

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

One-hundred-eighteenth Legislative Day Monday, May 3, 2004

- Prayer By the chaplain, Greg Issac, Jordan Road Christian School.
- Pledge By Senator McElhany.
- Call to Order By the President at 9:00 a.m.
- Roll Call Present--35.
- Quorum The President announced a quorum present.
- Reading of Journal On motion of Senator Veiga, reading of the Journal of April 30, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB04-1261**

**THIS REPORT ADOPTS THE
REENGROSSED BILL**

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

Your first conference committee appointed on HB04-1261,
concerning the regulation of dangerous dogs, has met and reports that it
has agreed upon the following:

That the Senate recede from its amendments made to the bill and
that the reengrossed bill be adopted without change.

Respectfully submitted,

House Committee:	Senate Committee:
(signed)	(signed)
Representative Lee	Senator Johnson
Representative Hoppe	Senator Kester
Representative Frangas	Senator Reeves

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB04-125**

**THIS REPORT AMENDS THE
REREVISED BILL**

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67

Your first conference committee appointed on SB04-125, concerning the prompt payment of auto insurance benefits, has met and reports that it has agreed upon the following:

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

Amend rerevised bill, page 3, line 11, strike "CLEAN CLAIM";
strike lines 12 through 14;
line 15, after "CLAIM", insert "FORM".

Page 8, line 8, after "PERCENT", insert "PER ANNUM";
line 9, after "PERCENT", insert "PER ANNUM";

line 12, after the period, add "EXCEPT FOR SHORTER TIME PERIODS FOR CLEAN CLAIMS, ALL INTEREST BEGINS TO ACCRUE NINETY CALENDAR DAYS AFTER RECEIPT OF THE CLAIM BY THE INSURER."

Page 9, line 20, strike "10-4-634 (2) (a) OR (2) (c), C.R.S." and substitute "10-4-634."

Page 10, after line 5, insert the following:

"SECTION 3. 10-3-1110 (2), Colorado Revised Statutes, as amended by section 2 of House Bill 04-1234, enacted at the second regular session of the Sixty-fourth General Assembly, is amended to read:

10-3-1110. Regulations. (2) The commissioner may, after notice and hearing, as provided in article 4 of title 24, C.R.S., promulgate rules with respect to the payment of benefits under group and individual contracts of property or casualty coverage, issued by organizations authorized to do business in this state under the provisions of article 4 of this title; except that, to the extent that a provision of this subsection (2) conflicts with section 10-4-634, AS ENACTED BY SENATE BILL 04-125, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY, the provisions of SAID section 10-4-634, shall govern. Such rules may establish a penalty payable to the claimant on benefit payments that are delayed more than sixty days after a valid and complete filing of the claim unless there is a reasonable dispute between the parties concerning such claim. Such penalty shall not exceed twenty dollars on claims of less than one hundred dollars or interest at a rate of eight percent annually on claims above one hundred dollars. In addition to such penalties payable to the claimant, the commissioner, after notice and hearing, may assess a civil penalty against any insurer of one hundred dollars per day for each day benefit payments are delayed more than sixty days after a valid and complete filing of the claim unless there is a reasonable dispute between the parties concerning such claim."

Renumber succeeding sections accordingly.

Page 10, line 7, change the period to a semicolon and add "except that section 3 of this act shall only take effect if House Bill 04-1234 is enacted and becomes law."

Respectfully submitted,

Senate Committee:
(signed)
Senator Kester
Senator Johnson
Senator Takis

House Committee:
(signed)
Representative Mitchell
Representative Cloer
Representative Paccione

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB04-108

THIS REPORT AMENDS THE
REENGROSSED BILL

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

Your first conference committee appointed on SB04-108,
concerning the administration of claims under the "Unclaimed Property
Act", has met and reports that it has agreed upon the following:

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

Amend reengrossed bill, page 2, after line 1, insert the following:

"SECTION 1. 38-13-102 (7) (b), Colorado Revised Statutes, is
amended, and the said 38-13-102 is further amended BY THE
ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

38-13-102. Definitions and use of terms. As used in this article,
unless the context otherwise requires:

(5.3) "GAMING AWARD POINTS" MEANS ANY MARKETING OR
PROMOTIONAL COUPONS, CERTIFICATES, PLAYER AWARD OR OTHER CARDS,
POINTS, OR OTHER REPRESENTATIVES OF VALUE THAT:

(a) A LICENSED GAMING ESTABLISHMENT, IN CONNECTION WITH ITS
PROMOTIONAL ACTIVITIES, ISSUES TO A PERSON FOR VISITING THE
ESTABLISHMENT, FOR USING THE SERVICES OF THE ESTABLISHMENT, OR
FOR GAMBLING AT THE ESTABLISHMENT; AND

(b) MAY BE REDEEMED AT A LICENSED GAMING ESTABLISHMENT
FOR CASH OR ANY OTHER REPRESENTATIVE OF VALUE, FOOD, PRODUCTS,
GOODS, OR SERVICES.

(5.5) "GAMING CHIP OR TOKEN" MEANS A GAMING CHIP, TOKEN,
ENCODED CREDIT CERTIFICATE, OR OTHER REPRESENTATIVE OF VALUE
THAT IS ISSUED AND SOLD BY A LICENSED GAMING ESTABLISHMENT FOR
USE IN GAMING, OTHER THAN A CARD OR SIMILAR DEVICE ISSUED AND SOLD
BY A LICENSED GAMING ESTABLISHMENT THAT IS CLEARLY IDENTIFIABLE
ON ITS FACE OR ENCODING AS BEING OWNED BY A SPECIFIC AND
DESIGNATED PERSON.

(7) (b) "Intangible property" does not include unclaimed capital
credit payments held by cooperative electric associations and telephone
cooperatives, GAMING CHIPS OR TOKENS, OR GAMING AWARD POINTS.

(8.3) "LICENSED GAMING ESTABLISHMENT" SHALL HAVE THE SAME
MEANING AS SET FORTH IN SECTION 12-47.1-103 (15), C.R.S.

SECTION 2. Article 13 of title 38, Colorado Revised Statutes,
is amended BY THE ADDITION OF A NEW SECTION to read:

**38-13-108.7 Gaming chips or tokens - gaming award points -
inapplicability.** THIS ARTICLE SHALL NOT APPLY TO GAMING AWARD
POINTS AND GAMING CHIPS OR TOKENS ISSUED OR SOLD BY A LICENSED
GAMING ESTABLISHMENT BEFORE, ON, OR AFTER THE EFFECTIVE DATE OF
THIS SECTION, EXCEPT TO THE EXTENT THE STATE HAS TAKEN CUSTODY OF
ANY GAMING AWARD POINTS OR GAMING CHIPS OR TOKENS ON OR BEFORE
JANUARY 1, 2004."

Renumber succeeding sections accordingly.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

Respectfully submitted,

Senate Committee:
(signed)
Senator Hillman
Senator McElhany
Senator Fitz-Gerald

House Committee:
(signed)
Representative McCluskey
Representative Wiens
Representative Plant

MESSAGE FROM THE HOUSE

April 30, 2004
Mr. President:

The House has adopted the First Report of the First Conference Committee on SB04-108, as printed in House Journal, April 26, pages 1552-1553, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on SB04-125, as printed in House Journal, April 27, pages 1563-1564, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on HB04-1061, as printed in House Journal, April 27, page 1636, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB04-1115, as printed in House Journal, April 27, pages 1636-1637, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB04-1387, as printed in House Journal, April 27, pages 1637-1638, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB04-1263, as printed in House Journal, April 27, page 1637, and has repassed the bill as amended.

The House has voted not to concur in the Senate amendments to HB04-1141 and requests that a conference committee be appointed. The Speaker has appointed Representatives King, chairman, Spence, and Carroll as House conferees on the First Conference Committee on HB04-1141. The bill is transmitted herewith.

The House has voted to concur in the Senate amendments to HB04-1373, 1292, and has repassed the bills as so amended.

The House has voted to concur in the Senate amendments to HCR04-1005 and has repassed the resolution as so amended.

MESSAGE FROM THE REVISOR OF STATUTES

April 30, 2004

We herewith transmit:

Without comment, as amended, HB04-1455 and 1456.

Without comment, as amended, SB04-196, 211, 65, 219, 230, 247, and 229.

INTRODUCTION OF BILLS--FIRST READING

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

SB04-261 by Senator(s) Reeves, Isgar; also Representative(s) Rippy, Tochtrop--Concerning the regulation of medication administration by certified nurse aides, and making an appropriation in connection therewith.
Judiciary

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

Appropriations

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

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

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, Senate Rule 4 was suspended for Special Orders--Second Reading of Bills and the Special Orders--Second Reading of Bills calendar was laid over until later in the day, May 3.

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:

HB04-1199 by Representative(s) Lee, Briggs, Crane, Hefley, Jahn, King, Larson, Pommer, Rose, Schultheis, Sinclair, Spence, Stafford, Welker, Williams S.; also Senator(s) McElhany--Concerning nonfelony traffic matters involving minors under the age of eighteen years.

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

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

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

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

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

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

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

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

IMMEDIATE RECONSIDERATION OF SB04-248

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

Having voted on the prevailing side, Senator Phillips moved for immediate reconsideration and reversal of the roll call on **SB04-248**. The roll call was taken with the following result:

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

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

THIRD READING--FINAL PASSAGE OF BILLS--continued

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.

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

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

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

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.

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

Laid over to follow Consideration of Resolutions, 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 to follow Consideration of Resolutions, retaining its place on the calendar.

SCR04-024 by Senator(s) Johnson S.; also Representative(s) May M.--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.

Laid over to follow Consideration of Resolutions, retaining its place on the calendar.

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

CONSIDERATION OF RESOLUTIONS

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

Laid over until May 6, 2004.

SJR04-049 by Senator(s) Lamborn; also Representative(s) Schultheis--Concerning petitioning the executive secretary of the United States board on geographic names to change the name of Republican Mountain to Mount Democrat, and, in connection therewith, changing the name of Mount Democrat to Republican Mountain.

Laid over until May 6, 2004.

SR04-011 by Senator(s) Hillman; --Concerning nonsubstantive changes to the rules of the senate.

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		

HJR04-1077 by Representative(s) Jahn, Boyd, Hefley, Hodge, Romanoff, Rose, Stafford; also Senator(s) Anderson--Concerning National Crime Victims' Rights Week.

On motion of Senator Anderson, 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: 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, Teck, Tupa, Veiga, and Windels.

HJR04-1052 by Representative(s) King; also Senator(s) Hillman--Concerning the convening date for the 2005 First Regular Session of the Sixty-fifth General Assembly.

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

YES	30	NO	5	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	Y
Arnold	Y	Grossman	N	Lamborn	N	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	N	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	N		

HJR04-1058 by Representative(s) Spradley; also Senator(s) Andrews--Concerning endorsement of the participation of Taiwan in the World Health Organization.

On motion of Senator Andrews, 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, Evans, Gordon, Groff, Grossman, Hanna, Hillman, Johnson, Jones, Lamborn, May, Phillips, Sandoval, Taylor, Teck, Tupa, and Windels.

SJR04-036 by Senator(s) Jones, Andrews, Arnold, Cairns, Chlouber, Dyer, Evans, Groff, Hillman, Johnson S., Kester, Lamborn, May R., McElhany, Owen, Sandoval, Tapia, Teck; also Representative(s) Spence--Concerning the Colorado Legislative Education Reform Caucus.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, April 22, page 961 and placed in members' bill files.)

On motion of Senator Jones, 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, Entz, Fitz-Gerald, Gordon, Grossman, Hagedorn, Hanna, Isgar, Keller, Nichol, Phillips, Reeves, Takis, Taylor, Tupa, Veiga, and Windels.

SJR04-057 by Senator(s) Hillman; also Representative(s) King--Concerning a limitation on the number of bills that may be sponsored by committees that meet during the legislative interim.

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

Amend printed joint resolution, page 2, strike lines 4 through 10 and substitute the following:

"more than one bill per member of the Senate or House serving on such committee; except that any committee that has fewer than eight legislative members shall be allowed to recommend up to eight bills. In order".

On motion of Senator Hillman, 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 and Teck.

SJR04-056 by Senator(s) Andrews; also Representative(s) Hefley--Concerning the creation of an interim committee to study judicial reform.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, April 27, pages 1037-1038 and placed in members' bill files.)

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

YES	19	NO	16	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	N	Tupa	N
Entz	Y	Isgar	N	Owen	Y	Veiga	N
Evans	Y	Johnson	Y	Phillips	N	Windels	N
Fitz-Gerald	N	Jones	Y	Reeves	N	Mr. President	Y
Gordon	N	Keller	N	Sandoval	N		

Co-sponsors added: Arnold, Cairns, Chlouber, Dyer, and Evans.

SJR04-058 by Senator(s) Hillman, Andrews, Fitz-Gerald; also Representative(s) King, Spradley, Romanoff--Concerning the adjournment sine die of the Second Regular Session of the Sixty-fourth General Assembly.

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: Arnold, Chlouber, Grossman, and Lamborn.

SJR04-059 by Senator(s) Hillman, Andrews, Fitz-Gerald; also Representative(s) Cloer, Johnson R., Garcia, Jahn--Concerning the retention of officers and employees of the Second Regular Session of the Sixty-fourth General Assembly.

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		

HJR04-1062 by Representative(s) Weissmann, Mitchell; also Senator(s) Tupa--Concerning the general assembly urging the National Aeronautics and Space Administration to reconsider its decision to not extend the life of the Hubble Space Telescope.

On motion of Senator Tupa, 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, Teck, Veiga, and Windels.

HJR04-1057 by Representative(s) Borodkin, Garcia, Madden, McFadyen, Paccione, Plant, Ragsdale, Romanoff, Salazar, Weddig; also Senator(s) Gordon--Concerning the commemoration of the 132nd anniversary of B'nai B'rith Denver.

On motion of Senator Gordon, 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, 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.

HJR04-1051 by Representative(s) Cloer, Sinclair, Schultheis, Cadman, Decker, Hefley, King, Merrifield, Spradley; also Senator(s) Lamborn, May R., McElhany--Concerning the recognition of the military personnel from Colorado who are serving in Operation Iraqi Freedom and honoring those who have died while serving in Iraq.

On motion of Senator Lamborn, the resolution was read in part 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, Cairns, Chlouber, Dyer, Entz, Evans, Fitz-Gerald, Gordon, Groff, Grossman, Hagedorn, Hanna, Hillman, Isgar, Johnson, Jones, Keller, Kester, 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 to Third Reading--Final Passage of Bills.

THIRD READING--FINAL PASSAGE OF BILLS

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

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.

Senator Anderson was given permission to offer a Third Reading amendment (Senate Journal, May 3, page 1166).

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

Amend engrossed bill, page 8, line 25, strike "THREE" and substitute "FOUR".

Page 20, line 10, strike "FOR" and substitute "EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-75-1104.5 (1), FOR";

line 15, strike "EIGHTY MILLION" and substitute "THIRTY-THREE MILLION TWO HUNDRED SEVENTY-EIGHT THOUSAND NINE HUNDRED TWENTY-ONE";

line 18, "FOR" and substitute "EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-75-1104.5 (1), FOR";

line 23, strike "NINETY-THREE MILLION TWO HUNDRED EIGHTY THOUSAND" and substitute "THIRTY-FIVE MILLION FIVE HUNDRED FIFTY-EIGHT THOUSAND NINE HUNDRED TWENTY-ONE".

Page 29, line 23, strike "THE MAXIMUM AMOUNTS OF";

strike lines 24 through 27.

Page 30, line 4, strike "THE MAXIMUM AMOUNTS OF MONEYS THAT";

strike lines 5 through 8;

line 12, strike "THE MAXIMUM AMOUNTS OF MONEYS THAT MAY BE";

strike lines 13 through 16;

line 17, after "THE", insert "DIVISION OF";

line 18, strike "DIVISION OF THE DEPARTMENT OF HUMAN SERVICES" and substitute "OF THE DEPARTMENT OF HUMAN SERVICES ESTABLISHED IN

PART 2 OF ARTICLE 1 OF TITLE 25, C.R.S.";

line 19, strike "THE MAXIMUM AMOUNTS OF";

strike lines 20 through 23.

Page 31, strike lines 6 through 10 and substitute the following:

"C.R.S.";

strike lines 14 through 18;

line 19, strike "(I)";

line 23, strike "THE MAXIMUM";

strike lines 24 through 27.

Page 32, line 1, strike "(II)" and substitute "(h)";

line 8, strike "THE MAXIMUM AMOUNT OF MONEYS THAT MAY BE";

strike lines 9 through 11;

line 12, strike "(III)" and substitute "(i)";

strike lines 18 through 21;

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

line 25, after "TO" insert "EACH";

line 26, strike "PROVIDERS" and substitute "PROVIDER".

Page 33, line 1, strike "THE MAXIMUM AMOUNTS OF";

strike lines 2 through 5;

line 6, strike "(h)" and substitute "(k)".

Page 34, line 26, strike "DOLLARS." and substitute "DOLLARS PER YEAR.".

Page 35, line 24, after "TO" insert "EACH";

line 25, strike "PROVIDERS" and substitute "PROVIDER".

Page 37, line 21, strike "(a)," and substitute "(g),";

strike line 26 and substitute the following:

"(1.3) (a) IF THE STATE PERSONNEL DIRECTOR ENTERS INTO ONE OR MORE PROPERTY".

Page 38, after line 13, insert the following:

"SECTION 5. 19-2-303.5 (1), Colorado Revised Statutes, is amended to read:

19-2-303.5. Juvenile diversion cash fund - creation. (1) Fifty percent of the moneys collected pursuant to section 18-4-509 (2) (a), C.R.S., shall be transmitted to the state treasurer, who shall credit the same to the juvenile diversion cash fund, which fund is hereby created and referred to in this section as the "fund". MONEYS APPROPRIATED PURSUANT TO SECTION 24-75-1104.5 (1) (c), C.R.S., SHALL ALSO BE CREDITED TO THE FUND. The moneys in the fund shall be subject to annual appropriation by the general assembly for the direct and indirect costs associated with the implementation of the juvenile diversion program pursuant to section 19-2-303.".

Renumber succeeding sections accordingly.

Page 39, line 17, strike "(b)" and substitute "(k)";

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

line 26, after "AGREEMENT.", add "FOR FISCAL YEARS 2005-06, 2006-07, AND 2007-08, IF THE STATE PERSONNEL DIRECTOR HAS ENTERED INTO A PROPERTY SALE CONTRACT PURSUANT TO SECTION 24-82.5-110, C.R.S., AND THE TOBACCO LITIGATION SETTLEMENT FINANCING CORPORATION CREATED IN SECTION 24-82.5-104, C.R.S., HAS BONDS OUTSTANDING, THE GENERAL ASSEMBLY SHALL NOT APPROPRIATE MONEYS AS SPECIFIED IN PARAGRAPH (a) OF THIS SECTION, BUT SHALL INSTEAD APPROPRIATE MONEYS AS REQUIRED BY SECTION 24-75-1104.5 (1) (g) AND (1) (k) (VI), C.R.S."

1
2
3
4
5
6
7
8
9

Page 41, after line 2, insert the following:

10
11

"SECTION 11. 26-4-695, Colorado Revised Statutes, as enacted by Senate Bill 04-177, enacted at the Second Regular Session of the Sixty-fourth General Assembly, is amended to read:

12
13
14
15

26-4-695. Colorado autism treatment fund. The Colorado autism treatment fund is hereby created and established in the state treasury for the purpose of paying for services provided to eligible children pursuant to this subpart 7. Such fund shall be comprised of tobacco settlement moneys allocated to such fund AND MONEYS APPROPRIATED TO THE FUND PURSUANT TO SECTION 24-75-1104.5 (1) (h) AND (1) (k) (VII), C.R.S. Moneys in the fund shall be subject to annual appropriation by the general assembly for the purposes of this subpart 7. At the end of any fiscal year, all unexpended and unencumbered moneys in the fund shall remain therein and shall not be credited or transferred to the general fund or any other fund. Any moneys in the fund not expended for the purpose of this subpart 7 may be invested by the state treasurer as provided by law. All interest and income derived from the investment and deposit of moneys in the fund shall be credited to the fund."

16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Renumber succeeding sections accordingly.

32
33

Page 41, after line 11, insert the following:

34
35

"SECTION 13. 26-11-205.5 (5), Colorado Revised Statutes, is amended to read:

36
37
38

26-11-205.5. Older Coloradans program - distribution formula. (5) There is hereby created the older Coloradans cash fund, referred to in this subsection (5) as the "fund". The fund shall consist of moneys transferred to the fund from sales and use taxes pursuant to the provisions of section 39-26-123 (2) (a) (I) (A.6) and (4), C.R.S., MONEYS APPROPRIATED TO THE PROGRAM PURSUANT TO SECTION 24-75-1104.5 (1) (a), C.R.S., and any OTHER moneys appropriated to the fund by the general assembly. In addition, the state treasurer may credit to the fund any public or private gifts, grants, or donations received by the state department for implementation of the program. The fund shall be subject to annual appropriation by the general assembly to the state department. Notwithstanding the provisions of section 24-36-114, C.R.S., all interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. Any amount remaining in the fund at the end of any fiscal year shall remain in the fund and not be transferred or credited to the general fund or any other fund."

39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55

Renumber succeeding sections accordingly.

56
57

Page 43, after line 13, insert the following:

58
59

"SECTION 17. 31-30.5-307 (1) (a), Colorado Revised Statutes, is amended to read:

60
61
62

31-30.5-307. State contribution. (1) (a) Any moneys allocated for distribution pursuant to subsection (2) of this section OR RECEIVED PURSUANT TO SECTION 24-75-1104.5 (1) (e), C.R.S., shall be distributed by the fire and police pension association board of directors annually to any fund of an old hire pension plan established pursuant to this article having an unfunded accrued liability to assist in amortizing such unfunded accrued liability as determined in the January 1, 1994, actuarial studies performed under section 31-30.5-306. Beginning in 1995 and in each state fiscal year through the 2011-12 state fiscal year, with the

63
64
65
66
67
68
69
70
71
72

exception of the 2003-04 and 2004-05 state fiscal years pursuant to subsection (5) of this section, each such fund having an unfunded accrued liability shall be credited with that amount of state contributions that it received in 1994 to assist in retiring its unfunded liability. In addition, if the annual employer contribution amount established by section 31-30.5-304 (5) will result in total employer contributions to any such fund that, on a present value basis as determined by the association, are more than five percent higher than what the estimated total employer contributions to such fund would have been but for section 31-30.5-304 (5), then each such fund shall receive that amount of supplemental state contributions sufficient to eliminate, on a present value basis, the estimated aggregate increase in employer contributions attributable to the enactment of section 31-30.5-304 (5). Any remaining state contributions shall be distributed to each such fund based upon the amount, as determined by an independent actuarial review and certified by the board to the joint budget committee each December 1, that is consistent with the general assembly's intent that the unfunded liabilities in all such funds will be eliminated no later than June 30, 2012. If in any year the annual state contribution for unfunded liabilities is less than the amount contributed under subsection (2) of this section on September 30, 1995, each such fund having an unfunded accrued liability shall be credited with state contributions in proportion to the percentage of aggregate unfunded accrued liabilities each such fund represents, excluding any unfunded liabilities attributable to additional plan benefits adopted under section 31-30.5-210 (2). No money shall be distributed pursuant to this subsection (1) to an employer having rank escalation for old hire members, which is not in the association. For the purposes of this subsection (1), "rank escalation" means the addition to the amount of the retirement pension or disability benefit being received of a fixed percentage of any increase in salary, as well as longevity or additional pay based on length of service, granted the rank a member occupied before retiring or being disabled."

Renumber succeeding sections accordingly.

Page 44, after line 4, insert the following:

"SECTION 20. Effective date. This act shall take effect on passage; except that section 24-75-1104.5 (1) (h) and (1) (k) (VII), Colorado Revised Statutes, enacted in section 2 of this act, and section 11 of this act shall take effect only if Senate Bill 04-177, enacted at the Second Regular Session of the Sixty-fourth General Assembly, becomes law."

Renumber succeeding section accordingly.

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

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

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

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

IMMEDIATE RECONSIDERATION OF SB04-203

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.

Having voted on the prevailing side, Senator Anderson moved for immediate reconsideration and reversal of the roll call on **SB04-203**. The roll call was taken with the following result:

YES	17	NO	18	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Takis	Y
Arnold	N	Grossman	N	Lamborn	N	Tapia	Y
Cairns	N	Hagedorn	N	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	N	Veiga	Y
Evans	N	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	N	Reeves	Y	Mr. President	N
Gordon	Y	Keller	Y	Sandoval	Y		

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

COMMITTEE OF REFERENCE REPORTS

Appropriations

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

Amend Business Affairs and Labor Committee Report, dated April 28, 2004, page 1, strike lines 1 through 3 and substitute the following:

"Amend reengrossed bill, page 2, strike lines 14 and 15 and substitute the following:

"Statutes, are amended to read:".

Page 3, strike lines 23 through 27."

Page 2 of the committee report, line 4, strike the last period and substitute a semicolon;

after line 4, insert the following:

"strike lines 9 through 15 and substitute the following:

"(9) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE MONEYS COLLECTED AS FINES IMPOSED PURSUANT TO PARAGRAPHS (a) AND (b) OF SUBSECTION (4) OF THIS SECTION ARE TO BE USED FOR THE SUPERVISION OF THE PUBLIC HIGHWAYS. THE GENERAL ASSEMBLY DETERMINES THAT LAW ENFORCEMENT AGENCIES THAT PATROL AND MAINTAIN THE PUBLIC SAFETY ON PUBLIC HIGHWAYS ARE SUPERVISING THE PUBLIC HIGHWAYS. THE GENERAL ASSEMBLY FURTHER DETERMINES THAT A CLERK AND RECORDER FOR A COUNTY IS SUPERVISING THE PUBLIC HIGHWAYS THROUGH HIS OR HER ENFORCEMENT OF THE REQUIREMENTS FOR DEMONSTRATION OF PROOF OF MOTOR VEHICLE INSURANCE PURSUANT TO SECTION 42-3-105(1)(c)(I). THEREFORE, OF THE MONEYS COLLECTED FROM FINES PURSUANT TO PARAGRAPHS (a) AND (b) SUBSECTION (4) OF THIS SECTION, FIFTY PERCENT OF THESE MONEYS SHALL BE TRANSFERRED TO THE LAW ENFORCEMENT AGENCY THAT ISSUED THE TICKET FOR A VIOLATION OF THIS SECTION. THE REMAINING FIFTY PERCENT OF THE MONEYS COLLECTED FROM FINES FOR VIOLATIONS OF PARAGRAPHS (a) OR (b) OF SUBSECTION (4) OF THIS SECTION SHALL BE TRANSMITTED TO THE CLERK AND RECORDER FOR THE COUNTY IN WHICH THE VIOLATION OCCURRED.".

		1
		2
Appropriations	After consideration on the merits, the Committee recommends that HB04-1136 be postponed indefinitely.	3
		4
		5
		6
		7
Appropriations	After consideration on the merits, the Committee recommends that HB04-1454 be referred to the Committee of the Whole with favorable recommendation.	8
		9
		10
Appropriations	After consideration on the merits, the Committee recommends that HB04-1447 be referred to the Committee of the Whole with favorable recommendation.	11
		12
		13
		14
		15
		16
	On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HCR04-1013, HB04-1193, HB04-1447, HB04-1454 were made Special Orders at 10:20 a.m.	17
		18
		19
		20
		21
Committee of the Whole	The hour of 10:20 a.m. having arrived, Senator Arnold moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Arnold was called to the Chair to act as Chairman.	22
		23
		24
		25
	SPECIAL ORDERS--SECOND READING OF BILLS	26
		27
	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:	28
		29
		30
		31
		32
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.	33
		34
		35
		36
		37
		38
		39
	Declared lost on Second Reading.	40
		41
		42
HB04-1193	by Representative(s) Fairbank, Jahn; also Senator(s) Hillman, Veiga--Concerning requirements for operating a motor vehicle with valid proof of complying insurance.	43
		44
		45
	<u>Amendment No. 1, Business Affairs and Labor Committee Amendment.</u>	46
	(Printed in Senate Journal, April 29, pages 1075-1076 and placed in members' bill files.)	47
		48
	<u>Amendment No. 2, Appropriations Committee Amendment.</u>	49
	(Printed in Senate Journal, May 3, page 1175 and placed in members' bill files.)	50
		51
	As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.	52
		53
		54
		55
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.	56
		57
		58
		59
		60
	Ordered revised and placed on the calendar for Third Reading and Final Passage.	61
		62
		63
HB04-1454	by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--Concerning a supplemental appropriation to the department of higher education.	64
		65
		66
	Ordered revised and placed on the calendar for Third Reading and Final Passage.	67
		68
		69

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Arnold, 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: HB04-1193 as amended, HB04-1447, HB04-1454.
Lost on Second Reading: HCR04-1013.

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB04-1236**

**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 HB04-1236, concerning notice requirements to be made by an insurer to an applicant for homeowner's insurance, has met and reports that it has agreed upon the following:

1. That the House accede to the Senate amendments made to the bill as said amendments appear in the rerevised bill.

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

Amend rerevised bill, page 3, line 4, before "THAT", insert "PURSUANT TO SECTION 10-4-110";

strike line 14 and substitute the following:

"TO PUBLIC EXAMINATION; EXCEPT THAT THE COMMISSIONER MAY USE INFORMATION FROM THE UNDERWRITING METHODOLOGIES FILED PURSUANT TO THIS SUBSECTION (4) THAT DOES NOT IDENTIFY A SPECIFIC INSURER FOR CONSUMER INFORMATION PUBLICATIONS CONCERNING HOMEOWNER'S INSURANCE.

(5) IF AN INSURER ISSUES A BINDER OR A POLICY OF INSURANCE DURING A PERIOD IN WHICH THE INSURER ASSESSES THE RISK RELATED TO AN INDIVIDUAL'S REAL AND PERSONAL PROPERTY FOR THE PURPOSES OF HOMEOWNER'S INSURANCE, THE INSURER SHALL PROVIDE NOTICE TO THE POTENTIAL INSURED THAT THE DOCUMENTS ARE CONDITIONAL AND THAT THE INSURER HAS THIRTY BUSINESS DAYS, COMMENCING ON THE EFFECTIVE DATE OF THE CONDITIONAL COVERAGE, TO EVALUATE THE ISSUANCE OF A POLICY FOR HOMEOWNER'S INSURANCE. IF THE INSURER REFUSES TO ISSUE A POLICY OF HOMEOWNER'S INSURANCE OR CANCELS A CONDITIONAL POLICY THAT HAS BEEN ISSUED AS OF AN EFFECTIVE DATE WITHIN THIS THIRTY-BUSINESS-DAY PERIOD, THE INSURER SHALL NOTIFY THE HOMEOWNER OF THE INSURER'S DECISION. IF, PRIOR TO THE EXPIRATION OF THE THIRTY-BUSINESS-DAY PERIOD, THE INSURER OBTAINS INFORMATION SHOWING AN ARTICULABLE AND REASONABLE BASIS ON WHICH THE INSURER MIGHT BE JUSTIFIED IN CANCELLING COVERAGE AND THE INSURER BELIEVES THAT FURTHER INVESTIGATION OR REPAIR OF THE PROPERTY IS NECESSARY, THE THIRTY-BUSINESS-DAY PERIOD MAY BE EXTENDED. THE INSURER SHALL COMPLETE ANY INSPECTION ASSOCIATED WITH THE UNDERWRITING OF THE NEW PROPERTY WITHIN THE THIRTY-BUSINESS-DAY PERIOD.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

SECTION 2. Part 1 of article 4 of title 10, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

10-4-110.6. Homeowner's insurance - definition. FOR THE PURPOSES OF THIS ARTICLE, "HOMEOWNER'S INSURANCE" MEANS INSURANCE THAT COVERS DAMAGE OR LOSS TO ALL TYPES OF HOMES, INCLUDING, BUT NOT LIMITED TO, SITE-BUILT HOMES, MANUFACTURED HOMES, FACTORY-BUILT HOMES, AND MOBILE HOMES.

10-4-110.8. Homeowner's insurance - prohibited practice - definitions. (1) AN INSURER MAY NOT CANCEL OR FAIL TO RENEW COVERAGE OF AN INSURED SOLELY BECAUSE THE INSURED INQUIRES ABOUT COVERAGE FOR HOMEOWNER'S INSURANCE AND THE INQUIRY IS NOT RELATED TO AN ACTUAL CLAIM TO THE PROPERTY INSURED.

(2) AN INSURER MAY ONLY PROVIDE INFORMATION REGARDING CLAIMS TO AN ENTITY THAT COMPILES OR MONITORS PERSONAL CLAIM OR LOSS EXPERIENCE SHARED BY INSURERS FOR UNDERWRITING OR RATING PURPOSES.

(3) FOR THE PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "CLAIM" INCLUDES A DEMAND FOR PAYMENT OF A BENEFIT BY THE INSURED, THE PAYMENT OF A COVERED BENEFIT BY AN INSURER, A LOSS RESERVE ESTABLISHED BY THE INSURER, A LOSS ADJUSTMENT EXPENSE INCURRED BY THE INSURER, OR A PAYMENT MADE TO THE INSURED.

(4) FOR THE PURPOSES OF THIS SECTION, "INQUIRY" MEANS A REQUEST FOR INFORMATION REGARDING THE TERMS, CONDITIONS, OR COVERAGES AFFORDED UNDER AN INSURANCE CONTRACT.

10-4-116. Loss history information report - notice to insured - definition. (1) EACH INSURER SHALL PRINT IN AT LEAST TWELVE-POINT BOLD-FACED TYPE, ON THE FIRST PAGE OF EACH PACKET CONTAINING THE INSURANCE POLICY AND EACH PACKET CONTAINING THE RENEWAL NOTICE FOR HOMEOWNER'S INSURANCE OR AS A SEPARATE DOCUMENT:

(a) INFORMATION REGARDING HOW AN INSURED MAY OBTAIN A FREE COPY OF HIS OR HER LOSS HISTORY INFORMATION REPORT;

(b) A TOLL-FREE TELEPHONE NUMBER THAT THE INSURED MAY CALL TO OBTAIN THE LOSS HISTORY INFORMATION REPORT; AND

(c) A WEBSITE ADDRESS THAT THE INSURED MAY ACCESS TO OBTAIN THE LOSS HISTORY INFORMATION REPORT.

(2) FOR THE PURPOSES OF THIS SECTION, "LOSS HISTORY INFORMATION REPORT" MEANS A COMPILATION OF AN INSURED'S PRIOR LOSS HISTORY INFORMATION USED BY AN INSURER IN THE INSURED'S HOMEOWNER'S INSURANCE UNDERWRITING PROCESS. SUCH INFORMATION MAY INCLUDE, BUT NEED NOT BE LIMITED TO, THE INSURED'S NAME, DATE OF BIRTH, AND CLAIM INFORMATION SUCH AS DATE OF LOSS, TYPE OF LOSS, AND THE AMOUNTS PAID FOR THE LOSS, IF ANY, OR ANY OTHER INFORMATION THAT MAY NEGATIVELY AFFECT THE INSURED'S RATE OF HOMEOWNER'S INSURANCE OR ABILITY TO OBTAIN HOMEOWNER'S INSURANCE. A LOSS HISTORY INFORMATION REPORT SHALL INCLUDE ONLY INFORMATION REGARDING CLAIMS MADE TO AN INSURER AND SHALL NOT INCLUDE INFORMATION REGARDING INQUIRIES MADE TO THE INSURER.

10-4-117. Severability. IF ANY PROVISION OR CLAUSE OF THIS PART 1 OR APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCES IS HELD INVALID, SUCH INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS PART 1 THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS TITLE ARE DECLARED TO BE SEVERABLE."

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67

Renumber succeeding section accordingly.

Respectfully submitted,

House Committee:	Senate Committee:
(signed)	(signed)
Representative McCluskey	Senator Cairns
Representative Jahn	Senator Veiga
Representative Clapp	Senator McElhany

INTRODUCTION OF BILL--FIRST READING

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

HB04-1407 by Representative(s) Briggs, Crane; also Senator(s) Tapia--Concerning the prohibition of a requirement in construction contracts that a person indemnify another person for that other person's own negligence.
State Veterans & Military Affairs

APPOINTMENTS TO CONFERENCE COMMITTEE

HB04-1141 by Representative(s) King, Briggs, Cadman, Carroll, Clapp, Cloer, Crane, Decker, Fairbank, Hall, Harvey, Hefley, Jahn, Lee, Lundberg, May M., Miller, Mitchell, Rhodes, Rose, Schultheis, Sinclair, Spence, Spradley, Stafford, Welker, White, Wiens, Witwer; also Senator(s) Andrews, Arnold, Chlouber, Dyer, Evans, Groff, Hagedorn, Hillman, Johnson S., Jones, Kester, Lamborn, May R., McElhany, Owen, Teck--Concerning charter schools, and, in connection therewith, providing for the creation of state charter schools, and making an appropriation therefor.

The President appointed Senators Andrews, Chairman, McElhany, and Groff as Senate Conferees on the First Conference Committee on **HB04-1141**.

SENATE SERVICES REPORTS

Correctly Printed: SB04-260; SCR04-025.

Correctly Engrossed: SB04-203 and 248; SCR04-024.

Correctly Reengrossed: SB04-215, 233, 251, 253, 254 and 257; SJR04-35 and 43; SR04-010.

Correctly Revised: HB04-1240.

Correctly Rerevised: HB04-1034, 1086, 1171, 1207, 1210, 1256, 1347, 1360, 1362, 1375, 1405, 1430, 1433, 1435, 1438, 1441, 1445 and 1451.

Correctly Enrolled: SB04-171, 177, 189 and 220; SJR04-033 and 048.

Senate in recess.

Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SCR04-025** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed concurrent resolution, page 6, line 2, strike "ANY POPULATION ADJUSTMENT MADE PRIOR TO JULY 1, 2004,".

Trans-
portation After consideration on the merits, the Committee recommends that **HB04-1456** be referred to the Committee of the Whole with favorable recommendation.

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

MEMBER OF THE
STATE HOUSING BOARD

for a term expiring January 31, 2007:

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

Business
Affairs &
Labor After consideration on the merits, the Committee recommends that **SJR04-045** be postponed indefinitely.

Business
Affairs &
Labor After consideration on the merits, the Committee recommends that **SJR04-050** be referred to the Senate for final action with favorable recommendation.

Business
Affairs &
Labor After consideration on the merits, the Committee recommends that **SB04-197** be postponed indefinitely.

Business
Affairs &
Labor After consideration on the merits, the Committee recommends that **SB04-081** be postponed indefinitely.

Business
Affairs &
Labor After consideration on the merits, the Committee recommends that **HB04-1449** be referred to the Committee of the Whole with favorable recommendation.

Business
Affairs &
Labor After consideration on the merits, the Committee recommends that **HB04-1448** be referred to the Committee on Appropriations with favorable recommendation.

Business
Affairs &
Labor After consideration on the merits, the Committee recommends that **HB04-1446** be referred to the Committee of the Whole with favorable recommendation.

Agriculture,
Natural
Resources, &
Energy The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
GROUND WATER COMMISSION

for terms expiring May 1, 2008:

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

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

Agriculture,
Natural
Resources, &
Energy After consideration on the merits, the Committee recommends that **HJR04-1009** be postponed indefinitely.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

Agriculture,
Natural
Resources, &
Energy

After consideration on the merits, the Committee recommends that **SB04-033** be postponed indefinitely.

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB04-1003

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 HB04-1003, concerning laws related to the impersonation of a peace officer, and making an appropriation therefor, has met and reports that it has agreed upon the following:

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

Amend rerevised bill, page 3, after line 15, insert the following:

"SECTION 4. Repeal. 42-4-220 (3) (b), Colorado Revised Statutes, is repealed as follows:

42-4-220. Motorized bicycles - motor-driven cycles - lighting equipment - department control - use and operation. (3) (b) ~~No person shall equip, drive, or move any vehicle or equipment upon any highway with any lamp or device thereon capable of displaying a red or blue light visible from directly in front of the center thereof. This section shall not apply to any vehicle upon which such lights visible from the front are expressly authorized or required by this article."~~

Renumber succeeding sections accordingly.

Page 6, line 17, strike "5, and 6" and substitute "6, and 7".

Respectfully submitted,

House Committee:	Senate Committee:
(signed)	(signed)
Representative McCluskey	Senator Johnson
Representative Stengel	Senator Kester
Representative Carroll	Senator Reeves

MESSAGES FROM THE HOUSE

May 3, 2004
Mr. President:

The House has adopted and transmits herewith HJR04-1067

May 3, 2004
Mr. President:

The House has adopted and transmits herewith HJR04-1080.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

The House has adopted and transmits herewith HJR04-1091. 1
 2
 The House has adopted and returns herewith SJR04-031, amended as printed in House 3
 Journal, April 29, page 1661. 4
 5
 The House has adopted and returns herewith SJM04-001. 6
 7
 The House has passed on Third Reading and transmitted to the Revisor of Statutes; 8
 SB04-225, amended as printed in House Journal, April 30, page 1706. 9
 10
 The House has adopted the First Report of the First Conference Committee on 11
 HB04-1361, as printed in House Journal, April 30, pages 1713-1714, and has repassed the 12
 bill as amended. 13
 14
 The House has adopted the First Report of the First Conference Committee on 15
 HB04-1189, as printed in House Journal, April 30, pages 1712-1713, and has repassed the 16
 bill as amended. 17
 18
 The House has adopted the First Report of the First Conference Committee on 19
 HB04-1177, as printed in House Journal, April 30, pages 1708-1712, and has repassed the 20
 bill as amended. 21
 22
 The House has adopted the First Report of the First Conference Committee on 23
 HB04-1376, as printed in House Journal, April 30, pages 1714-1715, and has repassed the 24
 bill as amended. 25
 26
 The House has voted to concur in the Senate amendments to HB04-1421, 1386, and has 27
 repassed the bills as so amended. 28
 29
 The House voted to concur in the Senate amendments to HB04-1095, but failed to pass the 30
 bill as so amended. 31
 32
 The House has voted to authorize the House conferees on the First Conference Committee 33
 on HB04-1141 to consider matters not at issue between the two houses. 34
 35

CONFERENCE COMMITTEE GRANTED FURTHER POWERS

HB04-1141 by Representative(s) King, Briggs, Cadman, Carroll, Clapp, Cloer, Crane, Decker, 40
 Fairbank, Hall, Harvey, Hefley, Jahn, Lee, Lundberg, May M., Miller, Mitchell, Rhodes, 41
 Rose, Schultheis, Sinclair, Spence, Spradley, Stafford, Welker, White, Wiens, Witwer; also 42
 Senator(s) Andrews, Arnold, Chlouber, Dyer, Evans, Groff, Hagedorn, Hillman, Johnson S., 43
 Jones, Kester, Lamborn, May R., McElhany, Owen, Teck--Concerning charter schools, and, 44
 in connection therewith, providing for the creation of state charter schools, and making an 45
 appropriation therefor. 46
 47
 Senator Groff moved that the Senate Conferees on the First Conference Committee on 48
HB04-1141 be given the powers to go beyond the scope of the differences between the 49
 two Houses. 50
 51
 A majority of all members elected to the Senate having voted in the affirmative, the motion 52
 was declared **adopted**. 53
 54

MESSAGE FROM THE REVISOR OF STATUTES

May 3, 2004 58
 59
 We herewith transmit: 60
 61
 Without comment, as amended, SB04-225. 62
 63
 64
 65
 66
 Senator Hillman moved a Call of the Senate. 67
 68
 Senator Hillman moved the Call of the Senate be raised. 69

INTRODUCTION OF RESOLUTIONS

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

- HJR04-1067** by Representative(s) Vigil, Butcher, Coleman, Frangas, Garcia, Salazar; also Senator(s) Tapia, Sandoval--Concerning the celebration of Cinco de Mayo.
Laid over one day under Senate Rule 30(e).
- HJR04-1080** by Representative(s) Paccione, Williams T., Lundberg, McCluskey, Welker; also Senator(s) Owen, Johnson S., Reeves--Concerning the Rocky Mountain Senior Games.
Laid over one day under Senate Rule 30(e).
- HJR04-1091** by Representative(s) Clapp; also Senator(s) Johnson S.--Concerning foster care month.
Laid over one day under Senate Rule 30(e).

COMMITTEE OF REFERENCE REPORTS

Finance After consideration on the merits, the Committee recommends that **SB04-260** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 20, strike "SALE." and substitute "SALE BY A RETAILER.".

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Immediate Consideration of House Amendments to Senate Bills--SB04-230.

IMMEDIATE CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS--SB04-230

SB04-230 by Senator(s) Cairns, May R., Andrews, Chlouber, Dyer, Entz, Evans, Hagedorn, Hillman, Isgar, Johnson S., Jones, Kester, Lamborn, McElhany, Nichol, Owen, Sandoval, Tapia, Taylor, Teck; also Representative(s) Tochtrop, Salazar, Sinclair, Weddig, Witwer-- Concerning the issuance of a Vietnam veteran special license plate, and making an appropriation.

Senator Cairns moved that the Senate concur in House amendments to **SB04-230**, as printed in House Journal, April 29, page 1668. The motion was **passed** by the following roll call vote:

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

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

YES	34	NO	1	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	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, as amended, was declared **repassed**.

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Immediate Consideration of House Amendments to Senate Bills--SB04-247.

**IMMEDIATE CONSIDERATION OF HOUSE AMENDMENTS
TO SENATE BILLS--SB04-247**

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

Senator Taylor moved that the Senate concur in House amendments to **SB04-247**, as printed in House Journal, April 29, page 1669. The motion was **passed** by the following roll call vote:

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

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

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

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

Co-sponsors added: Andrews and Teck.

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Immediate Consideration of House Amendments to Senate Bills--SB04-229.

**IMMEDIATE CONSIDERATION OF HOUSE AMENDMENTS
TO SENATE BILLS--SB04-229**

SB04-229 by Senator(s) Evans; also Representative(s) Williams T.--Concerning modifications to the "Central Filing of Effective Financing Statement Act".

Senator Evans moved that the Senate concur in House amendments to **SB04-229**, as printed in House Journal, April 29, page 1669. The motion was **passed** by the following roll call vote:

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

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

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

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

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Immediate Consideration of House Amendments to Senate Bills--SB04-065.

**IMMEDIATE CONSIDERATION OF HOUSE AMENDMENTS
TO SENATE BILLS--SB04-065**

SB04-065 by Senator(s) Keller, Arnold; also Representative(s) Larson, Coleman--Concerning the "Child Mental Health Treatment Act", and making an appropriation therewith.

Senator Keller moved that the Senate concur in House amendments to **SB04-065**, as printed in House Journal, April 29, page 1666. The motion was **passed** by the following roll call vote:

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

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

YES	32	NO	3	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	N	Tapia	Y
Cairns	N	Hagedorn	Y	May	N	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

Co-sponsors added: Arnold.

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Immediate Consideration of House Amendments to Senate Joint Resolutions--SJR04-031.

IMMEDIATE CONSIDERATION OF HOUSE AMENDMENTS TO SENATE JOINT RESOLUTIONS--SJR04-031

SJR04-031 by Senator(s) Entz; also Representative(s) Hoppe--Concerning the species conservation eligibility list.

Senator Entz moved that the Senate concur in House amendments to **SJR04-031**, as printed in House Journal, April 29, page 1661. The motion was adopted by the following roll call vote:

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

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

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

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

Co-sponsors added: Chlouber.

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Immediate Consideration of House Amendments to Senate Bills--SB04-219.

**IMMEDIATE CONSIDERATION OF HOUSE AMENDMENTS
TO SENATE BILLS--SB04-219**

SB04-219 by Senator(s) Kester, May R., Chlouber, Fitz-Gerald, Groff, Hanna, Hillman, Johnson S., Jones, Takis, Taylor, Veiga; also Representative(s) Berry--Concerning the electronic filing system for documents received by a county clerk and recorder.

Senator Kester moved that the Senate concur in House amendments to **SB04-219**, as printed in House Journal, April 29, page 1667. The motion was **passed** by the following roll call vote:

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

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

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

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

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Immediate Consideration of House Amendments to Senate Bills--SB04-211.

**IMMEDIATE CONSIDERATION OF HOUSE AMENDMENTS
TO SENATE BILLS--SB04-211**

SB04-211 by Senator(s) Hillman; also Representative(s) Spradley--Concerning increased efficiencies in the operation of the unclaimed property program in order to make available a portion of the unclaimed property trust fund to support CoverColorado.

Senator Hillman moved that the Senate concur in House amendments to **SB04-211**, as printed in House Journal, April 29, page 1659. The motion was **passed** by the following roll call vote:

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

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

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

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

Co-sponsors added: Arnold.

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Immediate Consideration of Conference Committee Reports--SB04-108.

**IMMEDIATE CONSIDERATION OF
CONFERENCE COMMITTEE REPORTS--SB04-108**

SB04-108 by Senator(s) Hillman; also Representative(s) McCluskey--Concerning the administration of claims under the "Unclaimed Property Act".

Senator Hillman moved for the adoption of the First Report of the First Conference Committee on **SB04-108**, as printed in Senate Journal, May 3, pages 1163-1164. The motion was **adopted** by the following roll call vote:

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

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

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

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

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Immediate Consideration of Conference Committee Reports--HB04-1236.

**IMMEDIATE CONSIDERATION OF
CONFERENCE COMMITTEE REPORTS--HB04-1236**

HB04-1236 by Representative(s) McCluskey; also Senator(s) Cairns--Concerning notice requirements to be made by an insurer to an applicant for homeowner's insurance.

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

YES	15	NO	20	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	N	Takis	N
Arnold	Y	Grossman	N	Lamborn	Y	Tapia	N
Cairns	Y	Hagedorn	N	May	Y	Taylor	Y
Chlouber	Y	Hanna	N	McElhany	N	Teck	N
Dyer	N	Hillman	Y	Nichol	N	Tupa	Y
Entz	N	Isgar	Y	Owen	N	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	N		

Conference Committee Report to HB04-1236 declared **lost**.

**NOTICE OF INTENT TO MOVE FOR RECONSIDERATION OF THE
CONFERENCE COMMITTEE REPORT TO HB04-1236**

Having voted on the prevailing side, Senator McElhany gave notice of intent to move for reconsideration of the Conference Committee Report to **HB04-1236**.

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Immediate Consideration of Conference Committee Reports--SB04-125.

**IMMEDIATE CONSIDERATION OF
CONFERENCE COMMITTEE REPORTS--SB04-125**

SB04-125 by Senator(s) Kester; also Representative(s) Mitchell--Concerning the prompt payment of auto insurance benefits.

Senator Kester moved for the adoption of the First Report of the First Conference Committee on **SB04-125**, as printed in Senate Journal, May 3, pages 1161-1162. The motion was **adopted** by the following roll call vote:

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

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

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

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

Co-sponsors added: Jones and May.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB04-216 by Senator(s) Lamborn; also Representative(s) Cloer--Concerning limitations on the use of credit information for the purposes of personal lines of property and casualty insurance rating, and, in connection therewith, substantially adopting the provisions of the National Conference of Insurance Legislators model for uses of credit information for personal lines of property and casualty insurance.

Senator Lamborn moved that the Senate not concur in House amendments to **SB04-216**, as printed in House Journal, April 27, page 1606 and April 29, pages 1650-1651 and that a Conference Committee be appointed.

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

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB04-1446, HB04-1456, HB04-1449, SCR04-025, SB04-260 were made Special Orders at 4:30 p.m.

Committee of the Whole The hour of 4:30 p.m. having arrived, Senator Arnold moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Arnold 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:

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

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

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

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

SCR04-025 by Senator(s) Owen; also Representative(s) Williams T., Romanoff--Submitting to the registered electors of the state of Colorado amendments to section 17 (1) and (5) of article IX and section 20 (7) of article X of the constitution of the state of Colorado, concerning the modification of constitutional restrictions that limit the ability of the general assembly to adjust state spending in response to changing levels of state revenues, and, in connection therewith, allowing the general assembly to reduce to a limited extent in response to a revenue shortfall the constitutionally required amount of annual growth in certain state funding for education from preschool through the twelfth grade and requiring state fiscal

year spending limits to be calculated based upon prior fiscal year spending limits, with adjustments for inflation and population growth, without being subject to reduction due to declines in revenues.

Amendment No. 1, State, Veterans and Military Affairs Committee Amendment.
(Printed in Senate Journal, May 3, page 1179 and placed in members' bill files.)

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

SB04-260 by Senator(s) Evans; also Representative(s) Lee--Concerning the definition of the price of property on which the sales tax is imposed, and, in connection therewith, excluding from the definition separately stated charges for services performed after the property is offered for sale.

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, May 3, page 1183 and placed in members' bill files.)

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

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

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

ROLL CALL VOTE ON SCR04-025

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

Senator Owen requested a roll call vote on **SCR04-025**.

YES	19	NO	15	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	N
Arnold	Y	Grossman	N	Lamborn	N	Tapia	N
Cairns	N	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	N	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	N	Tupa	Y
Entz	Y	Isgar	N	Owen	Y	Veiga	N
Evans	Y	Johnson	Y	Phillips	E	Windels	N
Fitz-Gerald	N	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	N	Keller	N	Sandoval	N		

SCR04-025 as amended, passes Second Reading.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Arnold, 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: HB04-1446, HB04-1449, SCR04-025 as amended, SB04-260 as amended, HB04-1456.

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

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

GENERAL ORDERS--SECOND READING OF BILLS

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

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

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

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

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

Amendment No. 1, Business Affairs and Labor Committee Amendment.
(Printed in Senate Journal, April 21, page 941 and placed in members' bill files.)

Amendment No. 2(L.030), by Senator McElhany.

Amend reengrossed bill, page 16, after line 12, insert the following:

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

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

(b) A HOTEL OR RESTAURANT LICENSEE MAY PERMIT A PERSON TO BRING UPON THE PREMISES VINOUS LIQUORS FOR THE LICENSEE TO SERVE THE PERSON IN EXCHANGE FOR A CORKAGE FEE."

Renumber succeeding sections accordingly.

Page 20, strike lines 19 through 27.

Page 21, strike line 1.

Renumber succeeding sections accordingly.

Amendment No. 3(L.031), by Senator McElhany.

Amend reengrossed bill, page 20, after line 18, insert the following:

"SECTION 15. 24-75-302 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-75-302. Capital construction fund - capital assessment fees - calculation. (2) As of July 1, 1988, and July 1 of each year thereafter through July 1, 2008, a sum as specified in this subsection (2) shall accrue to the capital construction fund. The state treasurer and the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

controller shall transfer such sum out of the general fund and into the capital construction fund as moneys become available in the general fund during the fiscal year beginning on said July 1. Transfers between funds pursuant to this subsection (2) shall not be deemed to be appropriations subject to the limitations of section 24-75-201.1. The amount which shall accrue pursuant to this subsection (2) shall be as follows:

(r.5) ON JULY 1, 2005, SEVENTY-SIX THOUSAND FOUR HUNDRED FOURTEEN DOLLARS PURSUANT TO H.B. 04-1021, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY;"

Renumber succeeding sections accordingly.

Page 21, line 4, strike "date." and substitute "date; except that, section 15 of this act shall take effect only if House Bill 04-1412 is enacted at the Second Regular Session of the Sixty-fourth General Assembly and becomes law."

Amendment No. 4(L.033), by Senator McElhany.

Amend reengrossed bill, page 2, line 2, after "(2) (a)," insert "(4),";

after line 15, insert the following:

"(4) No court shall accept a plea of guilty to a non-alcohol-related or non-drug-related traffic offense or guilty to the offense of UDD from a person charged with DUI, DUI per se, DWAI, or habitual user; except that the court may accept a plea of guilty to a non-alcohol-related or non-drug-related traffic offense or to UDD upon a good faith representation by the prosecuting attorney that the attorney could not establish a prima facie case if the defendant were brought to trial on the original alcohol-related or drug-related offense."

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

(For further action, see Amendments to the Report of the Committee of the Whole.)

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 the next General Order calendar, 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 the next General Order calendar, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

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

Senator McElhany moved to amend the Report of the Committee of the Whole to show that the following McElhany floor amendment, (L.030) to HB 04-1021, did not pass.

Amend reengrossed bill, page 16, after line 12, insert the following:

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

12-47-411. Hotel and restaurant license.
(3.5) (a) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE CONTRARY, A HOTEL OR RESTAURANT LICENSED PURSUANT TO THIS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

SECTION MAY PERMIT A CUSTOMER OF THE HOTEL OR RESTAURANT TO RESEAL AND REMOVE FROM THE LICENSED PREMISES ONE OPENED CONTAINER OF PARTIALLY CONSUMED VINOUS LIQUOR PURCHASED ON THE PREMISES SO LONG AS THE ORIGINAL CONTAINER DID NOT CONTAIN MORE THAN 750 MILLILITERS OF VINOUS LIQUOR.

(b) A HOTEL OR RESTAURANT LICENSEE MAY PERMIT A PERSON TO BRING UPON THE PREMISES VINOUS LIQUORS FOR THE LICENSEE TO SERVE THE PERSON IN EXCHANGE FOR A CORKAGE FEE."

Renumber succeeding sections accordingly.

Page 20, strike lines 19 through 27.

Page 21, strike line 1.

Renumber succeeding sections accordingly.

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.

ROLL CALL VOTE ON HB04-1021

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

Senator Teck requested a roll call vote on **HB04-1021**.

YES	28	NO	6	EXCUSED	1	ABSENT	0
Anderson	N	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	N	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	N
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	N
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	N	Veiga	Y
Evans	E	Johnson	N	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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.

Senator Hillman moved to amend the Report of the Committee of the Whole to show that SB 04-227 was laid over to the next general orders calendar.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Arnold, 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: HB04-1021 as amended.
Laid over until the next General Orders calendar (May 3): SB04-190, SB04-151 as amended, SB04-227 as amended, SB04-217 as amended, SB04-232.

COMMITTEE OF REFERENCE REPORTS

Business
Affairs &
Labor

After consideration on the merits, the Committee recommends that **SB04-250** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, strike lines 2 through 22.

Renumber succeeding sections accordingly.

Page 5, line 1, strike "AT LEAST".

Judiciary

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

**MEMBER OF THE
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.

Judiciary

After consideration on the merits, the Committee recommends that **SB04-261** be postponed indefinitely.

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB04-1141**

**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 HB04-1141, concerning charter schools, and, in connection therewith, providing for the creation of state charter schools, and making an appropriation therefor, 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 11, strike lines 4 through 27.

Strike pages 12 and 13.

Renumber succeeding sections accordingly.

Page 21, line 6, strike "DISTRICT";

line 7, before "SCHOOL", insert "CHARTERING";

line 8, before "SCHOOL", insert "CHARTERING";

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

line 9, before "SCHOOL", insert "CHARTERING";	1
	2
line 12, before "SCHOOL", insert "CHARTERING".	3
	4
Page 25, line 22, strike "(a)".	5
	6
Page 26, strike lines 3 and 4 and substitute the following:	7
	8
"CHARTER APPLICATION. Applications must be filed with the local";	9
	10
strike lines 19 through 27.	11
	12
Page 27, strike lines 1 and 2;	13
	14
line 11, strike "(a)";	15
	16
strike line 15;	17
	18
line 16, strike "(2), the" and substitute "The";	19
	20
line 19, strike "PARAGRAPH (a) OF";	21
	22
strike lines 24 through 27.	23
	24
Page 28, strike lines 1 through 9;	25
	26
line 18, strike "DIRECT" and substitute "ENCOURAGE";	27
	28
line 19, strike "NEEDS AND FROM" and substitute "NEEDS.";	29
	30
strike lines 20 and 21.	31
	32
Page 29, line 4, strike "(a)";	33
	34
strike lines 18 through 27.	35
	36
Page 31, strike lines 16 and 17 and substitute the following:	37
	38
"(2) A charter applicant or any other person who wishes".	39
	40
Page 32, strike lines 7 through 27.	41
	42
Page 33, strike lines 1 through 4.	43
	44
Page 34, line 4, strike the second "OR";	45
	46
line 5, strike "FIFTEEN-DAY period, WHICHEVER IS APPLICABLE," and	47
substitute "period";	48
	49
line 24, strike "IN DETERMINING THE BEST INTERESTS";	50
	51
strike lines 25 and 26.	52
	53
Page 35, strike lines 8 through 11 and substitute the following:	54
	55
"TO THE LOCAL BOARD OF EDUCATION.";	56
	57
line 12, strike "(I)";	58
	59
strike lines 15 through 27.	60
	61
Page 36, strike lines 1 through 8.	62
	63
Page 37, strike lines 18 through 27 and substitute the following:	64
	65
" (4) If the notice of appeal, or the motion to review by the state	66
board, relates to a local board's decision to grant a charter, the appeal and	67
review process shall be as follows:	68
	69

~~(a) (f) Within sixty days after receipt of the notice of appeal or the making of a motion to review by the state board and after reasonable public notice, the state board, at a public hearing which may be held in the district in which the proposed charter school has applied for a charter, shall review the decision of the local board of education and determine whether such decision was arbitrary and capricious or whether the establishment or operation of the proposed charter school would:~~

~~(A) Violate any federal or state laws concerning civil rights;~~

~~(B) Violate any court order;~~

~~(C) Threaten the health and safety of pupils in the school district;~~

~~(D) Violate the provisions of section 22-30.5-109(2), prescribing the permissible number of charter schools; or~~

~~(E) Be inconsistent with the equitable distribution of charter schools among school districts.~~

~~(H) If such a determination is made, the state board shall remand such decision to the local board with instructions to deny the charter application. The decision of the state board shall be final and not subject to appeal."~~

Page 38, strike lines 1 through 12;

strike lines 22 through 27.

Strike pages 39 through 42.

Page 43, strike lines 1 through 3.

Page 48, strike lines 18 through 21 and substitute the following:

"GREATER consideration be given to charter school applications designed to increase the".

Page 61, line 19, strike "DEPARTMENT OF EDUCATION." and substitute "DEPARTMENT."

Page 62, line 11, strike the second "DISTRICT";

line 13, after "(9)", insert "OF ISSUES ARISING ON OR AFTER JULY 1, 2004,";

line 16, strike "FUNDING." and substitute "FUNDING; EXCEPT THAT, IF THE CHARTER CONTRACT REQUIRES THE CHARTER SCHOOL TO COMPLETE ANY REQUIREMENTS PRIOR TO SEEKING A DETERMINATION FROM THE DEPARTMENT PURSUANT TO THIS SUBSECTION (9), THE CHARTER SCHOOL SHALL SUBMIT THE REQUEST NO LATER THAN THE END OF THE NEXT FISCAL YEAR FOLLOWING THE FISCAL YEAR IN WHICH THE CHARTER SCHOOL COMPLETES SAID REQUIREMENTS.";

line 27, strike the second "DISTRICT".

Page 63, line 3, strike the second "DISTRICT".

Page 65, strike lines 10 through 27.

Strike pages 66 through 73.

Page 74, strike lines 1 through 4.

Renumber succeeding sections accordingly.

Page 103, line 21, strike "(2) (k) and (3) (a)," and substitute "(2) (k),";

line 22, strike "are" and substitute "is".

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

Page 104, strike lines 3 through 7.	1
	2
Page 116, strike lines 19 through 27.	3
	4
Strike pages 117 and 118.	5
	6
Page 119, strike lines 1 through 13.	7
	8
Re-number succeeding sections accordingly.	9
	10
Page 126, strike lines 10 through 27.	11
	12
Strike pages 127 through 130.	13
	14
Page 131, strike lines 1 through 14.	15
	16
Re-number succeeding sections accordingly.	17
	18
2. That, under the authority granted the committee to consider	19
matters not at issue between the two houses, the following amendments	20
be recommended:	21
	22
Amend rerevised bill, page 10, strike lines 8 through 13 and substitute the	23
following:	24
	25
"1.";	26
	27
line 14, strike "(4)" and substitute "(3)";	28
	29
strike lines 16 and 17;	30
	31
line 18, strike "(6)" and substitute "(4)";	32
	33
line 20, strike "(7)" and substitute "(5)";	34
	35
line 24, strike "(8)" and substitute "(6)";	36
	37
line 27, strike "(9)" and substitute "(7)".	38
	39
Page 11, strike lines 1 through 3.	40
	41
Page 14, line 5, strike "school. which operates within a public school	42
district." and substitute "school which operates within a public school	43
district.";	44
	45
line 11, strike "DISTRICT";	46
	47
line 13, strike "DISTRICT";	48
	49
line 14, strike "DISTRICT";	50
	51
strike lines 21 through 26.	52
	53
Page 15, line 3, strike "DISTRICT";	54
	55
line 5, strike "DISTRICT";	56
	57
line 7, strike "DISTRICT";	58
	59
line 8, strike "DISTRICT";	60
	61
strike line 15 and substitute the following:	62
	63
"the CHARTERING local board of education. A charter";	64
	65
line 26, strike "DISTRICT".	66
	67
Page 16, strike lines 1 through 3 and substitute the following:	68
	69

"obligations.";	1
	2
line 10, strike "DISTRICT";	3
	4
line 19, strike "DISTRICT";	5
	6
line 27, strike "DISTRICT".	7
	8
Page 17, line 2, strike "A STATE";	9
	10
strike lines 3 and 4;	11
	12
line 5, strike "CHARTER SCHOOLS BY RULE.";	13
	14
strike lines 14 and 15;	15
	16
line 16, strike "(d)" and substitute "(c)".	17
	18
Page 18, line 11, strike " a school district ITS CHARTERING AUTHORITY" and substitute "a school district";	19
	20
line 12, strike " district CHARTERING AUTHORITY" and substitute "district";	21
	22
line 16, strike " school ";	23
	24
strike lines 17 and 18 and substitute the following:	25
	26
"school district facilities. All other costs for the operation and";	27
	28
line 20, strike " the school district ITS" and substitute "the school district.";	29
	30
strike line 21.	31
	32
Page 19, line 3, strike "AUTHORITY." and substitute "SCHOOL DISTRICT.";	33
	34
strike lines 4 through 11;	35
	36
line 16, strike " the local board of education " and substitute "the CHARTERING local board of education.";	37
	38
strike line 17;	39
	40
line 18, strike "DISTRICT";	41
	42
line 20, strike "DISTRICT";	43
	44
strike lines 21 through 25 and substitute the following:	45
	46
"policies.".	47
	48
Page 20, line 4, strike " the local " and substitute "the CHARTERING local board of education approved on or after July";	49
	50
strike line 5;	51
	52
line 12, strike "DISTRICT";	53
	54
line 17, strike "DISTRICT";	55
	56
line 21, strike "DISTRICT";	57
	58
line 22, strike "DISTRICT".	59
	60
Page 21, line 3, strike "DISTRICT";	61
	62
line 16, strike "DISTRICT";	63
	64
line 18, strike "DISTRICT".	65
	66
	67
	68
	69

Page 22, line 1, strike "DISTRICT";	1
	2
line 3, strike "DISTRICT";	3
	4
line 5, strike "DISTRICT";	5
	6
line 14, strike " local board of education " and substitute "CHARTERING local board of education";	7
	8
	9
line 15, strike "CHARTERING AUTHORITY";	10
	11
line 26, strike "AUTHORITY" and substitute "LOCAL BOARD OF EDUCATION".	12
	13
	14
Page 24, line 2, strike "AUTHORITY" and substitute "LOCAL BOARD OF EDUCATION".	15
	16
	17
Page 25, line 17, strike " school district CHARTERING AUTHORITY," and substitute "CHARTERING school district,".	18
	19
	20
Page 29, line 5, strike "DISTRICT";	21
	22
line 9, strike "DISTRICT";	23
	24
line 12, strike "DISTRICT";	25
	26
line 13, strike "DISTRICT".	27
	28
Page 30, strike lines 1 through 26.	29
	30
Re-number succeeding sections accordingly.	31
	32
Page 31, line 7, strike "DISTRICT";	33
	34
line 9, strike "DISTRICT";	35
	36
line 11, strike "DISTRICT";	37
	38
line 19, strike "DISTRICT";	39
	40
line 21, strike "DISTRICT";	41
	42
line 25, strike "DISTRICT";	43
	44
line 27, strike "DISTRICT".	45
	46
Page 32, line 4, strike "DISTRICT";	47
	48
line 5, strike "DISTRICT".	49
	50
Page 33, strike lines 8 through 26.	51
	52
Page 34, line 3, strike "DISTRICT";	53
	54
line 4, strike "DISTRICT";	55
	56
line 10, strike "DISTRICT";	57
	58
line 12, strike "DISTRICT".	59
	60
Page 36, line 10, strike "DISTRICT";	61
	62
line 11, strike "DISTRICT";	63
	64
line 23, strike "DISTRICT".	65
	66
Page 37, line 1, strike "DISTRICT";	67
	68
line 2, strike "DISTRICT";	69

line 8, strike "DISTRICT";	1
	2
line 14, strike "DISTRICT";	3
	4
strike lines 15 through 17 and substitute the following:	5
	6
"A CHARTER APPLICANT OR A CHARTER SCHOOL."	7
	8
Page 38, line 15, strike "DISTRICT";	9
	10
strike lines 19 through 21.	11
	12
Page 43, strike lines 4 through 27.	13
	14
Strike pages 44 through 46.	15
	16
Page 47, strike lines 1 through 19.	17
	18
Renumber succeeding sections accordingly.	19
	20
Page 47, line 22, strike " reporting. " and substitute " reporting -	21
publicizing - limits on enrollment - moratorium prohibited. ";	22
	23
strike line 26 and substitute the following:	24
	25
"CHARTER SCHOOL SHALL".	26
	27
Page 48, line 2, strike "AND STATE CHARTER";	28
	29
line 3, strike "SCHOOLS".	30
	31
Page 49, after line 26, insert the following:	32
	33
"(8) THE LOCAL BOARD OF EDUCATION OF A SCHOOL DISTRICT	34
SHALL NOT IMPOSE A MORATORIUM ON THE APPROVAL OF CHARTER	35
APPLICATIONS FOR CHARTER SCHOOLS WITHIN THE SCHOOL DISTRICT."	36
	37
Page 50, line 4, strike "CHARTERING AUTHORITY" and substitute "LOCAL	38
BOARD OF EDUCATION";	39
	40
strike lines 7 through 9 and substitute the following:	41
	42
"PERIODS.";	43
	44
strike lines 12 and 13 and substitute the following:	45
	46
"submit a renewal application to the CHARTERING local board of	47
education. The CHARTERING local board of education";	48
	49
line 14, strike "CHARTERING AUTHORITY";	50
	51
line 17, strike " local " and substitute "CHARTERING local board of	52
education shall contain:";	53
	54
strike line 18;	55
	56
line 22, strike "CONTRACT," and substitute "CONTRACT AND";	57
	58
strike lines 24 through 26 and substitute the following:	59
	60
"ASSESSMENT PROGRAM;".	61
	62
Page 51, line 12, strike " local board " and substitute "CHARTERING local	63
board of education if such board IT determines that";	64
	65
strike line 13;	66
	67
strike lines 21 through 23.	68
	69

Page 52, strike line 5 and substitute the following:

"(4.5) If a local board of education";

line 6, strike "board CHARTERING AUTHORITY" and substitute "board";

line 8, strike "DISTRICT";

strike lines 11 through 27.

Page 53, strike lines 1 through 5.

Re-number succeeding sections accordingly.

Page 53, strike lines 6 through 27 and substitute the following:

SECTION 10. 22-30.5-112 (2) (a) (III) (A), (2) (a.4) (III), (2) (c) (II), (2) (d), (5), and (6), Colorado Revised Statutes, are amended, and the said 22-30.5-112 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

22-30.5-112. Charter schools - financing - guidelines - repeal.
(2) (a) (III) (A) For budget year 2000-01 and budget years thereafter".

Page 54, strike lines 1 through 7;

line 9, strike "DISTRICT";

line 11, strike "DISTRICT";

line 13, strike "DISTRICT";

line 15, strike "DISTRICT";

line 17, strike "DISTRICT";

line 19, strike "DISTRICT";

line 21, strike "DISTRICT";

line 23, strike "DISTRICT";

strike lines 24 through 27.

Strike page 55.

Page 56, strike lines 1 through 5;

line 6, strike "(III)" and substitute "(a.4) (III)";

strike lines 12 through 27.

Strike page 57.

Page 58, strike lines 1 through 26;

line 27, strike "(II)" and substitute "(c) (II)".

Page 59, line 1, strike "DISTRICT";

line 6, strike "DISTRICT";

line 7, strike "DISTRICT";

strike lines 14 through 27.

Strike page 60.

Page 61, strike lines 1 through 6;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

line 14, strike "DISTRICT";	1
	2
line 27, strike "DISTRICT".	3
	4
Page 62, line 1, strike "DISTRICT";	5
	6
line 4, strike "DISTRICT";	7
	8
line 5, strike the second "DISTRICT";	9
	10
line 6, strike "DISTRICT";	11
	12
line 7, strike "DISTRICT";	13
	14
line 8, strike "DISTRICT";	15
	16
line 11, strike the first "DISTRICT";	17
	18
line 17, strike "DISTRICT";	19
	20
line 20, strike "DISTRICT";	21
	22
line 21, strike "DISTRICT";	23
	24
line 22, strike "DISTRICT";	25
	26
line 26, strike "DISTRICT".	27
	28
Page 63, line 9, strike the second "DISTRICT";	29
	30
line 15, strike "DISTRICT";	31
	32
line 18, strike the first "DISTRICT";	33
	34
line 19, strike "DISTRICT";	35
	36
line 25, strike "DISTRICT";	37
	38
line 26, strike "DISTRICT".	39
	40
Page 64, line 4, strike "DISTRICT";	41
	42
line 8, strike the second "DISTRICT";	43
	44
line 9, strike "DISTRICT";	45
	46
line 12, strike "DISTRICT";	47
	48
line 15, strike "DISTRICT";	49
	50
line 19, strike "DISTRICT";	51
	52
line 21, strike "DISTRICT";	53
	54
line 26, strike "DISTRICT".	55
	56
Page 65, line 3, strike the second "DISTRICT";	57
	58
strike line 7 and substitute the following:	59
	60
"CHARTER SCHOOL, THE CHARTER SCHOOL SHALL PAY".	61
	62
Page 74, strike lines 5 through 27.	63
	64
Strike page 75.	65
	66
Page 76, strike lines 1 through 24.	67
	68
Renumber succeeding sections accordingly.	69

Page 77, line 9, strike "DISTRICT";	1
line 10, strike "EDUCATION AND" and substitute "EDUCATION.";	2
strike line 11;	3
line 12, strike "DEPARTMENT.";	4
strike lines 22 through 27.	5
Strike pages 78 through 95.	6
Page 96, strike lines 1 through 8.	7
Re-number succeeding sections accordingly.	8
Page 96, line 19, strike "TITLE, INCLUDING BUT NOT LIMITED" and substitute "TITLE.";	9
strike lines 20 and 21.	10
Page 97, strike lines 10 through 27.	11
Strike pages 98 through 102.	12
Page 103, strike lines 1 through 20.	13
Re-number succeeding sections accordingly.	14
Page 104, strike lines 8 through 27.	15
Strike pages 105 through 115.	16
Page 116, strike lines 1 through 18.	17
Re-number succeeding sections accordingly.	18
Page 119, strike lines 14 through 27.	19
Strike pages 120 through 125.	20
Page 126, strike lines 1 through 9.	21
Re-number succeeding sections accordingly.	22
Page 131, line 26, strike "STATE" and substitute "THE STATE CHARTER SCHOOL INSTITUTE";	23
line 27, strike "CHARTER SCHOOLS".	24
Page 132, line 10, strike "A STATE" and substitute "THE STATE CHARTER SCHOOL INSTITUTE";	25
line 11, strike "CHARTER SCHOOL";	26
strike line 14 and substitute the following:	27
"OR BY THE STATE CHARTER SCHOOL INSTITUTE BOARD.";	28
strike lines 25 through 27 and substitute the following:	29
"(5) "STATE CHARTER SCHOOL INSTITUTE" OR "INSTITUTE" MEANS THE STATE CHARTER SCHOOL INSTITUTE CREATED PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE."	30
Page 133, line 7, strike "STATE CHARTER SCHOOL" and substitute "THE STATE CHARTER SCHOOL INSTITUTE";	31
line 10, strike "STATE" and substitute "THE INSTITUTE";	32

line 11, strike "CHARTER SCHOOL";	1
	2
line 16, strike "STATE CHARTER SCHOOL'S" and substitute "THE INSTITUTE'S";	3
	4
	5
line 18, strike "STATE CHARTER" and substitute "INSTITUTE'S";	6
	7
line 19, strike "SCHOOL'S";	8
	9
strike line 23 and substitute the following:	10
	11
"ENTERED INTO BY THE STATE CHARTER SCHOOL INSTITUTE,";	12
	13
line 24, strike "22-30.5-104 (7) (b),".	14
	15
Page 134, line 2, strike "STATE CHARTER SCHOOL" and substitute "THE INSTITUTE";	16
	17
	18
strike line 8 and substitute the following:	19
	20
" no school district NEITHER A SCHOOL DISTRICT NOR THE STATE CHARTER SCHOOL INSTITUTE shall receive a";	21
	22
	23
line 13, strike "STATE CHARTER SCHOOL" and substitute "THE INSTITUTE";	24
	25
line 18, strike "STATE CHARTER SCHOOL" and substitute "THE INSTITUTE";	26
	27
line 20, strike "STATE CHARTER SCHOOL" and substitute "THE INSTITUTE";	28
	29
line 24, strike "OR STATE CHARTER SCHOOL" and substitute "AND THE INSTITUTE".	30
	31
	32
Page 135, line 1, strike "STATE" and substitute "THE INSTITUTE";	33
	34
line 2, strike "CHARTER SCHOOL";	35
	36
line 4, strike "STATE CHARTER SCHOOL." and substitute "THE INSTITUTE.";	37
	38
strike lines 9 and 10 and substitute the following:	39
	40
"each school district entitled to and desiring reimbursement under this article, AND THE STATE CHARTER SCHOOL INSTITUTE BOARD, shall";	41
	42
	43
line 14, strike "STATECHARTERSCHOOL," and substitute "THEINSTITUTE,";	44
	45
line 15, strike "STATE CHARTER SCHOOL'S" and substitute "THE INSTITUTE'S";	46
	47
	48
line 20, strike "STATE CHARTER SCHOOL" and substitute "THE INSTITUTE";	49
	50
line 24, strike "STATE CHARTER" and substitute "THE INSTITUTE";	51
	52
line 25, strike "SCHOOLS".	53
	54
Page 136, line 1, strike "STATE CHARTER SCHOOL" and substitute "THE INSTITUTE";	55
	56
	57
line 10, strike "STATE CHARTER SCHOOL" and substitute "THE STATE CHARTER SCHOOL INSTITUTE";	58
	59
	60
line 11, strike "STATE" and substitute "THE INSTITUTE";	61
	62
line 12, strike "CHARTER SCHOOL";	63
	64
line 16, strike "EACH STATE CHARTER SCHOOL" and substitute "THE STATE CHARTER SCHOOL INSTITUTE";	65
	66
	67
line 18, strike "STATE CHARTER SCHOOL;" and substitute "THE INSTITUTE;";	68
	69

line 26, strike "STATE CHARTER SCHOOL" and substitute "THE STATE CHARTER SCHOOL INSTITUTE".

Page 137, line 2, strike "STATE CHARTER" and substitute "THE INSTITUTE";

line 3, strike "SCHOOL";

line 5, strike "STATE CHARTER SCHOOL" and substitute "THE STATE CHARTER SCHOOL INSTITUTE";

line 7, strike "STATE CHARTER SCHOOL" and substitute "THE INSTITUTE";

line 10, strike "STATE CHARTER SCHOOL." and substitute "THE STATE CHARTER SCHOOL INSTITUTE.";

line 14, strike "STATE CHARTER SCHOOLS" and substitute "OF THE STATE CHARTER SCHOOL INSTITUTE";

line 15, strike "STATE CHARTER" and substitute "THE INSTITUTE";

line 16, strike "SCHOOL";

line 18, strike "STATE CHARTER SCHOOLS." and substitute "OF THE STATE CHARTER SCHOOL INSTITUTE.".

Page 138, line 4, strike "any school district which" and substitute "any A school district which OR THE STATE CHARTER SCHOOL INSTITUTE SHALL NOT BE ENTITLED TO ANY REIMBURSEMENT UNDER THIS ARTICLE IF THE SCHOOL DISTRICT OR THE INSTITUTE";

line 5, strike "OR STATE CHARTER SCHOOL THAT";

line 8, strike "22-51-108 shall not be entitled to" and substitute "22-51-108. ~~shall not be entitled to any reimbursement under this article.~~";

strike line 9;

line 16, strike "STATE CHARTER SCHOOLS," and substitute "BY THE STATE CHARTER SCHOOL INSTITUTE,";

strike lines 21 through 27.

Strike pages 139 through 167.

Page 168, strike lines 1 through 10.

Renumber succeeding sections accordingly.

Page 168, strike lines 20 through 26 and substitute the following:

SECTION 24. The introductory portion to 22-30.5-503 (1) (b), Colorado Revised Statutes, as enacted by House Bill 04-1362, enacted at the Second Regular Session of the Sixty-fourth General Assembly, is amended to read:

22-30.5-503. State charter school institute - establishment.

(1) (b) IN ADDITION TO ANY OTHER POWERS OR DUTIES GRANTED BY LAW TO THE INSTITUTE, the institute shall:

SECTION 25. Repeal. 22-30.5-112 (5), Colorado Revised Statutes, as amended by House Bill 04-1362, enacted at the Second Regular Session of the Sixty-fourth General Assembly, is repealed as follows:

22-30.5-112. Charter schools - financing - guidelines - repeal.

(5) ~~The department of education will prepare an annual report and evaluation for the governor and the house and senate committees on education on the success or failure of charter schools and institute charter~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

~~schools, their relationship to other school reform efforts, and suggested changes in state law necessary to strengthen or change the charter school program and institute charter school programs.~~

SECTION 26. 22-30.5-113, Colorado Revised Statutes, as amended by House Bill 04-1362, enacted at the Second Regular Session of the Sixty-fourth General Assembly, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

22-30.5-113. State board - department of education - duties - charter schools - evaluation - report. (1) BEGINNING IN THE 2004-05 BUDGET YEAR, AND AT LEAST EVERY THREE YEARS THEREAFTER, THE DEPARTMENT SHALL PREPARE A REPORT AND EVALUATION FOR THE GOVERNOR AND THE HOUSE AND SENATE COMMITTEES ON EDUCATION ON THE SUCCESS OR FAILURE OF CHARTER SCHOOLS AND OF INSTITUTE CHARTER SCHOOLS AUTHORIZED PURSUANT TO PART 5 OF THIS ARTICLE, THEIR RELATIONSHIP TO OTHER SCHOOL REFORM EFFORTS, AND SUGGESTED CHANGES IN STATE LAW NECESSARY TO STRENGTHEN OR CHANGE THE CHARTER SCHOOL PROGRAM DESCRIBED IN THIS ARTICLE.

(2) THE STATE BOARD SHALL COMPILE EVALUATIONS OF CHARTER SCHOOLS RECEIVED FROM LOCAL BOARDS OF EDUCATION AND EVALUATIONS OF INSTITUTE CHARTER SCHOOLS PREPARED BY THE STATE CHARTER SCHOOL INSTITUTE CREATED IN SECTION 22-30.5-503. THE STATE BOARD SHALL REVIEW INFORMATION REGARDING THE STATUTES, REGULATIONS, AND POLICIES FROM WHICH CHARTER SCHOOLS WERE RELEASED PURSUANT TO SECTION 22-30.5-105 AND FROM WHICH INSTITUTE CHARTER SCHOOLS WERE RELEASED PURSUANT TO SECTION 22-30.5-508 TO DETERMINE IF THE RELEASES ASSISTED OR IMPEDED THE CHARTER SCHOOLS OR THE INSTITUTE CHARTER SCHOOLS IN MEETING THEIR STATED GOALS AND OBJECTIVES.

(3) IN PREPARING THE REPORT REQUIRED BY THIS SECTION, THE STATE BOARD SHALL COMPARE THE PERFORMANCE OF CHARTER SCHOOL PUPILS AND INSTITUTE CHARTER SCHOOL PUPILS WITH THE PERFORMANCE OF ETHNICALLY AND ECONOMICALLY COMPARABLE GROUPS OF PUPILS IN OTHER PUBLIC SCHOOLS WHO ARE ENROLLED IN ACADEMICALLY COMPARABLE COURSES.

SECTION 27. 22-30.5-507 (7), Colorado Revised Statutes, as enacted by House Bill 04-1362, enacted at the Second Regular Session of the Sixty-fourth General Assembly, is amended to read:

22-30.5-507. Institute charter school - requirements - authority. (7) Pursuant to the charter contract, an institute charter school may operate free from specified statutes and state board rules. The state board may waive state statutory requirements or rules promulgated by the state board; except that the state board may not waive any state statute or rule relating to the assessments required to be administered pursuant to section 22-7-409, any state statute or rule necessary to prepare the school accountability reports pursuant to part 6 of article 7 of this title, or ANY STATUTE OR RULE NECESSARY TO IMPLEMENT THE PROVISIONS OF THE "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF THIS TITLE, OR any state statute or rule relating to the "Children's Internet Protection Act", article 87 of this title. Any waiver of state statute or state board rule made pursuant to this subsection (7) shall be for the term of the contract for which the waiver is made. A request for a waiver may be submitted to the institute as a part of the application for an institute charter school.

SECTION 28. 22-32-124 (2), Colorado Revised Statutes, is amended to read:

22-32-124. Building codes - zoning - planning. (2) (a) Notwithstanding the provisions of section 8-20-101 (4), C.R.S., upon request of the division of oil and public safety after consulting with the affected board of education, the appropriate building department of a county, town, city, or city and county wherein a building or structure has been erected pursuant to subsection (1) OR SUBSECTION (1.5) of this

section may make the necessary inspections to determine that such building or structure has been erected in conformity with the standards of the division of oil and public safety and, if such building or structure is in conformity, shall issue the necessary certificate of occupancy prior to use of the building or structure by the school district OR BY THE INSTITUTE CHARTER SCHOOL. A fee may be charged for such inspections upon approval of the board of education, if the amount of the fee is determined on the basis of the direct cost of providing such service. If the division of oil and public safety, after consulting with the affected board of education OR THE STATE CHARTER SCHOOL INSTITUTE CREATED PURSUANT TO SECTION 22-30.5-503, requests inspections by the building department, such inspections shall be in lieu of any inspections made by the division of oil and public safety; except that this subsection (2) shall not be construed to relieve the division of oil and public safety of the responsibility to conduct such inspections if the appropriate county, town, city, or city and county agency does not conduct the inspections. Any county, town, city, or city and county conducting such inspections shall also be authorized to annually reinspect the building or structure to assure that it is maintained and operated in accordance with the fire code adopted by the director of the division of oil and public safety. The inspecting entity shall cooperate with the affected school district OR THE STATE CHARTER SCHOOL INSTITUTE in carrying out the duties of this section.

(b) If the division of oil and public safety conducts the necessary inspection to determine that a building or structure erected pursuant to subsection (1) OR SUBSECTION (1.5) of this section has been erected in conformity with the standards of the division of oil and public safety, it shall charge a fee of two hundred dollars for such inspection; except that the director of the division of oil and public safety by rule or as otherwise provided by law may reduce the amount of the fee if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of the fee is credited. After the uncommitted reserves of the fund are sufficiently reduced, the director of the division of oil and public safety by rule or as otherwise provided by law may increase the amount of the fee as provided in section 24-75-402 (4), C.R.S. Any fees collected by the division of oil and public safety pursuant to this paragraph (b) shall be transmitted to the state treasurer, who shall credit the same to the public safety inspection fund created pursuant to section 8-1-151, C.R.S.

SECTION 29. Effective date. This act shall take effect upon passage; except that sections 15 through 22 and 24 through 28 of this act shall take effect only if House Bill 04-1362 is enacted and becomes law; and except that section 11 of this act shall not take effect if House Bill 04-1362 is enacted and becomes law."

Renumber succeeding section accordingly.

Page 1, line 101, strike "SCHOOLS, AND IN CONNECTION THEREWITH," and substitute "SCHOOLS.";

strike lines 102 and 103.

Respectfully submitted,

House Committee:	Senate Committee:
(signed)	(signed)
Representative King	Senator Andrews
Representative Spence	Senator McElhany
Representative Carroll	Senator Groff

MESSAGES FROM THE HOUSE

May 3, 2004
Mr. President:

The House has voted to concur in the Senate amendments to HB04-1277, 1135, 1165, 1431, 1284, 1406, 1134, 1030, 1300, 1225, 1309, 1104, and has repassed the bills as so amended.

The House has voted not to concur in the Senate amendments to HB04-1123 and requests that a conference committee be appointed. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB04-1203 and requests that a conference committee be appointed. The Speaker has appointed Representatives Mitchell, chairman, Brophy, and Miller as House conferees on the First Conference Committee on HB04-1203. The House has granted authorization to go beyond the scope of the differences. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB04-1104 and requests that a conference committee be appointed. The bill is transmitted herewith.

May 3, 2004
Mr. President:

The House has voted to concur in the Senate amendments to HB04-1256, 1034, 1441, 1451, 1360, 1086, 1207, 1433, and has repassed the bills as so amended.

APPOINTMENTS TO CONFERENCE COMMITTEE

HB04-1203 by Representative(s) Mitchell, May M., Schultheis, Carroll, Cloer, Harvey, Hoppe, Lundberg, McFadyen, Miller, Spradley, Young; also Senator(s) Hillman, Anderson, Johnson S.--Concerning limitations on the power of governmental entities to restrict the rights of property owners.

The President appointed Senators Hillman, Chairman, Lamborn, and Nichol as Senate Conferees on the First Conference Committee on **HB04-1203**.

SB04-216 by Senator(s) Lamborn; also Representative(s) Cloer--Concerning limitations on the use of credit information for the purposes of personal lines of property and casualty insurance rating, and, in connection therewith, substantially adopting the provisions of the National Conference of Insurance Legislators model for uses of credit information for personal lines of property and casualty insurance.

The President appointed Senators Lamborn, Chairman, Evans, and Tapia as Senate Conferees on the First Conference Committee on **SB04-216**.

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

The President appointed Senators Owen, Chairman, Johnson, and Reeves as Senate Conferees on the First Conference Committee on **HB04-1123**.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: HJR04-1037, 1045, 1066.

The President has signed: HB04-1150.

The President has signed: HB04-1237, 1348, 1357, 1400.

CONFERENCE COMMITTEE GRANTED FURTHER POWERS

HB04-1203 by Representative(s) Mitchell, May M., Schultheis, Carroll, Cloer, Harvey, Hoppe, Lundberg, McFadyen, Miller, Spradley, Young; also Senator(s) Hillman, Anderson, Johnson S.--Concerning limitations on the power of governmental entities to restrict the rights of property owners.

Senator Hillman moved that the Senate Conferees on the First Conference Committee on **HB04-1203** be given the powers to go beyond the scope of the differences between the two Houses.

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

Senate in recess.

Senate reconvened.

Senator Hillman moved a Call of the Senate.

Senator Chlouber moved the Call of the Senate be raised.

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Conference Committee Reports--HB04-1311.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

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

Senator Jones moved for the adoption of the First Report of the First Conference Committee on **HB04-1311**, as printed in Senate Journal, April 29, pages 1094-1095. The motion was **adopted** by the following roll call vote:

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

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

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

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

Co-sponsors added: Arnold, Chlouber, Hillman, Kester, Lamborn, Sandoval, and Taylor.

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Immediate Consideration of Conference Committee Reports--HB04-1261.

**IMMEDIATE CONSIDERATION OF
CONFERENCE COMMITTEE REPORTS--HB04-1261**

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

Senator Johnson moved for the adoption of the First Report of the First Conference Committee on **HB04-1261**, as printed in Senate Journal, May 3, page 1161. The motion was **adopted** by the following roll call vote:

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

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

YES	31	NO	3	EXCUSED	1	ABSENT	0
Anderson	N	Groff	Y	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	E	Hillman	Y	Nichol	Y	Tupa	Y
Entz	N	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

Co-sponsors added: Jones.

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Immediate Consideration of Conference Committee Reports--HB04-1003.

**IMMEDIATE CONSIDERATION OF
CONFERENCE COMMITTEE REPORTS--HB04-1003**

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.

Senator Johnson moved for the adoption of the First Report of the First Conference Committee on **HB04-1003**, as printed in Senate Journal, May 3, page 1181. The motion was **adopted** by the following roll call vote:

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

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

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

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

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

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Immediate Consideration of Conference Committee Reports--HB04-1141.

**IMMEDIATE CONSIDERATION OF
CONFERENCE COMMITTEE REPORTS--HB04-1141**

HB04-1141 by Representative(s) King, Briggs, Cadman, Carroll, Clapp, Cloer, Crane, Decker, Fairbank, Hall, Harvey, Hefley, Jahn, Lee, Lundberg, May M., Miller, Mitchell, Rhodes, Rose, Schultheis, Sinclair, Spence, Spradley, Stafford, Welker, White, Wiens, Witwer; also Senator(s) Andrews, Arnold, Chlouber, Dyer, Evans, Groff, Hagedorn, Hillman, Johnson S., Jones, Kester, Lamborn, May R., McElhany, Owen, Teck--Concerning charter schools, and, in connection therewith, providing for the creation of state charter schools, and making an appropriation therefor.

Senator Andrews moved for the adoption of the First Report of the First Conference Committee on **HB04-1141**, as printed in Senate Journal, May 3, pages 1195-1208. The motion was **adopted** by the following roll call vote:

YES	20	NO	15	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	N
Arnold	Y	Grossman	Y	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	N	Tupa	N
Entz	N	Isgar	N	Owen	Y	Veiga	N
Evans	Y	Johnson	Y	Phillips	N	Windels	N
Fitz-Gerald	N	Jones	Y	Reeves	N	Mr. President	Y
Gordon	N	Keller	N	Sandoval	N		

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

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

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

IMMEDIATE RECONSIDERATION OF HB04-1141

HB04-1141 by Representative(s) King, Briggs, Cadman, Carroll, Clapp, Cloer, Crane, Decker, Fairbank, Hall, Harvey, Hefley, Jahn, Lee, Lundberg, May M., Miller, Mitchell, Rhodes, Rose, Schultheis, Sinclair, Spence, Spradley, Stafford, Welker, White, Wiens, Witwer; also Senator(s) Andrews, Arnold, Chlouber, Dyer, Evans, Groff, Hagedorn, Hillman, Johnson S., Jones, Kester, Lamborn, May R., McElhany, Owen, Teck--Concerning charter schools, and, in connection therewith, providing for the creation of state charter schools, and making an appropriation therefor.

Having voted on the prevailing side, Senator Andrews moved for immediate reconsideration and reversal of the roll call on **HB04-1141**. The roll call was taken with the following result:

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

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

CONFERENCE COMMITTEE GRANTED FURTHER POWERS

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

Senator Johnson moved that the Senate Conferees on the First Conference Committee on **SB04-153** be given the powers to go beyond the scope of the differences between the two Houses.

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

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

**IMMEDIATE CONSIDERATION OF HOUSE AMENDMENTS
TO SENATE BILLS--SB04-225**

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

Senator Hillman moved that the Senate not concur in House amendments to **SB04-225**, as printed in House Journal, April 30, page 1706, and that a Conference Committee be appointed.

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

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

GENERAL ORDERS--SECOND READING OF BILLS

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

SB04-242 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 May 6, 2004.

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

Amendment No. 1, State, Veterans and Military Affairs Committee Amendment.
(Printed in Senate Journal, April 29, pages 1086-1088 and placed in members' bill files.)

As amended, laid over until Tuesday, May 4, retaining its place on the calendar.

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.

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

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

As amended, Senate Journal, April 29, pages 1082-1084.

Laid over until Tuesday, May 4, 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 Tuesday, May 4, 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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

Laid over until Tuesday, May 4, 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 Tuesday, May 4, retaining its place on the calendar.

ROLL CALL VOTE ON SB04-227

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.

Senator Lamborn requested a roll call vote on **SB04-227**.

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

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Arnold, 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: SB04-227 as amended
Laid over until Tuesday, May 4: HB04-1190 as amended, SB04-217 as amended, SB04-232, SB04-190, SB04-151 as amended.

APPOINTMENTS TO CONFERENCE COMMITTEE

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

The President appointed Senators Hillman, Chairman, Entz, and Grossman as Senate Conferees on the First Conference Committee on **SB04-225**.

HB04-1104 by Representative(s) King; also Senator(s) McElhany--Concerning educator licensure, and making an appropriation in connection therewith.

The President appointed Senators McElhany, Chairman, Andrews, and Gordon as Senate Conferees on the First Conference Committee on **HB04-1104**.

TRIBUTES

Honoring Major James H. Coakley -- by Senator Andy McElhany.
Honoring Exempla Lutheran Medical Center -- by Senator Moe Keller and Representative Cheri Jahn.

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of May 3, 2004, was laid over until Tuesday, May 4, 2004, retaining its place on the calendar.

Third Reading of Bills--Final Passage: SB04-215, SCR04-024.
Consideration of Resolutions: HJR04-1038, HJR04-1085, HJR04-1090.
Consideration of House Amendments to Senate Bills: SB04-168.
Notice of Intent to Reconsider Resolution: SCR04-013.

Consideration of Governor's Appointments:
Member of the Juvenile Parole Board;
Member of the Securities Board;
Members of the Pinnacol Assurance Board of Directors;
Member of the Advisory Committee on Governmental Accounting;
Member of the Board of Trustees for Mesa State College;
Member of the State Board of Nursing.
Conference Committees to Report: SB04-131, SB04-153.

On motion of Senator Hillman, the Senate adjourned until 10:00 a.m., Tuesday, May 4, 2004.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39