

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

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Ninetieth Legislative Day

Monday, April 5, 2004

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Prayer	By the chaplain, Reverend Glen Hamlyn.	11
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Pledge	By Senator Tapia.	13
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Call to Order	By the President at 10:00 a.m.	15
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Roll Call	Present--34.	18
	Absent/Excused--1; Entz.	19
	Present later--Entz.	20
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Quorum	The President announced a quorum present.	22
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Reading of Journal	On motion of Senator Keller, reading of the Journal of April 2, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.	24
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**COMMITTEE OF REFERENCE REPORTS**

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Health, Environment, Welfare, & Institutions	After consideration on the merits, the Committee recommends that <b>SB04-206</b> be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	31
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Appro- priations	After consideration on the merits, the Committee recommends that <b>SB04-037</b> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	37
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	Amend printed bill, page 7, line 14, after the period, add "IF STAFF ASSISTANCE IS NOT AVAILABLE WITHIN EXISTING APPROPRIATIONS, THEN THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL AND THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES MAY SUPPLY STAFF ASSISTANCE TO THE TASK FORCE ONLY IF MONEYS ARE CREDITED TO THE EXAMINATION OF THE TREATMENT OF PERSONS WITH MENTAL ILLNESS IN THE CRIMINAL JUSTICE SYSTEM CASH FUND CREATED IN SECTION 18-1.9-106 IN AN AMOUNT SUFFICIENT TO FUND STAFF ASSISTANCE.".	41
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	Page 15, line 10, strike "TASK" and substitute "DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY, ON BEHALF OF THE TASK FORCE,";	50
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	line 11, strike "FORCE" and, after "RECEIVE", insert "AND EXPEND";	54
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	line 12, strike "TO BE";	56
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	line 13, strike "EXPENDED";	58
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	line 21, after the period, insert "IF STAFF ASSISTANCE IS NOT AVAILABLE FROM A GOVERNMENTAL AGENCY WITHIN EXISTING APPROPRIATIONS, THEN THE EXECUTIVE DIRECTORS OF THE DEPARTMENTS REPRESENTED ON THE TASK FORCE, THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL, AND THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES MAY SUPPLY STAFF ASSISTANCE TO THE TASK FORCE ONLY IF MONEYS ARE CREDITED TO THE EXAMINATION OF THE TREATMENT OF PERSONS WITH MENTAL ILLNESS IN THE CRIMINAL JUSTICE SYSTEM CASH	60
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FUND CREATED IN SECTION 18-1.9-106 IN AN AMOUNT SUFFICIENT TO FUND STAFF ASSISTANCE.";

line 23, after "fund.", insert "(1)".

Page 16, after line 13, insert the following:

"(2) COMPENSATION AS PROVIDED IN SECTIONS 18-1.9-103 (1) (d) AND 18-1.9-105 (2) FOR MEMBERS OF THE GENERAL ASSEMBLY AND FOR STAFF ASSISTANCE TO THE COMMITTEE AND TASK FORCE PROVIDED BY THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL AND THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL BE APPROVED BY THE CHAIR OF THE LEGISLATIVE COUNCIL AND PAID BY VOUCHERS AND WARRANTS DRAWN AS PROVIDED BY LAW FROM MONEYS APPROPRIATED FOR SUCH PURPOSE AND ALLOCATED TO THE LEGISLATIVE COUNCIL FROM THE FUND.";

strike lines 16 through 19, and substitute the following:

"SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the criminal justice system cash fund created in section 18-1.9-106, Colorado revised statutes, not otherwise appropriated, to the legislative department, for the fiscal year beginning July 1, 2004, the sum of twenty-one thousand eight hundred twenty-six dollars (\$21,826) and 0.4 FTE, or so much thereof as may be necessary, for the implementation of this act."

Page 1, line 103, strike "SYSTEM." and substitute "SYSTEM, AND MAKING AN APPROPRIATION THEREFOR."

Appropriations

After consideration on the merits, the Committee recommends that SB04-113 be postponed indefinitely.

Appropriations

After consideration on the merits, the Committee recommends that SB04-142 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Education Committee Report, dated February 12, 2004, page 1, strike line 1 and substitute the following:

"Amend printed bill, page 15, line 16, strike "ONE HUNDRED" and substitute "NINETY-FIVE";

line 18, strike "ONE" and substitute "NINETY-FIVE";

line 19, strike "HUNDRED";

strike lines 21 and 22 and substitute the following:

"IN THE ACADEMY. THE DEPARTMENT SHALL WITHHOLD FROM THE STATE EQUALIZATION PAYMENTS OF THE ACADEMY'S PUPILS' RESPECTIVE SCHOOL DISTRICTS OF RESIDENCE AN AMOUNT TO REIMBURSE THE SPONSORING AUTHORITY FOR THE".

Page 18, after line 6, insert the following:

"(6) AN ACADEMY SHALL BE RESPONSIBLE FOR ADMINISTERING TO ITS PUPILS THE STATEWIDE ASSESSMENTS DESCRIBED IN PART 6 OF ARTICLE 7 OF THIS TITLE AT THE EXPENSE OF THE ACADEMY OR THE SPONSORING AUTHORITY."

Page 25, after line 14, insert the following:".

Page 9 of the committee report, line 14, strike "ONE HUNDRED" and substitute "NINETY-FIVE";

line 16, strike "ONE HUNDRED" and substitute "NINETY-FIVE".

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Appropriations

After consideration on the merits, the Committee recommends that **SB04-138** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, after line 3, insert the following:

**"SECTION 2.** Section 2 of chapter 205, Session Laws of Colorado 2003, as section 2 (1) (d) is amended and section 2 (1) (e) is enacted by section 4 of House Bill 04-1320 and as section 2 (1) is amended by section 10 of House Bill 04-1422, enacted at the Second Regular Session of the Sixty-fourth General Assembly, is amended to read:

**Section 2. Appropriation - adjustments to the 2003 long bill.**

(1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of health care policy and financing for the fiscal year beginning July 1, 2003, shall be adjusted as follows:

(a) The appropriation to the executive director's office, for personal services, is increased by ~~thirty-eight thousand seven hundred ninety-seven dollars (\$38,797) and 1.0 FTE.~~ TWENTY-NINE THOUSAND AND NINETY-SEVEN DOLLARS (\$29,097) AND 0.7 FTE. Of said sum, ~~nineteen thousand three hundred ninety-nine dollars (\$19,399)~~ FOURTEEN THOUSAND FIVE HUNDRED FORTY-NINE DOLLARS (\$14,549) shall be from the general fund and ~~nineteen thousand three hundred ninety-eight dollars (\$19,398)~~ FOURTEEN THOUSAND FIVE HUNDRED FORTY-EIGHT DOLLARS (\$14,548) shall be from federal funds.

(b) The appropriation to the executive director's office, for operating expenses, is increased by ~~seven thousand five hundred fifty-five dollars (\$7,555).~~ FIVE THOUSAND SIX HUNDRED SIXTY-SIX DOLLARS (\$5,666). Of said sum, ~~three thousand seven hundred seventy-eight dollars (\$3,778)~~ TWO THOUSAND EIGHT HUNDRED THIRTY-THREE DOLLARS (\$2,833) shall be from the general fund and ~~three thousand seven hundred seventy-seven dollars (\$3,777)~~ TWO THOUSAND EIGHT HUNDRED THIRTY-THREE DOLLARS (\$2,833) shall be from federal funds.

(c) ~~The appropriation for medical services premiums is decreased by a total of one hundred eighty-five thousand two hundred twenty-four dollars (\$185,224). Of said sum, ninety-two thousand six hundred twelve dollars (\$92,612) shall be from the general fund and ninety-two thousand six hundred twelve dollars (\$92,612) shall be from federal funds.~~

(d) ~~The cash funds appropriation for medical services premiums is increased by one hundred eighty-five thousand two hundred twenty-four dollars (\$185,224). The cash fund appropriation shall be from the children's home- and community-based services cash fund created in section 26-4-424 (5), Colorado Revised Statutes.~~

(e) ~~The appropriation to the department of human services medicaid-funded programs, services for people with disabilities-medicaid funding, services for families and children-medicaid funding, is decreased by a total of nineteen thousand and eighty dollars (\$19,080). Of said sum, nine thousand five hundred forty dollars (\$9,540) shall be from the general fund and nine thousand five hundred forty dollars (\$9,540) shall be from federal funds.~~

(f) ~~The appropriation to the department of human services medicaid-funded programs services for people with disabilities-medicaid funding, services for families and children-medicaid funding is increased by nineteen thousand eighty dollars (\$19,080) cash funds. The cash fund appropriation shall be from the children's home- and community-based services cash fund created in section 26-4-424 (5), Colorado Revised Statutes.~~

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~~(2) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2003, to the department of personnel and administration, finance and procurement, collections services, for personal services, is increased by twenty-five thousand four hundred ninety-nine dollars (\$25,499) cash funds. The cash funds appropriation shall be from the children's home- and community-based services cash fund created in section 26-4-424 (5), Colorado Revised Statutes.~~

**SECTION 3. Appropriation - adjustments in 2004 long bill.**

(1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of health care policy and financing for the fiscal year beginning July 1, 2004, shall be adjusted as follows:

(a) The appropriation to the executive director's office, for personal services, is decreased by thirty-eight thousand seven hundred ninety-seven dollars (\$38,797) and 1.0 FTE. Of said sum, nineteen thousand three hundred ninety-nine dollars (\$19,399) shall be from the general fund and nineteen thousand three hundred ninety-eight dollars (\$19,398) shall be from federal funds.

(b) The appropriation to the executive director's office, for operating expenses, is decreased by seven thousand five hundred fifty-five dollars (\$7,555). Of said sum, three thousand seven hundred seventy-eight dollars (\$3,778) shall be from the general fund and three thousand seven hundred seventy-seven dollars (\$3,777) shall be from federal funds.

(c) The appropriation for medical services premiums is increased by a total of seven hundred forty thousand eight hundred ninety-six dollars (\$740,896). Of said sum, three hundred seventy thousand four hundred forty-eight dollars (\$370,448) shall be from the general fund and three hundred seventy thousand four hundred forty-eight dollars (\$370,448) shall be from federal funds.

(d) The cash funds appropriation for medical services premiums is decreased by seven hundred forty thousand eight hundred ninety-six dollars (\$740,896). The cash funds shall be from the children's home- and community-based services cash fund created in section 26-4-424 (5), Colorado Revised Statutes.

(e) The appropriation to the department of human services medicaid-funded programs, services for people with disabilities-medicaid funding, services for families and children-medicaid funding, is increased by a total of seventy-six thousand three hundred twenty dollars (\$76,320). Of said sum, thirty-eight thousand one hundred sixty dollars (\$38,160) shall be from the general fund and thirty-eight thousand one hundred sixty dollars (\$38,160) shall be from federal funds.

(f) The cash funds appropriation to the department of human services medicaid-funded programs services for people with disabilities-medicaid funding, services for families and children-medicaid funding is decreased by seventy-six thousand three hundred twenty dollars (\$76,320). The cash funds shall be from the children's home- and community-based services cash fund created in section 26-4-424 (5), Colorado Revised Statutes.

(2) For the implementation of this act, the appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 2004, to the department of personnel and administration, finance and procurement, collections services, for personal services, is decreased by twenty-five thousand four hundred ninety-nine dollars (\$25,499) cash funds. The cash funds shall be from the children's home- and community-based services cash fund created in section 26-4-424 (5), Colorado Revised Statutes."

Renumber succeeding section accordingly.

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Page 1, line 105, strike "PROGRAM." and substitute "PROGRAM, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

Appropriations

After consideration on the merits, the Committee recommends that SB04-183 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 10, after line 1, insert the following:

**"SECTION 16. Appropriation - Adjustments in 2004 long bill.**

(1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of agriculture for the fiscal year beginning July 1, 2004, shall be adjusted as follows:

(a) The general fund appropriation to the commissioner's office and administrative services is reduced by one hundred twenty-one thousand twenty-eight dollars (\$121,028).

(b) The cash funds appropriation to the commissioner's office and administrative services is increased by two hundred sixty-six thousand four hundred fifty-nine dollars (\$266,459). Said sum shall be from the racing cash fund pursuant to section 12-60-506, Colorado Revised Statutes.

(c) The cash funds exempt appropriation to the commissioner's office and administrative services is increased by one hundred twenty-one thousand twenty-eight dollars (\$121,028). This sum shall be transferred from the division of racing events in part (d) of this subsection (1).

(d) The cash funds appropriation to the division of racing events for indirect cost assessment is increased by one hundred twenty-one thousand twenty-eight dollars (\$121,028). Said sum shall be from the racing cash fund pursuant to section 12-60-506, Colorado Revised Statutes.

(e) The cash funds appropriation to the division of racing events for personal services shall be increased by one million four hundred forty-four thousand four hundred fifty-two dollars (\$1,444,452) and 19.0 FTE. Said sum shall be from the racing cash fund pursuant to section 12-60-506, Colorado Revised Statutes.

(f) The cash funds appropriation to the division of racing events for operating expenses shall be increased by ninety-seven thousand eight hundred forty-five dollars (\$97,845). Said sum shall be from the racing cash fund pursuant to section 12-60-506, Colorado Revised Statutes.

(g) The cash funds appropriation to the division of racing events for laboratory services shall be increased by one hundred four thousand nine hundred ninety-two dollars (\$104,992). Said sum shall be from the racing cash fund pursuant to section 12-60-506, Colorado Revised Statutes.

(h) The cash funds appropriation to the division of racing events for commission meeting costs shall be increased by one thousand two hundred dollars (\$1,200). Said sum shall be from the racing cash fund pursuant to section 12-60-506, Colorado Revised Statutes.

(i) The cash funds appropriation to the division of racing events for racetrack applications shall be increased by twenty-five thousand dollars (\$25,000). Said sum shall be from application fees paid pursuant to section 12-60-506, Colorado Revised Statutes.

(j) The cash funds appropriation to the division of racing events for purse and breeders awards shall be increased by one million one hundred six thousand one hundred forty-two dollars (\$1,106,142). Said sum shall be from the horse breeders' and owners' awards and supplemental purse fund pursuant to section 12-60-704, Colorado Revised Statutes.

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(2) For the implementation of this act, appropriations made in the annual general appropriation act to the department of revenue for the fiscal year beginning July 1, 2004, shall be adjusted as follows:

(a) The general fund appropriation to the executive director's office is increased by sixty-seven two hundred fifteen dollars (\$67,215).

(b) The cash funds appropriation to the executive director's office is reduced by three hundred thirty-three thousand six hundred seventy-four dollars (\$333,674). Said sum shall be from the racing cash fund pursuant to section 12-60-506, Colorado Revised Statutes.

(c) The general fund appropriation to the cash and document processing division is increased by fourteen thousand two-hundred seventy-seven dollars (\$14,277).

(d) The cash funds appropriation to the cash and document processing division is reduced by fourteen thousand two-hundred seventy-seven dollars (\$14,277). Said sum shall be from the racing cash fund pursuant to section 12-60-506, Colorado Revised Statutes.

(e) The general fund appropriation to the information technology division is increased by sixty-three thousand six hundred eighty-five dollars (\$63,685).

(f) The cash funds appropriation to the information technology division is decreased by sixty-three thousand six hundred eighty-five dollars (\$63,685). Said sum shall be from the racing cash fund pursuant to section 12-60-506, Colorado Revised Statutes.

(g) The general fund appropriation to the enforcement business group, administration section, is increased by seven thousand three hundred forty-one dollars (\$7,341).

(h) The cash funds appropriation to the enforcement business group, administration section, from the auto dealer license fund pursuant to section 12-6-123, Colorado Revised Statutes, is increased by twenty-two thousand two hundred thirty-three dollars (\$22,233).

(i) The cash funds appropriation to the enforcement business group, administration section, from the liquor enforcement division and state licensing authority cash fund pursuant to section 24-35-401, Colorado Revised Statutes, is increased by nineteen thousand nine hundred twenty-five dollars (\$19,925).

(j) The cash funds exempt appropriation to the enforcement business group, administration section, from the racing cashing fund pursuant to section 12-60-506, Colorado Revised Statutes, is decreased by eighty-one thousand four hundred ninety-three dollars (\$81,943).

(k) The cash funds exempt appropriation to the enforcement business group, administration section, from the drivers' license administrative revocation account pursuant to section 42-2-132 (4) (b), Colorado Revised Statutes, is increased by twenty-five thousand one hundred sixty-eight dollars (\$25,168).

(l) The cash funds exempt appropriation to the enforcement business group, administration section, from the limited gaming fund pursuant to section 12-47.1-701, Colorado Revised Statutes, is increased by seven thousand two hundred seventy-six dollars (\$7,276).

(m) The cash funds appropriation to the enforcement business group, limited gaming division, indirect cost assessment, shall be increased by seven thousand two hundred seventy-six dollars (\$7,276). Said sum shall be from the limited gaming fund pursuant to section 12-47.1-701, Colorado Revised Statutes.

(n) The cash funds appropriation to the division of racing events for personal services shall be decreased by one million four hundred

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forty-four thousand four hundred fifty-two dollars (\$1,444,452) and 19.0 FTE. Said sum shall be from the racing cash fund pursuant to section 12-60-506, Colorado Revised Statutes.

(o) The cash funds appropriation to the division of racing events for operating expenses shall be decreased by ninety-seven thousand eight hundred forty-five dollars (\$97,845). Said sum shall be from the racing cash fund pursuant to section 12-60-506, Colorado Revised Statutes.

(p) The cash funds appropriation to the division of racing events for laboratory services shall be decreased by one hundred four thousand nine hundred ninety-two dollars (\$104,992). Said sum shall be from the racing cash fund pursuant to section 12-60-506, Colorado Revised Statutes.

(q) The cash funds appropriation to the division of racing events for commission meeting costs shall be decreased by one thousand two hundred dollars (\$1,200). Said sum shall be from the racing cash fund pursuant to section 12-60-506, Colorado Revised Statutes.

(r) The cash funds appropriation to the division of racing events racetrack applications shall be decreased by twenty-five thousand dollars (\$25,000). Said sum shall be from application fees paid pursuant to section 12-60-506, Colorado Revised Statutes.

(s) The cash funds appropriation to the division of racing events for purse and breeders awards shall be decreased by one million one hundred six thousand one hundred forty-two dollars (\$1,106,142). Said sum shall be from the horse breeders' and owners' awards and supplemental purse fund pursuant to section 12-60-704, Colorado Revised Statutes."

Renumber succeeding sections accordingly.

Page 1, line 103, strike "AGRICULTURE." and substitute "AGRICULTURE, AND MAKING AN APPROPRIATION THEREFOR."

Appropriations

After consideration on the merits, the Committee recommends that **SB04-076** be postponed indefinitely.

Appropriations

After consideration on the merits, the Committee recommends that **SB04-144** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, after line 13, insert the following:

"(5) (a) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT NO GENERAL FUND MONEYS BE APPROPRIATED FOR THE PURPOSES OF IMPLEMENTING THIS SECTION.

(b) THE STATE AUDITOR IS AUTHORIZED TO ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION. ALL PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE SCHOOL DISTRICT PILOT EFFICIENCY REVIEW FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS SECTION AS THE "FUND". THE MONEYS IN THE FUND SHALL BE SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THIS SECTION. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS SECTION 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. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND. ALL UNEXPENDED AND

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UNENCUMBERED MONEYS REMAINING IN THE FUND AS OF SEPTEMBER 1, 2005, SHALL BE TRANSFERRED TO THE GENERAL FUND.";

line 14, strike "(5)" and substitute "(6)";

after line 14, insert the following:

"SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the legislative department, for allocation to the state auditor's office, for the fiscal year beginning July 1, 2004, the sum of one hundred thousand dollars (\$100,000), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be cash funds exempt from the school district pilot efficiency review fund, created in section 2-3-117 (5) (b), Colorado Revised Statutes."

Renumber succeeding section accordingly.

Page 1, line 103, strike "DISTRICTS." and substitute "DISTRICTS, AND MAKING AN APPROPRIATION."

Appropriations

After consideration on the merits, the Committee recommends that SB04-162 be postponed indefinitely.

MESSAGE FROM THE REVISOR OF STATUTES

April 2, 2004

We herewith transmit:

Without comment, HB04-1412, 1413, 1415, 1416, 1417, 1419, and 1420.

Without comment, as amended, HB04-1418, 1421, and 1422.

With comment, as amended, HB04-1397.

INTRODUCTION OF RESOLUTION

The following resolution was read by title:

SJR04-033 by Senator(s) Andrews; also Representative(s) Spradley--Concerning academic freedom in higher education.

Laid over one day under Senate Rule 30(b).

INTRODUCTION OF BILLS--FIRST READING

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

SB04-221 by Senator(s) Taylor; --Concerning the authority of a metropolitan district to exercise specified enforcement activities of other entities within the boundaries of the district. Local Government

SB04-222 by Senator(s) Entz; also Representative(s) Smith--Concerning the authority of the state engineer to administer underground water use in water division 3, and, in connection therewith, protecting senior water rights, preventing unreasonable underground water level declines, maintaining sustainable underground water supplies, and encouraging the use of ground water management subdistricts in water division 3. Agriculture, Natural Resources & Energy

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

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- HB04-1412** by Representative(s) Young, Plant, Witwer; also Senator(s) Owen, Reeves, Teck--  
Concerning transfers of money related to capital construction.  
Appropriations
- HB04-1413** by Representative(s) Plant, Witwer, Young; also Senator(s) Teck, Owen, Reeves--  
Concerning the surcharge collected on documents received by a county clerk and recorder  
that is used for the purpose of defraying the costs of providing electronic filing capabilities.  
Appropriations
- HB04-1415** by Representative(s) Young, Plant, Witwer; also Senator(s) Reeves, Owen, Teck--  
Concerning changes to reimbursements of nursing facilities, and, in connection therewith,  
repealing the nursing facility provider fee and quality of care grant program and making an  
appropriation.  
Appropriations
- HB04-1416** by Representative(s) Witwer, Plant, Young; also Senator(s) Owen, Reeves, Teck--  
Concerning the elimination of the requirement to use general fund moneys for the breast  
and cervical cancer prevention and treatment program in state fiscal year 2004-05, and  
making an appropriation therefor.  
Appropriations
- HB04-1417** by Representative(s) Witwer, Plant, Young; also Senator(s) Reeves, Owen, Teck--  
Concerning the transfer of moneys in the Colorado heritage communities fund to the general  
fund.  
Appropriations
- HB04-1418** by Representative(s) Plant, Witwer, Young; also Senator(s) Teck, Owen, Reeves--  
Concerning the quarterly payment of specified assistance grants to individuals for certain  
programs administered by the executive director of the department of revenue, and making  
an appropriation therefor.  
Appropriations
- HB04-1419** by Representative(s) Witwer, Plant, Young; also Senator(s) Teck, Owen, Reeves--  
Concerning a requirement that private prison contractors reimburse the state only for  
monitoring costs associated with monitoring out-of-state inmates with a corresponding  
reduction in the private prison reimbursement rate from \$50.37 per inmate per day to \$49.56  
per inmate per day, and making an appropriation in connection therewith.  
Appropriations
- HB04-1420** by Representative(s) Young, Plant, Witwer; also Senator(s) Owen, Reeves, Teck--  
Concerning the fiscal policy of the state for the 2003-04 state fiscal year in relation to the  
statutorily required general fund reserve.  
Appropriations
- HB04-1421** by Representative(s) Witwer, Plant, Young; also Senator(s) Teck, Owen, Reeves--  
Concerning the allocation of tobacco settlement moneys received by the state, and making  
an appropriation therefor.  
Appropriations
- HB04-1422** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--  
Concerning the provision for payment of the expenses of the executive, legislative, and  
judicial departments of the state of Colorado, and of its agencies and institutions, for and  
during the fiscal year beginning July 1, 2004, except as otherwise noted.  
Appropriations

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### 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:

- HB04-1230** by Representative(s) Hall, May M., Crane, Fairbank, Lundberg, Mitchell, Rose, Williams  
S., Williams T.; also Senator(s) Jones--Concerning the election of school district directors  
from director districts.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	E	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**.

**HB04-1384** by Representative(s) Sinclair, Coleman, Johnson R., Larson, May M., McCluskey, Rose, Weddig; also Senator(s) Lamborn--Concerning reporting requirements reviewed by the state, veterans, and military affairs committees of the general assembly pursuant to Colorado's "Information Coordination Act".

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	E	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: Taylor.

**SB04-204** by Senator(s) Anderson; also Representative(s) Coleman--Concerning the administration of the state-supervised lottery program.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	E	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: Andrews and McElhany.

**HB04-1387** by Representative(s) Hefley; also Senator(s) Dyer--Concerning changes to the procedural criminal laws.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	E	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: Grossman.

**HB04-1395** by Representative(s) Spence; also Senator(s) Kester--Concerning matters related to evaluations by the state board of parole of persons seeking parole.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	E	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: Arnold, Chlouber, Groff, and Tapia.

**HB04-1388** by Representative(s) Hefley; also Senator(s) Dyer--Concerning nonsubstantive changes to statutory provisions identifying crimes that pose an extraordinary risk of harm to society.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	E	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**.

**SB04-216** 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 question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	E	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: Keller, Tupa, and Veiga.

**HB04-1394** by Representative(s) Fairbank; also Senator(s) Kester--Concerning alternative loan charges by supervised lenders for small loans.

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

YES	33	NO	1	EXCUSED	1	ABSENT	0
Anderson	Y	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	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	E	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**.

**HB04-1399** by Representative(s) Williams T.; also Senator(s) Kester--Concerning statutory provisions governing limited liability companies contained in title 7 of the Colorado Revised Statutes.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	E	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**.

**HB04-1380** by Representative(s) Spence; also Senator(s) Arnold--Concerning reports to the education committees of the general assembly pursuant to Colorado's "Information Coordination Act".

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	E	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**.

**HB04-1401** by Representative(s) Crane; also Senator(s) Arnold--Concerning the statutory designation of the boundaries of the city and county of Broomfield, and, in connection therewith, excluding areas of the city and county of Broomfield from the counties of Adams, Jefferson, Boulder, and Weld.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	E	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: Tupa.

**APPOINTMENTS TO CONFERENCE COMMITTEE**

**SB04-131** by Senator(s) Jones, Groff, Johnson S.; also Representative(s) Marshall--Concerning modifications to the procedures for handling an employment discrimination complaint filed by an employee in the state personnel system.

The President appointed Senators Jones, Chairman, Evans, and Veiga as Senate Conferees on the First Conference Committee on **SB04-131**.

**MESSAGE FROM THE GOVERNOR**

April 1, 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.04-002** – Concerning The Annual Fiscal Requirements For A Local Government To Qualify For An Exemption From A Local Government Audit.

Approved April 1, 2004 at 8:15 PM.

**S.B.04-030** – Concerning Crimes That Make An Inmate Ineligible For Participation In The Regimented Inmate Training Program.

Approved April 1, 2004 at 8:16 PM.

**S.B.04-044** – Concerning Authorization Of An Owner Of A Retail Gaming Tavern To Own An Interest In A Hotel And Restaurant Establishment Licensed To Sell Alcohol Beverages.

Approved April 1, 2004 at 8:16 PM.

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- S.B.04-067** – Concerning The Elimination Of Obsolete Provisions Of Law.
- Approved April 1, 2004 at 8:16 PM.
- S.B.04-107** – Concerning Public Employee Retirement Plans.
- Approved April 1, 2004 at 8:17 PM.
- S.B.04-122** – Concerning The Repeal Of Family Law Magistrates.
- Approved April 1, 2004 at 8:20 PM.
- S.B.04-143** – Concerning The Modification Of Certain Requirements For Contractors That Are Awarded Construction Contracts For Public Projects.
- Approved April 1, 2004 at 8:21 PM.
- S.B.04-156** – Concerning Limitations On The Employment Of Sex Offenders In Facilities For The Confinement Of Persons.
- Approved April 1, 2004 at 8:24 PM.
- S.B.04-159** – Concerning Tests To Determine The Blood Alcohol Content Level Of A Driver.
- Approved April 1, 2004 at 8:25 PM.
- Sincerely,  
(signed)  
Bill Owens  
Governor  
Rec'd 4-2-04 2:55 p.m.  
Mona Heustis, Secretary of the Senate

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**MESSAGE FROM THE GOVERNOR**

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

March 23, 2004

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

Ladies and Gentlemen:

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

EXECUTIVE DIRECTOR OF THE  
COLORADO COMMISSION ON HIGHER EDUCATION

for a term expiring at the pleasure of the Governor:

Richard F. O'Donnell of Golden, Colorado, appointed.

Sincerely,  
(signed)  
Bill Owens  
Governor

Rec'd: 3/30/04  
Renee White  
Calendar Clerk

Committee on Education

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

The President has signed: HB04-1265.

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**SENATE SERVICES REPORTS**

**Correctly Printed:** SCR04-011.  
**Correctly Engrossed:** SB04-204 and 216.  
**Correctly Reengrossed:** SB04-189.  
**Correctly Revised:** HB04-1230, 1380, 1384, 1387, 1388, 1394, 1395, 1399 and 1401.  
**Correctly Enrolled:** SB04-029, 057, 083, and 120.

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Senate in recess.

Senate reconvened.

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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 5, 2004, was laid over until Tuesday, April 6, 2004, retaining its place on the calendar.

General Orders--Second Reading: HB04-1095, SB04-136 as amended, HB04-1080.  
Consideration of Resolutions: SJR04-011, SJR04-013, SJR04-014, SJR04-022, SJR04-010, HJR04-1020, SJR04-017, SJR04-028, HJR04-1045, SJR04-032.  
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.  
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: HB04-1061.

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On motion of Senator Hillman, the Senate adjourned until 9:00 a.m., Tuesday, April 6, 2004.

Approved:

John Andrews  
President of the Senate

Attest:

Mona Heustis  
Secretary of the Senate

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