends that <b>HCR04-1004</b> be referred to the Committee of the Whole with favorable recommendation.	26 27 28 29
Appropriations	After consideration on the merits, the Committee recommends that <b>HB04-1021</b> be referred to the Committee of the Whole with favorable recommendation.	30 31 32 33
Appropriations	After consideration on the merits, the Committee recommends that <b>HB04-1300</b> be referred to the Committee of the Whole with favorable recommendation.	34 35 36 37
Appropriations	After consideration on the merits, the Committee recommends that <b>HB04-1077</b> be referred to the Committee of the Whole with favorable recommendation.	38 39 40 41
Appropriations	After consideration on the merits, the Committee recommends that <b>HB04-1144</b> be postponed indefinitely.	42 43 44 45
Appropriations	After consideration on the merits, the Committee recommends that <b>HB04-1411</b> be referred to the Committee of the Whole with favorable recommendation.	46 47
Appropriations	After consideration on the merits, the Committee recommends that <b>SB04-231</b> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	48 49 50 51 52 53
	Amend printed bill, page 3, after line 3, insert the following:	54 55
	<b>"SECTION 2. Appropriation - adjustments to the 2004 long bill.</b> For the implementation of this act, appropriations made in the annual general appropriation act to the department of state, for allocation to the administration division, for the fiscal year beginning July 1, 2004, shall be adjusted as follows: The cash fund appropriation out of moneys in the department of state cash fund created in section 24-21-104 (3) (b), Colorado Revised Statutes, is decreased by thirty-five thousand two hundred dollars (\$35,200) and 1.1 FTE.".	56 57 58 59 60 61 62 63 64
	Renumber succeeding section accordingly.	65 66
	Page 1, line 102, strike " <b>STATE.</b> " and substitute " <b>STATE, AND MAKING AN APPROPRIATION THEREFOR.</b> ".	67 68



Education

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

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

effective July 1, 2004 for a term expiring July 1, 2006:

Ronald E. Harlow of Highlands Ranch, Colorado, to serve as an Unaffiliated, appointed; effective July 1, 2004 for terms expiring July 1, 2008:

Douglas J. Miles of Manitou Springs, Colorado, to serve as a Democrat and to represent the blind community, appointed;

John C. Dickinson of Longmont, Colorado, to serve as an Unaffiliated and to represent the deaf community, appointed;

David S. Ek of Colorado Springs, Colorado, to serve as a Republican, appointed;

Dr. Morris D. Ververs of Simla, Colorado, to serve as a Republican, appointed.

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 Resolution--SJR04-052.

**CONSIDERATION OF RESOLUTION--SJR04-052**

**SJR04-052**

by Senator(s) Hanna, Andrews, Arnold, Cairns, Chlouber, Entz, Evans, Fitz-Gerald, Gordon, Groff, Grossman, Hagedorn, Hillman, Isgar, Johnson S., Jones, Keller, Kester, Lamborn, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, Veiga, Windels; also Representative(s) Tochtrop--Concerning recognition of the Colorado Nurse Alert System.

On motion of Senator Hanna, the resolution was read at length and **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		

Co-sponsors added: Anderson, Dyer, May, and McElhany.

On motion of Senator Johnson, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB04-225, SB04-235, SB04-226, SB04-231, SB04-239, SB04-247 were made Special Orders at 11:42 a.m.

Committee of the Whole

The hour of 11:42 a.m. having arrived, Senator Johnson moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Johnson 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:

**SB04-225**

by Senator(s) Hillman; also Representative(s) Hoppe--Concerning the enforcement of orders for the unauthorized use of designated ground water.

Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment.  
(Printed in Senate Journal, April 16, pages 855-856 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.  
(Printed in Senate Journal, April 23, pages 972-973 and placed in members' bill files.)

Amendment No. 3(L.003), by Senator Hillman.

Amend printed bill, page 10, after line 2, insert the following:

**"SECTION 4.** 37-90-137 (4), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**37-90-137. Permits to construct wells outside designated basins - fees - permit no ground water right - evidence - time limitation - well permits - repeal.** (4) (e) (I) IN ISSUING WELL PERMITS FOR THE WITHDRAWAL OF GROUND WATER PURSUANT TO WATER COURT DECREES ISSUED BETWEEN JULY 6, 1973, AND JULY 1, 1985, AND IN COMPLIANCE WITH THIS SUBSECTION (4), UPON REQUEST, THE STATE ENGINEER SHALL PERMIT WELLS TO BE LOCATED AT SITES OTHER THAN THE LOCATIONS SPECIFIED IN THE WATER COURT DECREES IF:

(A) THE PROPOSED WELL LOCATION IS WITHIN THE OVERLYING LAND ORIGINALLY THE SUBJECT OF THE WATER COURT DECREE;

(B) THE OVERLYING LAND HAS BEEN PLATTED;

(C) LAND USE CONSISTENT THE SUCH PLATTING REQUIRES THE CHANGE IN LOCATION;

(D) THE OVERLYING LAND THAT IS THE SUBJECT OF THE WATER COURT DECREE IS WITHIN THE WATER SERVICE AREA OF A MUNICIPALITY, WATER DISTRICT, WATER AND SANITATION DISTRICT, OR METROPOLITAN DISTRICT;

(E) THE PROPOSED WELL LOCATION IS AT LEAST SIX HUNDRED FEET FROM AN EXISTING WELL AS PROVIDED IN SUBSECTION (2) OF THIS SECTION; AND

(F) THE APPLICANT HAS PROVIDED NOTICE BY REGISTERED MAIL TO THE OWNER OF THE LAND WHERE THE WELL IS TO BE DRILLED UNLESS THE APPLICANT IS SUCH OWNER AND TO ALL PARTIES TO THE COURT PROCEEDING.

(II) IF NO OBJECTION IS RECEIVED BY THE STATE ENGINEER TO THE PROPOSED CHANGE IN LOCATION WITHIN THIRTY DAYS AFTER THE MAILING OF THE NOTICE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (e), THE STATE ENGINEER SHALL ISSUE THE WELL PERMIT WITH SUCH CONDITIONS AS ARE APPROPRIATE TO PROTECT OTHER WATER RIGHTS."

Renumber succeeding sections accordingly.

Amendment No. 4(L.004), by Senator Hillman.

Amend printed bill, page 5, line 4, strike "VIOLATION." and substitute "VIOLATION; EXCEPT THAT THIS SUBPARAGRAPH (II) SHALL NOT APPLY TO AN ORDER ISSUED PURSUANT TO SECTION 37-90-110 (1) (i) OR 37-90-130 (4) (c)."

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Page 6, after line 16, insert the following:

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

Page 9, line 15, strike "VIOLATION." and substitute "VIOLATION; EXCEPT THAT THIS SUBPARAGRAPH (II) SHALL NOT APPLY TO AN ORDER ISSUED PURSUANT TO SECTION 37-90-110 (1) (i) OR PARAGRAPH (c) OF SUBSECTION (4) OF THIS SECTION."

Page 10, after line 2, insert the following:

"(i) THIS SUBSECTION (4) SHALL NOT APPLY TO ANY PERSON DIVERTING BY MEANS OF A WELL DESCRIBED IN SECTION 37-90-105 (1) (a)."

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

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

Amendment No. 1, Appropriations Committee Amendment.  
(Printed in Senate Journal, April 23, page 973 and placed in members' bill files.)

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

**SB04-226** by Senator(s) Taylor; also Representative(s) Cadman--Concerning fingerprint-based criminal history record checks for applicants for explosives permits.

Amendment No. 1, Business Affairs and Labor Committee Amendment.  
(Printed in Senate Journal, April 20, page 883 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.  
(Printed in Senate Journal, April 23, page 972 and placed in members' bill files.)

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

**SB04-231** by Senator(s) Owen; also Representative(s) White--Concerning the utilization of electronic services related to documents filed with the department of state.

Amendment No. 1, Appropriations Committee Amendment.  
(Printed in Senate Journal, April 23, page 974 and placed in members' bill files.)

Amendment No. 2(L.001), by Senator Owen.

Amend printed bill, page 2, line 18, after "SHOWN.", add "IF THE SECRETARY OF STATE REQUIRES ANY FILING TO BE MADE BY ELECTRONIC MEANS OR DESIGNATES ELECTRONIC ACCESS AS THE SOLE MEANS OF ACCESS TO A DOCUMENT, THE SECRETARY OF STATE SHALL ASSURE THAT SUCH FILING MAY BE MADE OR SUCH ACCESS ATTAINED BY MEANS THAT DO NOT REQUIRE USE BY THE PUBLIC OF CUSTOMIZED OR SPECIALLY DESIGNED ELECTRONIC HARDWARE OR SOFTWARE."

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

**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.

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

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**SB04-247** by Senator(s) Taylor; also Representative(s) Coleman--Concerning reform of the first pool of premium tax credits available under the "Certified Capital Company Act".

Amendment No. 1, Finance Committee Amendment.  
(Printed in Senate Journal, April 22, page 960 and placed in members' bill files.)

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

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

On motion of Senator Johnson, 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: SB04-225 as amended, SB04-235 as amended, SB04-226 as amended, SB04-231 as amended, SB04-239, SB04-247 as amended.

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**INTRODUCTION OF BILL--FIRST READING**

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

**SB04-249** by Senator(s) Hillman; also Representative(s) King--Concerning the definition of an employer for purposes of the "Colorado Workers' Compensation Act" in situations in which a general contractor engages others to perform work on the general contractor's behalf.  
Business Affairs & Labor

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**MESSAGE FROM THE HOUSE**

April 23, 2004  
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB04-1435.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB04-1131, amended as printed in House Journal, April 22, page 1482.  
HB04-1193, amended as printed in House Journal, April 22, page 1482, and amended on Third Reading, as printed in House Journal April 23.  
HB04-1199, amended as printed in House Journal, April 22, page 1482.  
HB04-1424, amended as printed in House Journal, April 22, pages 1482-1483 .  
HB04-1086, amended as printed in House Journal, April 22, pages 1483-1484.

The House has passed on Third Reading and returns herewith SB04-028,032,097.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB04-153, amended as printed in House Journal, April 22, pages 1481-1482.  
SB04-176, amended as printed in House Journal, April 22, page 1483.  
SB04-126, amended as printed in House Journal, April 22, page 1484.

The House has voted to authorize the House conferees on the First Conference Committee on HB04-1115 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 SB04-108 to consider matters not at issue between the two houses.

The House has adopted and returns herewith SJR04-051.

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

The President has signed: SB04-132.  
The President has signed: HB04-1381, 1412, 1413, 1416, 1417, 1418, 1419.

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**SENATE SERVICES REPORTS**

To the Governor for signature on Thursday, April 22, 2004, at 3:59 p.m.

SB04-132.

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**CONFERENCE COMMITTEES GRANTED FURTHER POWERS**

**HB04-1115** by Representative(s) Rhodes, Coleman, Harvey, Hodge, Hoppe, Larson, Marshall, McCluskey, Paccione, Wiens, White, Williams T.; also Senator(s) Tapia--Concerning the continuation of the state board of registration for professional engineers and professional land surveyors.

Senator Tapia moved that the Senate Conferrees on the First Conference Committee on **HB04-1115** 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**.

**HB04-1263** by Representative(s) Lundberg, Schultheis, May M., Brophy, Cloer, Frangas, Hall, Harvey, Lee, Miller, Rippy, Rose, Spradley, Tochtrop, Welker; also Senator(s) Cairns--Concerning the removal of the requirement under Colorado law for submission of a social security number on an application for a license issued by the division of wildlife.

Senator Cairns moved that the Senate Conferrees on the First Conference Committee on **HB04-1263** 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**.

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

Senator Jones moved that the Senate Conferrees on the First Conference Committee on **HB04-1311** 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**.

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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 April 23, 2004, was laid over until Monday, April 26, 2004, retaining its place on the calendar.

Third Reading of Bills--Final Passage: SB04-118, HCR04-1005, HB04-1373, SCR04-010, SCR04-009.

Consideration of Resolutions: SJR04-013, SJR04-014, SJR04-022, SJR04-010, SJR04-017, HJR04-1045, SJR04-032, HJR04-1037, SJR04-035, SJR04-038, SJR04-039, SJR04-040, SJR04-042, SJR04-043, SJR04-044, HJR04-1038, SJR04-046, SJR04-047, SJR04-048, SJR04-049, SR04-010, SR04-011, HJR04-1057, HJR04-1077, HJR04-1052, HJR04-1058, HJR04-1085, HJR04-1090.

Consideration of Memorials: SJM04-004, SJM04-003.

Consideration of House Amendments to Senate Bills: SB04-168, SB04-111, SB04-171, SB04-186

Consideration of Conference Committees Reports: HB04-1061, SB04-082.

Conference Committees to Report: HB04-1117, HB04-1236, HB04-1177, SB04-131, SB04-094, SB04-024, HB04-1115, HB04-1361, SB04-108, HB04-1311, HB04-1263, HB04-1397, HB04-1387, SB04-125.

Requests for Conference Committees: HB04-1376.

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Senate in recess.

Senate reconvened.

**MESSAGE FROM THE HOUSE**

April 23, 2004  
Mr. President:

The House has postponed indefinitely SB04-142. The bill is returned herewith.

**MESSAGE FROM THE GOVERNOR**

Appointment A letter of designation and appointment from Governor Owens was read and assigned to Committee as follows:

April 14, 2004

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

**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.

Sincerely,  
(signed)  
Bill Owens  
Governor  
Rec'd: 4/22/04  
Renee White  
Calendar Clerk

Committee on Business Affairs & Labor

**MEMORANDUM  
REPORT FROM THE HOUSE AND SENATE  
COMMITTEES ON DELAYED BILLS**

Pursuant to Joint Rule 23 (c), the House and Senate Committees on Delayed Bills, acting jointly, extend the following deadline for Senate Bill No. 04-1397, Concerning the

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Financing of Public Schools:

The Friday, March 12 deadline (the 66th legislative day) for final passage, including any conference committee report, for any bill prescribing all or a substantial portion of the total funding for public schools pursuant to the "Public School Finance Act of 1994", article 54 of title 22, Colorado Revised Statutes, as extended until Friday, March 26, 2004 (the 80th legislative day), Friday, April 16, 2004 (the 101st legislative day), and subsequently until Friday, April 23, 2004 (the 108th legislative day), is further extended until Wednesday, May 5, 2004 (the 120th legislative day).

This memorandum shall be printed in the journal of each house as is required by said Joint Rule 23 (c).

(signed)  
Lola Spradley  
Keith King  
Andrew Romanoff

(signed)  
John Andrews  
Mark Hillman

**INTRODUCTION OF RESOLUTION**

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

**SJR04-057** by Senator(s) Hillman; also Representative(s) King--Concerning a limitation on the number of bills that may be sponsored by committees that meet during the legislative interim.  
Laid over one day under Senate Rule 30(b).

**INTRODUCTION OF BILLS--FIRST READING**

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

**SB04-250** by Senator(s) McElhany; --Concerning the requirement that any amounts above Pinnacol Assurance's reasonable surplus be credited to CoverColorado.  
Business Affairs & Labor

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

**SB04-252** by Senator(s) McElhany; also Representative(s) King--Concerning financing of state institutions of higher education.  
Business Affairs & Labor

On motion of Senator Hillman, the Senate adjourned until 10:00 a.m., Monday, April 26, 2004.

Approved:

John Andrews  
President of the Senate

Attest:

Mona Heustis  
Secretary of the Senate

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