

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

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Ninety-first Legislative Day

Tuesday, April 6, 2004

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Prayer	By the chaplain, Father Dennis Woerter.	10
Pledge	By Senator Tapia.	11
Call to Order	By the President at 9:00 a.m.	12
Roll Call	Present--32. Absent/Excused--3; Cairns, Dyer, Sandoval. Present later--Cairns.	13
Quorum	The President announced a quorum present.	14
Reading of Journal	On motion of Senator Keller, reading of the Journal of April 5, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.	15

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**MESSAGES FROM THE HOUSE**

**CORRECTED MESSAGE**

April 1, 2004  
Mr. President:

The House has voted not to concur in the Senate amendments to HB04-1177 and requests that a conference committee be appointed. The Speaker has appointed Representatives Spradley, chairman, T. Williams, and Miller as House conferees on the First Conference Committee on HB04-1177. The House has granted authorization to go beyond the scope of the differences. The bill is transmitted herewith.

April 5, 2004  
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB04-1221, amended as printed in House Journal, April 2, page 1192.  
HB04-1203, amended as printed in House Journal, April 2, page 1193.

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**MESSAGE FROM THE REVISOR OF STATUTES**

April 5, 2004

We herewith transmit:

Without comment, as amended, HB04-1221 and 1203.

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**MESSAGES FROM THE GOVERNOR**

April 5, 2004

To the Honorable Senate  
Sixty-fourth General Assembly

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Second Regular Session  
Denver, CO 80203

Ladies and Gentlemen:

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

**S.B.04-036** – Concerning The Prevention Of Spilling Of Material From Certain Motor Vehicles.

Approved April 5, 2004 at 2:37 P.M.

Sincerely,  
(signed)  
Bill Owens  
Governor  
Rec'd 4-5-04 4:00 p.m.  
Mona Heustis, Secretary of the Senate

April 5, 2004

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

Ladies and Gentlemen:

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

**S.B.04-123** – Concerning The Authority For The Youthful Offender System.

Approved April 5, 2004 at 2:48 P.M.

Sincerely,  
(signed)  
Bill Owens  
Governor  
Rec'd 4-5-04 4:00 p.m.  
Mona Heustis, Secretary of the Senate

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

The President has signed: HJR04-1043.

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**SENATE SERVICES REPORTS**

**Correctly Printed:** SB04-221 and 222.  
**Correctly Reengrossed:** SB04-204 and 216.  
**Correctly Rerevised:** HB04-1230, 1380, 1384, 1387, 1388, 1394, 1395, 1399 and 1401.  
**Correctly Enrolled:** SB04-088 and 166.

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Senate in recess.

Senate reconvened.

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**COMMITTEE OF REFERENCE REPORTS**

Education

After consideration on the merits, the Committee recommends that **HB04-1397** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, strike lines 2 through 17.

Strike pages 4 through 6.

Page 7, strike lines 1 through 17.

ReNUMBER succeeding sections accordingly.

Page 7, line 19, after "(A)", insert "(4), and (5) (f)".

Page 8, line 17, strike "11.5%" and substitute "~~11.5%~~ 11%";

after line 22, insert the following:

"(4) A district's at-risk funding shall be determined in accordance with one of the following formulas:

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

(District per pupil funding x ~~11.5%~~ 11%) x District at-risk pupils

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

((District per pupil funding x ~~11.5%~~ 11%) x (Statewide average percentage of at-risk pupils x District pupil enrollment)) + ((District per pupil funding x District at-risk factor) x (District at-risk pupils - (Statewide average percentage of at-risk pupils x District pupil enrollment)))

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

(f) (I) If the district percentage of at-risk pupils is greater than the statewide average percentage of at-risk pupils and the district's funded pupil count is greater than four hundred fifty-nine but not in excess of fifty thousand, the district's at-risk factor shall be ~~11.5%~~ 11% plus a 0.30 percentage point for each percentage point that the district percentage of at-risk pupils exceeds the statewide average percentage of at-risk pupils; except that no district's at-risk factor shall exceed 30%.

(II) If the district percentage of at-risk pupils is greater than the statewide average percentage of at-risk pupils and the district's funded pupil count is greater than fifty thousand, the district's at-risk factor shall be ~~11.5%~~ 11% plus a 0.36 percentage point for each percentage point that the district percentage of at-risk pupils exceeds the statewide average percentage of at-risk pupils; except that no district's at-risk factor shall exceed 30%."

Page 9, line 4, strike "(III) (A)," and substitute "(II) (B.1)";

strike lines 8 through 21 and substitute the following:

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

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

**SECTION 4. Repeal.** 22-54-106 (2) (a) (III), Colorado Revised Statutes, is repealed as follows:

**22-54-106. Local and state shares of district total program.**

(2) (a) Except as provided in paragraph (c) of this subsection (2), for reorganized districts, for the 1994 property tax year and property tax years thereafter, each district shall levy the lesser of:

~~(III) The number of mills that may be levied by the district under the property tax revenue limitation imposed on the district by section 20 of article X of the state constitution. In the calculation of local growth for purposes of determining the property tax revenue limitation imposed on a district under this subparagraph (III), a district's student enrollment shall be the district's funded pupil count, or".~~

Renumber succeeding sections accordingly.

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

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

line 23, strike "(a)";

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

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

strike lines 26 and 27.

Page 13, strike lines 1 through 13.

Page 18, strike lines 10 through 27.

Strike pages 19 and 20.

Page 21, strike lines 1 through 26.

Renumber succeeding sections accordingly.

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**MESSAGE FROM THE HOUSE**

April 6, 2004  
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes  
HB04-1404, amended as printed in House Journal, April 5, pages 1207-1208.  
HB04-1390, amended as printed in House Journal, April 5, pages 1208-1209.

The House has adopted and transmits herewith HJR04-1018, HJR04-1037.

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**MESSAGE FROM THE REVISOR OF STATUTES**

April 6, 2004

We herewith transmit:

Without comment, as amended, HB04-1390 and 1404.

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**INTRODUCTION OF RESOLUTIONS**

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

- SJR04-034** by Senator(s) Veiga, Gordon, Groff, Grossman; also Representative(s) Madden--  
Concerning tolerance in Colorado.  
Judiciary
- HJR04-1018** by Representative(s) Rose, Stafford, Berry, Boyd, Cerbo, Clapp, Cloer, Garcia, Hall,  
Harvey, Hefley, Hodge, Hoppe, Jahn, Johnson R., King, Larson, Madden, McCluskey,  
McFadyen, Paccione, Pommer, Ragsdale, Rhodes, Sinclair, Spradley, White, Wiens,  
Williams S.; also Senator(s) Johnson S.--Concerning recognition of the month of April as  
Child Abuse Prevention Month.  
Laid over one day under Senate Rule 30(e).
- HJR04-1037** by Representative(s) Decker, Spradley; also Senator(s) McElhany--Concerning support for  
the quest to obtain a Nextel Cup race at Pikes Peak International Raceway.  
Laid over one day under Senate Rule 30(e).

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**INTRODUCTION OF BILLS--FIRST READING**

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

- 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.  
State Veterans & Military Affairs
- HB04-1221** by Representative(s) Hoppe, Brophy, Harvey, Hefley, Hodge, McCluskey, Miller, Paccione,  
Salazar, Tochtrop, White, Wiens; also Senator(s) Entz--Concerning the funding of Colorado  
water conservation board projects, and making appropriations in connection therewith.  
Agriculture, Natural Resources & Energy  
Appropriations

**APPOINTMENTS TO CONFERENCE COMMITTEE**

**HB04-1061** by Representative(s) Berry, Hefley, Jahn, Madden, McFadyen, Williams S.; also Senator(s) Takis--Concerning the utilization of child advocacy centers.

The President appointed Senators Anderson, Chairman, Dyer, and Takis as Senate Conferees on the First Conference Committee on **HB04-1061**.

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

The President has signed: HB04-1226, 1232, 1285, 1354, 1379.

The President has signed: HB04-1074.

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On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of April 6, 2004, was laid over until Wednesday, April 7, 2004, retaining its place on the calendar.

General Orders--Second Reading: HB04-1095, SB04-136 as amended, HB04-1080, HB04-1381, HB04-1367, SB04-207, SB04-215.  
Consideration of Resolutions: SJR04-011, SJR04-013, SJR04-014, SJR04-022, SJR04-010, HJR04-1020, SJR04-017, SJR04-028, HJR04-1045, SJR04-032, SJR04-033.  
Consideration of House Amendments to Senate Bills: SB04-108, SB04-137, SB04-115, SB04-125, SB04-105, SB04-024, SB04-094, SB04-045, SB04-188.  
Consideration of Governor's Appointments:  
    Members of the Water Quality Control Commission;  
    Member of the Colorado Children's Trust Fund Board;  
    Members of the Colorado School of Mines, Board of Trustees.  
Consideration of Conference Committee Reports: HB04-1102, HB04-1072.  
Conference Committees to Report: HB04-1117, SB04-082, HB04-1236, HB04-1177.  
Requests for Conference Committee: SB04-131.

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On motion of Senator Hillman, the Senate adjourned until 9:00 a.m., Wednesday, April 7, 2004.

Approved:

John Andrews  
President of the Senate

Attest:

Mona Heustis  
Secretary of the Senate

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