

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

One-hundred-fourteenth Legislative Day

Thursday, April 29, 2004

Prayer	By the chaplain, Dominic Aquila, New Geneva Theological Seminary.	1
Pledge	By Senator Isgar.	2
Call to Order	By the President at 9:00 a.m.	3
Roll Call	Present--34. Absent/Excused--1; Cairns. Present later--Cairns.	4
Quorum	The President announced a quorum present.	5
Reading of Journal	On motion of Senator Tapia, reading of the Journal of April 28, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.	6

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB04-1136 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	7
	Amend reengrossed bill, page 3, strike lines 4 through 19 and substitute the following:	8
	"SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of education, assistance to public schools, public school finance, for the state share of districts' total program funding, for the fiscal year beginning July 1, 2004, the sum of one hundred twenty-five thousand dollars (\$125,000), or so much thereof as may be necessary, for the implementation of this act."	9
Judiciary	After consideration on the merits, the Committee recommends that SJR04-034 be postponed indefinitely.	10
Judiciary	After consideration on the merits, the Committee recommends that SB04-253 be referred to the Committee of the Whole with favorable recommendation.	11
Judiciary	After consideration on the merits, the Committee recommends that HB04-1191 be postponed indefinitely.	12
Business Affairs & Labor	After consideration on the merits, the Committee recommends that SB04-251 be referred to the Committee of the Whole with favorable recommendation.	13
Business Affairs & Labor	After consideration on the merits, the Committee recommends that SB04-254 be referred to the Committee of the Whole with favorable recommendation.	14

Business Affairs & Labor	After consideration on the merits, the Committee recommends that SCR04-021 be postponed indefinitely.	1 2 3 4
Business Affairs & Labor	After consideration on the merits, the Committee recommends that HB04-1441 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	5 6 7 8
	Amend reengrossed bill, page 3, strike line 13 and substitute the following:	9 10 11
	"THE LENDER."	12 13
	Page 4, line 4, strike "LENDER DURING THE IMMEDIATELY";	14
	strike line 5 and substitute the following:	15 16
	"LENDER."	17 18 19 20
Business Affairs & Labor	After consideration on the merits, the Committee recommends that SB04-255 be referred to the Committee of the Whole with favorable recommendation.	21 22 23 24
Business Affairs & Labor	After consideration on the merits, the Committee recommends that HB04-1210 be referred to the Committee of the Whole with favorable recommendation.	25 26 27 28
Business Affairs & Labor	After consideration on the merits, the Committee recommends that HB04-1240 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	29 30 31 32
	Amend reengrossed bill, page 5, after line 16, insert the following:	33 34
	"SECTION 3. 12-7-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:	35 36 37
	12-7-102. License required - qualifications - enforcement.	38
	(6) THE DIVISION SHALL NOTIFY EACH BAIL BONDING AGENT IN WRITING ON AN ANNUAL BASIS REGARDING CHANGES TO THE STATE LAWS REGARDING THE REGULATION OF BAIL BONDING AGENTS."	39 40 41 42
	Renumber succeeding sections accordingly.	43 44
	Page 6, line 2, after "(1)", insert "(a)";	45 46
	line 6, strike "ONE ATTORNEY,";	47 48
	line 8, strike "AGENTS OR" and substitute "AGENTS,";	49 50
	line 12, strike "COMMISSIONER" and substitute "COMMISSIONER.";	51 52
	strike line 13 and substitute the following:	53 54
	"THE REPRESENTATIVE OF CASH BAIL BOND AGENTS AND TWO OF THE REPRESENTATIVES OF SURETY BOND AGENTS SHALL BE APPOINTED FOR AN INITIAL TERM OF TWO YEARS. ALL OTHER APPOINTMENTS SHALL BE FOR TERMS OF FOUR YEARS.";	55 56 57 58 59
	after line 15, insert the following:	60 61
	"(b) THE ADVISORY COMMITTEE SHALL ALSO REVIEW ALL RULES REGARDING THE REGULATION OF BAIL BONDING AGENTS THAT ARE PROPOSED BY THE COMMISSIONER AND MAKE RECOMMENDATIONS TO THE COMMISSIONER REGARDING THE IMPLEMENTATION OF SUCH RULES. THE COMMISSIONER SHALL CONSIDER THE RECOMMENDATIONS OF THE COMMITTEE AND MAKE THE RECOMMENDATIONS PUBLIC AND AVAILABLE FOR REVIEW."	62 63 64 65 66 67 68 69

Page 7, line 7, strike "Failure" and substitute "failure KNOWINGLY FAILING" and strike "violation of" and substitute "violation of KNOWINGLY VIOLATING".

Page 8, line 13, strike "DAILY" and substitute "CURRENT AND UP-TO-DATE".

Page 9, line 1, strike "RECORDS." and substitute "RECORDS AND SHALL ACCOUNT FOR ALL OF THE PRENUMBERED RECEIPTS WHETHER THEY WERE ISSUED TO AN INDEMNITOR OR DESTROYED OR OTHERWISE NOT USED BY THE AGENT."

Page 10, line 21, after "payments." insert "THE SIGNATURE OF THE BAIL BONDING AGENT SHALL NOT OBLIGATE SUCH AGENT TO PAY ANY DEBT OWED TO A THIRD-PARTY LENDER."

Page 13, line 1, before "THE" insert "(1)";

line 3, strike "CASH";

line 5, after "ADMINISTRATIVE" insert "COMPLIANCE";

after line 5, insert the following:

"(2) NOT MORE THAN ONCE EVERY THREE YEARS, THE COMMISSIONER OF INSURANCE OR HIS OR HER DESIGNEE MAY EXAMINE THE RECORDS OF ALL LICENSED BAIL BONDING AGENTS FOR THE PURPOSE OF A MARKET CONDUCT EXAMINATION."

Business
Affairs &
Labor

After consideration on the merits, the Committee recommends that **HB04-1193** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, line 23, strike "FROM THE PASSAGE OF";

strike lines 24 and 25 and substitute the following:

"PURSUANT TO THIS SUBSECTION (2) SHALL BE TRANSMITTED TO THE".

Page 4, line 5, strike "~~person may avoid~~";

strike lines 6 through 8 and substitute the following:

"person may avoid suspension by filing with the department proof of financial responsibility for the future, or by compliance with section 42-7-302 ON THE FIRST DETERMINATION. FOR SUBSEQUENT OFFENSES, A PERSON'S DRIVER'S LICENSE SHALL BE SUSPENDED IN ACCORDANCE WITH THE PROVISIONS OF";

strike lines 14 through 27.

Strike page 5.

Page 6, strike lines 1 through 6.

Re-number succeeding sections accordingly.

Page 6, line 26, strike "Nothing in this paragraph";
strike line 27.

Page 7, line 1, strike "than the minimum mandatory fine." and substitute "~~Nothing in this paragraph (b) shall be construed to prevent the court from imposing a fine greater than the minimum mandatory fine.~~".

Page 8, line 13, strike "CARE" and substitute "CARD".

Page 11, line 8, before "10-4-615", insert "The introductory portion to 10-4-615 (1) (a) and";

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line 9, strike "is" and substitute "are";

strike lines 26 and 27.

Page 12, strike lines 1 through 12 and substitute the following:

"SECTION 11. Effective date - applicability. (1) This act shall take effect upon passage; except that sections 1, 2, 3, 5, 6, and 7 shall take effect January 1, 2005.

(2) This act shall apply to persons cited for driving without proof of insurance and fines imposed upon these persons on or after said dates.

SECTION 12. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

THIRD READING--FINAL PASSAGE OF BILLS

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

SB04-246 by Senator(s) Johnson S.; also Representative(s) Clapp--Concerning the number of pharmacy personnel that a pharmacist may supervise.

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

YES	21	NO	13	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	N
Arnold	Y	Grossman	N	Lamborn	Y	Tapia	Y
Cairns	E	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	N	Hanna	N	McElhany	Y	Teck	Y
Dyer	N	Hillman	Y	Nichol	Y	Tupa	N
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	N	Windels	N
Fitz-Gerald	N	Jones	Y	Reeves	N	Mr. President	Y
Gordon	N	Keller	N	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, Entz, Evans, Jones, Lamborn, Taylor, and Teck.

HB04-1428 by Representative(s) Spradley, King; also Senator(s) May R.--Concerning a moratorium on the granting of permits to create a landfill in which to dispose only of tires.

The question being "Shall the bill 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	E	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	N	Tupa	Y
Entz	Y	Isgar	N	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	N	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

HB04-1424 by Representative(s) Spradley, Young; also Senator(s) Kester, Johnson S.--Concerning the valuation of possessory interests of negligible value.

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	E	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

Co-sponsors added: Lamborn.

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

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

YES	32	NO	2	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	E	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	N	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	N	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

SB04-244 by Senator(s) May R.; also Representative(s) Rippy--Concerning the statewide internet portal.

The question being "Shall the bill 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	Y	Tapia	Y
Cairns	E	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	N	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	N
Entz	Y	Isgar	N	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	N	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

Co-sponsors added: Andrews and Kester.

HB04-1227 by Representative(s) Sinclair; also Senator(s) Lamborn--Concerning voting systems.

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

YES	28	NO	7	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	Y
Arnold	N	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	N	Nichol	Y	Tupa	Y
Entz	Y	Isgar	N	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	N	Jones	Y	Reeves	Y	Mr. President	N
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**.

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, Thursday, April 29, 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, Thursday, April 29, retaining its place on the calendar.

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

Laid over until later in the day, Thursday, April 29, retaining its place on the calendar.

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

Laid over until later in the day, Thursday, April 29, retaining its place on the calendar.

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

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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 Friday, April 30, retaining its place on the calendar.

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

Amendment No. 1, Transportation Committee Amendment.

(Printed in Senate Journal, February 13, pages 260-261 and placed in members' bill files.)

Amendment No. 2(L.004), by Senator Owen.

Amend the Transportation Committee Report, dated February 10, 2004, page 2, line 22, after "(2)", insert "(a)";

strike line 24 and substitute the following:

"BE EXPENDED BY THE DEPARTMENT FOR PROJECTS THAT ARE PART OF THE STRATEGIC TRANSPORTATION PROJECT INVESTMENT PROGRAM INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING PROJECTS:

(I) INTERSTATE HIGHWAY 25 - UNITED STATES HIGHWAY 36 - STATE HIGHWAY 270;

(II) THE PORTION OF UNITED STATES HIGHWAY 287 SOUTH FROM CAMPO TO HUGO LOCATED IN TRANSPORTATION PLANNING REGION 1;

(III) THE PORTION OF UNITED STATES HIGHWAY 287 SOUTH FROM CAMPO TO HUGO LOCATED IN TRANSPORTATION PLANNING REGION 2;

(IV) UNITED STATES HIGHWAY 160 - WOLF CREEK PASS;

(V) UNITED STATES HIGHWAY 550 FROM THE NEW MEXICO STATE LINE TO DURANGO;

(VI) UNITED STATES HIGHWAY 160 FROM THE JUNCTION OF STATE HIGHWAY 3 TO FLORIDA RIVER;

(VII) POWERS BOULEVARD IN COLORADO SPRINGS;

(VIII) EAST AND WEST CORRIDOR MAJOR INVESTMENT STUDIES;

(IX) THE PORTION OF THE INTERSTATE HIGHWAY 70 MAJOR INVESTMENT STUDY FROM DENVER INTERNATIONAL AIRPORT TO EAGLE COUNTY AIRPORT LOCATED IN TRANSPORTATION PLANNING REGION (1);

(X) THE PORTION OF THE INTERSTATE HIGHWAY 70 MAJOR INVESTMENT STUDY FROM DENVER INTERNATIONAL AIRPORT TO EAGLE COUNTY AIRPORT LOCATED IN TRANSPORTATION PLANNING REGION (3);

(XI) THE PORTION OF THE INTERSTATE HIGHWAY 25 SOUTH CORRIDOR MAJOR INVESTMENT STUDY FROM DENVER TO COLORADO SPRINGS LOCATED IN TRANSPORTATION PLANNING REGION 1;

(XII) THE PORTION OF THE INTERSTATE HIGHWAY 25 SOUTH CORRIDOR MAJOR INVESTMENT STUDY FROM DENVER TO COLORADO

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SPRINGS LOCATED IN TRANSPORTATION PLANNING REGION 2;

(XIII) INTERSTATE HIGHWAY 25 FROM SOUTH ACADEMY BOULEVARD TO BRIARGATE PARKWAY;

(XIV) COMBINED CORRIDORS: INTERSTATE HIGHWAY 25 FROM SOUTH ACADEMY BOULEVARD TO BRIARGATE PARKWAY AND THE PORTION OF THE INTERSTATE HIGHWAY 25 SOUTH CORRIDOR MAJOR INVESTMENT STUDY FROM DENVER TO COLORADO SPRINGS LOCATED IN TRANSPORTATION PLANNING REGION 2; AND

(XV) THE INTERSTATE HIGHWAY 25 NORTH CORRIDOR MAJOR INVESTMENT STUDY FROM DENVER TO FORT COLLINS.

(b) FOR PURPOSES OF THIS SUBSECTION (2), "TRANSPORTATION PLANNING REGION" MEANS A REGION OF THE STATE AS DEFINED BY THE RULE PROCESS REQUIRED BY SECTION 43-1-1103 (5).

(c) BECAUSE THE".

As amended, declared **LOST** on Second Reading.

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

Laid over until Friday, April 30, retaining its place on the calendar.

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

Laid over until Friday, April 30, 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 644-647.

Laid over until Friday, April 30, retaining its place on the calendar.

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

Laid over until Friday, April 30, retaining its place on the calendar.

Senator Hillman moved that the Committee of the Whole rise, report progress, and beg leave to sit again. 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 Teck, 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:

Lost on Second Reading: SB04-164 as amended.

Laid over until later in the day, Thursday, April 29: SCR04-007

Laid over until Friday, April 30: SB04-227 as amended, HB04-1242, SB04-190, SB04-151 as amended, HB04-1021.

The Committee of the Whole reported it had risen, reported progress, and would sit again following Consideration of Resolutions.

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On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolution--SJR04-048.

CONSIDERATION OF RESOLUTION--SJR04-048

SJR04-048 by Senator(s) Grossman, Andrews, Gordon; also Representative(s) Clapp, Borodkin, Butcher, Judd, Romanoff, Stafford--Concerning a reaffirmation by the Colorado General Assembly of the strong bonds connecting the United States and the state of Israel and an expression by the Colorado General Assembly of support and solidarity with the state of Israel in its struggle against terrorism.

Amendment No. 1(L.001), by Senator Grossman.

Amend printed joint resolution, page 2, line 4, strike "almost";

line 18, strike "hundreds of thousands" and substitute "several millions".

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

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

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

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

MESSAGE FROM THE HOUSE

April 29, 2004
Mr. President:

The House has postponed indefinitely SB04-145. The bill is returned herewith.

The House has adopted and transmits herewith HJR04-1066

The House has passed on Third Reading and transmitted to the Revisor of Statutes HCR04-1016.

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Immediate Consideration of Resolution--HJR04-1066.

IMMEDIATE CONSIDERATION OF RESOLUTION--HJR04-1066

HJR04-1066 by Representative(s) Spence, Cloer, Briggs, Clapp, Decker, Garcia, Hall, Harvey, Hodge, Jahn, Marshall, Plant, Rose, White, Wiens, Williams S.; also Senator(s) Takis, Arnold, Hanna--Concerning the Lazzara Center for Oral Facial Health at Fitzsimons.

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

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

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

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate returned to General Orders--Second Reading of Bills.

Committee of the Whole

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

HCR04-1004 by Representative(s) Spradley, Cloer, Williams T., Berry, Boyd, Briggs, Butcher, Carroll, Coleman, Fairbank, Hodge, Jahn, King, McFadyen, Paccione, Pommer, Rippy, Rose, Salazar, Spence, Stengel, Weissmann, Welker, White, Wiens, Young; also Senator(s) Johnson S., Kester, Phillips, Andrews, Arnold, Entz, Gordon, Groff, Grossman, Hagedorn, Hanna, Jones, Keller, Owen, Reeves, Sandoval, Teck, Tupa, Veiga--Submitting to the registered electors of the state of Colorado an amendment to section 20 (2) (d) of article X of the constitution of the state of Colorado, concerning the inclusion within the definition of "enterprise" state institutions of higher education that are designated by the general assembly as enterprises, and, in connection therewith, specifying that the general assembly retains its authority to authorize tuition spending authority for the governing board of the state institution of higher education that is designated as an enterprise.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, April 22, page 964 and placed in members' bill files.)

As amended, declared **LOST** on Second Reading.

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

Amendment No. 1, State, Veterans and Military Affairs Committee Amendment.
(Printed in Senate Journal, April 15, page 839 and placed in members' bill files.)

Amendment No. 2(L.006), by Senator Veiga.

Amend printed bill, page 6, after line 2, insert the following:

"SECTION 4. Legislative declaration. (1) The general assembly hereby finds that:

(a) Each year more than three hundred thousand women are sexually assaulted in the United States.

(b) A woman who is the survivor of a sexual assault may face the additional trauma of an unwanted pregnancy or the fear that pregnancy

may result.

(c) Each year, between twenty-five thousand and thirty-two thousand women in the United States become pregnant as a result of a sexual assault, and approximately twenty-two thousand of these pregnancies could be prevented if all women used emergency contraception.

(2) The general assembly further finds that:

(a) Standards of emergency care established by the American College of Emergency Medicine and the American Medical Association require that sexual assault survivors be counseled about their risk of pregnancy and offered emergency contraception.

(b) Emergency contraception is more likely to prevent pregnancy if taken as soon as possible, but emergency contraception prevents pregnancy if taken within one hundred twenty hours after unprotected sexual intercourse.

(c) A recent survey of Colorado hospitals found that there are inconsistent policies and practices for dispensing emergency contraception and providing education to sexual assault survivors.

(d) Because emergency contraception is time sensitive and a sexual assault survivor may have delayed hospital treatment, it is critical that she be informed of this option and, if she wishes, be dispensed emergency contraception at the time of her examination or be provided a timely prescription.

(3) The general assembly declares its purpose is to promote the availability of emergency contraception for sexual assault survivors as a compassionate response to their trauma. The general assembly further declares its purpose is to reduce the number of unintended pregnancies and induced abortions that result from sexual assault.

SECTION 5. Part 1 of article 3 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

25-3-110. Emergency contraception. (1) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "EMERGENCY CONTRACEPTION" MEANS ANY DRUG OR DEVICE APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION THAT PREVENTS PREGNANCY AFTER SEXUAL INTERCOURSE, INCLUDING BUT NOT LIMITED TO ORAL CONTRACEPTIVE PILLS.

(2) ALL HEALTH CARE FACILITIES LICENSED PURSUANT TO THIS PART 1 PROVIDING EMERGENCY CARE TO SEXUAL ASSAULT SURVIVORS SHALL ADOPT AMENDMENTS TO THEIR EVIDENCE COLLECTION PROTOCOLS FOR THE TREATMENT OF A SEXUAL ASSAULT SURVIVOR THAT INCLUDE INFORMING THE SURVIVOR IN A TIMELY MANNER OF THE AVAILABILITY OF EMERGENCY CONTRACEPTION AS A MEANS OF PREGNANCY PROPHYLAXIS AND EDUCATING THE SURVIVOR ON THE PROPER USE OF EMERGENCY CONTRACEPTION AND THE APPROPRIATE FOLLOW-UP CARE. ALL SUCH HEALTH CARE FACILITIES SHALL OFFER EMERGENCY CONTRACEPTION TO A SEXUAL ASSAULT SURVIVOR AND EITHER DISPENSE THE EMERGENCY CONTRACEPTION TO THE SURVIVOR OR REFER THE SURVIVOR TO A NEARBY PHARMACY THAT CAN DISPENSE THE EMERGENCY CONTRACEPTION.

(3) NOTHING IN THIS SECTION SHALL BE INTERPRETED TO REQUIRE:

(a) A HEALTH CARE PROFESSIONAL EMPLOYED BY A HEALTH CARE FACILITY THAT PROVIDES EMERGENCY CARE TO A SEXUAL ASSAULT SURVIVOR TO INFORM THE SURVIVOR OF THE AVAILABILITY OF EMERGENCY CONTRACEPTION IF SUCH PROFESSIONAL REFUSES TO PROVIDE SUCH INFORMATION ON THE BASIS OF RELIGIOUS OR MORAL BELIEFS; OR

(b) A HOSPITAL TO PROVIDE EMERGENCY CONTRACEPTION TO A

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SURVIVOR OF A SEXUAL ASSAULT WHO IS PREGNANT.

(4) THE GENERAL ASSEMBLY ENCOURAGES HEALTH CARE FACILITIES TO PROVIDE TRAINING TO EMERGENCY ROOM STAFF ABOUT THE EFFICACY OF EMERGENCY CONTRACEPTION AND THE TIME-SENSITIVE NATURE OF PRESCRIBING AND DISPENSING THE DRUG OR DEVICE."

Renumber succeeding section accordingly.

As amended, laid over until Friday, April 30, retaining its place on the calendar.

HB04-1256 by Representative(s) Hodge, Brophy, Harvey, Hoppe, Johnson R., Madden, Rose, Tochtrop; also Senator(s) Hillman--Concerning an expansion of the period during which an interruptible water supply agreement may operate, and making an appropriation therefor.

Amendment No. 1(L.004), by Senator Isgar.

Amend reengrossed bill, page 2, line 1, strike "(c)," and substitute "(c) and (4)," and strike "is" and substitute "are";

line 4, strike "(3) (c) An" and substitute "(3) The state engineer is authorized to approve and administer interruptible water supply agreements that permit a temporary change in the point of diversion, location of use, and type of use of an absolute water right without the need for an adjudication pursuant to this article, subject to the following:

(c) An";

line 6, strike "only" and substitute "only:";

after line 21, insert the following:

"(4) (a) When the state engineer approves or denies an interruptible water supply agreement, the state engineer shall serve a copy of the decision upon all parties to the application by first-class mail or, if such parties have so elected, by electronic mail. Neither the approval nor the denial of the agreement by the state engineer shall create any presumptions, shift the burden of proof, or serve as a defense in any legal action that may be initiated concerning the interruptible water supply agreement. Any appeal of a decision made by the state engineer concerning the operation of an interruptible water supply agreement pursuant to this section shall be expedited, shall be limited to the issue of injury, and shall be made within thirty days AFTER MAILING OF THE DECISION to the water judge in the applicable water division. All parties to the appeal shall pay to the water clerk a fee to cover the direct costs associated with the expedited appeal. The water judge shall hear and determine such appeal using the procedures and standards set forth in sections 37-92-304 and 37-92-305 for determination of matters rereferred to the water judge by the referee; except that the water judge shall not deem any failure to appeal all or any part of the decision of the state engineer or failure to state any grounds for appeal to preclude any party from raising any claims of injury in a future proceeding before the water judge. The proponent of the interruptible water supply agreement shall be deemed to be the applicant for purposes of application of such procedures and standards. Moneys from such fee shall be transmitted to the state treasurer and deposited in the water adjudication cash fund, which fund is hereby created in the state treasury. The general assembly shall appropriate moneys in the fund for the judicial department's expedited adjudications pursuant to this section.

(b) A PARTY TO THE ORIGINAL APPLICATION MAY FILE COMMENTS CONCERNING POTENTIAL INJURY TO SUCH PARTY'S WATER RIGHTS OR DECREED CONDITIONAL WATER RIGHTS DUE TO THE OPERATION OF THE INTERRUPTIBLE WATER SUPPLY AGREEMENT WITH THE STATE ENGINEER BY JANUARY 1 OF THE YEAR FOLLOWING THE FIRST YEAR THAT THE INTERRUPTIBLE WATER SUPPLY AGREEMENT HAS BEEN EXERCISED. THE PROCEDURES OF SUBSECTION (3) OF THIS SECTION REGARDING NOTICE, OPPORTUNITY TO COMMENT, AND THE STATE ENGINEER'S DECISION, AND THE PROCEDURES OF THIS SUBSECTION (4) REGARDING AN APPEAL OF SUCH

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DECISION SHALL AGAIN BE FOLLOWED WITH REGARD TO SUCH PARTY'S
COMMENTS.".

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

HB04-1430 by Representative(s) May M., Berry, Harvey; also Senator(s) Lamborn--Concerning the
dates by which certain action is to be taken affecting municipal elections.

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

SB04-248 by Senator(s) Andrews; --Concerning contributions to issue committees in elections to
increase tax revenue.

Laid over until Friday, April 30, retaining its place on the calendar.

SB04-242 by Senator(s) Andrews; --Concerning the ability for eligible electors within the boundaries
of the regional transportation district to vote to be excluded from the district.

Laid over until Friday, April 30, retaining its place on the calendar.

HB04-1034 by Representative(s) Welker, Berry, Borodkin, Larson, Pommer, Sinclair, Spence, Stafford;
also Senator(s) Takis, Isgar, May R.--Concerning electronic renewal of a driver's license.

Amendment No. 1, Transportation Committee Amendment.

(Printed in Senate Journal, April 27, page 1038 and placed in members' bill files.)

Amendment No. 2(L.016), by Senator Takis.

Amend the Transportation Committee Report, dated April 27, 2004, page
1, line 10, strike "(3)."; and substitute "(3).";

strike lines 11 and 12.

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

SCR04-007 by Senator(s) Andrews; also Representative(s) Lee--Submitting to the registered electors of
the state of Colorado amendments to article VI of the constitution of the state of Colorado,
concerning judicial personnel, and, in connection therewith, limiting future terms of office
for certain state court justices, judges, and magistrates; providing that the governor
nominate all state court justices, judges, and magistrates subject to senate confirmation and
later voter approval; eliminating the requirement that justices and judges be licensed
attorneys; establishing a procedure for removal elections; requiring that any justice, judge,
or magistrate who is convicted of certain crimes, receive a negative disciplinary finding, or
be made the subject of a removal petition to stand for election; providing that any justice,
judge, or magistrate receiving a majority of less than sixty percent at an election be retained
or not be removed for one year only; requiring records and reports on each justice, judge,
and magistrate to be made public and computer accessible; requiring that voters receive
specified information on each justice, judge, and magistrate standing for election;
prohibiting certain persons from serving as active or retired judges or in other judicial
positions; providing enforcement procedures; and repealing certain constitutional provisions
to conform with this amendment.

Laid over until later in the day, Thursday, April 29, retaining its place on the calendar.

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.

Laid over until later in the day, Thursday, April 29, 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, Senate Journal, April 26, pages 998-1005.

Laid over until later in the day, Thursday, April 29, 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 3:00 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 Teck, 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: HB04-1256 as amended, HB04-1430, HB04-1034 as amended.

Lost on Second Reading: HCR04-1004 as amended.

Laid over until later in the day, Thursday, April 29: SCR04-007, SB04-232, SB04-203 as amended.

Laid over until Friday, April 30: SB04-217 as amended, SB04-248, SB04-242.

The Committee of the Whole reported it had risen, reported progress, and would sit again at 3:00 p.m.

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate gave permission for the Committees on Finance, Transportation, and Joint Budget to begin hearings before the Senate has recessed.

COMMITTEE OF REFERENCE REPORTS

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB04-1190** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

"SECTION 1. 10-3.5-102, Colorado Revised Statutes, is amended to read:

10-3.5-102. Legislative declaration. (1) The primary purpose of the "Certified Capital Company Act" is to provide assistance in the formation of new businesses and the expansion of existing businesses that create jobs in the state by providing an incentive for insurance companies to invest in certified capital companies.

(2) THE GENERAL ASSEMBLY HEREBY:

(a) FINDS THAT THE LEGISLATIVE AUDIT COMMITTEE OF THE GENERAL ASSEMBLY HAS EVALUATED THE IMPLEMENTATION OF THE "CERTIFIED CAPITAL COMPANY ACT" PURSUANT TO SENATE JOINT RESOLUTION 03-050, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY;

(b) DETERMINES THAT THE ALLOCATION OF PREMIUM TAX CREDITS UNDER THE "CERTIFIED CAPITAL COMPANY ACT" THAT WAS TO BE MADE AFTER JANUARY 31, 2004, HAS BEEN REPEALED AND REALLOCATED PURSUANT TO THE PROVISIONS OF SENATE BILL 04-106 AND HOUSE BILL 04-1206, ENACTED AT THE SECOND REGULAR SESSION OF THE

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SIXTY-FOURTH GENERAL ASSEMBLY, WHICH LEAVES ONLY THOSE PREMIUM TAX CREDITS ALLOCATED BEFORE JANUARY 31, 2004, REMAINING SUBJECT TO THE "CERTIFIED CAPITAL COMPANY ACT"; AND

(c) DECLARES THAT:

(I) THE "CERTIFIED CAPITAL COMPANY ACT" SHOULD BE MODIFIED TO MORE EFFICIENTLY AND EFFECTIVELY ACHIEVE THE PURPOSES FOR WHICH IT WAS ENACTED, IN PARTICULAR BY AMENDING THE METHOD BY WHICH THE OFFICE OF ECONOMIC DEVELOPMENT CALCULATES CERTIFIED CAPITAL COMPANIES' INTERNAL RATE OF RETURN TO ADDRESS AMBIGUITIES AND WEAKNESSES IN CURRENT LAW; AND

(II) THOSE PURPOSES ARE BEST SERVED BY PROSPECTIVELY AMENDING THE "CERTIFIED CAPITAL COMPANY ACT" PURSUANT TO HOUSE BILL 04-1190, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY. NO PROVISION OF THIS ARTICLE SHALL BE CONSTRUED TO RETROSPECTIVELY MODIFY ANY EXISTING STATUTORY, REGULATORY, OR CONTRACTUAL OBLIGATION.

SECTION 2. 10-3.5-108 (3) (a) and (3) (b), Colorado Revised Statutes, are amended to read:

10-3.5-108. Distributions - remittance of portion of proceeds.

(3) (a) (I) ~~SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH (a), distributions out of certified capital allocated on a particular allocation date that are not qualified distributions and that are made to equity holders after the aggregate total of distributions from such certified capital, not including qualified distributions, cumulatively exceeds the certified capital allocated to the certified investors of the certified capital company on such allocation date plus any additional capital contributions to the certified capital company~~ PROCEEDS OR GAINS FROM QUALIFIED INVESTMENTS, PROCEEDS OR GAINS FROM ANY OTHER USE OF CERTIFIED CAPITAL, PROCEEDS OR GAINS FROM EQUITY CAPITALIZATION CONTRIBUTIONS, EQUITY CAPITALIZATION CONTRIBUTIONS, AND CERTIFIED CAPITAL ALLOCATED TO CERTIFIED INVESTORS ON A PARTICULAR ALLOCATION DATE, shall be specifically examined as part of the annual review conducted pursuant to section 10-3.5-109. On the basis of such review, the office shall determine PURSUANT TO RULES whether the aggregate total of SUCH distributions, ~~from such certified capital, not including qualified distributions, to the certified capital company's certified investors and equity holders~~ when combined with all tax credits allocated on such allocation date and utilized by ~~certified investors~~ pursuant to this article, have resulted in an annual internal rate of return exceeding ten percent on the certified capital allocated to the certified investors of the certified capital company on such allocation date plus any additional EQUITY capital contributions to the certified capital company. EQUITY CAPITAL CONTRIBUTIONS SHALL NOT BE DEEMED TO INCLUDE PROCEEDS OR GAINS FROM:

- (A) QUALIFIED INVESTMENTS;
- (B) ANY OTHER USE OF CERTIFIED CAPITAL; OR
- (C) EQUITY CAPITAL CONTRIBUTIONS.

(II) QUALIFIED DISTRIBUTIONS SHALL NOT BE SUBJECT TO THE REVIEW CONDUCTED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a).

(III) THE FOLLOWING TYPES OF DISTRIBUTION SHALL SPECIFICALLY BE SUBJECT TO THE REVIEW CONDUCTED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a):

- (A) A DISTRIBUTION TO PAY ANY PROJECTED INCREASE IN FEDERAL OR STATE TAXES OF THE EQUITY OWNERS OF A CERTIFIED CAPITAL COMPANY RESULTING FROM OPERATIONS OR OWNERSHIP OF THE CERTIFIED CAPITAL COMPANY;

(B) REPAYMENTS OF PRINCIPAL AND INTEREST ON A CERTIFIED CAPITAL COMPANY'S INDEBTEDNESS, INCLUDING REPAYMENTS OF INDEBTEDNESS OF THE CERTIFIED CAPITAL COMPANY ON WHICH CERTIFIED INVESTORS EARNED PREMIUM TAX CREDITS;

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(C) A DISTRIBUTION TO RETURN ANY EQUITY CAPITALIZATION PAID INTO THE CERTIFIED CAPITAL COMPANY BEFORE THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (C);

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(D) A DISTRIBUTION TO RETURN ANY EQUITY CAPITALIZATION PAID INTO THE CERTIFIED CAPITAL COMPANY ON OR AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (D); AND

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(E) ANY OTHER DISTRIBUTION OTHER THAN A QUALIFIED DISTRIBUTION.

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(b) (I) If the ~~certified capital company's~~ annual internal rate of return determined in accordance with paragraph (a) of this subsection (3) exceeds ten percent, then the certified capital company shall annually:

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(A) Report to the division of housing in the department of local affairs the amount of money equal to thirty percent of any further distributions, from ~~such certified capital other than qualified distributions~~ AN ITEM SUBJECT TO SUBPARAGRAPH (I) OR (III) OF PARAGRAPH (a) OF THIS SUBSECTION (3), above the amount required to produce such ten percent return; AND

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(B) Make the transfers required pursuant to paragraphs (c) AND (d) OF THIS SUBSECTION (3).

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(II) IF THE ANNUAL INTERNAL RATE OF RETURN DETERMINED IN ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (3) DOES NOT EXCEED TEN PERCENT, THEN THE CERTIFIED CAPITAL COMPANY SHALL ANNUALLY:

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(A) REPORT TO THE DIVISION OF HOUSING IN THE DEPARTMENT OF LOCAL AFFAIRS THE AMOUNT OF MONEY EQUAL TO TWENTY PERCENT OF THE PROPOSED DISTRIBUTION AMOUNT OTHER THAN DISTRIBUTIONS SUBJECT TO SUB-SUBPARAGRAPHS (B) OR (C) OF SUBPARAGRAPH (III) OF PARAGRAPH (a) OF THIS SUBSECTION (3);

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(B) MAKE THE TRANSFERS REQUIRED PURSUANT TO PARAGRAPHS (c) AND (d) OF THIS SUBSECTION (3); AND

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(C) CONTINUE THE TWENTY PERCENT DISTRIBUTION UNTIL THE CERTIFIED CAPITAL COMPANY'S INTERNAL RATE OF RETURN EXCEEDS TEN PERCENT. AT THAT TIME, ALL FUTURE TRANSFER AMOUNTS SHALL BE CALCULATED USING THE METHOD DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a). AMOUNTS PREVIOUSLY TRANSFERRED BY THE CERTIFIED CAPITAL COMPANY SHALL BE TAKEN INTO CONSIDERATION WHEN DETERMINING THE NET AMOUNT OF FUTURE TRANSFERS.

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(III) THE OFFICE SHALL PROMULGATE RULES TO ESTABLISH THE PROCEDURES BY WHICH THE INTERNAL RATE OF RETURN IS CALCULATED AND TO GOVERN OTHER ITEMS SUCH AS THE TIMING OF DISTRIBUTIONS AND THE AMOUNT AND TIMING OF FUTURE CAPITAL CONTRIBUTIONS TO THE CERTIFIED CAPITAL COMPANY TO ENSURE THAT THE CALCULATION OF THE INTERNAL RATE OF RETURN IS ACCURATELY CALCULATED.

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SECTION 3. Applicability. This act shall apply to actions taken by, or with respect to, certified capital companies on or after the effective date of this act.

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SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

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State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HCR04-1010 be postponed indefinitely.	1 2 3 4 5
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB04-1408 be referred to the Committee of the Whole with favorable recommendation.	6 7 8 9 10
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HCR04-1013 be referred to the Committee of the Whole with favorable recommendation.	11 12 13 14 15
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB04-1171 be referred to the Committee of the Whole with favorable recommendation.	16 17 18 19 20
State, Veterans, & Military Affairs	The Committee returns herewith <u>Senate Concurrent Resolution 04-22</u> because consideration of the measure was postponed for more than 30 days or until a date beyond the date for adjournment sine die of the legislative session. Therefore, under Senate Rule 22 (f), said bill is deemed to be postponed indefinitely.	21 22 23 24 25 26
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB04-257 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	27 28 29 30
	Amend printed bill, page 26, after line 19, insert the following:	31 32
	"(4) AN ELIGIBLE EMPLOYEE WHO IS A MEMBER OF THE ASSOCIATION'S DEFINED BENEFIT PLAN MAY ELECT, AT ANY TIME DURING THE SECOND TO FIFTH YEAR OF MEMBERSHIP IN THE PLAN, TO TERMINATE MEMBERSHIP IN THE PLAN AND TO BECOME A MEMBER OF THE ASSOCIATION'S DEFINED CONTRIBUTION PLAN CREATED PURSUANT TO THIS PART 15. SUCH ELECTION SHALL BE IRREVOCABLE."	33 34 35 36 37 38 39
	Page 32, after line 13, insert the following:	40 41
	"(3.5) THE COMMITTEE SHALL HAVE THE AUTHORITY TO LIMIT THE NUMBER OF FUNDS OFFERED BY EACH BUNDLED PROVIDER IN THE DEFINED CONTRIBUTION PLAN ESTABLISHED PURSUANT TO THIS PART 2. THE LIMIT SHALL PROVIDE A REASONABLE RANGE OF INVESTMENT CHOICES."	42 43 44 45 46 47
State, Veterans, & Military Affairs	The Committee returns herewith <u>Senate Concurrent Resolution 04-14</u> because consideration of the measure was postponed for more than 30 days or until a date beyond the date for adjournment sine die of the legislative session. Therefore, under Senate Rule 22 (f), said bill is deemed to be postponed indefinitely.	48 49 50 51 52 53
Education	The Committee on <u>Education</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	54 55 56
	MEMBERS OF THE BOARD OF TRUSTEES FOR MESA STATE COLLEGE	57 58
	for a term effective July 1, 2003 and expiring January 1, 2005:	59 60
	James D. Hamilton of Grand Junction, Colorado, appointed.	61 62 63 64
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	MESSAGE FROM THE HOUSE	66 67
	April 29, 2004	68
	Mr. President:	69

The House has passed on Third Reading and transmitted to the Revisor of Statutes
HB04-1454.

The House has passed on Third Reading and transmitted to the Revisor of Statutes
HB04-1448, amended as printed in House Journal, April 27, page 1640.

The House has passed on Third Reading and transmitted to the Revisor of Statutes;
HB04-1447, amended as printed in House Journal, April 28, page 1640, and amended on
Third Reading as printed in House Journal, April 29.

The House has passed on Third Reading and transmitted to the Revisor of Statutes;
SB04-216, amended as printed in House Journal, April 27, page 1606, and amended on
Third Reading as printed in House Journal, April 29..

The House has adopted and returns herewith SJR04-033.
The House has adopted and returns herewith SJR04-048.

INTRODUCTION OF CONCURRENT RESOLUTION--FIRST READING

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

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

INTRODUCTION OF BILL--FIRST READING

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

SB04-259 by Senator(s) Andrews; --Concerning expenditures by political subdivisions of the state that
are related to lobbying activities.
State Veterans & Military Affairs

MESSAGE FROM THE GOVERNOR

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

April 27, 2004

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

Ladies and Gentlemen:

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

MEMBERS OF THE
COLORADO CIVIL RIGHTS COMMISSION

for terms expiring March 13, 2008:

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

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

Sincerely,
(signed)
Bill Owens
Governor
Rec'd: 4/27/04
Renee White
Calendar Clerk

Committee on Judiciary

MESSAGE FROM THE GOVERNOR

April 28, 2004

To the Honorable Senate
Sixty-fourth General Assembly
Second Regular Session
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following act:

S.B.04-238 – Concerning Legislative Approval Requirements For Additions
Or Modifications To Eligibility Lists For Funding From Certain State Funds.

Approved April 28, 2004 at 3:30 P.M.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd 4-28-04, 4:00 p.m.m.
Mona Heustis, Secretary of the Senate

SENATE SERVICES REPORTS

Correctly Printed: SB04-257 and 258.

Correctly Engrossed: SB04-244, 246 and 252.

Correctly Reengrossed: SB04-243, 249 and 256; SCR04-023.

Correctly Revised: HB04-1227, 1424 and 1428.

Correctly Rerevised: HB04-1003, 1030, 1075, 1077, 1104, 1134, 1157, 1202, 1225, 1254, 1261, 1269, 1300, 1309, 1373 and 1411; HCR04-1005.

Correctly Enrolled: SB04-028, 032, 097 and 238.

Senate in recess.

Senate reconvened.

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolution--SJR04-044.

CONSIDERATION OF RESOLUTION--SJR04-44

SJR04-044 by Senator(s) Cairns; also Representative(s) Spence--Concerning recognition of the Vietnamese-American community of Colorado.

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

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

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

Senator Hanna moved a Call of the Senate.

Senator Hanna moved the Call of the Senate be raised.

COMMITTEE OF REFERENCE REPORTS

Trans-
portation After consideration on the merits, the Committee recommends that **HB04-1199** be referred to the Committee of the Whole with favorable recommendation.

Trans-
portation After consideration on the merits, the Committee recommends that **SCR04-015** be postponed indefinitely.

Trans-
portation The Committee returns herewith Senate Bill 04-245 because consideration of the measure was postponed for more than 30 days or until a date beyond the date for adjournment sine die of the legislative session. Therefore, under Senate Rule 22 (f), said bill is deemed to be postponed indefinitely.

State,
Veterans, &
Military
Affairs After consideration on the merits, the Committee recommends that **SJR04-054** be postponed indefinitely.

State,
Veterans, &
Military
Affairs After consideration on the merits, the Committee recommends that **HB04-1445** be referred to the Committee of the Whole with favorable recommendation.

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Health, Environment, Welfare, & Institutions 1
 The Committee on Health, Environment, Welfare, and Institutions has had under 2
 consideration and has had a hearing on the following appointment and recommends that 3
 the appointment be confirmed: 4

MEMBERS OF THE 5
STATE BOARD OF NURSING 6

Cheryl Ann Werner of Sterling, Colorado, to serve as a licensed practical nurse employed 7
 by a licensed hospital in a rural area, reappointed; 8
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Health, Environment, Welfare, & Institutions 11
 After consideration on the merits, the Committee recommends that **HB04-1438** be referred 12
 to the Committee of the Whole with favorable recommendation. 13
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Appro- 17
 priations 18
 After consideration on the merits, the Committee recommends that **SB04-257** be amended 19
 as follows, and as so amended, be referred to the Committee of the Whole with favorable 20
 recommendation. 21

Amend printed bill, page 38, after line 21, insert the following: 22

"SECTION 30. Appropriation. (1) In addition to any other 23
 appropriation, there is hereby appropriated, out of the defined 24
 contribution plan administration fund created in section 24-52-203 (9) 25
 (b), Colorado Revised Statutes, to the department of personnel, for the 26
 fiscal year beginning July 1, 2004, the sum of one hundred seventeen 27
 thousand eight hundred ninety-one dollars (\$117,891) and 1.0 FTE, or so 28
 much thereof as may be necessary, to be allocated as follows: 29
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(a) Ten thousand four hundred seventy-one dollars (\$10,471) to 31
 the executive office for legal services. 32

(b) Ninety-two thousand seven hundred sixty-one dollars 33
 (\$92,761) and 1.0 FTE to the division of human resources, employee 34
 benefits services, for personal services. 35

(c) Four thousand six hundred fifty-nine dollars (\$4,659) to the 36
 division of human resources, employee benefits services, for operating 37
 expenses. 38

(d) Ten thousand dollars (\$10,000) to the division of human 39
 resources, employee benefits services, for defined contribution plans. 40
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(2) In addition to any other appropriation, there is hereby 43
 appropriated, to the department of law, for the fiscal year beginning July 44
 1, 2004, the sum of five thousand four hundred seventy-one dollars 45
 (\$5,471), or so much thereof as may be necessary, for the provision of 46
 legal services to the department of personnel related to the 47
 implementation of this act. Such sum shall be from cash funds exempt 48
 received from the department of personnel out of the appropriation made 49
 in subsection (1) of this section." 50
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Renumber succeeding sections accordingly. 54
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Page 38, line 22, strike "Sections" and substitute "Section 30 of this act 56
 shall take effect July 1, 2004, sections". 57
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Page 1, line 102, strike "**EMPLOYEES.**" and substitute "**EMPLOYEES, AND 59
 MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**". 60
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Appro- 63
 priations 64
 After consideration on the merits, the Committee recommends that **SB04-234** be 65
 postponed indefinitely. 66
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Appropriations After consideration on the merits, the Committee recommends that **HB04-1362** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB04-1347** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB04-1360** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 8, after the period, add "THE DEPARTMENT SHALL CONTRACT WITH ONE OR MORE ENTITIES FOR THE IMPLEMENTATION OF THIS SECTION."

Page 6, line 10, strike "\$39,114) and 0.5 FTE," and substitute "\$39,114),";

line 20, strike "\$39,114) and 0.5 FTE," and substitute "\$39,114),";

line 23, strike "and 0.5 FTE".

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON HB04-1311

***** 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 HB04-1311, concerning identity theft, has met and reports that it has agreed upon the following:

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

Amend rerevised bill, page 3, after line 9, insert the following:

"(3) A PUBLIC ENTITY THAT IS MANAGING ITS RECORDS IN COMPLIANCE WITH PART 1 OF ARTICLE 80 OF TITLE 24, C.R.S., SHALL BE DEEMED TO HAVE MET ITS OBLIGATIONS UNDER SUBSECTION (1) OF THIS SECTION.

(4) UNLESS AN ENTITY SPECIFICALLY CONTRACTS WITH A RECYCLER OR DISPOSAL FIRM FOR DESTRUCTION OF DOCUMENTS THAT CONTAIN PERSONAL IDENTIFYING INFORMATION, NOTHING HEREIN SHALL REQUIRE A RECYCLER OR DISPOSAL FIRM TO VERIFY THAT THE DOCUMENTS CONTAINED IN THE PRODUCTS IT RECEIVES FOR DISPOSAL OR RECYCLING HAVE BEEN PROPERLY DESTROYED OR DISPOSED OF AS REQUIRED BY THIS SECTION.";

line 26, strike "USE";

strike line 27.

Page 4, strike lines 1 and 2;

line 9, strike "BEGINNING" and substitute "AFTER", and after "2006,", insert "UPON ISSUANCE OR RENEWAL OF AN INSURANCE POLICY,".

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

Amend rerevised bill, page 4, after line 12, insert the following:

"SECTION 5. Part 1 of article 5 of title 18, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

18-5-117. Unlawful possession of personal identifying information. (1) A PERSON SHALL NOT POSSESS THE PERSONAL IDENTIFYING INFORMATION OF ANOTHER PERSON WITH THE INTENT TO USE THE INFORMATION, OR TO AID OR PERMIT ANOTHER TO USE THE INFORMATION, TO UNLAWFULLY GAIN A BENEFIT FOR HIMSELF OR HERSELF OR ANOTHER PERSON, OR TO INJURE OR DEFRAUD ANOTHER PERSON.

(2) UNLAWFUL POSSESSION OF PERSONAL IDENTIFYING INFORMATION IS A CLASS 1 MISDEMEANOR.

(3) AS USED IN THIS SECTION, "PERSONAL IDENTIFYING INFORMATION" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 6-1-712 (2), C.R.S., BUT SHALL NOT INCLUDE A FINANCIAL TRANSACTION DEVICE AS DEFINED IN SECTION 18-5-701 (3)."

Renumber succeeding section accordingly.

Page 4, line 13, strike "date." and substitute "date - applicability. (1)"; after line 21, add the following:

"(2) The provisions of Section 5 of this act shall apply to offenses committed on or after the applicable effective date of this act."

Respectfully submitted,

House Committee:	Senate Committee:
(signed)	(signed)
Representative Rhodes	Senator Jones
Representative McCluskey	Senator Lamborn
Representative Frangas	Senator Hanna

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON HB04-1189

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 HB04-1189, concerning changes to decrease the disparity between the time sentenced and the time served by individuals who are convicted of violent crimes, and making an appropriation in connection therewith, has met and reports that it has agreed upon the following:

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

Amend rerevised bill, page 3, strike lines 8 through 10 and substitute the following:

"SHALL ONLY APPLY TO:

(I) A PERSON CONVICTED AND SENTENCED FOR A CRIME LISTED IN PARAGRAPH (a) OF THIS SUBSECTION (2.5) THAT IS A CLASS 2 OR CLASS 3 FELONY OFFENSE; OR

(II) A PERSON CONVICTED AND SENTENCED FOR A CRIME LISTED IN PARAGRAPH (a) OF THIS SUBSECTION (2.5) THAT IS A CLASS 4 OR CLASS 5 FELONY OFFENSE, WHICH PERSON HAS PREVIOUSLY BEEN CONVICTED OF A CRIME OF VIOLENCE AS DEFINED IN SECTION 18-1.3-406, C.R.S."

Page 4, strike lines 11 through 13 and substitute the following:

"SHALL ONLY APPLY TO:

(I) A PERSON CONVICTED AND SENTENCED FOR A CRIME LISTED IN PARAGRAPH (a) OF SUBSECTION (2.5) OF THIS SECTION THAT IS A CLASS 2 OR CLASS 3 FELONY OFFENSE; OR

(II) A PERSON CONVICTED AND SENTENCED FOR A CRIME LISTED IN PARAGRAPH (a) OF SUBSECTION (2.5) OF THIS SECTION THAT IS A CLASS 4 OR CLASS 5 FELONY OFFENSE, WHICH PERSON HAS TWICE PREVIOUSLY BEEN CONVICTED OF A CRIME OF VIOLENCE AS DEFINED IN SECTION 18-1.3-406, C.R.S."

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

Amend rerevised bill, page 4, line 8, strike "(2.5)" and substitute "(2)"; strike lines 14 through 27 and substitute the following:

"SECTION 2. 17-22.5-402 (2), Colorado Revised Statutes, is amended to read:

17-22.5-402. Discharge from custody. (2) Notwithstanding subsection (1) of this section, the full term for which an inmate is sentenced shall be reduced by any earned time granted pursuant to section 17-22.5-405, except as provided in section 17-22.5-403 (3) AND (3.5)."

Strike page 5.

Page 6, strike lines 1 through 10.

Page 1, line 103, strike "CRIMES, AND MAKING AN" and substitute "CRIMES.";

strike line 104.

Respectfully submitted,

House Committee:
(signed)
Representative Stengel
Representative Hefley
Representative Romanoff

Senate Committee:
(signed)
Senator Dyer
Senator Evans
Senator Groff

MESSAGE FROM THE HOUSE

April 29, 2004
Mr. President:

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The Speaker has appointed Representative Hefley, to replace Representative Rippy as a House conferee on the First Conference Committee on HB04-1189. The House Conferees are, Representative Stengel, Chairman, Hefley and Romanoff.

MESSAGE FROM THE REVISOR OF STATUTES

April 29, 2004

We herewith transmit:

Without comment, HB04-1454 and HCR04-1016.
 Without comment, as amended, HB04-1447 and SB04-216.
 With comment, as amended, HB04-1448.

INTRODUCTION OF BILLS--FIRST READING

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

- HB04-1447** by Representative(s) Romanoff, Larson, Berry, Briggs, Cloer, Coleman, Frangas, Hefley, Plant, Salazar, Stafford, Vigil; also Senator(s) Owen--Concerning the enrollment in the children's basic health plan of a child who is no longer eligible for medicaid due to the implementation of Senate Bill 03-176, and making an appropriation therefor.
 Health, Environment, Welfare & Institutions
 Appropriations
- HB04-1448** by Representative(s) Spradley; also Senator(s) May R.--Concerning the regulation of trade names.
 Business Affairs & Labor
- HB04-1454** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--Concerning a supplemental appropriation to the department of higher education.
 Appropriations

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB04-251, SB04-253, SB04-254, SB04-255, HB04-1171, HB04-1210, HB04-1240, HB04-1375, HB04-1405, HB04-1408, HB04-1435, HB04-1441, HB04-1451, HCR04-1013, SB04-257 were made Special Orders at 3:30 p.m.

Committee of the Whole The hour of 3:30 p.m. having arrived, Senator Dyer moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Dyer was called to the Chair to act as Chairman.

SPECIAL ORDERS--SECOND READING OF BILLS

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

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

Amendment No. 1(L.003), by Senator Teck.

Amend printed bill, page 3, after line 5, insert the following:

"(8) THIS SECTION SHALL NOT BE CONSTRUED TO LIMIT THE POWERS OF ANY **TYPE 1** BOARD OR COMMISSION IN THE DEPARTMENT OF REGULATORY AGENCIES."

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

- 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. 1
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Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 5
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- SB04-254** by Senator(s) Teck; also Representative(s) Rose, Berry--Concerning the clarification of the regulatory relationship between special events and wine festivals, and, in connection therewith, authorizing joint fines. 7
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Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 11
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- 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. 13
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Amendment No. 1(L.001), by Senator McElhany. 17
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Amend printed bill, page 2, line 7, strike "BY, OR FURNISHED OR AVAILABLE" and substitute "BY"; 20
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line 8, strike "FOR THE REGULAR USE OF,". 23
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As amended, declared **LOST** on Second Reading. 26
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- HB04-1171** by Representative(s) Weddig, Borodkin; also Senator(s) Hagedorn--Concerning directing the state personnel director to investigate the feasibility of establishing a retirement health savings trust for the benefit of state employees. 28
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 32
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- HB04-1210** by Representative(s) Williams T.; also Senator(s) McElhany--Concerning authority of the insurance commissioner to promulgate rules related to the administration of medical payments coverage for the purposes of motor vehicle insurance. 34
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 38
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- HB04-1375** by Representative(s) Mitchell, Brophy, Cadman, Crane, Harvey, Hefley, King, Lee, Lundberg, May M., Miller, Rhodes, Rose, Sinclair, Welker, Wiens; also Senator(s) Arnold, Hillman, Johnson S., McElhany--Concerning limitations on education regarding manifestations of human sexuality. 40
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 45
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- HB04-1405** by Representative(s) Spradley, King, Romanoff; also Senator(s) Andrews, Fitz-Gerald, Grossman, Veiga--Concerning the power of the Colorado educational and cultural facilities authority to enter into additional financing agreements. 47
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 51
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- 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. 53
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Declared **lost** on Second Reading. 59
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- 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. 62
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 66
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- HB04-1441** by Representative(s) Rhodes; also Senator(s) McElhany--Concerning consumer protections regarding financial matters, and, in connection therewith, limiting the use of lender 68
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information in solicitations and expanding the definition of security accounts for the purposes of nonprobate transfers upon death.

Amendment No. 1, Business Affairs and Labor Committee Amendment.
(Printed in Senate Journal, April 29, page 1074 and placed in members' bill files.)

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

Amend reengrossed bill, page 5, line 7, after "LENDER." add "FOR THE PURPOSES OF THIS SECTION, A PERSON SHALL NOT BE CONSIDERED A LENDER BASED ON THE PERSON'S FORMER EMPLOYMENT WITH A LENDER."

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

HB04-1451 by Representative(s) Clapp; also Senator(s) Reeves--Concerning the collaborative management of multi-agency services provided to children.

Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment.
(Printed in Senate Journal, April 28, page 1070 and placed in members' bill files.)

Amendment No. 2(L.007), by Senator Reeves.

Amend reengrossed bill, page 14, line 20, strike "JULY 1, 2005," and substitute "JULY 1, 2006,";

line 23, strike "JULY 1, 2005," and substitute "JULY 1, 2006,";

line 24, after "MONEYS", insert "REMAINING".

Page 15, line 14, strike "JULY 1, 2006," and substitute "JULY 1, 2005,".

Page 16, line 15, strike "JULY 1, 2005, AND ON JULY 1," and substitute "JULY 1, 2006, AND ON JULY 1, 2006,";

line 16, strike "2005,";

line 21, strike "A" and substitute "THE FOLLOWING", and strike "PARAGRAPH" and substitute "PARAGRAPHS";

line 23, strike "JULY 1, 2005." and substitute "JULY 1, 2006.";

line 24, strike "JULY 1, 2005," and substitute "JULY 1, 2006,", and after "TRANSFER", insert "ALL OF";

after line 27, insert the following:

"(III) ON JULY 1, 2005, THE MONEYS CREDITED BY THE STATE TREASURER TO THE FAMILY STABILIZATION SERVICES FUND PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) WHICH ARE NOT TRANSMITTED TO THE PERFORMANCE INCENTIVE CASH FUND PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2) SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE PERFORMANCE-BASED COLLABORATIVE MANAGEMENT INCENTIVE CASH FUND CREATED IN SECTION 24-1.9-104, C.R.S."

Page 17, line 19, strike "JULY 1, 2005," and substitute "JULY 1, 2006,";

line 22, strike "JULY 1, 2005," and substitute "JULY 1, 2006,".

Page 18, strike lines 5 and 6.

Renumber succeeding section accordingly.

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

HCR04-1013 by Representative(s) Fairbank; also Senator(s) Lamborn--Submitting to the registered electors of the state of Colorado an amendment to section 25 of article VI of the constitution of the state of Colorado, concerning the placement on the appropriate ballot of a single question asking electors whether they wish to retain the justices and judges seeking retention in office, followed by a list of said justices and judges with a place for electors to vote "Yes" or "No" on each justice or judge.

Laid over until Monday, May 3, retaining its place on the calendar.

SB04-257 by Senator(s) Owen; also Representative(s) Young--Concerning modifications to the retirement plans for public employees.

Laid over until the next Special Orders calendar, retaining its place on the calendar.

HB04-1240 by Representative(s) Cadman, Brophy, Butcher, McGihon, Rhodes, Welker; also Senator(s) Hagedorn--Concerning continuation of the regulation of bail bonding agents by the division of insurance.

Laid over until Friday, April 30, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

Passed on Second Reading: SB04-251 as amended, SB04-253, SB04-254, HB04-1171, HB04-1210, HB04-1375, HB04-1405, HB04-1435, HB04-1441 as amended, HB04-1451 as amended.

Lost on Second Reading: SB04-255 as amended, HB04-1408.

Laid over until the next Special Orders calendar: SB04-257.

Laid over until Friday, April 30: HB04-1240.

Laid over until Monday, May 3: HCR04-1013.

COMMITTEE OF REFERENCE REPORTS

Finance After consideration on the merits, the Committee recommends that **SB04-233** be referred to the Committee of the Whole with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **SB04-212** be postponed indefinitely.

Finance After consideration on the merits, the Committee recommends that **HCR04-1009** be postponed indefinitely.

Education After consideration on the merits, the Committee recommends that **SB04-258** be postponed indefinitely.

Education After consideration on the merits, the Committee recommends that **HB04-1207** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 6, after the period, add "A STUDENT WHO ENTERS INTO A FIXED-RATE CONTRACT MAY BE CHARGED ADDITIONAL FEES THAT ARE NOT INCLUDED IN THE CONTRACT SO LONG AS THE FEES ARE APPROVED BY THE STUDENT GOVERNMENT OF THE STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION.";

strike lines 13 through 21.

Renumber succeeding subsections accordingly.

Page 4, strike lines 22 through 27 and substitute the following:

"(2) This act shall take effect July 1, 2004.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Strike page 5.

Education

After consideration on the merits, the Committee recommends that **HB04-1086** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, strike line 5, and substitute the following:

"FOR THE STATE FISCAL YEAR COMMENCING ON JULY 1, 2004, AND ENDING ON JUNE 30, 2005,".

Page 5, strike line 17, and substitute the following:

"ALLOWING A CHARTER SCHOOL TO BE LOCATED AT THE LOWRY".

Education

After consideration on the merits, the Committee recommends that **HB04-1433** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 10, line 1, strike "A RECIPIENT" and substitute "AN ELIGIBLE CHILD";

line 2, strike "ARTICLE 56.1" and substitute "ARTICLE 56";

line 5, strike "RECIPIENT" and substitute "ELIGIBLE CHILD";

line 6, strike "RECIPIENT" and substitute "ELIGIBLE CHILD".

Page 15, line 13, after "(4) (b) (II) (C)," , insert "and";

line 14, strike "(8) (b), and (8) (d),".

Page 16, strike lines 17 through 27 and substitute the following:

SECTION 5. 22-7-605 (8) (a), Colorado Revised Statutes, as repealed and reenacted by House Bill 04-1217, enacted at the Second Regular Session of the Sixty-fourth General Assembly, is amended to read:

22-7-605. School accountability reports - format. (8) **Parental questions.** (a) The accountability report shall contain a page clearly marked in large font as the "Questions Parents Should Ask" page. Below the title "Questions Parents Should Ask" shall appear the words "Based upon your child's school's Overall Academic Performance Rating of [insert the applicable rating] and its Academic Improvement GROWTH OF STUDENTS Rating of [insert the applicable rating], here are some questions you may want to ask your school about student achievement:".

Page 17, strike lines 1 through 3.

Renumber succeeding sections accordingly.

Page 23, strike line 27 and substitute the following:

"any injunction that bars the enforcement of the Colorado Opportunity Contract Pilot Program, established by House Bill 03-1160 as enacted by

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the First Regular Session of the Sixty-fourth General Assembly, is vacated."

Page 24, strike line 1.

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB04-1438, HB04-1362, HB04-1347, HB04-1360, SB04-233, HB04-1199, HB04-1445, SB04-257, HB04-1086, HB04-1207, HB04-1433 were made Special Orders at 4:35 p.m.

Committee of the Whole The hour of 4:35 p.m. having arrived, Senator Dyer moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Dyer was called to the Chair to act as Chairman.

SPECIAL ORDERS--SECOND READING OF BILLS

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

HB04-1438 by Representative(s) Stafford; also Senator(s) Johnson S.--Concerning hospital reimbursements under the Colorado indigent care program.

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

HB04-1362 by Representative(s) Carroll, Hefley, King, Lee, Rose, Spence, Williams T.; also Senator(s) Groff, Grossman, Hagedorn, Jones--Concerning the authorization of institute charter schools by the state charter school institute, and making an appropriation therefor.

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

HB04-1347 by Representative(s) Witwer; also Senator(s) Jones--Concerning tuition assistance to members of the Colorado national guard, and making an appropriation in connection therewith.

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

HB04-1360 by Representative(s) Marshall, Pommer, Spence; also Senator(s) McElhany, Groff--Concerning financial literacy education within public schools, and making an appropriation in connection therewith.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 29, page 1094 and placed in members' bill files.)

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

SB04-233 by Senator(s) McElhany; also Representative(s) Harvey--Concerning the construction of a parking structure in the capitol complex.

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

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.

Amendment No. 1(L.008), by Senator McElhany.

Amend reengrossed bill, page 2, line 9, after the first "OF", insert "AN OFFENSE INVOLVING THE";

line 10, strike "AS DESCRIBED IN";

line 11, strike "SECTION 18-5-104.3, C.R.S.";

line 12, strike "DEPARTMENT" and substitute "DEPARTMENT, PURSUANT TO

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SECTION 18-5-117, C.R.S.,".

Page 13, strike lines 17 through 27 and substitute the following:

"18-5-117. Offenses involving forgery of a penalty assessment notice issued to a minor under the age of eighteen years - suspension of driving privilege. IN ADDITION TO ANY OTHER PENALTY IMPOSED BY THIS PART 1, UPON EACH CONVICTION, ENTRY OF A PLEA OF GUILTY OR NOLO CONTENDERE, OR RECEIPT OF A DEFERRED SENTENCE FOR AN OFFENSE INVOLVING THE FORGERY OF A PENALTY ASSESSMENT NOTICE ISSUED TO A MINOR UNDER THE AGE OF EIGHTEEN YEARS PURSUANT TO SECTION 42-4-1707 OR 42-4-1709, C.R.S., OR ADJUDICATION AS A DELINQUENT FOR AN ACT THAT WOULD CONSTITUTE SUCH AN OFFENSE IF COMMITTED BY AN ADULT, ANY DRIVER'S PERMIT, MINOR DRIVER'S LICENSE, OR DRIVER'S LICENSE HELD BY THE OFFENDER SHALL BE SUSPENDED AS PROVIDED IN SECTION 42-2-127.4, C.R.S."

Page 14, strike lines 1 through 5.

Amendment No. 2(L.005), by Senator Johnson.

Amend reengrossed bill, page 14, after line 5, insert the following:

"SECTION 11. Part 2 of article 4 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

42-4-238. Misuse of mobile communication devices - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "EMERGENCY" MEANS A SITUATION IN WHICH A PERSON:

(I) HAS REASON TO FEAR FOR SUCH PERSON'S LIFE OR SAFETY, OR BELIEVES THAT A CRIMINAL ACT MAY BE PERPETRATED AGAINST SUCH PERSON OR ANOTHER PERSON REQUIRING THE USE OF A MOBILE COMMUNICATION DEVICE WHILE THE CAR IS MOVING; OR

(II) REPORTS A FIRE, A TRAFFIC ACCIDENT IN WHICH ONE OR MORE INJURIES ARE APPARENT, A SERIOUS ROAD HAZARD, A MEDICAL OR HAZARDOUS MATERIALS EMERGENCY, OR A PERSON WHO IS DRIVING IN A RECKLESS, CARELESS, OR OTHERWISE UNSAFE MANNER.

(b) "MOBILE COMMUNICATION DEVICE" MEANS A CELLULAR TELEPHONE OR OTHER DEVICE THAT ENABLES A PERSON IN A MOTOR VEHICLE TO TRANSMIT AND RECEIVE AUDIO SIGNALS TO AND FROM A PERSON OR AUDIO RECORDING DEVICE LOCATED OUTSIDE THE MOTOR VEHICLE.

(2) NO PERSON WHO HOLDS A TEMPORARY INSTRUCTION PERMIT OR A MINOR'S INSTRUCTION PERMIT PURSUANT TO SECTION 42-2-106 SHALL USE A MOBILE COMMUNICATION DEVICE WHILE OPERATING A MOTOR VEHICLE. THIS SECTION SHALL NOT APPLY TO A PERSON WHO IS USING THE MOBILE COMMUNICATION DEVICE:

(a) TO CONTACT A PUBLIC SAFETY ENTITY;

(b) WHILE THE VEHICLE IS LAWFULLY PARKED; OR

(c) DURING AN EMERGENCY.

(3) ANY PERSON WHO OPERATES A MOTOR VEHICLE IN VIOLATION OF SUBSECTION (2) OF THIS SECTION COMMITS A CLASS A TRAFFIC INFRACTION AS DEFINED IN SECTION 42-4-1701 (3).

(4) AN OPERATOR OF A MOTOR VEHICLE SHALL NOT BE CITED FOR A VIOLATION OF SUBSECTION (2) OF THIS SECTION UNLESS SUCH OPERATOR WAS STOPPED BY A LAW ENFORCEMENT OFFICER FOR AN ALLEGED

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VIOLATION OF ARTICLES 1 TO 4 OF THIS TITLE OTHER THAN A VIOLATION OF THIS SECTION.

SECTION 12. 42-2-127 (5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

42-2-127. Authority to suspend license - to deny license - type of conviction - points. (5) Point system schedule:

Type of conviction	Points
(jj) A VIOLATION OF SECTION 42-4-238	1

SECTION 13. 42-4-1701 (4) (a) (I) (D), Colorado Revised Statutes, is amended to read:

42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule - repeal. (4) (a) (I) Except as provided in paragraph (c) of subsection (5) of this section, every person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of any provision of this title to which the provisions of paragraph (a) or (b) of subsection (5) of this section apply shall be fined or penalized, and have a surcharge levied thereon pursuant to section 24-4.2-104 (1) (b) (I), C.R.S., in accordance with the penalty and surcharge schedule set forth in sub-subparagraphs (A) to (P) of this subparagraph (I); or, if no penalty or surcharge is specified in the schedule, the penalty for class A and class B traffic infractions shall be fifteen dollars, and the surcharge shall be two dollars. These penalties and surcharges shall apply whether the defendant acknowledges the defendant's guilt or liability in accordance with the procedure set forth by paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction or has judgment entered against the defendant by a county court magistrate. Penalties and surcharges for violating specific sections shall be as follows:

Section Violated	Penalty	Surcharge
(D) Equipment violations:		
42-4-201	\$ 35.00	\$ 5.20
42-4-202	35.00	5.20
42-4-204	15.00	2.60
42-4-205	15.00	2.60
42-4-206	15.00	2.60
42-4-207	15.00	2.60
42-4-208	15.00	2.60
42-4-209	15.00	2.60
42-4-210	15.00	2.60
42-4-211	15.00	2.60
42-4-212	15.00	2.60
42-4-213	15.00	2.60
42-4-214	15.00	2.60
42-4-215	15.00	2.60
42-4-216	15.00	2.60
42-4-217	15.00	2.60
42-4-218	15.00	2.60
42-4-219	15.00	2.60
42-4-220	15.00	2.60
42-4-221	15.00	2.60
42-4-222 (1)	15.00	2.60
42-4-223	15.00	2.60
42-4-224	15.00	2.60
42-4-225 (1)	15.00	2.60
42-4-226	15.00	2.60
42-4-227 (1)	50.00	7.80
42-4-227 (2)	15.00	2.60
42-4-228 (1), (2), (3), (5), or (6)	15.00	2.60
42-4-229	15.00	2.60
42-4-230	15.00	2.60

42-4-231	15.00	2.60	1
42-4-232	15.00	2.60	2
42-4-233	75.00	11.70	3
42-4-234	15.00	2.60	4
42-4-235	50.00	7.80	5
42-4-236	50.00	7.80	6
42-4-237	15.00	2.60	7
42-4-238	15.00	2.60	8
42-4-1411	15.00	2.60	9
42-4-1412	15.00	2.60	10
42-4-1901	35.00	5.20".	11

Renumber succeeding sections accordingly.

As amended, declared **LOST** on Second Reading.
(For further action, see Amendments to the Report of the Committee of the Whole.)

HB04-1445 by Representative(s) Spradley; also Senator(s) Andrews--Concerning the timing of meetings of the ballot title board.

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

HB04-1086 by Representative(s) Spradley, King, Young; also Senator(s) Teck, Owen--Concerning the structure of the state system of community colleges.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, April 29, page 1101 and placed in members' bill files.)

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

HB04-1207 by Representative(s) Spence, Lee, Rose; also Senator(s) Groff--Concerning higher education fixed-rate contracts.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, April 29, pages 1100-1101 and placed in members' bill files.)

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

HB04-1433 by Representative(s) King, Spence; also Senator(s) Grossman--Concerning the longitudinal measurement of student academic growth.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, April 29, pages 1101-1102 and placed in members' bill files.)

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

SB04-257 by Senator(s) Owen; also Representative(s) Young--Concerning modifications to the retirement plans for public employees.

Amendment No. 1, State, Veterans and Military Affairs Committee Amendment.
(Printed in Senate Journal, April 29, page 1089 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 29, page 1093 and placed in members' bill files.)

Amendment No. 3(L.005), by Senator Owen.

Amend printed bill, page 16, strike lines 10 through 21 and insert the following:

**"TABLE A
CONTRIBUTION RATES**

Division	Membership	Employer Rate	Member Rate
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State and School	All Members	10.4% 10.15%	8.0%	1
	Except			2
	State Troopers	13.1% 12.85%	10.0%	3
				4
SCHOOL	ALL MEMBERS			5
				6
	1/1/2006 THROUGH 12/31/2007	10.15%	8.0%	7
				8
	1/1/2008 THROUGH 12/31/2008	10.25%	8.0%	9
				10
	1/1/2009 THROUGH 12/31/2009	10.35%	8.0%	11
				12
	1/1/2010 THROUGH 12/31/2010	10.45%	8.0%	13
				14
	1/1/2011 AND THEREAFTER	10.55%	8.0%	15
				16
Municipal LOCAL				17
GOVERNMENT	All Members	10.0%	8.0%	18
				19
Judicial	All Members	14.0% 13.66%	8.0%".	20
				21

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

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

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.

Senator McElhany moved to amend the Report of the Committee of the Whole to show that HB04-1199 passed on a division vote.

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

HB04-1199, as amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Dyer, 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: HB04-1438, HB04-1362, HB04-1347, HB04-1360 as amended, SB04-233, HB04-1445, HB04-1086 as amended, HB04-1207 as amended, HB04-1433 as amended, SB04-257 as amended, HB04-1199 as amended.

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate returned to Third Reading--Final Passage of Bills.

Senate in recess.

Senate reconvened.

Senator Hillman moved a Call of the Senate.

Senator Hillman moved the Call of the Senate be raised.

THIRD READING--FINAL PASSAGE OF BILLS--cont.

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

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.

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

Third Reading Amendment No. 1(L.002), by Senator Anderson.

Amend engrossed concurrent resolution, page 3, line 25, strike "2004." and substitute "2004; EXCEPT THAT, FOR THE 2006-07 STATE FISCAL YEAR, THE STATE SHALL USE ONE AND ONE-HALF PERCENTAGE POINTS OF THE POPULATION ADJUSTMENT BASED ON THE 2000 DECENNIAL FEDERAL CENSUS.".

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

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

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

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

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 May 6, 2004.

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

state fiscal year spending for state fiscal years 2005-06 and 2006-07; creating a state rainy day fund consisting of moneys appropriated by the general assembly within TABOR limits; replacing the existing state emergency reserve with the state rainy day fund; and authorizing the general assembly to spend moneys in the state rainy day fund in any year when fiscal year spending is less than the TABOR limit and in declared emergencies.

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

Third Reading Amendment No. 1(L.004), by Senator Hillman.

Amend engrossed concurrent resolution, page 4, line 5, after "17", insert "(1) and";

line 6, strike the first "is" and substitute "are";

strike line 8 and substitute the following:

"Section 17. Education - Funding. (1) Purpose. In state fiscal year 2001-2002 through state fiscal year ~~2010-2011~~ 2012-2013, the statewide base per pupil funding, as defined by the Public School Finance Act of 1994, article 54 of title 22, Colorado Revised Statutes on the effective date of this section, for public education from preschool through the twelfth grade and total state funding for all categorical programs shall grow annually at least by the rate of inflation plus an additional one percentage point. In state fiscal year ~~2011-2012~~ 2013-2014, and each fiscal year thereafter, the statewide base per pupil funding for public education from preschool through the twelfth grade and total state funding for all categorical programs shall grow annually at a rate set by the general assembly that is at least equal to the rate of inflation.

(4) State Education Fund".

Page 6, line 3, strike "RAINY DAY" and substitute "EMERGENCY RESERVE";

line 9, strike "RAINY DAY" and substitute "EMERGENCY RESERVE";

strike line 20 and substitute the following:

"Section 21. State emergency reserve fund. (1) (a) THE STATE EMERGENCY RESERVE";

line 26, strike "RAINY DAY" and substitute "EMERGENCY RESERVE".

Page 7, line 1, strike "RAINY DAY" and substitute "EMERGENCY RESERVE";

line 8, strike "RAINY DAY" and substitute "EMERGENCY RESERVE";

line 11, strike "RAINY DAY" and substitute "EMERGENCY RESERVE";

line 20, strike "RAINY DAY" and substitute "EMERGENCY RESERVE";

line 25, strike "RAINY DAY" and substitute "EMERGENCY RESERVE".

Page 8, line 10, strike "RAINY DAY" and substitute "EMERGENCY RESERVE";

line 27, after the semicolon, insert "EXTENDING THE REQUIREMENT THAT STATEWIDE BASE PER PUPIL FUNDING AND TOTAL STATE FUNDING FOR CATEGORICAL PROGRAMS INCREASE BY THE RATE OF INFLATION PLUS ONE PERCENT THROUGH STATE FISCAL YEAR 2012-13;"

Page 9, line 1, after "FUNDING", insert "AND TOTAL STATE FUNDING FOR CATEGORICAL PROGRAMS";

line 6, strike "RAINY";

line 7, strike "DAY" and substitute "EMERGENCY RESERVE";

line 10, strike "RAINY DAY" and substitute "EMERGENCY RESERVE";

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line 12, strike "RAINY DAY" and substitute "EMERGENCY RESERVE";

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line 14, strike "RAINY DAY" and substitute "EMERGENCY RESERVE";

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line 16, strike "RAINY DAY" and substitute "EMERGENCY RESERVE".

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Page 2, line 102, after the semicolon, insert "EXTENDING THE REQUIREMENT THAT STATEWIDE BASE PER PUPIL FUNDING AND TOTAL STATE FUNDING FOR CATEGORICAL PROGRAMS INCREASE BY THE RATE OF INFLATION PLUS ONE PERCENT THROUGH STATE FISCAL YEAR 2012-13;"

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line 103, after "FUNDING", insert "AND TOTAL STATE FUNDING FOR CATEGORICAL PROGRAMS";

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line 109, strike "RAINY DAY" and substitute "EMERGENCY RESERVE";

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line 114, strike "RAINY DAY" and substitute "EMERGENCY RESERVE";

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line 115, strike "RAINY DAY" and substitute "EMERGENCY RESERVE";

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line 118, strike "RAINY DAY" and substitute "EMERGENCY RESERVE";

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line 121, strike "RAINY DAY" and substitute "EMERGENCY RESERVE".

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

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

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Third Reading Amendment No. 2(L.006), by Senator Gordon.

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Amend engrossed concurrent resolution, strike everything below the resolving clause and substitute the following:

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"SECTION 1. At the next election at which such question may be submitted, there shall be submitted to the registered electors of the state of Colorado, for their approval or rejection, the following amendment to the constitution of the state of Colorado, to wit:

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Section 17 (1) and (5) of article IX of the constitution of the state of Colorado are amended, and the said section 17 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

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Section 17. Education - Funding. (1) **Purpose.** (a) STARTING in state fiscal year 2001-2002, ~~through state fiscal year 2010-2011,~~ the statewide base per pupil funding, as defined by the Public School Finance Act of 1994, article 54 of title 22, Colorado Revised Statutes on the effective date of this section, for public education from preschool through the twelfth grade and total state funding for all categorical programs shall grow annually at least by the rate of inflation plus an additional one percentage point. ~~In state fiscal year 2011-2012, and each fiscal year thereafter, the statewide base per pupil funding for public education from preschool through the twelfth grade and total state funding for all categorical programs shall grow annually at a rate set by the general assembly that is at least equal to the rate of inflation.~~

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(b) THE GROWTH IN FUNDING REQUIRED IN PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL CONTINUE THROUGH THE FIRST STATE FISCAL YEAR THAT STATEWIDE BASE PER PUPIL FUNDING FOR PUBLIC EDUCATION FROM PRESCHOOL THROUGH THE TWELFTH GRADE AND TOTAL STATE FUNDING FOR ALL CATEGORICAL PROGRAMS EQUALS OR EXCEEDS THE PROJECTED GROWTH IN FUNDING FOR THE SAME FISCAL YEAR.

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(5) **Maintenance of Effort.** Monies appropriated from the state education fund shall not be used to supplant the level of general fund appropriations existing on the effective date of this section for total program education funding under the Public School Finance Act of 1994, article 54 of title 22, Colorado Revised Statutes, and for categorical programs as defined in subsection (2) of this section. ~~STARTING IN STATE FISCAL YEAR 2001-2002 THROUGH STATE FISCAL YEAR 2010-2011~~ FOR A CUMULATIVE PERIOD OF TEN STATE FISCAL YEARS, WHICH SHALL NOT INCLUDE ANY STATE FISCAL YEAR IN WHICH THE PROVISIONS OF THIS SUBSECTION (5) ARE SUSPENDED PURSUANT TO SUBSECTION (6) OF THIS SECTION, the general assembly shall, at a minimum, annually increase the general fund appropriation for total program under the "Public School Finance Act of 1994," or any successor act, by an amount not below five percent of the prior year general fund appropriation for total program under the "Public School Finance Act of 1994," or any successor act. This general fund growth requirement shall not apply in any fiscal year in which Colorado personal income grows less than four and one half percent between the two previous calendar years.

(6) **Suspension of terms.** (a) THE PROVISIONS OF SUBSECTIONS (1) AND (5) OF THIS SECTION SHALL BE SUSPENDED AND NOT APPLY FOR:

(I) STATE FISCAL YEARS 2005-06 AND 2006-07; AND

(II) ANY STATE FISCAL YEAR IN WHICH STATE FISCAL YEAR SPENDING, AS DEFINED IN SECTION 20 (2) (e) OF ARTICLE X OF THIS CONSTITUTION, DECLINED FROM ONE YEAR TO THE NEXT DURING THE TWO MOST RECENTLY COMPLETED STATE FISCAL YEARS PRIOR TO JANUARY 1 OF THE CALENDAR YEAR IN WHICH THE APPLICABLE STATE FISCAL YEAR COMMENCES.

(b) FOR A STATE FISCAL YEAR FOLLOWING A SUSPENSION PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (6), THE PRIOR FISCAL YEAR SHALL BE USED AS THE BASE TO DETERMINE THE GROWTH IN FUNDING REQUIRED IN SUBSECTION (1) OF THIS SECTION AND THE GENERAL FUND APPROPRIATION INCREASE REQUIRED IN SUBSECTION (5) OF THIS SECTION.

Section 17 (2) of article IX of the constitution of the state of Colorado is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

Section 17. Education - Funding. (2) Definitions. For purposes of this section:

(c) "PROJECTED GROWTH IN FUNDING" MEANS THE LEVEL OF FUNDING FOR A GIVEN STATE FISCAL YEAR ON OR AFTER STATE FISCAL YEAR 2010-11, IF STATEWIDE BASE PER PUPIL FUNDING, AS DEFINED BY THE "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF TITLE 22, COLORADO REVISED STATUTES, AS IT EXISTED ON DECEMBER 28, 2000, FOR PUBLIC EDUCATION FROM PRESCHOOL THROUGH THE TWELFTH GRADE AND TOTAL STATE FUNDING FOR ALL CATEGORICAL PROGRAMS GREW ANNUALLY BY THE RATE OF INFLATION PLUS AN ADDITIONAL ONE PERCENTAGE POINT FOR STATE FISCAL YEAR 2001-02 THROUGH STATE FISCAL YEAR 2010-11, AND BY THE RATE OF INFLATION FOR EACH FISCAL YEAR THEREAFTER.

Section 20 (2) of article X of the constitution of the state of Colorado is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

Section 20. The Taxpayer's Bill of Rights. (2) Term definitions. Within this section:

(h) "STATEWIDE AGGREGATE PERSONAL INCOME" MEANS THE TOTAL PERSONAL INCOME FOR COLORADO, AS DEFINED AND OFFICIALLY REPORTED BY THE BUREAU OF ECONOMIC ANALYSIS IN THE UNITED STATES DEPARTMENT OF COMMERCE, OR ITS SUCCESSOR INDEX, FOR THE MOST

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RECENTLY COMPLETED CALENDAR YEAR PRECEDING A GIVEN STATE FISCAL YEAR.

Section 20 (1), (5), and (7) of article X of the constitution of the state of Colorado are amended, and the said section 20 (7) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

Section 20. The Taxpayer's Bill of Rights. (1) General provisions. This section takes effect December 31, 1992 or as stated. Its preferred interpretation shall reasonably restrain most the growth of government. All provisions are self-executing and severable and supersede conflicting state constitutional, state statutory, charter, or other state or local provisions. Other limits on district revenue, spending, and debt may be weakened only by future voter approval. Individual or class action enforcement suits may be filed and shall have the highest civil priority of resolution. Successful plaintiffs are allowed costs and reasonable attorney fees, but a district is not unless a suit against it be ruled frivolous. Revenue collected, kept, or spent illegally since four full fiscal years before a suit is filed shall be refunded with 10% annual simple interest from the initial conduct. Subject to judicial review, districts may use any reasonable method for refunds under this section, including temporary tax credits or rate reductions. Refunds need not be proportional when prior payments are impractical to identify or return. When annual district revenue is less than annual payments on general obligation bonds, pensions, and final court judgments, (4) (a) and (7) shall be suspended to provide for the deficiency.

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

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

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

~~(b) The maximum annual percentage change in each local district's fiscal year spending equals inflation in the prior calendar year plus annual local growth, adjusted for revenue changes approved by voters after 1991 and (8) (b) and (9) reductions.~~

~~(c) The maximum annual percentage change in each district's property tax revenue equals inflation in the prior calendar year plus annual local growth. EACH LOCAL DISTRICT'S PROPERTY TAX REVENUE LIMIT IS THE PROPERTY TAX REVENUE LIMIT THAT EXISTED IN THE FISCAL YEAR ENDING IN 2000, PLUS THE SUM OF LOCAL GROWTH SINCE 2000 AND PER-CAPITA GROWTH IN THE OVERALL COLORADO ECONOMY AS MEASURED BY THE STATEWIDE AGGREGATE PERSONAL INCOME SINCE THE FISCAL YEAR ENDING IN 2000, adjusted for property tax revenue changes approved by voters after 1991 JANUARY 1, 2000, and (8) (b) and (9) reductions.~~

(d) If revenue from sources not excluded from fiscal year spending exceeds these limits in dollars for that fiscal year, the excess shall be refunded in the next fiscal year unless voters approve a revenue

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change as an offset. ~~Initial district bases are current fiscal year spending and 1991 property tax collected in 1992.~~ Qualification or disqualification as an enterprise shall change ~~district bases and future year limits,~~ THE STATE FISCAL YEAR SPENDING LIMIT AS PROVIDED BY LAW. Future creation of district bonded debt shall increase, and retiring or refinancing district bonded debt shall lower, ~~fiscal year spending and property tax~~ revenue by the annual debt service so funded. Debt service changes, reductions, (1) and (3) (c) refunds, and voter-approved revenue changes are dollar amounts that are exceptions to, and not part of, any district base. Voter-approved revenue changes do not require a tax rate change.

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

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

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

Article X of the constitution of the state of Colorado is amended BY THE ADDITION OF A NEW SECTION to read:

Section 21. State rainy day fund - creation - limitations on use - refunds - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "EMERGENCY" MEANS A SERIOUS AND UNEXPECTED OCCASION OR INSTANCE THAT REQUIRES IMMEDIATE ACTION BY THE STATE TO SAVE LIVES OR TO PROTECT PROPERTY AND PUBLIC HEALTH AND SAFETY.

(b) "STATE FISCAL YEAR SPENDING LIMIT" MEANS THE LIMITATION ON STATE FISCAL YEAR SPENDING CALCULATED PURSUANT TO SECTION 20 (7) (a) (ii) OF THIS ARTICLE.

(c) "STATE REVENUES" MEANS STATE REVENUES COLLECTED DURING A STATE FISCAL YEAR FROM SOURCES NOT EXCLUDED FROM FISCAL YEAR SPENDING, AS DEFINED IN SECTION 20 (2) (e) OF THIS ARTICLE.

(d) "STATEWIDE AGGREGATE PERSONAL INCOME" MEANS THE TOTAL PERSONAL INCOME FOR COLORADO, AS DEFINED AND OFFICIALLY REPORTED BY THE BUREAU OF ECONOMIC ANALYSIS IN THE UNITED STATES DEPARTMENT OF COMMERCE, OR ITS SUCCESSOR INDEX, FOR THE MOST RECENTLY COMPLETED CALENDAR YEAR PRECEDING A GIVEN STATE FISCAL YEAR.

(e) "TARGET GENERAL FUND LEVEL" MEANS AN AMOUNT OF STATE GENERAL FUND REVENUES EQUAL TO FIVE PERCENTAGE POINTS OVER THE STATE GENERAL FUND REVENUES FOR THE PRIOR STATE FISCAL YEAR.

(2) ON JULY 1, 2005, THE STATE RAINY DAY FUND IS CREATED IN THE STATE TREASURY. THE FUND SHALL CONSIST OF STATE REVENUES DEPOSITED IN THE FUND PURSUANT TO SUBSECTION (3) OF THIS SECTION AND ALL INTEREST OR INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND. THE MONEYS IN THE FUND SHALL BE USED ONLY AS DIRECTED IN SUBSECTIONS (5) AND (6) OF THIS SECTION, AND MONEYS IN THE FUND AT THE END OF ANY STATE FISCAL YEAR SHALL REMAIN IN THE FUND AND NOT REVERT TO THE STATE GENERAL FUND.

(3) THE MAXIMUM BALANCE OF THE STATE RAINY DAY FUND FOR A GIVEN STATE FISCAL YEAR SHALL BE AN AMOUNT EQUAL TO TEN PERCENT OF THE TOTAL STATE GENERAL FUND APPROPRIATIONS FOR THE SAME FISCAL YEAR. ANY STATE REVENUES IN EXCESS OF FIVE AND SEVENTY-FIVE ONE-HUNDREDTHS PERCENT OF THE STATEWIDE AGGREGATE

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PERSONAL INCOME BUT LESS THAN THE STATE FISCAL YEAR SPENDING LIMIT SHALL BE DEPOSITED IN THE STATE RAINY DAY FUND UNTIL THE FUND REACHES THE MAXIMUM BALANCE. IF THE FISCAL YEAR SPENDING LIMIT IS CHANGED AS A RESULT OF QUALIFICATION OR DISQUALIFICATION AS AN ENTERPRISE, THEN THE RANGE OF STATE REVENUES REQUIRED TO BE DEPOSITED IN THE FUND MAY BE CHANGED, AS PROVIDED BY LAW, SO AS TO KEEP TWENTY-FIVE ONE-HUNDREDTHS PERCENT OF THE STATEWIDE AGGREGATE PERSONAL INCOME AS THE MAXIMUM AMOUNT OF STATE REVENUES THAT MAY BE DEPOSITED IN THE FUND DURING A GIVEN STATE FISCAL YEAR.

(4) ANY INTEREST OR INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF MONEYS IN THE STATE RAINY DAY FUND SHALL:

(a) BE EXCLUDED FROM STATE FISCAL YEAR SPENDING FOR PURPOSES OF SECTION 20 OF THIS ARTICLE; AND

(b) NOTWITHSTANDING THE MAXIMUM BALANCE INDICATED IN SUBSECTION (3) OF THIS SECTION, REMAIN IN THE STATE RAINY DAY FUND UNLESS TRANSFERRED FROM THE FUND IN ACCORDANCE WITH SUBSECTION (5) OR (6) OF THIS SECTION.

(5) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (5), FOR ANY STATE FISCAL YEAR THAT STATE GENERAL FUND REVENUES ARE LESS THAN THE TARGET GENERAL FUND LEVEL, AN AMOUNT EQUAL TO THE DIFFERENCE BETWEEN THE TARGET GENERAL FUND LEVEL AND THE STATE GENERAL FUND REVENUES SHALL BE TRANSFERRED FROM THE STATE RAINY DAY FUND TO THE STATE GENERAL FUND.

(b) THE FOLLOWING LIMITATIONS APPLY TO TRANSFERS MADE PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5):

(I) NO MORE THAN ONE-HALF OF THE BALANCE OF THE STATE RAINY DAY FUND SHALL BE TRANSFERRED TO THE STATE GENERAL FUND DURING THE FIRST STATE FISCAL YEAR THAT SUCH MONEYS ARE TRANSFERRED; AND

(II) THE AMOUNT OF MONEYS THAT ARE REQUIRED TO BE TRANSFERRED FROM THE STATE RAINY DAY FUND TO THE STATE GENERAL FUND SHALL BE REDUCED TO THE EXTENT NECESSARY TO ENSURE THAT THERE IS AT LEAST TWENTY MILLION DOLLARS IN THE FUND AFTER A TRANSFER.

(6) UPON DECLARING AN EMERGENCY IN THE MANNER PROVIDED BY LAW, THE GOVERNOR MAY EXPEND MONEYS IN THE STATE RAINY DAY FUND FOR THE EMERGENCY IN AN AMOUNT NOT TO EXCEED THREE PERCENT OF STATE FISCAL YEAR SPENDING FOR THE CURRENT STATE FISCAL YEAR.

(7) ANY MONEYS TRANSFERRED OR EXPENDED FROM THE STATE RAINY DAY FUND PURSUANT TO SUBSECTION (5) OR (6) OF THIS SECTION SHALL NOT BE INCLUDED IN STATE FISCAL YEAR SPENDING, AS DEFINED IN SECTION 20 (2) (e) OF THIS ARTICLE.

SECTION 2. Each elector voting at said election and desirous of voting for or against said amendment shall cast a vote as provided by law either "Yes" or "No" on the proposition: "AMENDMENTS TO ARTICLES IX AND X OF THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING THE STABILIZATION OF GOVERNMENT REVENUES, AND, IN CONNECTION THEREWITH, SUSPENDING THE PROVISIONS OF SECTION 17 OF ARTICLE IX THAT REQUIRE AN INCREASE IN CERTAIN FUNDING REQUIREMENTS FOR PUBLIC SCHOOLS FOR STATE FISCAL YEARS 2005-06 AND 2006-07 AND IN STATE FISCAL YEARS FOLLOWING A DECLINE IN STATE FISCAL YEAR SPENDING; REQUIRING PUBLIC SCHOOL FUNDING TO INCREASE BY INFLATION PLUS ONE PERCENTAGE POINT UNTIL SUCH FUNDING EQUALS OR EXCEEDS LEVELS THAT WOULD HAVE BEEN REACHED IN THE ABSENCE OF A SUSPENSION; REPEALING THE REQUIREMENT THAT BEGINNING IN STATE FISCAL YEAR 2011-12 PUBLIC SCHOOL FUNDING GROW ANNUALLY BY AT LEAST THE RATE OF INFLATION; ESTABLISHING THE STATE FISCAL YEAR

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SPENDING LIMIT IN SECTION 20 OF ARTICLE X AS SIX PERCENT OF THE COLORADO ECONOMY AS MEASURED BY THE STATEWIDE AGGREGATE PERSONAL INCOME; ELIMINATING THE FISCAL YEAR SPENDING LIMIT FOR EACH LOCAL DISTRICT; ESTABLISHING A NEW LIMIT ON THE GROWTH OF EACH LOCAL DISTRICT'S PROPERTY TAX REVENUE; PERMITTING OTHER STATE AND LOCAL LIMITS ON DISTRICT REVENUE AND SPENDING TO BE STRENGTHENED OR WEAKENED BY STATE OR LOCAL LEGISLATIVE ACTION; ELIMINATING THE STATE EMERGENCY RESERVE; ESTABLISHING A STATE RAINY DAY FUND AND THE PERMITTED USES OF THE MONEYS IN SUCH FUND; AND MAKING ALL OF THE FOREGOING CHANGES WITHOUT INCREASING ANY TAX RATES."

SECTION 3. The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress, and if a majority of the electors voting on the question shall have voted "Yes", the said amendment shall become a part of the state constitution.

Page 1, strike lines 102 through 113.

Page 2, strike lines 101 through 121 and substitute the following:

"COLORADO, CONCERNING THE STABILIZATION OF GOVERNMENT REVENUES, AND, IN CONNECTION THEREWITH, SUSPENDING THE PROVISIONS OF SECTION 17 OF ARTICLE IX THAT REQUIRE AN INCREASE IN CERTAIN FUNDING REQUIREMENTS FOR PUBLIC SCHOOLS FOR STATE FISCAL YEARS 2005-06 AND 2006-07 AND IN STATE FISCAL YEARS FOLLOWING A DECLINE IN STATE FISCAL YEAR SPENDING; REQUIRING PUBLIC SCHOOL FUNDING TO INCREASE BY INFLATION PLUS ONE PERCENTAGE POINT UNTIL SUCH FUNDING EQUALS OR EXCEEDS LEVELS THAT WOULD HAVE BEEN REACHED IN THE ABSENCE OF A SUSPENSION; REPEALING THE REQUIREMENT THAT BEGINNING IN STATE FISCAL YEAR 2011-12 PUBLIC SCHOOL FUNDING GROW ANNUALLY BY AT LEAST THE RATE OF INFLATION; ESTABLISHING THE STATE FISCAL YEAR SPENDING LIMIT IN SECTION 20 OF ARTICLE X AS SIX PERCENT OF THE COLORADO ECONOMY AS MEASURED BY THE STATEWIDE AGGREGATE PERSONAL INCOME; ELIMINATING THE FISCAL YEAR SPENDING LIMIT FOR EACH LOCAL DISTRICT; ESTABLISHING A NEW LIMIT ON THE GROWTH OF EACH LOCAL DISTRICT'S PROPERTY TAX REVENUE; PERMITTING OTHER STATE AND LOCAL LIMITS ON DISTRICT REVENUE AND SPENDING TO BE STRENGTHENED OR WEAKENED BY STATE OR LOCAL LEGISLATIVE ACTION; ELIMINATING THE STATE EMERGENCY RESERVE; ESTABLISHING A STATE RAINY DAY FUND AND THE PERMITTED USES OF THE MONEYS IN SUCH FUND; AND MAKING ALL OF THE FOREGOING CHANGES WITHOUT INCREASING ANY TAX RATES.

**ROLL CALL VOTE ON Amendment L.006
to SCR04-013**

Senator Hillman requested a roll call vote on L.006 to **SCR04-013**.

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

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

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

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

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

NOTICE OF INTENT TO MOVE FOR RECONSIDERATION OF SCR04-013

Having voted on the prevailing side, Senator Hillman gave notice of intent to move for reconsideration of **SCR04-013**.

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

CONSIDERATION OF RESOLUTIONS

SJR04-014 by Senator(s) Lamborn; also Representative(s) White--Concerning Congress giving first priority to supporting and passing the defense appropriations bill.

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

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

Co-sponsors added: Arnold, Cairns, Chlouber, Entz, Jones, May, McElhany, Taylor, and Teck.

SJR04-022 by Senator(s) Hillman; also Representative(s) Mitchell--Concerning a request that the United States Senators of the state of Colorado support a floor vote for President Bush's judicial nominees.

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

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

Co-sponsors added: Anderson, Andrews, Arnold, Cairns, Chlouber, Dyer, Entz, Evans, Jones, Kester, Lamborn, May, McElhany, Owen, and Teck.

SJR04-010 by Senator(s) Keller; also Representative(s) Jahn--Concerning paperless voting systems.

Amendment No. 1, State, Veterans and Military Affairs Committee Amendment.
(Printed in Senate Journal, March 5, page 436 and placed in members' bill files.)

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

Amend printed joint resolution, page 2, after line 28, insert the following:

"(1) That the General Assembly of the state of Colorado urges the secretary of state and county clerks to comply with the voting system process improvements and requirements of the federal HAVA and the Colorado help America vote act, including accessibility requirements for voters with disabilities and voters with alternative language requirements;"

Renumber succeeding subsections accordingly.

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

Amend printed joint resolution, page 2, line 25, strike "now," and substitute "and";

strike line 26;

before line 27, insert the following:

"WHEREAS, The secretary of state's office does not oppose voter-verifiable paper ballots; and

WHEREAS, The secretary of state's office opposes use of untested and uncertified equipment in the conduct of elections; and

WHEREAS, The secretary of state's office supports a manual audit back-up system for recounts; now, therefore,"

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

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

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

SJR04-017 by Senator(s) Andrews; also Representative(s) Harvey--Concerning the recognition of the importance of Western civilization.

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

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

Co-sponsors added: Arnold, Cairns, Chlouber, Dyer, Evans, Hillman, Jones, Lamborn, McElhany, and Teck.

HJR04-1045 by Representative(s) Wiens, Berry, Smith; also Senator(s) Teck--Concerning the designation of March 29, 2004, as Salute Our Troops - Remembrance Day.

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

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

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

SJR04-032 by Senator(s) Hillman, Kester; also Representative(s) Brophy, Young, Hoppe--Concerning the designation of certain highways as the Ports-to-Plains Trade Corridor, the Heartland Expressway, and the High Plains Highway.

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

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

Co-sponsors added: Chlouber, Entz, Hanna, May, McElhany, Phillips, Sandoval, Tapia, Teck, and Tupa.

HJR04-1037 by Representative(s) Decker, Spradley; also Senator(s) McElhany--Concerning support for the quest to obtain a Nextel Cup race at Pikes Peak International Raceway.

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

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

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

SJR04-035 by Senator(s) Taylor, Andrews; also Representative(s) Larson--Concerning the declaration of May 9-15, 2004, as Police Week and May 15, 2004, as Peace Officers' Memorial Day.

Laid over until Friday, April 30, retaining its place on the calendar.

SJR04-038 by Senator(s) Teck, Isgar, Johnson S.; also Representative(s) Berry--Concerning the use of technology and electronic monitoring devices (telehealth care) in the delivery of health care services in the home.

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

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

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

SJR04-039 by Senator(s) Sandoval, Tapia, Andrews; also Representative(s) Cloer, Cerbo, Coleman, Frangas, Vigil, Salazar, Garcia--Concerning the recognition of Colorado's Hispanic population and the designation of a month to acknowledge their contributions to the state.

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

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

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

SJR04-040 by Senator(s) May R., Jones; also Representative(s) Sinclair--Concerning American patriotism in Colorado schools.

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

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

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

SJR04-043 by Senator(s) Anderson; --Concerning the recognition of the members of Company H, 3rd Battalion, 5th Marine Division, 1st Provisional Marine Brigade, who were called into action during the Korean War, and, in connection therewith, recognizing the reunion of these marines in Denver this May.

Laid over until Friday, April 30, retaining its place on the calendar.

HJR04-1038 by Representative(s) Spradley; also Senator(s) Andrews--Concerning nonsubstantive changes to the joint rules of the senate and the house of representatives, and, in connection therewith, making the joint rules gender-neutral, aligning the joint rules with current practices, and eliminating obsolete provisions.

Laid over until Friday, April 30, retaining its place on the calendar.

SJR04-046 by Senator(s) Tapia, Kester; also Representative(s) McFadyen, Butcher--Concerning a request for the department of defense to fully fund the Pueblo chemical depot project.

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

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

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

SJR04-013 by Senator(s) Johnson S.; also Representative(s) Fairbank--Concerning lifetime and retirement savings accounts.

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

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

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

SJR04-047 by Senator(s) Arnold; also Representative(s) Larson--Concerning Colorado peace officer appreciation day.

Laid over until Friday, April 30, retaining its place on the calendar.

SJR04-042 by Senator(s) Chlouber; also Representative(s) Witwer--Concerning an Office of Men's Health, and, in connection therewith, requesting that Congress pass S. 1028 and H.R. 1734 to amend the "Public Health Service Act" to create such office.

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

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

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

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

CONSIDERATION OF MEMORIALS

SJM04-003 by Senator(s) Tupa, Andrews, Arnold, Cairns, Entz, Evans, Gordon, Groff, Grossman, Hagedorn, Hanna, Hillman, Johnson S., Jones, Kester, Lamborn, Nichol, Owen, Reeves, Sandoval, Tapia, Taylor, Teck, Veiga, Windels; also Representative(s) Cadman, Larson, Garcia, Borodkin, Boyd, Briggs, Brophy, Butcher, Cerbo, Clapp, Cloer, Crane, Fairbank, Frangas, Hall, Hefley, Hoppe, Jahn, Lee, Lundberg, Madden, May M., McFadyen, McGihon, Merrifield, Miller, Paccione, Ragsdale, Rippey, Romanoff, Rose, Salazar, Schultheis, Smith, Spence, Stafford, Tochtrop, Vigil, Weddig, Welker, Williams S., Young--Memorializing Congress to propose an amendment to the United States Constitution requiring that the total amount of all federal appropriations made by Congress for any fiscal year not exceed the total of all estimated federal revenues for that fiscal year.

On motion of Senator Tupa, the memorial was **adopted** by the following roll call vote:

YES	32	NO	3	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	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	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	N	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	N	Sandoval	Y		

Co-sponsors added: Anderson, Arnold, and Chlouber.

SJM04-004 by Senator(s) Arnold, Andrews; also Representative(s) Mitchell--Memorializing Congress to abolish the alternative minimum tax for individuals and corporations.

On motion of Senator Arnold, the memorial was **adopted** by the following roll call vote:

YES	28	NO	7	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	Y
Arnold	Y	Grossman	N	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	N
Entz	Y	Isgar	N	Owen	Y	Veiga	N
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	N	Jones	Y	Reeves	N	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

Co-sponsors added: Chlouber, Evans, Hillman, Johnson, Jones, Lamborn, McElhany, Taylor, and Teck.

MESSAGES FROM THE HOUSE

April 29, 2004
Mr. President:

The House has postponed indefinitely SB04-183. The bill is returned herewith.

In response to the request of the Senate, the Speaker has appointed Representatives McCluskey, chairman, Berry, and Carroll as House conferees on the First Conference Committee on SB04-153.

The House has adopted and returns herewith SJR04-044.

April 29, 2004
Mr. President:

The House has voted not to concur in the Senate amendments to HB04-1261 and requests that a conference committee be appointed. The Speaker has appointed Representatives Lee, chairman, Hoppe, and Frangas as House conferees on the First Conference Committee on HB04-1261. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB04-1003 and requests that a conference committee be appointed. The Speaker has appointed Representatives McCluskey, chairman, Stengel, and Carroll as House conferees on the First Conference Committee on HB04-1003. The bill is transmitted herewith.

INTRODUCTION OF CONCURRENT RESOLUTION--FIRST READING

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

HCR04-1016 by Representative(s) Spradley; also Senator(s) Hillman--Submitting to the registered electors of the state of Colorado amendments to section 17 of article IX and section 20 of article X of the constitution of the state of Colorado, concerning a modification of constitutional restrictions affecting the ability of the general assembly to make adjustments to state spending in response to changing levels of state revenues, and, in connection therewith, restricting the growth in the statewide base per pupil funding for the 2005-06 and 2006-07 state fiscal years to the rate of inflation plus one additional percentage point; reducing by seventy-five million dollars the amount of moneys required to be spent on public school funding in the 2005-06 and 2006-07 state fiscal years; for the 2005-06 state fiscal year, requiring the state to retain up to one hundred fifty million dollars of excess state revenues; for the 2006-07 state fiscal year, requiring the state to retain up to the sum of one hundred fifty million dollars of excess state revenues and one hundred fifty million dollars of such revenues as adjusted for specified factors; and, for the 2007-08 and all

succeeding state fiscal years, requiring the state to retain up to the amount of excess state revenues retained in the 2006-07 state fiscal year as adjusted for specified factors.
Finance

MESSAGE FROM THE GOVERNOR

April 29, 2004

To the Honorable Senate
Sixty-fourth General Assembly
Second Regular Session
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following act:

S.J.R.04-003 – Concerning Additions And Modifications To The Water Pollution Control Revolving Fund Eligibility List.

Approved April 29, 2004 at 9:50 A.M.

S.J.R.04-004 – Concerning Additions And Modifications To The Drinking Water Revolving Fund Project Eligibility List.

Approved April 29, 2004 at 9:55 A.M.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd 4-29-04, 10:05 a..m.
Mona Heustis, Secretary of the Senate

APPOINTMENTS TO CONFERENCE COMMITTEE

HB04-1003 by Representative(s) McCluskey; also Senator(s) Johnson S.--Concerning laws related to the impersonation of a peace officer, and making an appropriation therefor.

The President appointed Senators Johnson, Chairman, Kester, and Reeves as Senate Conferees on the First Conference Committee on **HB04-1003**.

HB04-1261 by Representative(s) Lee; also Senator(s) Johnson S.--Concerning the regulation of dangerous dogs.

The President appointed Senators Johnson, Chairman, Kester, and Reeves as Senate Conferees on the First Conference Committee on **HB04-1261**.

TRIBUTES

Honoring Charles Brown -- by Senator John Andrews and Representative Lola Spradley.
Honoring John McConnell -- by Senator Ron Teck and Representative Matt Smith and Representative Gayle Berry.
Honoring Dr. David Rees -- by Senator Ron Teck and Representative Matt Smith and Representative Gayle Berry.

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 29, 2004, was laid over until

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Friday, April 30, 2004, retaining its place on the calendar.

Third Reading of Bills--Final Passage: SB04-215.
 General Orders--Second Reading of Bills: SCR04-007, SB04-232, SB04-203.
 Consideration of Resolutions: SJR04-049, SR04-010, SR04-011, HJR04-1057,
 HJR04-1077, HJR04-1052, HJR04-1058, HJR04-1085, HJR04-1090, SJR04-036,
 SJR04-057, HJR04-1051, SJR04-056.
 Consideration of House Amendments to Senate Bills: SB04-168, SB04-037, SB04-071,
 SB04-078, SB04-134, SB04-144.
 Consideration of Governor's Appointments:
 Member of the Juvenile Parole Board;
 Members of the Securities Board;
 Members of the Pinnocal Assurance Board of Directors.
 Consideration of Conference Committees Reports: HB04-1361.
 Conference Committees to Report: HB04-1117, HB04-1236, HB04-1177, SB04-131,
 SB04-108, SB04-125, HB04-1376.
 Requests for Conference Committees: SB04-153.



On motion of Senator Hillman, the Senate adjourned until 9:00 a.m., Friday, April 30, 2004.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

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