

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

One-hundred-eleventh Legislative Day Monday, April 26, 2004

Prayer	By the chaplain, Reverend Dr. Kathryn Towne.	10
Pledge	By Senator Isgar.	11
Call to Order	By the President at 10:00 a.m.	12
Roll Call	Present--33. Absent/Excused--2; Taylor, Veiga. Present later--Taylor.	13
Quorum	The President announced a quorum present.	14
Reading of Journal	On motion of Senator Tapia, reading of the Journal of April 23, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.	15

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB04-1115**

**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 HB04-1115, concerning the continuation of the state board of registration for professional engineers and professional land surveyors, 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 the 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:

Amend rerevised bill, page 28, strike lines 1 through 8.

Renumber succeeding sections accordingly.

Page 46, line 6, strike "LICENSED".

Respectfully submitted,

House Committee:	Senate Committee:
(signed)	(signed)
Representative Rhodes	Senator Kester
Representative Hoppe	Senator Johnson
Representative Marshall	Senator Tapia

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FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB04-024

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 SB04-024,
concerning increased consistency in the regulation of certain professions
by the division of registrations in the department of regulatory agencies,
and, in connection therewith, enacting uniform statutory provisions
governing the issuance of letters of admonition, immunity, renewal and
reinstatement of licenses, registrations, or certificates, investigatory
subpoenas, and disposition of fines collected, has met and reports that it
has agreed upon the following:

1. That the Senate accede to House amendments made to the bill,
as the 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:

Amend rerevised bill, page 7, line 15, strike "NECESSARY" and substitute
"RELEVANT";

strike lines 23 and 24 and substitute the following:

"SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH
THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS,
UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE
SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO";

line 27, strike "NECESSARY" and substitute "RELEVANT".

Page 8, line 21, strike "NECESSARY" and substitute "RELEVANT";

Page 9, strike lines 1 and 2 and substitute the following:

"SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH
THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS,
UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE
SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO";

line 5, strike "NECESSARY" and substitute "RELEVANT".

Page 10, line 4, strike "NECESSARY" and substitute "RELEVANT";

strike lines 11 and 12 and substitute the following:

"SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH
THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS,
UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE
SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO";

line 15, strike "NECESSARY" and substitute "RELEVANT".

Page 16, line 6, strike "NECESSARY" and substitute "RELEVANT";

strike lines 14 and 15 and substitute the following:

"SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH
THE SUBPOENAED PERSON OR REGISTRANT RESIDES OR CONDUCTS
BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE
TO THE SUBPOENAED PERSON OR REGISTRANT, MAY ISSUE TO THE PERSON";

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line 17, strike "NECESSARY" and substitute "RELEVANT".

Page 19, line 27, strike "NECESSARY" and substitute "RELEVANT".

Page 20, strike lines 8 and 9 and substitute the following:

"SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR REGISTRANT RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR REGISTRANT, MAY ISSUE TO THE PERSON";

line 11, strike "NECESSARY" and substitute "RELEVANT".

Page 21, line 24, strike "NECESSARY" and substitute "RELEVANT".

Page 22, strike lines 5 and 6 and substitute the following:

"SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON";

line 8, strike "NECESSARY" and substitute "RELEVANT".

Page 27, line 2, strike "NECESSARY" and substitute "RELEVANT";

strike lines 10 and 11 and substitute the following:

"SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO";

line 14, strike "NECESSARY" and substitute "RELEVANT".

Page 29, line 11, strike "NECESSARY" and substitute "RELEVANT";

strike lines 19 and 20 and substitute the following:

"SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO";

line 23, strike "NECESSARY" and substitute "RELEVANT".

Page 32, line 20, strike "NECESSARY" and substitute "RELEVANT";

strike line 27.

Page 33, strike line 1 and substitute the following:

"SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY";

line 4, strike "NECESSARY" and substitute "RELEVANT".

Page 38, line 13, strike "NECESSARY" and substitute "RELEVANT";

strike lines 18 and 19 and substitute the following:

"SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO";

line 22, strike "NECESSARY" and substitute "RELEVANT".

Page 43, line 12, strike "NECESSARY" and substitute "RELEVANT";

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strike lines 17 and 18 and substitute the following:

"SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO";

line 21, strike "NECESSARY" and substitute "RELEVANT".

Page 48, line 11, strike "NECESSARY" and substitute "RELEVANT";

strike lines 16 and 17 and substitute the following:

"SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO";

line 20, strike "NECESSARY" and substitute "RELEVANT".

Page 51, line 11, strike "NECESSARY" and substitute "RELEVANT";

strike lines 16 and 17 and substitute the following:

"SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO";

line 20, strike "NECESSARY" and substitute "RELEVANT".

Page 53, line 6, strike "NECESSARY" and substitute "RELEVANT";

strike lines 14 and 15 and substitute the following:

"SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON";

line 17, strike "NECESSARY" and substitute "RELEVANT".

Page 56, line 21, strike "NECESSARY" and substitute "RELEVANT".

Page 57, strike lines 1 and 2 and substitute the following:

"SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO";

line 5, strike "NECESSARY" and substitute "RELEVANT".

Page 60, line 22, strike "NECESSARY" and substitute "RELEVANT".

Page 61, strike lines 13 and 14 and substitute the following:

"SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO";

line 17, strike "NECESSARY" and substitute "RELEVANT".

Page 65, line 4, strike "NECESSARY" and substitute "RELEVANT".

Page 66, strike lines 1 and 2 substitute the following:

"DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN";

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line 4, strike "NECESSARY" and substitute "RELEVANT".

Page 69, line 18, strike "NECESSARY" and substitute "RELEVANT";

strike lines 25 and 26 and substitute the following:

"SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO".

Page 70, line 2, strike "NECESSARY" and substitute "RELEVANT".

Page 77, line 21, strike "NECESSARY" and substitute "RELEVANT".

Page 78, strike lines 13 and 14 and substitute the following:

"SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON";

line 16, strike "NECESSARY" and substitute "RELEVANT".

Page 83, line 2, strike "NECESSARY" and substitute "RELEVANT";

strike lines 17 and 18 and substitute the following:

"SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO";

line 21, strike "NECESSARY" and substitute "RELEVANT".

Page 89, line 1, strike "NECESSARY" and substitute "RELEVANT";

strike lines 20 and 21 and substitute the following:

"SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO";

line 24, strike "NECESSARY" and substitute "RELEVANT".

Page 91, line 5, strike "NECESSARY" and substitute "RELEVANT";

strike lines 24 and 25 and substitute the following:

"SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO".

Page 92, line 1, strike "NECESSARY" and substitute "RELEVANT".

Page 95, line 26, strike "NECESSARY" and substitute "RELEVANT".

Page 96, strike lines 6 and 7 and substitute the following:

"SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO";

line 10, strike "NECESSARY" and substitute "RELEVANT".

Page 102, line 26, strike "NECESSARY" and substitute "RELEVANT".

Page 103, strike lines 7 and 8 and substitute the following:

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"SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON";

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line 10, strike "NECESSARY" and substitute "RELEVANT".

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Page 105, line 26, strike "NECESSARY" and substitute "RELEVANT".

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Page 106, strike lines 6 and 7 and substitute the following:

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"SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON";

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line 9, strike "NECESSARY" and substitute "RELEVANT".

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Page 107, line 21, strike "NECESSARY" and substitute "RELEVANT".

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Page 108, strike lines 1 and 2 and substitute the following:

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"SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON";

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line 4, strike "NECESSARY" and substitute "RELEVANT".

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Page 115, line 12, strike "NECESSARY" and substitute "RELEVANT";

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strike lines 20 and 21 and substitute the following:

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"SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON";

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line 23, strike "NECESSARY" and substitute "RELEVANT".

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Page 116, line 19, strike "OR REGISTRANT." and substitute "REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST.";

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line 21, strike "OR REGISTRANT," and substitute "REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST,";

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strike line 22 and substitute the following:

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"SUCH PERSON SHALL BE ADVISED".

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Page 117, line 22, strike "NECESSARY" and substitute "RELEVANT".

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Page 118, strike lines 3 and 4 and substitute the following:

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"SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON";

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line 6, strike "NECESSARY" and substitute "RELEVANT".

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Page 123, line 1, strike "NECESSARY" and substitute "RELEVANT";

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strike lines 9 and 10 and substitute the following:

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"SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON";

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line 12, strike "NECESSARY" and substitute "RELEVANT".

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Page 127, line 16, strike "NECESSARY" and substitute "RELEVANT";

strike lines 24 and 25 and substitute the following:

"SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON";

line 27, strike "NECESSARY" and substitute "RELEVANT".

Page 135, after line 19, insert the following:

"SECTION 121. 24-34-105 (2) (a) and (2) (b) (I), Colorado Revised Statutes, are amended, and the said 24-34-105 (2) (b) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

24-34-105. Fee adjustments - division of registrations cash fund created - legal defense account. (2) (a) Each board and commission in the division of registrations shall propose, as part of its annual budget request, an adjustment in the amount of each fee ~~which~~ THAT such board or commission is authorized by law to collect. The budget request and the adjusted fees for each board or commission shall reflect direct and indirect costs THAT ARE APPROPRIATED IN THE ANNUAL GENERAL APPROPRIATION ACT.

(b) (I) Based upon the appropriation made and subject to the approval of the executive director of the department of regulatory agencies, each board or commission shall adjust its fees so that the revenue generated from said fees approximates its direct and indirect costs; except that the costs of the state board of psychologist examiners, the state board of marriage and family therapist examiners, the state board of licensed professional counselor examiners, the state board of social work examiners, and the state grievance board shall be considered collectively in the renewal fee-setting process. Subsequent revenue generated by the fees set by such boards plus revenues generated pursuant to section 12-43-702.5, C.R.S., shall be compared to those collective costs to determine recovery of direct and indirect costs. Such fees shall remain in effect for the fiscal year for which the budget request applies. All fees collected by each board and commission, NOT INCLUDING ANY FEES RETAINED BY CONTRACTORS AS ESTABLISHED PURSUANT TO THE PROVISIONS OF SECTION 24-34-101 (6), shall be transmitted to the state treasurer, who shall credit the same to the division of registrations cash fund, which fund is hereby created. All moneys credited to the division of registrations cash fund shall be used as provided in this section and shall not be deposited in or transferred to the general fund of this state or any other fund.

(I.5) ANY FEES ESTABLISHED PURSUANT TO SECTION 24-34-101 (6) OR (7) MAY BE RECEIVED BY A CONTRACTOR AND RETAINED AS PAYMENT FOR THE COSTS OF EXAMINATION OR OTHER SERVICES RENDERED PURSUANT TO THE CONTRACT WITH THE EXECUTIVE DIRECTOR. FEES RETAINED BY A CONTRACTOR AND NOT COLLECTED BY THE STATE OR DEPOSITED WITH THE STATE TREASURER SHALL NOT BE SUBJECT TO ARTICLE 36 OF THIS TITLE."

Renumber succeeding sections accordingly.

Page 136, line 2, strike "IN" and substitute "OF";

line 5, strike "TITLE 24, C.R.S.," and substitute "THIS TITLE";

after line 11, insert the following:

"(7) THE EXECUTIVE DIRECTOR MAY CONTRACT PURSUANT TO PART 5 OF ARTICLE 50 OF THIS TITLE WITH A PERSON, CORPORATION, OR ENTITY FOR THE PURPOSE OF DECREASING THE APPROPRIATIONS FOR THE DIVISION OF REGISTRATIONS IN THE ANNUAL GENERAL APPROPRIATIONS ACT.

(8) A CONTRACT ENTERED INTO PURSUANT TO SUBSECTION (6) OR (7) OF THIS SECTION MAY AUTHORIZE A CONTRACTOR TO COLLECT FEES DIRECTLY FROM AN APPLICANT. THE CONTRACTOR MAY RETAIN ALL OR A

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PORTION OF THE FEES DESIGNATED AS PAYMENT FOR PERFORMANCE OF THE FUNCTIONS UNDER THE CONTRACT. ALL FEES COLLECTED AND RETAINED BY THE CONTRACTOR SHALL NOT BE SUBJECT TO THE PROVISIONS OF ARTICLE 36 OF THIS TITLE."

Page 139, line 8, strike "House" and substitute "Senate";

line 10, strike "House" and substitute "Senate";

line 12, strike "123" and substitute "124".

Respectfully submitted,

Senate Committee:
(signed)
Senator Teck
Senator Johnson
Senator Sandoval

House Committee:
(signed)
Representative T. Williams
Representative McCluskey
Representative Romanoff

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB04-094

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 SB04-094, concerning the implementation of health savings accounts, and, in connection therewith, eliminating medical savings accounts for basic health benefit plans for small employers and converting the tax provisions for medical savings accounts to apply to health savings accounts, 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 2, strike line 2, and substitute "**SECTION 1.**";

line 3, strike "10-16-105 (7.2) (b) (II)," and substitute "10-16-105 (7.2) (b),";

strike lines 13 through 16 and substitute the following:

"commissioner shall implement a basic plan that approximates the lowest level of coverage offered in small group health benefit plans and shall implement a".

Page 3, strike lines 3 through 6 and substitute the following:

"(b) (I) ~~The~~ A basic health benefit plan ~~shall~~ MAY reflect a basic health benefit plan that does not include coverage pursuant to the mandatory coverage provisions of section 10-16-104 (4), (5), (8), (9), (10), and (12);

(II) ~~In addition to the basic plan pursuant to subparagraph (I) of this paragraph (b);~~ A basic health benefit plan may reflect ~~one of the following options in addition to the requirements of subparagraph (I) of this paragraph (b);~~ A HEALTH BENEFIT PLAN THAT IS A HIGH DEDUCTIBLE PLAN THAT WOULD QUALIFY FOR A HEALTH SAVINGS ACCOUNT PURSUANT TO 26 U.S.C. SEC. 223 ; EXCEPT THAT A CARRIER MAY APPLY DEDUCTIBLE AMOUNTS FOR MANDATORY HEALTH BENEFITS FOR MAMMOGRAPHY, PROSTATE SCREENING, CHILD SUPERVISION SERVICES, OR PROSTHETIC DEVICES PURSUANT TO SECTION 10-16-104 (4), (10), (11), AND (14) IF SUCH MANDATORY BENEFITS ARE NOT CONSIDERED BY THE FEDERAL

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DEPARTMENT OF TREASURY TO BE PREVENTIVE OR TO HAVE AN ACCEPTABLE DEDUCTIBLE AMOUNT; OR".

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

"(III) A BASIC HEALTH BENEFIT PLAN MAY REFLECT A BASIC HEALTH BENEFIT PLAN THAT DOES NOT INCLUDE COVERAGE PURSUANT TO THE MANDATORY COVERAGE PROVISIONS OF SECTION 10-16-104 (4), (5), (8), (9), (10), AND (12) AND IS A HIGH DEDUCTIBLE PLAN THAT WOULD QUALIFY FOR A HEALTH SAVINGS ACCOUNT PURSUANT TO 26 U.S.C. SEC. 223; EXCEPT THAT A CARRIER MAY APPLY DEDUCTIBLE AMOUNTS FOR MANDATORY HEALTH BENEFITS FOR MAMMOGRAPHY, PROSTATE SCREENING, CHILD SUPERVISION SERVICES, OR PROSTHETIC DEVICES PURSUANT TO SECTION 10-16-104 (4), (10), (11), AND (14) IF SUCH MANDATORY BENEFITS ARE NOT CONSIDERED BY THE FEDERAL DEPARTMENT OF TREASURY TO BE PREVENTIVE OR TO HAVE AN ACCEPTABLE DEDUCTIBLE AMOUNT.".

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 5, line 20, after "BENEFITS" insert "FOR";

line 21, strike "AND";

line 22, strike "SERVICES" and substitute "SERVICES, AND PROSTHETIC DEVICES" and, strike "AND";

line 23, after "(11)," insert "AND (14)," and strike "PREVENTIVE";

line 24, strike the period and add "TO BE PREVENTIVE OR TO HAVE AN ACCEPTABLE DEDUCTIBLE AMOUNT.".

Respectfully submitted,

Senate Committee:
(signed)
Senator McElhany
Senator Dyer
Senator Hagedorn

House Committee:
(signed)
Representative Spradley
Representative T. Williams
Representative Miller

INTRODUCTION OF BILLS--FIRST READING

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

- HB04-1086** by Representative(s) Spradley, King, Young; also Senator(s) Teck, Owen--Concerning the structure of the state system of community colleges.
Education
- HB04-1131** by Representative(s) Salazar, McFadyen, Judd, Madden, Tochtrop, Vigil; also Senator(s) Entz--Concerning the regulation of seeds.
Agriculture, Natural Resources & Energy
Finance
Appropriations
- 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.
Business Affairs & Labor
Appropriations
- 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.
Transportation
Appropriations
- HB04-1424** by Representative(s) Spradley, Young; also Senator(s) Kester, Johnson S.--Concerning the valuation of possessory interests of negligible value.
Local Government

HB04-1435 by Representative(s) Mitchell, Carroll, Clapp, Cloer, Coleman, Hall, McFadyen, Miller, Rippy, Rose, Schultheis, Spradley; also Senator(s) Johnson S.--Concerning legislative approval of air quality control commission action on march 12, 2004, regarding ozone. Health, Environment, Welfare & Institutions

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MESSAGE FROM THE HOUSE

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April 23, 2004
Mr. President:

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The House has voted to concur in the Senate amendments to HB04-1121,1399, 1398,1420,1080,1367,1404,1079,1150,1189,1358,1017,1089,1107,1283, and has repassed the bills as so amended.

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The House has adopted the First Report of the First Conference Committee on SB04-024, as printed in House Journal, April 21, pages 1457-1465, and has repassed the bill as so amended. The bill is returned herewith.

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The House has adopted the First Report of the First Conference Committee on SB04-094, as printed in House Journal, April 22, pages 1488-1489, and has repassed the bill as so amended. The bill is returned herewith.

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The House has adopted and returns herewith SJR04-052.

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MESSAGE FROM THE REVISOR OF STATUTES

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April 23, 2004

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We herewith transmit:

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Without comment, HB04-1435.
Without comment, as amended, HB04-1131, 1193, 1199, 1424, and 1086 and SB04-153, 176, and 126.

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THIRD READING--FINAL PASSAGE OF BILLS

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

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SB04-118 by Senator(s) Entz, Taylor, Isgar; also Representative(s) Rose--Concerning the exclusion of lands within a designated ground water basin from a water conservancy district.

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

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Third Reading Amendment No. 1(L.003), by Senator Entz.

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Amend engrossed bill, page 2, line 11, strike "**Petition.**" and substitute "**Petition - repeal.**" and, after "(d)", insert "(I)";

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after line 16, insert the following:

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"(II) THIS PARAGRAPH (d) IS REPEALED, EFFECTIVE JANUARY 1, 2005.";

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line 19, strike "**Petition.**" and substitute "**Petition - repeal.**" and, after "(d)", insert "(I)";

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after line 24, insert the following:

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"(II) THIS PARAGRAPH (d) IS REPEALED, EFFECTIVE JANUARY 1, 2005.".

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Page 3, line 1, strike "**Petition.**" and substitute "**Petition - repeal.**" and, after "(a)", insert "(I)";

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strike lines 8 through 13 and substitute the following:

"SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), the proposed boundary of the special district may include any part or all of any city or county of any size. Such petition and the hearing thereon";

after line 15, insert the following:

"(II) THE PROPOSED BOUNDARY OF THE SPECIAL DISTRICT MAY NOT INCLUDE ANY LANDS WITHIN A DESIGNATED GROUND WATER BASIN EXCEPT UPON THE WRITTEN CONSENT OF THE GROUND WATER COMMISSION AND THE BOARD OF DIRECTORS OF ANY GROUND WATER MANAGEMENT DISTRICT WITHIN WHICH SUCH LANDS ARE LOCATED. THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JANUARY 1, 2005."

Page 4, line 22, strike "**Inclusion of lands.** (2) The" and substitute "**Inclusion of lands - repeal.** (2) (a) SUBJECT TO PARAGRAPH (b) OF THIS SUBSECTION (2), the".

Page 5, strike lines 20 through 25 and substitute the following:

"such lands in the district as ~~prayed for~~ REQUESTED in the petition. If the".

Page 6, after line 1, insert the following:

"(b) NO LANDS THAT FALL WITHIN THE BOUNDARY OF A DESIGNATED GROUND WATER BASIN SHALL BE INCLUDED WITHIN THE AREA PROPOSED TO BE INCLUDED IN THE DISTRICT EXCEPT UPON THE WRITTEN CONSENT OF THE GROUND WATER COMMISSION AND THE BOARD OF DIRECTORS OF ANY GROUND WATER MANAGEMENT DISTRICT WITHIN WHICH SUCH LANDS ARE LOCATED. THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JANUARY 1, 2005.";

line 2, strike "(a) In" and substitute "(a) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), in";

strike line 24 and substitute the following:

"inclusion of the area in the district.

(II) NO LANDS THAT FALL WITHIN THE";

line 26, after "INCLUDED," , insert "IN THE DISTRICT".

Page 7, line 2, after the period, add "THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JANUARY 1, 2005.";

strike lines 17 through 22 and substitute the following:

(f) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (f), no city, or city and county, having a population of more than".

Page 8, after line 6, insert the following:

"(II) NO LANDS THAT FALL WITHIN THE BOUNDARY OF A DESIGNATED GROUND WATER BASIN SHALL BE INCLUDED WITHIN SUCH AREA PROPOSED TO BE INCLUDED IN THE DISTRICT EXCEPT UPON THE WRITTEN CONSENT OF THE GROUND WATER COMMISSION AND THE BOARD OF DIRECTORS OF ANY GROUND WATER MANAGEMENT DISTRICT WITHIN WHICH SUCH LANDS ARE LOCATED. THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JANUARY 1, 2005.";

line 7, after "(a)", insert "(I)";

line 24, strike "The proposed" and substitute "SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), the proposed";

strike lines 26 and 27 and substitute the following:

"county of any size. Such petition and ~~the hearing thereon~~ shall otherwise".

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Page 9, strike lines 1 through 3;

after line 7, insert the following:

"(II) THE PROPOSED BOUNDARY OF THE LANDS TO BE INCLUDED WITHIN THE DISTRICT MAY NOT INCLUDE ANY LANDS WITHIN A DESIGNATED GROUND WATER BASIN EXCEPT UPON THE WRITTEN CONSENT OF THE GROUND WATER COMMISSION AND THE BOARD OF DIRECTORS OF ANY GROUND WATER MANAGEMENT DISTRICT WITHIN WHICH SUCH LANDS ARE LOCATED. THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JANUARY 1, 2005.";

line 10, strike "**Exclusion of lands.** (2) Following" and substitute "**Exclusion of lands - repeal.** (2) (a) SUBJECT TO PARAGRAPH (b) OF THIS SUBSECTION (2), following";

strike lines 22 through 27 and substitute the following:

"property excluded from the district. Upon service by registered or certified".

Page 10, strike lines 1 through 19.

Page 11, after line 10, insert the following:

"(b) (I) IF THE DISTRICT INCLUDES ANY LANDS WITHIN THE BOUNDARIES OF A DESIGNATED GROUND WATER BASIN WITHIN WHICH THE GROUND WATER COMMISSION HAS DETERMINED THAT THE GROUND WATER IN ITS NATURAL COURSE WOULD NOT BE AVAILABLE TO AND REQUIRED FOR THE SATISFACTION OF DECREED SURFACE RIGHTS, AND THOSE LANDS WERE ORIGINALLY INCLUDED IN THE DISTRICT ON OR AFTER JANUARY 1, 2002, WITHOUT CONSENT GIVEN IN THE MANNER PROVIDED IN SECTION 37-45-109, THE GROUND WATER COMMISSION OR THE BOARD OF DIRECTORS OF ANY GROUND WATER MANAGEMENT DISTRICT WITHIN WHICH SUCH LANDS ARE LOCATED MAY PASS A RESOLUTION DECLARING ALL PROPERTY, REAL AND PERSONAL, WITHIN THE BOUNDARIES OF SAID DESIGNATED GROUND WATER BASIN OR GROUND WATER MANAGEMENT DISTRICT TO BE LANDS AND PROPERTY EXCLUDED FROM THE DISTRICT; EXCEPT THAT, IF THE LANDS WITHIN THE DESIGNATED GROUND WATER BASIN HAVE ALSO BEEN ANNEXED INTO A MUNICIPALITY AND WERE INCLUDED IN THE DISTRICT AS PART OF THAT MUNICIPALITY PURSUANT TO SECTION 37-45-136 (3.6), SUCH ANNEXED LANDS MAY NOT BE EXCLUDED FROM THE DISTRICT WITHOUT THE CONSENT OF BOTH THE GOVERNING BODY OF THE ANNEXING MUNICIPALITY AND THE BOARD OF DIRECTORS OF THE DISTRICT; AND EXCEPT THAT, IF THE LANDS WITHIN THE DESIGNATED GROUND WATER BASIN WERE ALREADY INCLUDED IN THE DISTRICT BEFORE THE DESIGNATED GROUND WATER BASIN WAS DETERMINED BY THE GROUND WATER COMMISSION, SUCH LANDS MAY NOT BE EXCLUDED FROM THE DISTRICT WITHOUT THE CONSENT OF THE BOARD OF DIRECTORS OF THE DISTRICT.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JANUARY 1, 2005.";

line 14, strike "**limitations.** (4) In" and substitute "**limitations - repeal.** (4) (a) SUBJECT TO PARAGRAPH (b) OF THIS SUBSECTION (4), in";

strike line 20 and substitute the following:

"section 37-90-131.

(b) THE COMMISSION'S POWERS INCLUDE THE AUTHORITY";

line 26, after the period, add "THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JANUARY 1, 2005.".

Page 12, line 2, strike "**directors.**" and substitute "**directors - repeal.**";

line 8, after the period, add "THIS SUBSECTION (2.5) IS REPEALED, EFFECTIVE JANUARY 1, 2005.".

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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	30	NO	4	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	N	Tapia	Y
Cairns	Y	Hagedorn	Y	May	N	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	N	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	E
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	N	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: Chlouber, Groff, Grossman, and Phillips.

HCR04-1005 by Representative(s) Marshall, Jahn, Coleman, Carroll, Crane, Hefley, King, Lee, Miller, Mitchell, Paccione, Romanoff, Rose, Schultheis, Spence, Stengel, Weddig, Welker, White, Williams S.; also Senator(s) Anderson, Andrews, Groff, Grossman, Hillman, Sandoval, Takis--Submitting to the registered electors of the state of Colorado an amendment to sections 13, 14, and 15 of article XII, section 22 of article IV, and section 49 (3) of article V of the constitution of the state of Colorado, concerning reform of the state civil service system, and, in connection therewith, modifying the merit principle, exempting certain positions from the system, modifying the number of eligible applicants from which an appointment is to be made, modifying the residency requirement, expanding the duration of temporary employment, specifying the rule-making authority of the state personnel board and the state personnel director, authorizing a modification to the veterans' preference calculation, repealing the requirement that the state auditor's staff be included in the state personnel system, and making conforming amendments.

Laid over until later in the day, Monday, April 26, retaining its place on the calendar.

HB04-1373 by Representative(s) Marshall, Jahn, Miller; also Senator(s) Anderson--Concerning modifications to the "State Personnel System Act".

Laid over until later in the day, Monday, April 26, retaining its place on the calendar.

SCR04-010 by Senator(s) Anderson; also Representative(s) Berry--Submitting to the registered electors of the state of Colorado an amendment to section 20 (7) of article X of the constitution of the state of Colorado, concerning a requirement that the fiscal year spending limits be calculated based upon prior fiscal year spending limits, with adjustments for inflation and growth, without being subject to reduction due to declines in revenues.

Laid over until later in the day, Monday, April 26, retaining its place on the calendar.

SCR04-009 by Senator(s) Anderson; also Representative(s) Berry--Submitting to the registered electors of the state of Colorado an amendment to section 17 (1) and (4) (b) of article IX of the constitution of the state of Colorado, concerning modifications to the required increases in certain state education funding, and, in connection therewith, requiring the statewide base per pupil funding and the total state funding for all categorical programs to annually increase by the lesser of inflation or the percentage change in general fund revenues, and requiring an additional one percent increase in the statewide base per pupil funding and total state funding for all categorical programs when state revenues exceed the limitation on state fiscal year spending.

Laid over until later in the day, Monday, April 26, retaining its place on the 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.

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

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YES	24	NO	10	EXCUSED	1	ABSENT	0
Anderson	N	Groff	N	Kester	N	Takis	N
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	N
Entz	N	Isgar	Y	Owen	Y	Veiga	E
Evans	Y	Johnson	Y	Phillips	N	Windels	Y
Fitz-Gerald	N	Jones	Y	Reeves	N	Mr. President	Y
Gordon	N	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, Chlouber, Johnson, Jones, and May.

SB04-225 by Senator(s) Hillman; also Representative(s) Hoppe--Concerning the enforcement of orders for the unauthorized use of designated ground water.

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	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	E
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: Entz.

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

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	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	E
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: Entz.

SB04-226 by Senator(s) Taylor; also Representative(s) Cadman--Concerning fingerprint-based criminal history record checks for applicants for explosives permits, and making an appropriation therefor.

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

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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	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	E
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: Arnold and Entz.

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.

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	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	E
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: Arnold.

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.

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	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	E
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**.

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".

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

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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	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	E
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: Tupa.

CONFERENCE COMMITTEE GRANTED FURTHER POWERS

HB04-1397 by Representative(s) King; also Senator(s) Anderson--Concerning the financing of public schools, and making an appropriation therefor.

Senator Anderson moved that the Senate Conferees on the First Conference Committee on **HB04-1397** 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**.

HB04-1117 by Representative(s) Rhodes; also Senator(s) Hillman--Concerning a grace period in which a health insurance carrier may reenter the Colorado insurance market without penalty.

Senator Hillman moved that the Senate Conferees on the First Conference Committee on **HB04-1117** 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**.

Committee of the Whole On motion of Senator Entz, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Entz 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:

SB04-227 by Senator(s) Lamborn; also Representative(s) Clapp--Concerning the incorporation of the elements of the federal definition cited in 42 United States Code section 710 (b) (2) in certain health-related education programs.

As amended, Senate Journal, April 20, page 899.

Laid over until Tuesday, April 27, retaining its place on the calendar.

SB04-203 by Senator(s) Anderson, Andrews; also Representative(s) Young, Fairbank--Concerning tobacco litigation settlement moneys, and, in connection therewith, creating a tobacco litigation settlement financing corporation for the purpose of securitizing tobacco settlement revenues scheduled to be received by the state, creating a state rainy day fund, and requiring securitization proceeds to be credited to the fund and expended for specified purposes.

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, March 26, pages 651-652 and placed in members' bill files.)

Amendment No. 2(L.008), by Senator Anderson.

Amend the Finance Committee Report, dated March 23, 2004, page 2, strike line 2 and substitute the following:

"line 21, strike "2005, THE GENERAL ASSEMBLY SHALL APPROPRIATE" and substitute "2004, THE GENERAL ASSEMBLY SHALL APPROPRIATE OR TRANSFER";";

after line 3, insert the following:

"Page 29, strike line 13 and substitute the following:

"SPECIFIED AMOUNTS:

(a) FOR FISCAL YEARS 2004-05 AND 2005-06, THE OLDER COLORADANS PROGRAM CREATED IN SECTION 26-11-205.5, C.R.S., SHALL RECEIVE TWO MILLION DOLLARS PER YEAR. THE MAXIMUM AMOUNTS OF MONEYS THAT MAY BE TRANSFERRED FROM THE STATE RAINY DAY FUND TO THE GENERAL FUND IN STATE FISCAL YEARS 2004-05 AND 2005-06 PURSUANT TO SECTION 24-82.5-110(3)(b)(I)(A) AND (3)(b)(I)(B) SHALL BE REDUCED BY TWO MILLION DOLLARS EACH.

(b) FOR FISCAL YEARS 2006-07 TO 2019-20:";

line 14, strike "(a)" and substitute "(I)";

line 16, strike "(I)" and substitute "(A)";

line 18, strike "(II)" and substitute "(B)";

line 20, strike "(III)" and substitute "(C)";

line 22, strike "(IV)" and substitute "(D)";

line 23, strike "(V)" and substitute "(E)";

line 25, strike "(VI)" and substitute "(F)";

line 27, strike "(VII)" and substitute "(G)".

Page 30, line 2, strike "(VIII)" and substitute "(H)";

line 4, strike "(IX)" and substitute "(I)";

line 6, strike "(X)" and substitute "(J)";

line 8, strike "(XI)" and substitute "(K)";

line 10, strike "(b)" and substitute "(II)";

line 15, strike "(c)" and substitute "(III)";

line 18, strike "(d) (I)" and substitute "(IV) (A)";

line 24, strike "(II)" and substitute "(B)".

Page 31, line 4, strike "(e)" and substitute "(V)";";

line 4, strike "Page 31,";

line 6, strike "PARAGRAPH (e)" and substitute "SUBPARAGRAPH (V) OF PARAGRAPH (b)";

after line 22, insert the following:

"Page 33, line 23, strike "24-75-1104.5 (1) (d)," and substitute "24-75-1104.5 (1) (b) (IV),".

Page 36, line 17, strike "24-75-1104.5 (1) (b),." and substitute "24-75-1104.5 (1) (b) (II),";";

line 23, strike "Page 36,".

Page 3, line 2, strike "24-75-1104.5 (1) (e)," and substitute "24-75-1104.5 (1) (b) (V),";

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line 8, strike "24-75-1104.5 (1) (e)," and substitute "24-75-1104.5 (1) (b) (V),".

Amendment No. 3(L.009), by Senator Anderson.

Amend the Finance Committee Report, dated March 23, 2004, page 2, strike line 2 and substitute the following:

"line 21, strike "2005, THE GENERAL ASSEMBLY SHALL APPROPRIATE" and substitute "2004, THE GENERAL ASSEMBLY SHALL APPROPRIATE OR TRANSFER";";

after line 3, insert the following:

"Page 29, strike line 13 and substitute the following:

"SPECIFIED AMOUNTS:

(a) FOR FISCAL YEARS 2004-05 AND 2005-06, SB 91-94 PROGRAMS, AS REFERENCED IN SECTION 19-2-503.5 (2) AND (3), C.R.S., AND DESCRIBED IN SECTION 19-2-302, C.R.S., SHALL RECEIVE FOUR MILLION DOLLARS PER YEAR. THE MAXIMUM AMOUNTS OF MONEYS THAT MAY BE TRANSFERRED FROM THE STATE RAINY DAY FUND TO THE GENERAL FUND IN STATE FISCAL YEARS 2004-05 AND 2005-06 PURSUANT TO SECTION 24-82.5-110 (3) (b) (I) (A) AND (3) (b) (I) (B) SHALL BE REDUCED BY FOUR MILLION DOLLARS EACH.

(b) FOR FISCAL YEARS 2006-07 TO 2019-20:";

line 14, strike "(a)" and substitute "(I)";

line 16, strike "(I)" and substitute "(A)";

line 18, strike "(II)" and substitute "(B)";

line 20, strike "(III)" and substitute "(C)";

line 22, strike "(IV)" and substitute "(D)";

line 23, strike "(V)" and substitute "(E)";

line 25, strike "(VI)" and substitute "(F)";

line 27, strike "(VII)" and substitute "(G)".

Page 30, line 2, strike "(VIII)" and substitute "(H)";

line 4, strike "(IX)" and substitute "(I)";

line 6, strike "(X)" and substitute "(J)";

line 8, strike "(XI)" and substitute "(K)";

line 10, strike "(b)" and substitute "(II)";

line 15, strike "(c)" and substitute "(III)";

line 18, strike "(d) (I)" and substitute "(IV) (A)";

line 24, strike "(II)" and substitute "(B)".

Page 31, line 4, strike "(e)" and substitute "(V)";";

line 4, strike "Page 31,";

line 6, strike "PARAGRAPH (e)" and substitute "SUBPARAGRAPH (V) OF PARAGRAPH (b)";

after line 22, insert the following:

"Page 33, line 23, strike "24-75-1104.5 (1) (d)," and substitute

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"24-75-1104.5 (1) (b) (IV),".

Page 36, line 17, strike "24-75-1104.5 (1) (b)," and substitute "24-75-1104.5 (1) (b) (II),";";

line 23, strike "Page 36,".

Page 3, line 2, strike "24-75-1104.5 (1) (e)," and substitute "24-75-1104.5 (1) (b) (V),";

line 8, strike "24-75-1104.5 (1) (e)," and substitute "24-75-1104.5 (1) (b) (V),".

Amendment No. 4(L.010), by Senator Anderson.

Amend the Finance Committee Report, dated March 23, 2004, page 2, strike line 2 and substitute the following:

"line 21, strike "2005, THE GENERAL ASSEMBLY SHALL APPROPRIATE" and substitute "2004, THE GENERAL ASSEMBLY SHALL APPROPRIATE OR TRANSFER";";

after line 3, insert the following:

"Page 29, strike line 13 and substitute the following:

"SPECIFIED AMOUNTS:

(a) FOR FISCAL YEARS 2004-05 AND 2005-06, JUVENILE DIVERSION PROGRAMS ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF CRIMINAL JUSTICE, SHALL RECEIVE TWO MILLION DOLLARS PER YEAR. THE MAXIMUM AMOUNTS OF MONEYS THAT MAY BE TRANSFERRED FROM THE STATE RAINY DAY FUND TO THE GENERAL FUND IN STATE FISCAL YEARS 2004-05 AND 2005-06 PURSUANT TO SECTION 24-82.5-110 (3) (b) (I) (A) AND (3) (b) (I) (B) SHALL BE REDUCED BY TWO MILLION DOLLARS EACH.

(b) FOR FISCAL YEARS 2006-07 TO 2019-20:";

line 14, strike "(a)" and substitute "(I)";

line 16, strike "(I)" and substitute "(A)";

line 18, strike "(II)" and substitute "(B)";

line 20, strike "(III)" and substitute "(C)";

line 22, strike "(IV)" and substitute "(D)";

line 23, strike "(V)" and substitute "(E)";

line 25, strike "(VI)" and substitute "(F)";

line 27, strike "(VII)" and substitute "(G)".

Page 30, line 2, strike "(VIII)" and substitute "(H)";

line 4, strike "(IX)" and substitute "(I)";

line 6, strike "(X)" and substitute "(J)";

line 8, strike "(XI)" and substitute "(K)";

line 10, strike "(b)" and substitute "(II)";

line 15, strike "(c)" and substitute "(III)";

line 18, strike "(d) (I)" and substitute "(IV) (A)";

line 24, strike "(II)" and substitute "(B)".

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Page 31, line 4, strike "(e)" and substitute "(V)";

line 4, strike "Page 31,";

line 6, strike "PARAGRAPH (e)" and substitute "SUBPARAGRAPH (V) OF PARAGRAPH (b)";

after line 22, insert the following:

"Page 33, line 23, strike "24-75-1104.5 (1) (d)," and substitute "24-75-1104.5 (1) (b) (IV),".

Page 36, line 17, strike "24-75-1104.5 (1) (b)," and substitute "24-75-1104.5 (1) (b) (II),";

line 23, strike "Page 36,".

Page 3, line 2, strike "24-75-1104.5 (1) (e)," and substitute "24-75-1104.5 (1) (b) (V),";

line 8, strike "24-75-1104.5 (1) (e)," and substitute "24-75-1104.5 (1) (b) (V),".

Amendment No. 5(L.012), by Senator Anderson.

Amend the Finance Committee Report, dated March 23, 2004, page 2, strike line 2 and substitute the following:

"line 21, strike "2005, THE GENERAL ASSEMBLY SHALL APPROPRIATE" and substitute "2004, THE GENERAL ASSEMBLY SHALL APPROPRIATE OR TRANSFER";

after line 3, insert the following:

"Page 29, strike line 13 and substitute the following:

"SPECIFIED AMOUNTS:

(a) FOR FISCAL YEARS 2004-05 AND 2005-06, THE ALCOHOL AND DRUG ABUSE DIVISION OF THE DEPARTMENT OF HUMAN SERVICES SHALL RECEIVE ONE MILLION DOLLARS PER YEAR. THE MAXIMUM AMOUNTS OF MONEYS THAT MAY BE TRANSFERRED FROM THE STATE RAINY DAY FUND TO THE GENERAL FUND IN STATE FISCAL YEARS 2004-05 AND 2005-06 PURSUANT TO SECTION 24-82.5-110(3)(b)(I)(A) AND (3)(b)(I)(B) SHALL BE REDUCED BY ONE MILLION DOLLARS EACH.

(b) FOR FISCAL YEARS 2006-07 TO 2019-20:";

line 14, strike "(a)" and substitute "(I)";

line 16, strike "(I)" and substitute "(A)";

line 18, strike "(II)" and substitute "(B)";

line 20, strike "(III)" and substitute "(C)";

line 22, strike "(IV)" and substitute "(D)";

line 23, strike "(V)" and substitute "(E)";

line 25, strike "(VI)" and substitute "(F)";

line 27, strike "(VII)" and substitute "(G)".

Page 30, line 2, strike "(VIII)" and substitute "(H)";

line 4, strike "(IX)" and substitute "(I)";

line 6, strike "(X)" and substitute "(J)";

line 8, strike "(XI)" and substitute "(K)";

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line 10, strike "(b)" and substitute "(II)";

line 15, strike "(c)" and substitute "(III)";

line 18, strike "(d) (I)" and substitute "(IV) (A)";

line 24, strike "(II)" and substitute "(B)".

Page 31, line 4, strike "(e)" and substitute "(V)";";

line 4, strike "Page 31,";

line 6, strike "PARAGRAPH (e)" and substitute "SUBPARAGRAPH (V) OF PARAGRAPH (b)";

after line 22, insert the following:

"Page 33, line 23, strike "24-75-1104.5 (1) (d)," and substitute "24-75-1104.5 (1) (b) (IV),".

Page 36, line 17, strike "24-75-1104.5 (1) (b)," and substitute "24-75-1104.5 (1) (b) (II),";";

line 23, strike "Page 36,".

Page 3, line 2, strike "24-75-1104.5 (1) (e)," and substitute "24-75-1104.5 (1) (b) (V),";

line 8, strike "24-75-1104.5 (1) (e)," and substitute "24-75-1104.5 (1) (b) (V),".

Amendment No. 6(L.018), by Senator Anderson.

Amend the Finance Committee Report, dated March 25, 2004, page 2, strike line 2 and substitute the following:

"line 21, strike "2005, THE GENERAL ASSEMBLY SHALL APPROPRIATE" and substitute "2004, THE GENERAL ASSEMBLY SHALL APPROPRIATE OR TRANSFER";";

after line 3, insert the following:

"Page 29, strike line 13 and substitute the following:

"SPECIFIED AMOUNTS:

(a) FOR FISCAL YEARS 2004-05 AND 2005-06, THE FIRE AND POLICE MEMBERS' BENEFIT FUND CREATED IN SECTION 31-31-301, C.R.S., SHALL RECEIVE TWENTY-FIVE MILLION THREE HUNDRED TWENTY-ONE THOUSAND SEVENTY-NINE DOLLARS PER YEAR TO COMPENSATE THE FUND FOR MONEYS LOST DUE TO THE ELIMINATION, PURSUANT TO SECTION 31-30.5-307 (5), C.R.S., OF TRANSFERS TO THE FUND PREVIOUSLY SCHEDULED FOR FISCAL YEARS 2003-04 AND 2004-05. THE FIRE AND POLICE PENSION ASSOCIATION BOARD OF DIRECTORS SHALL DISTRIBUTE MONEYS RECEIVED ANNUALLY PURSUANT TO SECTION 31-30.5-307 (1) (a), C.R.S. THE MAXIMUM AMOUNTS OF MONEYS THAT MAY BE TRANSFERRED FROM THE STATE RAINY DAY FUND TO THE GENERAL FUND IN FISCAL YEARS 2004-05 AND 2005-06 PURSUANT TO SECTION 24-82.5-110 (3) (b) (I) (A) AND (3) (b) (I) (B) SHALL BE REDUCED BY TWENTY-FIVE MILLION THREE HUNDRED TWENTY-ONE THOUSAND SEVENTY-NINE DOLLARS EACH.

(b) FOR FISCAL YEARS 2006-07 TO 2019-20:";

line 14, strike "(a)" and substitute "(I)";

line 16, strike "(I)" and substitute "(A)";

line 18, strike "(II)" and substitute "(B)";

line 20, strike "(III)" and substitute "(C)";

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line 22, strike "(IV)" and substitute "(D)";
line 23, strike "(V)" and substitute "(E)";
line 25, strike "(VI)" and substitute "(F)";
line 27, strike "(VII)" and substitute "(G)".
Page 30, line 2, strike "(VIII)" and substitute "(H)";
line 4, strike "(IX)" and substitute "(I)";
line 6, strike "(X)" and substitute "(J)";
line 8, strike "(XI)" and substitute "(K)";
line 10, strike "(b)" and substitute "(II)";
line 15, strike "(c)" and substitute "(III)";
line 18, strike "(d) (I)" and substitute "(IV) (A)";
line 24, strike "(II)" and substitute "(B)".
Page 31, line 4, strike "(e)" and substitute "(V)";";
line 4, strike "Page 31,";
line 6, strike "PARAGRAPH (e)" and substitute "SUBPARAGRAPH (V) OF PARAGRAPH (b)";
after line 22, insert the following:
"Page 33, line 23, strike "24-75-1104.5 (1) (d)," and substitute "24-75-1104.5 (1) (b) (IV),".
Page 36, line 17, strike "24-75-1104.5 (1) (b)," and substitute "24-75-1104.5 (1) (b) (II),";";
line 23, strike "Page 36,".
Page 3, line 2, strike "24-75-1104.5 (1) (e)," and substitute "24-75-1104.5 (1) (b) (V),";
line 8, strike "24-75-1104.5 (1) (e)," and substitute "24-75-1104.5 (1) (b) (V),".

Amendment No. 7(L.019), by Senator Anderson.

Amend the Finance Committee Report, dated March 25, 2004, page 2, strike line 2 and substitute the following:

"line 21, strike "2005, THE GENERAL ASSEMBLY SHALL APPROPRIATE" and substitute "2004, THE GENERAL ASSEMBLY SHALL APPROPRIATE OR TRANSFER";";

after line 3, insert the following:

"Page 29, strike line 13 and substitute the following:

"SPECIFIED AMOUNTS:

(a) FOR FISCAL YEARS 2004-05 AND 2005-06, THE AIDS DRUG ASSISTANCE PROGRAM CREATED IN SECTION 25-4-1411, C.R.S., SHALL RECEIVE THREE MILLION FOUR HUNDRED THOUSAND DOLLARS PER YEAR. THE MAXIMUM AMOUNTS OF MONEYS THAT MAY BE TRANSFERRED FROM THE STATE RAINY DAY FUND TO THE GENERAL FUND IN STATE FISCAL YEARS 2004-05 AND 2005-06 PURSUANT TO SECTION 24-82.5-110 (3) (b) (I) (A) AND (3) (b) (I) (B) SHALL BE REDUCED BY THREE MILLION FOUR HUNDRED THOUSAND DOLLARS EACH.

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(b) FOR FISCAL YEARS 2006-07 TO 2019-20:";

line 14, strike "(a)" and substitute "(I)";

line 16, strike "(I)" and substitute "(A)";

line 18, strike "(II)" and substitute "(B)";

line 20, strike "(III)" and substitute "(C)";

line 22, strike "(IV)" and substitute "(D)";

line 23, strike "(V)" and substitute "(E)";

line 25, strike "(VI)" and substitute "(F)";

line 27, strike "(VII)" and substitute "(G)".

Page 30, line 2, strike "(VIII)" and substitute "(H)";

line 4, strike "(IX)" and substitute "(I)";

line 6, strike "(X)" and substitute "(J)";

line 8, strike "(XI)" and substitute "(K)";

line 10, strike "(b)" and substitute "(II)";

line 15, strike "(c)" and substitute "(III)";

line 18, strike "(d) (I)" and substitute "(IV) (A)";

line 24, strike "(II)" and substitute "(B)".";

line 6, strike "PARAGRAPH (e)" and substitute "SUBPARAGRAPH (V) OF PARAGRAPH (b)";

after line 22, insert the following:

"Page 33, line 23, strike "24-75-1104.5 (1) (d)," and substitute "24-75-1104.5 (1) (b) (IV),".

Page 36, line 17, strike "24-75-1104.5 (1) (b)," and substitute "24-75-1104.5 (1) (b) (II),";";

line 23, strike "Page 36,".

Page 3, line 2, strike "24-75-1104.5 (1) (e)," and substitute "24-75-1104.5 (1) (b) (V),";

line 8, strike "24-75-1104.5 (1) (e)," and substitute "24-75-1104.5 (1) (b) (V),".

As amended, laid over until later in the day, Monday, April 26, retaining its place on the calendar.

SB04-217 by Senator(s) Cairns; also Representative(s) Stengel, Crane--Concerning the protection of victims.

Laid over until Tuesday, April 27, retaining its place on the calendar.

HB04-1225 by Representative(s) Berry, Spradley, Romanoff, Boyd, Cloer, Stafford; also Senator(s) Sandoval, Jones--Concerning the "Low-income Energy Assistance Act".

Laid over until Tuesday, April 27, retaining its place on the calendar.

HB04-1309 by Representative(s) Brophy, Briggs, Merrifield; also Senator(s) Tupa, Chlouber--Concerning the creation of a safe routes to school program, and making an appropriation in connection therewith.

Laid over until Tuesday, April 27, retaining its place on the calendar.

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- HB04-1390** by Representative(s) Hefley, Coleman, Berry, Borodkin, Boyd, Carroll, Clapp, Crane, Frangas, Harvey, Hodge, Hoppe, Jahn, Judd, Larson, Madden, Marshall, May M., McFadyen, McGihon, Paccione, Ragsdale, Rippey, Rose, Schultheis, Stafford, Tochtrop, White, Wiens, Williams S.; also Senator(s) Johnson S.--Concerning the requirement that each health insurer provide information to consumers regarding covered benefits for cancer screening on the Colorado health benefit plan description form. 1
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 8
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- SB04-232** by Senator(s) Dyer, Entz, Andrews, Cairns, Evans, Hagedorn, Hillman, Jones, Lamborn, McElhany, Owen; also Representative(s) King, Hefley, Cadman, Cloer, Crane, Decker, Harvey, Lee, Schultheis, Sinclair, Spence, Stafford, Stengel--Concerning creation of a front range water conservation district. 10
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Laid over until Tuesday, April 27, retaining its place on the calendar. 15
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- HB04-1134** by Representative(s) Miller; also Senator(s) Arnold--Concerning the administration of programs relating to the prohibition against using identity information for an unlawful purpose. 17
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Laid over until Tuesday, April 27, retaining its place on the calendar. 21
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- HB04-1231** by Representative(s) Larson, Welker; also Senator(s) Chlouber, May R.--Concerning the conditions applicable to the holders of commercial drivers' licenses. 23
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 26
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- HB04-1386** by Representative(s) Stengel, Spradley; also Senator(s) Kester--Concerning physical notice through a salvage brand to potential purchasers that a motor vehicle has been salvaged. 28
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Amendment No. 1, Transportation Committee Amendment. 31
(Printed in Senate Journal, April 20, page 914 and placed in members' bill files.) 32
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 34
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- HB04-1277** by Representative(s) Hefley, Carroll, Cloer, Romanoff, Rose, Stafford, Williams S., Clapp, Frangas, Paccione, White; also Senator(s) Cairns--Concerning the child care commission, and, in connection therewith, modifying the responsibilities of the commission and changing the name of the commission to the early childhood and school readiness commission, and making an appropriation therefor. 37
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Amendment No. 1, Appropriations Committee Amendment. 43
(Printed in Senate Journal, April 21, page 925 and placed in members' bill files.) 44
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 46
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- HB04-1221** by Representative(s) Hoppe, Brophy, Harvey, Hefley, Hodge, McCluskey, Miller, Paccione, Salazar, Tochtrop, White, Wiens; also Senator(s) Entz--Concerning the funding of Colorado water conservation board projects, and making appropriations in connection therewith. 49
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 53
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- HB04-1344** by Representative(s) May M.; also Senator(s) Evans--Concerning the ability of landowners to petition to be included in the Denver metropolitan scientific and cultural facilities district. 55
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 58
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- HB04-1015** by Representative(s) Pommer; also Senator(s) Johnson S.--Concerning the authorization of specified persons to obtain drugs commonly used in connection with animal control activities, and making an appropriation therefor. 60
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 64
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- HB04-1365** by Representative(s) Harvey; also Senator(s) Kester--Concerning water planning by retail water providers. 66
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 69
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- HB04-1135** by Representative(s) Weissmann, Madden; also Senator(s) Tupa--Concerning the regulation of wildlife, and, in connection therewith, authorizing wildlife sanctuaries, and making an appropriation. 1
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Amendment No. 1(L.002), by Senator Tupa. 5
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Amend reengrossed bill, page 4, line 20, strike "YEAR" and substitute 7
"THREE MONTHS". 8
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As amended, ordered revised and placed on the calendar for Third Reading and Final 11
Passage. 12
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- HB04-1269** by Representative(s) Brophy; also Senator(s) Veiga--Concerning creation of the crime of 14
criminal operation of a device in a motion picture theater. 15
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Laid over until Tuesday, April 27, retaining its place on the calendar. 17
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- HB04-1165** by Representative(s) Lundberg; also Senator(s) Teck--Concerning changes to the felony 19
threshold loss amount in certain crimes. 20
21
Amendment No. 1, Judiciary Committee Amendment. 22
(Printed in Senate Journal, April 16, pages 857-859 and placed in members' bill files.) 23
24
Amendment No. 2, Appropriations Committee Amendment. 25
(Printed in Senate Journal, April 21, page 927 and placed in members' bill files.) 26
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Amendment No. 3(L.006), by Senator Teck. 28
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Amend reengrossed bill, page 10, line 12, strike "five" and substitute 30
"five"; 31
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line 13, strike "hundred" and substitute "~~hundred~~ SIX HUNDRED 33
SEVENTY-FIVE". 34
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As amended, ordered revised and placed on the calendar for Third Reading and Final 37
Passage. 38
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- SCR04-007** by Senator(s) Andrews; also Representative(s) Lee--Submitting to the registered electors of 40
the state of Colorado amendments to article VI of the constitution of the state of Colorado, 41
concerning judicial personnel, and, in connection therewith, limiting future terms of office 42
for certain state court justices, judges, and magistrates; providing that the governor 43
nominate all state court justices, judges, and magistrates subject to senate confirmation and 44
later voter approval; eliminating the requirement that justices and judges be licensed 45
attorneys; establishing a procedure for removal elections; requiring that any justice, judge, 46
or magistrate who is convicted of certain crimes, receive a negative disciplinary finding, or 47
be made the subject of a removal petition to stand for election; providing that any justice, 48
judge, or magistrate receiving a majority of less than sixty percent at an election be retained 49
or not be removed for one year only; requiring records and reports on each justice, judge, 50
and magistrate to be made public and computer accessible; requiring that voters receive 51
specified information on each justice, judge, and magistrate standing for election; 52
prohibiting certain persons from serving as active or retired judges or in other judicial 53
positions; providing enforcement procedures; and repealing certain constitutional provisions 54
to conform with this amendment. 55
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Laid over until Tuesday, April 27, retaining its place on the calendar. 57
58
- SB04-164** by Senator(s) Owen; also Representative(s) Berry--Concerning the retention of state 59
revenues in excess of the constitutional limitation on state fiscal year spending for the 60
purposes of funding state infrastructure needs, and, in connection therewith, requiring 61
excess state revenues retained to be used first to fund state and local transportation needs 62
and next to fund other state capital construction needs. 63
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Laid over until Tuesday, April 27, retaining its place on the calendar. 65
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- HB04-1242** by Representative(s) Sinclair, Cadman, Schultheis, Berry, Crane, Fairbank, Harvey, Hefley, 67
Johnson R., King, Lee, May M., McCluskey, Rhodes, Spence, Young; also Senator(s) 68
McElhany--Concerning a meeting of a school district board of education at which 69
employment contracts are negotiated. 70
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Laid over until Tuesday, April 27, retaining its place on the calendar. 72

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 Tuesday, April 27, retaining its place on the 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 664-647.

Laid over until Tuesday, April 27, retaining its place on the calendar.

Senator Hillman moved that the Committee of the Whole rise, report progress, and beg leave to sit again at 1:30 p.m. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Entz, 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: HB04-1390, HB04-1231, HB04-1386 as amended, HB04-1277 as amended, HB04-1221, HB04-1344, HB04-1015, HB04-1365, HB04-1135 as amended, HB04-1165 as amended.

Laid over until later Monday, April 26: SB04-203 as amended.

Laid over until Tuesday, April 27: SB04-227 as amended, HB04-1309, SCR04-007, SB04-164, HB04-1242, SB04-190, SB04-151 as amended, SB04-217, HB04-1225, SB04-232, HB04-1134, HB04-1269.

Senate in recess.

Senate reconvened.

Senator Hillman moved a Call of the Senate.

Senator Hillman moved the Call of the Senate be raised.

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON HB04-1387

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 HB04-1387, concerning changes to the procedural criminal laws, has met and reports that it has agreed upon the following:

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

Amend rerevised bill, page 8, after line 9, insert the following:

"SECTION 7. 18-3-413.5 (2) (a) (V), Colorado Revised Statutes, is amended to read:

18-3-413.5. Use of closed circuit television - child victims of sexual offenses. (2) (a) Only the following persons may be in the room with the child victim when the child testifies by closed circuit television:

(V) ~~Unless the defendant objects,~~ Any person whose presence, in the opinion of the court, contributes to the welfare and well-being of the child victim, including a person who has dealt with the child in a therapeutic setting concerning the abuse; and".

Renumber succeeding sections accordingly.

Respectfully submitted,

House Committee:	Senate Committee:
(signed)	(signed)
Representative Hefley	Senator Dyer
Representative Stengel	Senator Johnson
Representative Carroll	Senator Isgar

MESSAGE FROM THE HOUSE

April 26, 2004
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB04-1408.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB04-1190, amended as printed in House Journal, April 15, pages 1367-1368.
HB04-1433, amended as printed in House Journal, April 23, page 1509.
HB04-1438, amended as printed in House Journal, April 23, pages 1509-1510.
HB04-1451, amended as printed in House Journal, April 23, page 1530.
HB04-1207, amended as printed in House Journal, April 23, pages 1510-1531.

The House has passed on Third Reading and returns herewith SB04-220, 207.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB04-177, amended as printed in House Journal, April 23, pages 1507-1508.
SB04-204, amended as printed in House Journal, April 23, pages 1508-1509.

MESSAGE FROM THE REVISOR OF STATUTES

April 26, 2004

We herewith transmit:

Without comment, HB04-1408.
Without comment, as amended, HB04-1438, 1451, and 1207 and SB04-177 and 204.
With comment, as amended, HB04-1433 and 1190.

Committee
of the
Whole

On motion of Senator Entz, the Senate resolved itself into the Committee of the Whole for continuation of General Orders--Second Reading of Bills and Senator Entz returned to the Chair to act as Chairman.

GENERAL ORDERS--SECOND READING OF BILLS -- continued

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:

HB04-1431 by Representative(s) Rose; also Senator(s) McElhany--Concerning the continuation of the wildlife management public education advisory council.

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Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment.
(Printed in Senate Journal, April 21, page 927 and placed in members' bill files.)

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

HB04-1426 by Representative(s) Hoppe, Miller, Brophy, Hodge, Johnson R., McCluskey, Rose, Spradley, Tochtrop, White; also Senator(s) Chlouber, Entz--Concerning a requirement that applicants for a mining permit issued pursuant to the "Colorado Mined Land Reclamation Act" mail a copy of the application to only those surface owners whose interests appear of record.

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

HB04-1123 by Representative(s) Coleman, Decker, Carroll, Frangas, Paccione, Ragsdale, Witwer, Young; also Senator(s) Owen--Concerning the operation of the Colorado mental health institute at Fort Logan.

Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment.
(Printed in Senate Journal, April 21, pages 927-928 and placed in members' bill files.)

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

HB04-1425 by Representative(s) King; also Senator(s) Hillman--Concerning the legal publication of state ballot measures.

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

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.

Amendment No. 1, State, Veterans and Military Affairs Committee Amendment.
(Printed in Senate Journal, April 22, pages 955-957 and placed in members' bill files.)

Amendment No. 2(L.059), by Senator Hillman.

Amend the State, Veterans, and Military Affairs Committee Report, dated April 21, 2004, page 3, line 6, strike "SIX" and substitute "FIVE";

strike line 19 and substitute the following:

"**SECTION 3.** Section 31-25-103 (2) (f), (2) (h), (2) (j), (2) (k), and (2) (l),";

after line 30, insert the following:

"(f) Unusual topography OR INADEQUATE PUBLIC IMPROVEMENTS OR UTILITIES;"

Page 4, strike line 1 and substitute the following:

"(j) Environmental contamination of buildings or property; OR

(k) ~~Inadequate public improvements or utilities; or~~";

strike lines 31 through 35 and substitute the following:

"TO THE DATE OF THE HEARING. IN ORDER TO AUTHORIZE THE USE OF EMINENT DOMAIN AS A MEANS TO ACQUIRE PROPERTY, A GOVERNING BODY SHALL BASE ITS DECISION ON SUCH AUTHORIZATION ON A FINDING OF BLIGHTED OR SLUM CONDITIONS WITHOUT REGARD TO THE ECONOMIC PERFORMANCE OF THE PROPERTY TO BE ACQUIRED."

Page 5, line 19, strike "(c),". and substitute "(c),";"

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after line 19, insert the following:

"line 27, strike "5" and substitute "6"."

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

SCR04-017 by Senator(s) Gordon, Hillman; --Submitting to the registered electors of the state of Colorado an amendment to sections 44 and 48 of article V of the constitution of the state of Colorado, concerning redistricting by the general assembly pursuant to plans prepared by nonpartisan staff without the ability to adopt substantive amendments to such plans other than to adopt previously-rejected bills, and, in connection therewith, repealing the reapportionment commission and specifying criteria for the creation and consideration of redistricting bills.

Laid over until May 6, 2004.

HB04-1359 by Representative(s) Johnson R., Borodkin, Carroll, Cerbo, Coleman, Crane, Fairbank, Hodge, Marshall, McFadyen, McCluskey, Weddig, White; also Senator(s) Taylor-- Concerning the relocation of the Colorado geological survey from the department of natural resources to the Colorado school of mines.

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

HB04-1284 by Representative(s) White, Rippy, Boyd, Cloer, Larson, Tochtrop; also Senator(s) Dyer-- Concerning audit procedures related to providers under the "Colorado Medical Assistance Act".

Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment.
(Printed in Senate Journal, April 22, pages 963-964 and placed in members' bill files.)

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

HB04-1406 by Representative(s) Clapp; also Senator(s) Johnson S.--Concerning notification to the public of professional malpractice judgments by the state board of medical examiners.

Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment.
(Printed in Senate Journal, April 22, page 964 and placed in members' bill files.)

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

SB04-215 by Senator(s) Entz, Chlouber, Dyer, Evans, Hillman, Isgar, May R., McElhany, Owen, Tapia, Taylor, Teck; also Representative(s) Rippy, 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 Tuesday, April 27, retaining its place on the calendar.

SB04-203 by Senator(s) Anderson, Andrews; also Representative(s) Young, Fairbank--Concerning tobacco litigation settlement moneys, and, in connection therewith, creating a tobacco litigation settlement financing corporation for the purpose of securitizing tobacco settlement revenues scheduled to be received by the state, creating a state rainy day fund, and requiring securitization proceeds to be credited to the fund and expended for specified purposes.

As amended in Senate Journal, April 26, pages 998-1005.

As amended, laid over until Tuesday, April 27, retaining its place on the calendar.

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 (SB04-203 as amended) of April 26, was laid over until Tuesday, April 27, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Entz, the Report of the Committee of the Whole was adopted and, a

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majority of all members elected to the Senate having voted in the affirmative, the following action was taken:

Passed on Second Reading: HB04-1431 as amended, HB04-1426, HB04-1123 as amended, HB04-1425, HB04-1203 as amended, HB04-1359, HB04-1284 as amended, HB04-1406 as amended.
Laid over until Tuesday, April 27: SB04-215, SB04-203 as amended.
Laid over until May 6, 2004: SCR04-017.

COMMITTEE OF REFERENCE REPORTS

Judiciary

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

**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.

MESSAGE FROM THE HOUSE

April 26, 2004
Mr. President:

The House has voted to authorize the House conferees on the First Conference Committee on HB04-1397 to consider matters not at issue between the two houses.

On reconsideration, the House has voted not to concur in the Senate amendments to HB04-1189 and requests that a conference committee be appointed. The bill is transmitted herewith.

Senate in recess.

Senate reconvened.

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB04-1397**

**THIS REPORT AMENDS THE
REENGROSSED BILL**

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

Your first conference committee appointed on HB04-1397, concerning the financing of public schools, and making an appropriation therefor, has met and reports that it has agreed upon the following:

1. That the Senate recede from its amendments made to the bill, as said amendments appear in the rerevised bill, and that the following amendments be substituted therefor:

Amend reengrossed bill, page 3, line 2, strike "(10) (e.5),";

line 16, strike "SEPTEMBER" and substitute "OCTOBER".

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Page 4, line 2, strike "SEPTEMBER" and substitute "OCTOBER";

line 5, strike "SEPTEMBER" and substitute "OCTOBER";

line 12, strike "SEPTEMBER" and substitute "OCTOBER";

strike lines 13 through 27.

Strike pages 5 and 6.

Page 7, strike lines 1 through 8 and substitute the following:

"(f) In certifying the district's pupil enrollment to the state board pursuant to the provisions of section 22-54-112, the district shall specify the number of pupils enrolled in half-day kindergarten; ~~the number of pupils enrolled in full-day kindergarten;~~ the number of pupils enrolled in first grade through twelfth grade, specifying those who are enrolled as full-time ~~students~~ PUPILS and those who are enrolled as less than full-time ~~students~~ PUPILS; the number of expelled pupils receiving educational services pursuant to section 22-33-203; the number of pupils enrolled in the district's preschool program; the number of pupils receiving educational programs under the "Exceptional Children's Educational Act", ARTICLE 20 OF THIS TITLE; and the number of at-risk pupils.";

line 17, strike "SEPTEMBER" and substitute "OCTOBER".

Page 8, line 22, strike "FUNDING." and substitute "FUNDING; EXCEPT THAT, FOR THE 2004-05, 2005-06, AND 2006-07 BUDGET YEARS, THE DISTRICT'S TOTAL PROGRAM AS CALCULATED BY: ADDING THE AMOUNT DETERMINED BY MULTIPLYING THE DISTRICT'S PER PUPIL FUNDING BY FOUR HUNDRED FIFTY-NINE TO THE AMOUNT DETERMINED BY MULTIPLYING 11.2% OF THE DISTRICT'S PER PUPIL FUNDING BY THE DISTRICT'S AT-RISK PUPILS; THEN DIVIDING THE SUM OF THOSE TWO AMOUNTS BY FOUR HUNDRED FIFTY-NINE; AND THEN MULTIPLYING THE RESULTING AMOUNT BY THE DISTRICT'S FUNDED PUPIL COUNT MINUS THE DISTRICT'S ON-LINE PUPIL ENROLLMENT; AND THEN ADDING THE DISTRICT'S ON-LINE FUNDING.

SECTION 4. 22-54-104 (4) and (5) (f), Colorado Revised Statutes, are amended to read:

22-54-104. District total program. (4) A district's at-risk funding shall be determined in accordance with one of the following formulas:

(a) (I) If the district percentage of at-risk pupils is equal to or less than the statewide average percentage of at-risk pupils or the district's funded pupil count is equal to or less than four hundred fifty-nine, the formula shall be:

$$(\text{District per pupil funding} \times 11.5\%) \times \text{District at-risk pupils}$$

(II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), FOR THE 2004-05, 2005-06, AND 2006-07 BUDGET YEARS, IF THE DISTRICT PERCENTAGE OF AT-RISK PUPILS IS EQUAL TO OR LESS THAN THE STATEWIDE AVERAGE PERCENTAGE OF AT-RISK PUPILS OR THE DISTRICT'S FUNDED PUPIL COUNT IS EQUAL TO OR LESS THAN FOUR HUNDRED FIFTY-NINE, THE FORMULA SHALL BE:

$$(\text{DISTRICT PER PUPIL FUNDING} \times 11.2\%) \times \text{DISTRICT AT-RISK PUPILS}$$

(b) (I) If the district percentage of at-risk pupils is greater than the statewide average percentage of at-risk pupils and the district's funded pupil count is greater than four hundred fifty-nine, the formula shall be:

$$((\text{District per pupil funding} \times 11.5\%) \times (\text{Statewide average percentage of at-risk pupils} \times \text{District pupil enrollment})) + ((\text{District per pupil funding} \times \text{District at-risk factor}) \times$$

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(District at-risk pupils - (Statewide average percentage of at-risk pupils x District pupil enrollment)))

(II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), FOR THE 2004-05, 2005-06, AND 2006-07 BUDGET YEARS, IF THE DISTRICT PERCENTAGE OF AT-RISK PUPILS IS GREATER THAN THE STATEWIDE AVERAGE PERCENTAGE OF AT-RISK PUPILS AND THE DISTRICT'S FUNDED PUPIL COUNT IS GREATER THAN FOUR HUNDRED FIFTY-NINE, THE FORMULA SHALL BE:

((DISTRICT PER PUPIL FUNDING X 11.2%) X (STATEWIDE AVERAGE PERCENTAGE OF AT-RISK PUPILS X DISTRICT PUPIL ENROLLMENT)) + ((DISTRICT PER PUPIL FUNDING X DISTRICT AT-RISK FACTOR) X (DISTRICT AT-RISK PUPILS - (STATEWIDE AVERAGE PERCENTAGE OF AT-RISK PUPILS X DISTRICT PUPIL ENROLLMENT)))

(5) For purposes of the formulas used in this section:

(f) (I) If the district percentage of at-risk pupils is greater than the statewide average percentage of at-risk pupils and the district's funded pupil count is greater than four hundred fifty-nine but not in excess of fifty thousand, the district's at-risk factor shall be 11.5% plus a 0.30 percentage point for each percentage point that the district percentage of at-risk pupils exceeds the statewide average percentage of at-risk pupils; except that no district's at-risk factor shall exceed 30%. NOTWITHSTANDING THE PROVISIONS OF THIS SUBPARAGRAPH (I), FOR THE 2004-05, 2005-06, AND 2006-07 BUDGET YEARS, IF THE DISTRICT PERCENTAGE OF AT-RISK PUPILS IS GREATER THAN THE STATEWIDE AVERAGE PERCENTAGE OF AT-RISK PUPILS AND THE DISTRICT'S FUNDED PUPIL COUNT IS GREATER THAN FOUR HUNDRED FIFTY-NINE BUT NOT IN EXCESS OF FIFTY THOUSAND, THE DISTRICT'S AT-RISK FACTOR SHALL BE 11.2% PLUS A 0.30 PERCENTAGE POINT FOR EACH PERCENTAGE POINT THAT THE DISTRICT PERCENTAGE OF AT-RISK PUPILS EXCEEDS THE STATEWIDE AVERAGE PERCENTAGE OF AT-RISK PUPILS; EXCEPT THAT NO DISTRICT'S AT-RISK FACTOR SHALL EXCEED 30%.

(II) If the district percentage of at-risk pupils is greater than the statewide average percentage of at-risk pupils and the district's funded pupil count is greater than fifty thousand, the district's at-risk factor shall be 11.5% plus a 0.36 percentage point for each percentage point that the district percentage of at-risk pupils exceeds the statewide average percentage of at-risk pupils; except that no district's at-risk factor shall exceed 30%. NOTWITHSTANDING THE PROVISIONS OF THIS SUBPARAGRAPH (II), FOR THE 2004-05, 2005-06, AND 2006-07 BUDGET YEARS, IF THE DISTRICT PERCENTAGE OF AT-RISK PUPILS IS GREATER THAN THE STATEWIDE AVERAGE PERCENTAGE OF AT-RISK PUPILS AND THE DISTRICT'S FUNDED PUPIL COUNT IS GREATER THAN FIFTY THOUSAND, THE DISTRICT'S AT-RISK FACTOR SHALL BE 11.2% PLUS A 0.36 PERCENTAGE POINT FOR EACH PERCENTAGE POINT THAT THE DISTRICT PERCENTAGE OF AT-RISK PUPILS EXCEEDS THE STATEWIDE AVERAGE PERCENTAGE OF AT-RISK PUPILS; EXCEPT THAT NO DISTRICT'S AT-RISK FACTOR SHALL EXCEED 30%."

Renumber succeeding sections accordingly.

Page 9, strike lines 4 through 21 and substitute the following:

"SECTION 6. 22-54-104 (5) (c) (II) (B.1), Colorado Revised Statutes, is amended to read:

22-54-104. District total program. (5) For purposes of the formulas used in this section:

(c) (II) (B.1) Except as provided in subparagraph (IV) of this paragraph (c), for the 2000-01 budget year and budget years thereafter, a district's cost of living factor shall be the district's cost of living factor for the prior budget year, but, if the percentage change in the district's cost of living amount from the previous cost of living study to the current

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cost of living study is greater than the ~~rate of inflation for the most recent calendar year preceding the budget year in which the cost of living factor is to take effect~~ PERCENT INCREASE IN THE INCOME LEVEL USED IN THE COST OF LIVING STUDY, a district's cost of living factor shall be determined by dividing the percentage change in the district's cost of living amount from the previous cost of living study to the current cost of living study by the ~~rate of inflation for the calendar year preceding the budget year in which the cost of living factor is to take effect~~ PERCENT INCREASE IN THE INCOME LEVEL USED IN THE COST OF LIVING STUDY, dividing said amount by one thousand and rounding to the nearest one-thousandth of one percent, and adding the result obtained to the district's cost of living factor for the prior budget year. ~~For purposes of this sub-subparagraph (B.1), "the rate of inflation" means the percentage change in the consumer price index for the Denver-Boulder consolidated metropolitan statistical area for all urban consumers, all goods, as published by the United States department of labor, bureau of labor statistics, or its successor index."~~

Page 12, line 7, strike "DISTRICT AND" and substitute "DISTRICT,";

line 12, strike "EDUCATION." and substitute "EDUCATION, AND THE CIRCUMSTANCES UNDER WHICH THE SCHOOL DISTRICT MAY WITHHOLD A PORTION OF THE CHARTER SCHOOL'S MONTHLY PAYMENT AS PROVIDED IN SECTION 22-30.5-112 (8) FOR FAILURE TO COMPLY WITH FINANCIAL REPORTING REQUIREMENTS SPECIFIED IN THE CONTRACT.";

line 23, strike "(a)";

line 24, strike "DISTRICT" and substitute "DISTRICT, UNDER THE CIRCUMSTANCES SPECIFIED IN THE CONTRACT BETWEEN THE SCHOOL DISTRICT AND THE CHARTER SCHOOL PURSUANT TO SECTION 22-30.5-105 (2) (c) (IV),";

line 25, strike "SECTION" and substitute "SECTION.";

strike lines 26 and 27.

Page 13, strike lines 1 through 13.

Page 23, line 13, after "by", insert "eighteen million fifty-six thousand two hundred forty-four dollars (\$18,056,244). Of said sum,";

strike line 14 and substitute the following:

"(\$16,091,207) shall be from the general fund and one million nine hundred sixty-five thousand thirty-seven dollars (\$1,965,037) shall be from the state education fund created in section 17 (4) of article IX of the state constitution.";

strike lines 24 through 27.

Page 24, strike lines 1 through 5.

Renumber succeeding section accordingly.

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

Amend reengrossed bill, page 21, line 23, strike "AND";

line 26, strike "PROGRAM." and substitute "PROGRAM,";

after line 26, insert the following:

"(i) ESTABLISH A DISPUTE RESOLUTION PROCESS FOR DISAGREEMENTS RESULTING FROM CONTRACTS ENTERED INTO PURSUANT TO SUBSECTION (5) OR (6) OF THIS SECTION; AND

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(j) SPECIFY ELEMENTS TO BE INCLUDED IN A CONTRACT BETWEEN A CHARTER SCHOOL AND A DISTRICT OF RESIDENCE AS DESCRIBED IN PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION."

Page 24, before line 6, insert the following:

"SECTION 18. Effective date. (1) Except as otherwise provided in subsection (2) of this section, this act shall take effect upon passage.

(2) Sections 9 through 11 of this act shall not take effect if House Bill 04-1141 is enacted at the second regular session of the sixty-fourth general assembly and becomes law."

Renumber succeeding section accordingly.

Respectfully submitted,

House Committee: Senate Committee:
(signed) (signed)
Representative King Senator Anderson
Representative Spence Senator Arnold
Representative Carroll Senator Windels

MESSAGE FROM THE HOUSE

April 26, 2004
Mr. President:

The speaker appointed Representatives Stengel, Chairman, Rippy, and Romanoff as House conferees on the First Conference Committee on HB04-1189.

INTRODUCTION OF CONCURRENT RESOLUTIONS--FIRST READING

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

HCR04-1001 by Representative(s) Romanoff; also Senator(s) Anderson--Submitting to the registered electors of the state of Colorado amendments to section 17 (1) of article IX and section 20 of article X of the constitution of the state of Colorado, concerning the stabilization of government revenues, and, in connection therewith, suspending the required one percent increase in certain state education funding for the 2006-07 state fiscal year and during an economic downturn and requiring fiscal year spending limits for state and local districts to be calculated based upon prior fiscal year spending limits, with adjustments for inflation and growth, without being subject to reduction due to declines in revenues.
State Veterans & Military Affairs

HCR04-1009 by Representative(s) King, Spradley; also Senator(s) Hillman, Andrews--Submitting to the registered electors of the state of Colorado amendments to articles IX and X of the constitution of the state of Colorado, concerning modification of constitutional restrictions that limit the ability of the state legislature to balance competing spending priorities in response to changing levels of state revenues, and, in connection therewith, suspending the required additional one percentage point increase above the rate of inflation for statewide base per pupil and total categorical program education funding for the 2005-06 and 2006-07 state fiscal years and reducing the required increase in general fund appropriations for total program education funding for those fiscal years by the amount of the suspended additional one percentage point; eliminating the requirement that the state reserve three percent of its fiscal year spending for emergency use only; modifying the manner in which the constitutional limitation on state fiscal year spending is calculated for years in which there are revenue shortfalls; requiring the state to retain up to three hundred fifty million dollars, adjusted annually for inflation and state population changes, of revenues in excess of the constitutional limitation on state fiscal year spending; allowing excess state revenues retained to be used only to increase the level of state general fund appropriations, to augment the state education fund, to fund a newly created state rainy day fund, and to fund the property tax exemption for qualifying seniors;

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and allowing the general assembly, by a two-thirds vote of the members of each house, to expend moneys from the state rainy day fund in the fiscal year following a revenue shortfall.

Finance

INTRODUCTION OF BILLS--FIRST READING

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

- SB04-253** by Senator(s) Reeves; also Representative(s) Judd--Concerning the interception of certain moneys payable to a defendant to satisfy the defendant's obligations imposed pursuant to a judicial proceeding.
Judiciary
- SB04-254** by Senator(s) Teck; also Representative(s) Berry, Rose--Concerning the clarification of the regulatory relationship between special events and wine festivals, and, in connection therewith, authorizing joint fines.
Business Affairs & Labor
- SB04-255** by Senator(s) McElhany, Johnson S., Jones, Kester; also Representative(s) White--Concerning an exclusion from uninsured motor vehicle coverage that limits recovery for an owned vehicle that is not insured.
Business Affairs & Labor
- SB04-256** by Senator(s) Taylor; also Representative(s) White--Concerning the sale of securities in the custody of the state treasurer as the administrator of unclaimed property to provide a source of revenue from the investment of the sale proceeds for the promotion of tourism in the state.
Finance
- HB04-1207** by Representative(s) Spence, Lee, Rose; also Senator(s) Groff--Concerning higher education fixed-rate contracts.
Education
- HB04-1408** by Representative(s) Lee, Schultheis, Brophy, Cadman, Clapp, Crane, Fairbank, Harvey, Hefley, King, Lundberg, May M., Mitchell, Rhodes, Rose, Welker, White, Wiens, Witwer; also Senator(s) May R., Cairns, Evans, Hillman, Johnson S., McElhany--Concerning a prohibition against a public employer making a deduction from an employee's wages for a political purpose.
State Veterans & Military Affairs
- HB04-1433** by Representative(s) King, Spence; also Senator(s) Grossman--Concerning the longitudinal measurement of student academic growth.
Education
- HB04-1438** by Representative(s) Stafford; also Senator(s) Johnson S.--Concerning hospital reimbursements under the Colorado indigent care program.
Health, Environment, Welfare & Institutions
- HB04-1451** by Representative(s) Clapp; also Senator(s) Reeves--Concerning the collaborative management of multi-agency services provided to children.
Health, Environment, Welfare & Institutions

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB04-243** be referred to the Committee of the Whole with favorable recommendation.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB04-241** be postponed indefinitely.

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State,
Veterans, &
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Affairs

After consideration on the merits, the Committee recommends that **HB04-1430** be referred to the Committee of the Whole with favorable recommendation.

TRIBUTES

Honoring Jeremy David Hurd -- by Senator Ken Arnold.
Honoring Ella Reinking -- by Senator Steve Johnson.

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 26, 2004, was laid over until Tuesday, April 27, 2004, retaining its place on the calendar.

Third Reading of Bills--Final Passage: HCR04-1005, HB04-1373, SCR04-010, SCR04-009, SCR04-013.

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, SJR04-036, SJR04-057.

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

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

Consideration of Governor's Appointments:

Member of the Colorado Water Resources and Power Development Authority.

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

Conference Committees to Report: HB04-1117, HB04-1236, HB04-1177, SB04-131, HB04-1361, SB04-108, HB04-1311, HB04-1263, SB04-125.

Requests for Conference Committees: HB04-1376.

On motion of Senator Hillman, the Senate adjourned until 8:00 a.m., Tuesday, April 27, 2004.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

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