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Matt Simonsen

University of Colorado Law School

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* Duplicate transcripts, prior versions of the bill, and audio files have been omitted.

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



SENATE BILL 08-200

BY SENATOR(S) Veiga, Bacon, Boyd, Gibbs, Groff, Isgar, Keller, Morse, Romer, Sandoval, Schwartz, Shaffer, Tapia, Tupa, Williams, and Windels; also REPRESENTATIVE(S) Judd, Borodkin, Carroll M., Carroll T., Casso, Ferrandino, Frangas, Green, Kerr A., Levy, Madden, Marshall, McGihon, Pommer, Todd, Fischer, Kefalas, Merrifield, Primavera, and Weissmann.

CONCERNING THE EXPANSION OF PROHIBITIONS AGAINST DISCRIMINATION,
AND MAKING AN APPROPRIATION THEREFOR.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. The general assembly hereby finds, determines, and declares that nothing in this act is intended to impede or otherwise limit the protections contained in section 4 of article II of the state constitution concerning the free exercise and enjoyment of religious profession and worship.

SECTION 2. 24-34-301, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-34-301. Definitions. As used in parts 3 to 7 of this article, unless the context otherwise requires:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(7) "SEXUAL ORIENTATION" MEANS A PERSON'S ORIENTATION TOWARD HETEROSEXUALITY, HOMOSEXUALITY, BISEXUALITY, OR TRANSGENDER STATUS OR ANOTHER PERSON'S PERCEPTION THEREOF.

SECTION 3. 24-34-303, Colorado Revised Statutes, is amended to read:

24-34-303. Civil rights commission - membership. (1) There is hereby created, within the division, the Colorado civil rights commission. The commission shall consist of seven members, who shall be appointed by the governor, with the consent of the senate, for terms of four years. ~~except that, of the first members appointed, two shall be appointed for terms of two years and two shall be appointed for terms of three years. In making the first two appointments to the commission on or after July 1, 1981, whether such appointments are for a full term or to fill a vacancy, the governor shall appoint one member to represent the business community and one member to represent state or local government entities. In making the next two appointments to the commission, whether such appointments are for a full term or to fill a vacancy, the governor shall appoint one member to represent small business and one member to represent state or local government entities.~~ The governor shall make all subsequent appointments in such a manner that there are at all times two members of the commission representing the business community, at least one of which shall be a representative of small business, two members of the commission representing state or local government entities, and three members of the commission from the community at large. The membership of the commission shall at all times be comprised of at least four members who are members of groups of people who have been or who might be discriminated against because of disability, race, creed, color, sex, SEXUAL ORIENTATION, national origin, or ancestry, ~~as defined in section 24-34-402 or because of marital status, religion, or age.~~ Appointments shall be made to provide geographical area representation insofar as may be practicable, and no more than four members shall belong to the same political party.

(2) Vacancies ON THE COMMISSION shall be filled by the governor by appointment, with the consent of the senate, and the term of a commissioner so appointed shall be for the unexpired part of the term for which the commissioner is appointed.

(3) Any commissioner may be removed from office by the governor

for misconduct, incompetence, or neglect of duty.

(4) Commissioners shall receive a per diem allowance and shall be reimbursed for actual and necessary expenses incurred by them while on official commission business, as provided in section 24-34-102 (13).

(5) The commission may adopt, amend, or rescind rules for governing its meetings. ~~and~~ Four commissioners shall constitute a quorum FOR PURPOSES OF CONDUCTING THE BUSINESS OF THE COMMISSION.

SECTION 4. 24-34-501 (3) and (4), Colorado Revised Statutes, are amended to read:

24-34-501. Definitions. As used in this part 5, unless the context otherwise requires:

(3) "Person" has the meaning ascribed to such term in section 24-34-301 (5) and includes any owner, lessee, proprietor, manager, employee, or any agent of a person; but, for purposes of this part 5, "person" does not include any private club not open to the public, which as an incident to its primary purpose or purposes provides lodgings ~~which~~ THAT it owns or operates for other than a commercial purpose unless such club has the purpose of promoting discrimination in the matter of housing against any person because of disability, race, creed, color, RELIGION, SEX, SEXUAL ORIENTATION, marital status, familial status, national origin, or ancestry.

(4) "Restrictive covenant" means any specification limiting the transfer, rental, or lease of any housing because of disability, race, creed, color, RELIGION, sex, SEXUAL ORIENTATION, marital status, familial status, national origin, or ancestry.

SECTION 5. 24-34-502 (1) (a), (1) (b), (1) (d), (1) (g), (1) (h), (1) (i), (1) (j), and (6), Colorado Revised Statutes, are amended to read:

24-34-502. Unfair housing practices prohibited. (1) It shall be an unfair housing practice and unlawful and hereby prohibited:

(a) For any person to refuse to show, sell, transfer, rent, or lease, or to refuse to receive and transmit any bona fide offer to buy, sell, rent, or

lease, or otherwise make unavailable or deny or withhold from any person such housing because of disability, race, creed, color, sex, SEXUAL ORIENTATION, marital status, familial status, religion, national origin, or ancestry; to discriminate against any person because of disability, race, creed, color, sex, SEXUAL ORIENTATION, marital status, familial status, religion, national origin, or ancestry in the terms, conditions, or privileges pertaining to any housing or the transfer, sale, rental, or lease thereof or in the furnishing of facilities or services in connection therewith; or to cause to be made any written or oral inquiry or record concerning the disability, race, creed, color, sex, SEXUAL ORIENTATION, marital status, familial status, religion, national origin, or ancestry of a person seeking to purchase, rent, or lease any housing; however, nothing in this paragraph (a) shall be construed to require a dwelling to be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others;

(b) For any person to whom application is made for financial assistance for the acquisition, construction, rehabilitation, repair, or maintenance of any housing to make or cause to be made any written or oral inquiry concerning the disability, race, creed, color, sex, SEXUAL ORIENTATION, marital status, familial status, religion, national origin, or ancestry of a person seeking such financial assistance or concerning the disability, race, creed, color, sex, SEXUAL ORIENTATION, marital status, familial status, religion, national origin, or ancestry of prospective occupants ~~to~~ OR tenants of such housing, or to discriminate against any person because of the disability, race, creed, color, sex, SEXUAL ORIENTATION, marital status, familial status, religion, national origin, or ancestry of such person or prospective occupants or tenants in the terms, conditions, or privileges relating to the obtaining or use of any such financial assistance;

(d) For any person to make, print, or publish or cause to be made, printed, or published any notice or advertisement relating to the sale, transfer, rental, or lease of any housing ~~which~~ THAT indicates any preference, limitation, specification, or discrimination based on disability, race, creed, color, RELIGION, sex, SEXUAL ORIENTATION, marital status, familial status, national origin, or ancestry;

(g) For any person whose business includes residential real

estate-related transactions, which transactions involve the making or purchasing of loans secured by residential real estate or the provisions of other financial assistance for purchasing, constructing, improving, repairing, or maintaining a dwelling or the selling, brokering, or appraising of residential real property, to discriminate against any person in making available such a transaction or in fixing the terms or conditions of such a transaction because of race, creed, color, religion, sex, SEXUAL ORIENTATION, marital status, disability, familial status, or national origin or ancestry;

(h) For any person to deny another person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility related to the business of selling or renting dwellings or to discriminate against such person in the terms or conditions of such access, membership, or participation on account of race, creed, color, religion, sex, SEXUAL ORIENTATION, disability, marital status, familial status, or national origin or ancestry;

(i) For any person, for profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, SEXUAL ORIENTATION, disability, familial status, creed, national origin, or ancestry;

(j) For any person to represent to any other person that any dwelling is not available for inspection, sale, or rental, when such dwelling is in fact available, for the purpose of discriminating against another person on the basis of race, color, religion, sex, SEXUAL ORIENTATION, disability, familial status, creed, national origin, or ancestry.

(6) Nothing in this part 5 shall prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, creed, color, religion, sex, SEXUAL ORIENTATION, marital status, familial status, disability, religion, national origin, or ancestry.

SECTION 6. 24-34-601 (1) and (2), Colorado Revised Statutes, are amended to read:

24-34-601. Discrimination in places of public accommodation.

(1) As used in this part 6, "place of public accommodation" means any place of business engaged in any sales to the public and any place offering services, facilities, privileges, advantages, or accommodations to the public, including but not limited to any business offering wholesale or retail sales to the public; any place to eat, drink, sleep, or rest, or any combination thereof; any sporting or recreational area and facility; any public transportation facility; a barber shop, bathhouse, swimming pool, bath, steam or massage parlor, gymnasium, or other establishment conducted to serve the health, appearance, or physical condition of a person; a campsite or trailer camp; a dispensary, clinic, hospital, convalescent home, or other institution for the sick, ailing, aged, or infirm; a mortuary, undertaking parlor, or cemetery; an educational institution; or any public building, park, arena, theater, hall, auditorium, museum, library, exhibit, or public facility of any kind whether indoor or outdoor. "PLACE OF PUBLIC ACCOMMODATION" SHALL NOT INCLUDE A CHURCH, SYNAGOGUE, MOSQUE, OR OTHER PLACE THAT IS PRINCIPALLY USED FOR RELIGIOUS PURPOSES.

(2) It is a discriminatory practice and unlawful for a person, directly or indirectly, to refuse, withhold from, or deny to an individual or a group, because of disability, race, creed, color, sex, SEXUAL ORIENTATION, marital status, national origin, or ancestry, the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or, directly or indirectly, to publish, circulate, issue, display, post, or mail any written, ELECTRONIC, or printed communication, notice, or advertisement ~~which~~ THAT indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation will be refused, withheld from, or denied an individual or that an individual's patronage or presence at a place of public accommodation is unwelcome, objectionable, unacceptable, or undesirable because of disability, race, creed, color, sex, SEXUAL ORIENTATION, marital status, national origin, or ancestry.

SECTION 7. 24-34-602, Colorado Revised Statutes, is amended to read:

24-34-602. Penalty and civil liability. (1) Any person who violates any of the provisions of section 24-34-601 by denying to any citizen, except for reasons applicable alike to all citizens of every disability, race, creed, color, sex, SEXUAL ORIENTATION, marital status, national origin,

or ancestry, and regardless of disability, race, creed, color, sex, SEXUAL ORIENTATION, marital status, national origin, or ancestry, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated or by aiding or inciting such denial, for every such offense, shall forfeit and pay a sum of not less than fifty dollars nor more than five hundred dollars to the person aggrieved thereby to be recovered in any court of competent jurisdiction in the county where said offense was committed. ~~and also~~

(2) For ~~every such~~ EACH offense ~~such~~ DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE person is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than ten dollars nor more than three hundred dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

(3) A judgment in favor of the party aggrieved or punishment upon an indictment or information shall be a bar to either prosecution, respectively; but the relief provided by this section shall be an alternative to that authorized by section 24-34-306 (9), and a person who seeks redress under this section shall not be permitted to seek relief from the commission.

SECTION 8. 24-34-701, Colorado Revised Statutes, is amended to read:

24-34-701. Publishing of discriminative matter forbidden. No person, being the owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation, resort, or amusement, directly or indirectly, by himself or herself or through another person shall publish, issue, circulate, send, distribute, give away, or display in any way, manner, or shape or by any means or method, except as provided in this section, any communication, paper, poster, folder, manuscript, book, pamphlet, writing, print, letter, notice, or advertisement of any kind, nature, or description ~~which~~ THAT is intended or calculated to discriminate or actually discriminates against any disability, race, creed, color, sex, SEXUAL ORIENTATION, marital status, national origin, or ancestry or against any of the members thereof in the matter of furnishing or neglecting or refusing to furnish to them or any one of them any lodging, housing, schooling, or tuition or any accommodation, right, privilege, advantage, or convenience offered to or enjoyed by the general public or which states that any of the accommodations, rights, privileges, advantages, or conveniences of any

such place of public accommodation, resort, or amusement shall or will be refused, withheld from, or denied to any person or class of persons on account of disability, race, creed, color, sex, SEXUAL ORIENTATION, marital status, national origin, or ancestry or that the patronage, custom, presence, frequenting, dwelling, staying, or lodging at such place by any person or class of persons belonging to or purporting to be of any particular disability, race, creed, color, sex, SEXUAL ORIENTATION, marital status, national origin, or ancestry is unwelcome or objectionable or not acceptable, desired, or solicited.

SECTION 9. 2-4-401, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

2-4-401. Definitions. The following definitions apply to every statute, unless the context otherwise requires:

(13.5) "SEXUAL ORIENTATION" MEANS A PERSON'S ORIENTATION TOWARD HETEROSEXUALITY, HOMOSEXUALITY, BISEXUALITY, OR TRANSGENDER STATUS OR ANOTHER PERSON'S PERCEPTION THEREOF.

SECTION 10. 5-3-210, Colorado Revised Statutes, is amended to read:

5-3-210. Discrimination prohibited. No consumer credit transaction regulated by this code shall be denied any person, nor shall terms and conditions be made more stringent, on the basis of discrimination, solely because of DISABILITY, race, creed, religion, color, sex, SEXUAL ORIENTATION, marital status, national origin, or ancestry. This section shall not apply to any consumer credit transaction made or denied by a seller, lessor, or lender whose total original unpaid balances arising from consumer credit transactions for the previous calendar year are less than one million dollars.

SECTION 11. 8-3-102 (1) (d), Colorado Revised Statutes, is amended to read:

8-3-102. Legislative declaration - matter of statewide concern - prohibition on local enactments. (1) The public policy of the state as to employment relations and collective bargaining, in the furtherance of which this article is enacted, is declared to be as follows:

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(d) All rights of persons to join labor organizations or unions and their rights and privileges as members thereof should be recognized, safeguarded, and protected. No person shall be denied membership in a labor organization or union on account of race, CREED, color, religion, sex, SEXUAL ORIENTATION, MARITAL STATUS, DISABILITY, NATIONAL ORIGIN, ANCESTRY, or by any unfair or unjust discrimination. Arbitrary or excessive initiation fees and dues shall not be required, nor shall excessive, unwarranted, arbitrary, or oppressive fines, penalties, or forfeitures be imposed. The members are entitled to full and detailed reports from their officers, agents, or representatives of all financial transactions and shall have the right to elect officers by secret ballot and to determine and vote upon the question of striking, not striking, and other questions of policy affecting the entire membership.

SECTION 12. 8-17-101, Colorado Revised Statutes, is amended to read:

8-17-101. Colorado labor shall be employed on public works. Whenever any public works financed in whole or in part by funds of the state, counties, school districts, or municipalities of the state of Colorado are undertaken in this state, Colorado labor shall be employed to perform the work to the extent of not less than eighty percent of each type or class of labor in the several classifications of skilled and common labor employed on such project or public works. "Colorado labor" as used in this article means any person who is a resident of the state of Colorado, at the time of employment, without discrimination as to race, color, creed, sex, SEXUAL ORIENTATION, MARITAL STATUS, NATIONAL ORIGIN, ANCESTRY, age, or religion except when sex or age is a bona fide occupational qualification.

SECTION 13. 10-4-626(1), Colorado Revised Statutes, is amended to read:

10-4-626. Prohibited reasons for nonrenewal or refusal to write policy of automobile insurance applicable to this part 6. (1) No insurer authorized to transact or transacting business in this state shall refuse to write or refuse to renew a policy of insurance affording the coverage required by operation of section 10-4-620 solely because of the age, race, ~~gender~~ CREED, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, national origin, ANCESTRY, residence, marital status, or lawful occupation, including the military service, of anyone who is or seeks to become insured, or solely

because another insurer has canceled a policy or refused to write or renew such policy. The commissioner shall administer and enforce ~~the provisions~~ of this subsection (1).

SECTION 14. 12-5-102, Colorado Revised Statutes, is amended to read:

12-5-102. Race or sex not to disqualify. No person shall be denied a license to practice on account of race, ~~or~~ CREED, COLOR, RELIGION, DISABILITY, AGE, sex, SEXUAL ORIENTATION, MARITAL STATUS, NATIONAL ORIGIN, OR ANCESTRY.

SECTION 15. 12-12-114, Colorado Revised Statutes, is amended to read:

12-12-114. Discrimination. There shall be no limitation, restriction, or covenant based upon race, color, SEX, SEXUAL ORIENTATION, MARITAL STATUS, DISABILITY, national origin, or ancestry on the size, placement, location, sale, or transfer of any cemetery grave space, niche, or crypt or in the interment of a deceased person.

SECTION 16. 12-47-416 (3) (b), Colorado Revised Statutes, is amended to read:

12-47-416. Club license - legislative declaration. (3) (b) Any club licensee ~~which~~ THAT has a policy to restrict membership on the basis of sex, SEXUAL ORIENTATION, MARITAL STATUS, race, CREED, religion, color, ancestry, or national origin shall, when issuing a receipt for expenses which may otherwise be used by taxpayers for deduction purposes pursuant to section 162 (a) of the federal "Internal Revenue Code of 1986", as amended, for purposes of determining taxes owed pursuant to article 22 of title 39, C.R.S., incorporate a printed statement on the receipt as follows:

The expenditures covered by this receipt are
nondeductible for state income tax purposes.

SECTION 17. 12-54-104 (1) (b), Colorado Revised Statutes, is amended to read:

12-54-104. Unlawful acts. (1) It is unlawful:

(b) To discriminate because of race, creed, color, ~~or~~ RELIGION, DISABILITY, SEX, SEXUAL ORIENTATION, MARITAL STATUS, national origin, OR ANCESTRY in the provision of funeral services;

SECTION 18. 12-54-303 (1) (b), Colorado Revised Statutes, as enacted by House Bill 08-1123, enacted at the Second Regular Session of the Sixty-sixth General Assembly, is amended to read:

12-54-303. Unlawful acts. (1) It is unlawful for a cremationist:

(b) To discriminate because of race, creed, color, ~~or~~ RELIGION, DISABILITY, SEX, SEXUAL ORIENTATION, MARITAL STATUS, national origin, OR ANCESTRY in the provision of funeral services;

SECTION 19. 12-59-106 (1) (s), Colorado Revised Statutes, is amended to read:

12-59-106. Minimum standards. (1) In establishing the criteria required by section 12-59-105.3 (1) (a), (1) (b), and (1) (k), the board shall observe and require compliance with at least the following minimum standards for all schools:

(s) That the school shall not deny enrollment of a student or make any distinction or classification of students on account of race, color, creed, RELIGION, national origin, ~~or~~ ANCESTRY, sex, SEXUAL ORIENTATION, OR MARITAL STATUS.

SECTION 20. 13-71-104 (3) (a), Colorado Revised Statutes, is amended to read:

13-71-104. Eligibility for juror service - prohibition of discrimination. (3) (a) No person shall be exempted or excluded from serving as a trial or grand juror because of race, color, religion, sex, SEXUAL ORIENTATION, MARITAL STATUS, national origin, ANCESTRY, economic status, or occupation.

SECTION 21. 22-30.5-104 (3), Colorado Revised Statutes, is amended to read:

22-30.5-104. Charter school - requirements - authority. (3) A

charter school shall be subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, ~~gender~~, SEX, SEXUAL ORIENTATION, national origin, religion, ancestry, or need for special education services. A charter school shall be subject to any court-ordered desegregation plan in effect for the chartering school district. Enrollment in a charter school must be open to any child who resides within the school district; except that no charter school shall be required to make alterations in the structure of the facility used by the charter school or to make alterations to the arrangement or function of rooms within the facility, except as may be required by state or federal law. Enrollment decisions shall be made in a nondiscriminatory manner specified by the charter school applicant in the charter school application.

SECTION 22. 22-30.5-507 (3), Colorado Revised Statutes, is amended to read:

22-30.5-507. Institute charter school - requirements - authority.

(3) An institute charter school shall be subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, ~~gender~~, SEX, SEXUAL ORIENTATION, national origin, religion, ancestry, or need for special education services. Enrollment in an institute charter school shall be open to any child who resides within the state; except that an institute charter school shall not be required to make alterations in the structure of the facility used by the institute charter school or to make alterations to the arrangement or function of rooms within the facility, except as may be required by state or federal law. Enrollment decisions shall be made in a nondiscriminatory manner specified by the applicant in the institute charter school application.

SECTION 23. 22-32-109 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-32-109. Board of education - specific duties. (1) In addition to any other duty required to be performed by law, each board of education shall have and perform the following specific duties:

(II) TO ADOPT WRITTEN POLICIES SPECIFYING THAT:

(I) THE SCHOOLS IN THE DISTRICT ARE SUBJECT TO ALL FEDERAL AND

STATE LAWS AND CONSTITUTIONAL PROVISIONS PROHIBITING DISCRIMINATION ON THE BASIS OF DISABILITY, RACE, CREED, COLOR, SEX, SEXUAL ORIENTATION, NATIONAL ORIGIN, RELIGION, ANCESTRY, OR NEED FOR SPECIAL EDUCATION SERVICES;

(II) ENROLLMENT IN A SCHOOL IN THE DISTRICT SHALL BE OPEN TO ANY CHILD WHO RESIDES WITHIN THE STATE; EXCEPT THAT A SCHOOL SHALL NOT BE REQUIRED TO MAKE ALTERATIONS IN THE STRUCTURE OF THE FACILITY USED BY THE SCHOOL OR TO MAKE ALTERATIONS TO THE ARRANGEMENT OR FUNCTION OF ROOMS WITHIN THE FACILITY, EXCEPT AS MAY BE REQUIRED BY STATE OR FEDERAL LAW; AND

(III) ENROLLMENT DECISIONS SHALL BE MADE IN A NONDISCRIMINATORY MANNER.

SECTION 24. 22-32-110 (1) (k), Colorado Revised Statutes, is amended to read:

22-32-110. Board of education - specific powers. (1) In addition to any other power granted to a board of education of a school district by law, each board of education of a school district shall have the following specific powers, to be exercised in its judgment:

(k) To adopt written policies, rules, and regulations, not inconsistent with law, ~~which~~ THAT may relate to the efficiency, in-service training, professional growth, safety, official conduct, and welfare of the employees, or any classification thereof, of the district. The practices of employment, promotion, and dismissal shall be unaffected by the employee's ~~religious beliefs~~ RELIGION, CREED, COLOR, SEX, SEXUAL ORIENTATION, marital status, racial or ethnic background, NATIONAL ORIGIN, ANCESTRY, or participation in community affairs.

SECTION 25. 22-38-104 (1) (d), Colorado Revised Statutes, is amended to read:

22-38-104. Pilot schools - requirements - authority. (1) The state board may provide for the establishment and operation of not more than one full-time residential pilot school and not more than three year-round nonresidential pilot schools pursuant to the following provisions:

(d) A pilot school shall be subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, ~~gender~~, SEX, SEXUAL ORIENTATION, national origin, religion, or ancestry. Enrollment decisions shall be made in a nondiscriminatory manner specified by the pilot school applicant in the pilot school application.

SECTION 26. 22-63-206 (1), Colorado Revised Statutes, is amended to read:

22-63-206. Transfer - compensation. (1) A teacher may be transferred upon the recommendation of the chief administrative officer of a school district from one school, position, or grade level to another within the school district, if such transfer does not result in the assignment of the teacher to a position of employment for which he OR SHE is not qualified by virtue of academic preparation and certification and if, during the then current school year, the amount of salary of such teacher is not reduced except as otherwise provided in subsections (2) and (3) of this section. There shall be no discrimination shown toward any teacher in the assignment or transfer of that teacher to a school, position, or grade because of sex, SEXUAL ORIENTATION, MARITAL STATUS, race, creed, color, RELIGION, NATIONAL ORIGIN, ANCESTRY, or membership or nonmembership in any group or organization.

SECTION 27. 23-31.5-110 (1), Colorado Revised Statutes, is amended to read:

23-31.5-110. Additional powers of board. (1) The board of governors of the Colorado state university system has the power to lease portions of the grounds of the Colorado state university - Pueblo to private persons and corporations for the construction of dormitory, living, dining, or cottage buildings and to rent, lease, maintain, operate, and purchase such buildings at such university, all in the manner provided by and subject to the limitations contained in sections 23-56-105 to 23-56-111; except that none of such grounds or improvements shall be used in any manner that discriminates against anyone because of race, creed, color, ~~or~~ religion, NATIONAL ORIGIN, ANCESTRY, SEX, OR SEXUAL ORIENTATION.

SECTION 28. 23-41-104 (2), Colorado Revised Statutes, is amended to read:

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23-41-104. Control - management. (2) The board of trustees has the power to lease, for terms not exceeding eighty years, real or personal property, or both, to state or federal governmental agencies, persons, or entities, public or private, for the construction, use, operation, maintenance, and improvement of research and development facilities, health and recreation facilities, dormitories, and living, dining, and group housing buildings and facilities or for any of such purposes and to buy land and construct buildings and facilities therefor. None of the grounds so leased nor any of the improvements constructed thereon shall be used in any manner ~~which~~ THAT discriminates against anyone because of race, creed, color, ~~or~~ religion, NATIONAL ORIGIN, ANCESTRY, SEX, OR SEXUAL ORIENTATION. The board of trustees has the power to borrow money in conjunction with such construction and leases and to assist in effecting any of such purposes. Any actions taken prior to May 27, 1965, by the board of trustees consistent with any power granted in this subsection (2) are ratified and validated.

SECTION 29. 24-50-112.5 (1) (b), Colorado Revised Statutes, is amended to read:

24-50-112.5. Selection system. (1) (b) Appointments and promotions to positions shall be based on job-related knowledge, skills, abilities, competencies, behaviors, and quality of performance as demonstrated by fair and open competitive examinations. Selections shall be made without regard to race, color, creed, religion, national origin, ancestry, age, SEXUAL ORIENTATION, MARITAL STATUS, or political affiliation and without regard to sex or disability except as otherwise provided by law.

SECTION 30. 25-6-102 (1), Colorado Revised Statutes, is amended to read:

25-6-102. Policy, authority, and prohibitions against restrictions. (1) All medically acceptable contraceptive procedures, supplies, and information shall be readily and practicably available to each person desirous of the same regardless of sex, SEXUAL ORIENTATION, race, COLOR, CREED, RELIGION, DISABILITY, age, income, number of children, marital status, citizenship, NATIONAL ORIGIN, ANCESTRY, or motive.

SECTION 31. 26-1-120, Colorado Revised Statutes, is amended

BY THE ADDITION OF A NEW SUBSECTION to read:

26-1-120. Merit system. (8.5) THE MERIT SYSTEM PROVIDED BY THE COUNTIES SHALL ASSURE FAIR TREATMENT OF APPLICANTS AND EMPLOYEES IN ALL ASPECTS OF PERSONNEL ADMINISTRATION WITHOUT REGARD TO RACE, CREED, COLOR, RELIGION, AGE, DISABILITY, SEX, SEXUAL ORIENTATION, MARITAL STATUS, NATIONAL ORIGIN, OR ANCESTRY.

SECTION 32. 25.5-8-110 (2), Colorado Revised Statutes, is amended to read:

25.5-8-110. Participation by managed care plans. (2) Managed care plans participating in the plan shall not discriminate against any potential or current enrollee based upon health status, DISABILITY, sex, SEXUAL ORIENTATION, MARITAL STATUS, race, CREED, COLOR, NATIONAL ORIGIN, ANCESTRY, ethnicity, or religion.

SECTION 33. 29-4-717 (2) (a), Colorado Revised Statutes, is amended to read:

29-4-717. Findings - percentage of low-income families required. (2) Prior to the authority's making or committing to make any housing facility loan, the authority shall find:

(a) That, with respect to such housing facility, no restrictions are imposed as to sex, SEXUAL ORIENTATION, race, creed, COLOR, RELIGION, ANCESTRY, or national origin of occupants;

SECTION 34. 39-3-112 (3) (b) (IV), Colorado Revised Statutes, is amended to read:

39-3-112. Definitions - residential property - orphanage - low-income elderly or disabled - homeless or abused - low-income households - charitable purposes - exemption - limitations. (3) In order for property to be exempt from the levy and collection of property tax pursuant to the provisions of subsection (2) of this section, the administrator shall be required to find, pursuant to the provisions of section 39-2-117, that:

(b) The residential structure is efficiently operated. Efficient

operation is determined by the following factors:

(IV) That the owners and operators of such residential structure have no occupancy requirement that discriminates upon the basis of race, creed, ~~or~~ color, RELIGION, SEX, SEXUAL ORIENTATION, MARITAL STATUS, NATIONAL ORIGIN, OR ANCESTRY; however, if the owner or sponsoring organization is a religious denomination, said owners or operators may give preference to members of that denomination; and

SECTION 35. 39-22-104 (3) (e) (I), Colorado Revised Statutes, is amended to read:

39-22-104. Income tax imposed on individuals, estates, and trusts - single rate - definitions. (3) There shall be added to the federal taxable income:

(e) (I) Any expenses incurred by a taxpayer with respect to expenditures made at, or payments made to, a club licensed pursuant to section 12-47-416, C.R.S., which has a policy to restrict membership on the basis of sex, SEXUAL ORIENTATION, MARITAL STATUS, race, CREED, religion, color, ancestry, or national origin. Any such club shall provide on each receipt furnished to a taxpayer a printed statement as follows:

The expenditures covered by this receipt are
nondeductible for state income tax purposes.

SECTION 36. 39-22-304 (2) (e) (I), Colorado Revised Statutes, is amended to read:

39-22-304. Net income of corporation. (2) There shall be added to federal taxable income:

(e) (I) Any expenses incurred by a taxpayer with respect to expenditures made at, or payments made to, a club licensed pursuant to section 12-47-416, C.R.S., which has a policy to restrict membership on the basis of sex, SEXUAL ORIENTATION, MARITAL STATUS, race, CREED, religion, color, ancestry, or national origin. Any such club shall provide on each receipt furnished to a taxpayer a printed statement as follows:

The expenditures covered by this receipt are

nondeductible for state income tax purposes.

SECTION 37. Section 2 (1) (j) of House Bill 08-1375, as enacted at the Second Regular Session of the Sixty-sixth General Assembly, is amended to read:

Section 2. **Appropriation.** (1) The sums in this section hereinafter specified, or so much thereof as may be necessary for the purpose, are hereby appropriated out of any moneys in the general fund, the indicated cash funds, reappropriated funds, and federal funds, for the payment of the ordinary operating costs of the executive, legislative, and judicial departments of the state, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2008, and:

(j) No moneys appropriated by this act shall knowingly be paid to any organization, business firm, person, agency, or club which places restrictions on employment or membership based on sex, SEXUAL ORIENTATION, race, age, marital status, creed, color, religion, national origin, ancestry, or ~~physical handicap~~ DISABILITY.

SECTION 38. Appropriation - adjustments to the 2008 long bill.

(1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of regulatory agencies, for allocation to the executive director's office, for legal services, for the fiscal year beginning July 1, 2008, the sum of sixty thousand seventy-three dollars (\$60,073), or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of regulatory agencies, for allocation to the civil rights division, for the enforcement of prohibitions against discrimination, for the fiscal year beginning July 1, 2008, the sum of twenty-one thousand seven hundred thirty-two dollars (\$21,732) and 0.4 FTE, or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2008, the sum of sixty thousand seventy-three dollars (\$60,073) and 0.5

FTE, or so much thereof as may be necessary, for the provision of legal services to the department of regulatory agencies related to the implementation of this act. Said sum shall be from reappropriated funds received from the executive director's office out of the appropriation made in subsection (1) of this section.

(4) For the implementation of this act, the general fund appropriation to the controlled maintenance trust fund made in section 23 of the annual general appropriation act, for the fiscal year beginning July 1, 2008, shall be decreased by eighty-one thousand eight hundred five dollars (\$81,805).

SECTION 39. Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end, the provisions of this act are declared to be severable.

SECTION 40. Effective date - applicability. (1) Except as otherwise provided in subsection (2) of this section, this act shall take effect upon passage and shall apply to discriminatory acts committed on or after said date.

(2) Section 18 of this act amending section 12-54-303 (1) (b), Colorado Revised Statutes, shall take effect only if House Bill 08-1123 is enacted at the second regular session of the sixty-sixth general assembly and becomes law.

SECTION 41. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Peter C. Groff
PRESIDENT OF
THE SENATE

Andrew Romanoff
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO

Summarized History for Bill Number SB08-200

(The date the bill passed to the committee of the whole reflects the date the bill passed out of committee.)

03/06/2008 Introduced In Senate - Assigned to Business, Labor and Technology + Appropriations
03/19/2008 Senate Committee on Business, Labor and Technology Refer Amended to Appropriations
04/11/2008 Senate Committee on Appropriations Pass Amended to Senate Committee of the Whole
04/17/2008 Senate Second Reading Laid Over
04/18/2008 Senate Second Reading Passed with Amendments
04/21/2008 Introduced In House - Assigned to Judiciary + Appropriations
04/21/2008 Senate Third Reading Passed
04/29/2008 House Committee on Judiciary Refer Unamended to Appropriations
05/01/2008 House Committee on Appropriations Pass Unamended to House Committee of the Whole
05/01/2008 House Second Reading Special Order - Passed with Amendments
05/02/2008 House Third Reading Passed
05/05/2008 Senate Considered House Amendments - Result was to Concur - Repass
05/23/2008 Signed by the President of the Senate
05/27/2008 Signed by the Speaker of the House
05/28/2008 Sent to the Governor
05/29/2008 Governor Action - Signed

This information is prepared as an informational service only and should not be relied upon as an official record of action taken by the Colorado General Assembly.

SENATE BUSINESS SB08 - 200

AUDIO TRANSCRIPTION

1 * * * * *

2 CHAIRMAN: Senate Bill 200.

3 SENATOR VEIGA: Madame Chair, thank
4 you.

5 (Inaudible) Senate Bill 200 is
6 (inaudible) current antidiscrimination protection
7 that are currently existing in law.

8 Remember, last year, actually, it was
9 Senate Bill 25 that I carried. We added sexual
10 orientation to our antidiscrimination laws, but only
11 dealing with employment. So what Senate Bill 200
12 does is it seeks to provide uniformity throughout
13 the remainder of our antidiscrimination laws, such
14 things as housing practices, public accommodations,
15 consumer credit. There's kind of a litany. And you
16 can look at the front page, I think, of the bill
17 summary to see where all we are trying to
18 incorporate changes.

19 Not only does it incorporate sexual
20 orientation, with the same definition we used last
21 year in Senate Bill 25, but also for purposes of
22 consistency, and where appropriate, it would add
23 such things as religion or disability status to the
24 other components of our antidiscrimination laws.

25 And it's pretty straightforward, I

1 think, in that respect. I believe it is necessary
2 to provide consistency and protection for -- legal
3 protection for those that are not currently
4 protected under our antidiscrimination laws.

5 At the appropriate time, Madame Chair,
6 I will have an amendment to be offered, mostly
7 technical. But when we get to that stage, I can
8 describe the amendments to the committee.

9 CHAIRMAN: And are there any questions
10 for the bill sponsor?

11 No questions, then we'll start with
12 public testimony. And I believe you wanted the
13 opponents of the bill to come up (inaudible).

14 SENATOR VEIGA: If we can, Madame
15 Chair, that would be great.

16 Jim Pfaff. Please state your name and
17 who you represent.

18 JIM PFAFF: Sure. I'm Jim Pfaff. I'm
19 president of Colorado Family Action.

20 CHAIRMAN: Continue.

21 JIM PFAFF: Thank you, Madame Chairman
22 and Senator Veiga. Appreciate your opportunity --
23 giving me the opportunity to speak today on this
24 floor.

25 We rise as an organization concerned

1 about the potential effects of this bill,
2 specifically as it regards religious institutions.

3 A bill similar to this was passed
4 recently in New Mexico. The effect of that bill was
5 exemplified by a Christian organization that provided
6 photography services as a for-profit business that
7 refused to provide those photography services for a
8 same-sex couple, which had wanted them -- to use
9 them to make record of their commitment ceremony
10 that they were putting together.

11 Out of personal conscience of that
12 couple that owned that organization, they were drawn
13 into court through their civil rights commission in
14 that state and brought up on discrimination charges
15 because of their refusal to provide those services
16 as a matter of personal conscience.

17 This bill could, and likely would
18 have, in our opinion, a very similar effect under
19 similar circumstances and other circumstances.

20 The bill provides, as Senator Veiga
21 just mentioned, a coverage for public accommodation.
22 Now, public accommodation, under Colorado law, has a
23 very extensive definition. We find that some
24 situations that would be covered under the public
25 accommodations aspect of this bill are for -- excuse

1 me, let me get to my list here, say, a religiously
2 affiliated apartment complex which might advertise
3 for tenants of like faith.

4 It could also apply to a religious
5 publishing house, which might refuse to publish the
6 works of authors belonging to faiths and/or opinions
7 other than those of the publishing house.

8 And if they refuse a religious work,
9 for example, say homosexual authors that provide
10 homosexuality and transgender-ism as a lifestyle
11 contrary to the beliefs of that publishing house.
12 For churches, mosques, and synagogues to refuse to
13 rent out wedding chapels and/or reception space to
14 anyone of another faith, or to homosexuals wishing
15 to perform commitment ceremonies.

16 There is a specific case in New
17 Jersey, I believe New Jersey, to this effect right
18 now where a church has lost its state tax exempt
19 status for refusing a similar ceremony.

20 Faith-based counseling services that
21 refuse the business of persons of different faiths
22 or to counsel someone that heterosexual behavior is
23 a sin, based on their religious conviction. Those
24 are organizations that would be affected by this
25 bill.

1 And for faith-based
2 interdenominational family camp, for example, or a
3 retreat center, which might refuse to rent a room or
4 a cabin to a homosexual couple on religious grounds,
5 they would be affected.

6 This bill is not a limited attempt to
7 address discrimination issues. It would have a much
8 broader effect than what is being clearly outlined
9 in the presentation of the bill.

10 We do not assume any malintent of the
11 bill's author. We know that they have the
12 intention, and I respect that Senate Veiga
13 greatly -- as a woman of great capability, but I do
14 not believe that we are hearing or considering
15 clearly the full potential extent of this bill. And
16 it can be very problematic, both in terms of the
17 intended effect and the stated effect that is being
18 sought. And also, the potential confusion that can
19 take place within the state of Colorado as cases
20 come to the forefront.

21 Criminal penalties in this regard, as
22 well, go way beyond what is necessary to address the
23 issues at hand. The seeking of criminal penalties
24 needs to be thoughtfully and purposefully.

25 The types of discrimination that the

1 bill's authors claim are at stake here are, first of
2 all, very limited in the state of Colorado. And
3 secondly, are not of the nature, by and large, and
4 even further limiting the severe extent of such
5 discrimination, and then even further limited of the
6 claimed cases that exist in Colorado. And,
7 therefore, the seeking of criminal penalties, in our
8 opinion, goes far beyond what is necessary, even if
9 this committee and this general assembly were to
10 believe that this bill were necessary.

11 So, therefore, in summary, due to the
12 fact that the nature of the manner in which the
13 bill's authors want to address so-called religious
14 discrimination, and want to address the perceived
15 discrimination of those with same-sex orientation,
16 is going to not end up being a protection against
17 those to be discriminated against on the basis of
18 sexual orientation, but will actually, potentially,
19 give government authority to discriminate against
20 religious belief, which may be sincerely held and
21 well-founded in consistent principles that are held
22 by various faiths.

23 So, therefore, we rise against the
24 bill. And we do believe that the specific penalties
25 that are outlined in the bill are greatly severe and

1 potentially unnecessary to address the issue at
2 hand, even if it needed to be addressed.

3 Thank you, Madame Chair.

4 CHAIRMAN: Thank you. There any
5 questions for Jim?

6 Senator Wiens.

7 SENATOR WIENS: Thank you. I was
8 struck by your comment about the use of the church,
9 like for instance, for a wedding. The -- oftentimes
10 you'll have some churches will only allow people of
11 their congregation or their faith to be married in
12 their church.

13 Are you saying that this bill would
14 then require, say, someone -- if a Christian
15 approached a mosque, for instance, and said, I
16 wanted to have my wedding in your church, that they
17 could be sued for discrimination if they don't allow
18 a Christian service inside their mosque?

19 CHAIRMAN: Jim?

20 JIM PFAFF: Pardon me, Madame
21 Chairman.

22 My interpretation of the law is such
23 that that would be the case.

24 CHAIRMAN: Senator Veiga.

25 MS. METZGER: Thank you, Madame Chair.

1 Senator Weins, I'm going to have to
2 respectfully disagree with Jim. The only occasion
3 on which I believe that would ever occur is if a
4 mosque or a church or a religious institution had a
5 chapel of some sorts that they rented out to the
6 public by way of a public accommodation.

7 In other words, you never find
8 yourself under the public accommodations laws unless
9 you allow yourself or avail yourself of the public
10 access.

11 So, yes, should a church have a
12 wedding chapel, and they offered it out for service
13 to anyone, and then decided they would not allow the
14 gay couple to have their commitment ceremony there,
15 absolutely right, they would be brought up or could
16 conceivably be brought up under the public
17 accommodations law as amended by this bill.

18 If they did not, and they restricted
19 the use of their facilities to some members of their
20 church in a more restricted fashion to not open up
21 in a public accommodation, it would not apply.

22 CHAIRMAN: Senator Wiens.

23 SENATOR WIENS: Thank you, Madame
24 Chair.

25 So, therefore, the public

1 accommodation that they would -- in order to make
2 sure they're not running afoul of this legislation,
3 because nobody wants to be sued, let alone a
4 not-for-profit organization or a church, then you'd
5 need to make sure that you weren't allowing your
6 facilities to be used by the PTO or the Little
7 League baseball or the Boy Scouts or something.

8 CHAIRMAN: Senator Veiga.

9 SENATOR VEIGA: Madame chair, Senator
10 Wiens -- and there may be somebody else who's sort
11 of a little more on top of the public accommodation
12 and legal holdings than I am. But certainly think
13 about, for example, a country club or a private
14 club, they do allow certain outside activities to
15 take place at their facility and their local without
16 actually being converted to a public accommodation.

17 I'd have to probably do a little more
18 research or ask somebody who's more (inaudible)
19 along this issue to tell you where that line is
20 drawn.

21 It certainly is -- you'd have to, at
22 least, go out of your way to allow the public access
23 to your facility to be a public accommodation.
24 That's why you see private clubs all the time that
25 can limit restriction on their membership on the

1 basis of gender or other means that are currently or
2 otherwise be prohibited under state law.

3 CHAIRMAN: Senator Wiens, continue.

4 SENATOR WIENS: I think that, Senator
5 Veiga, churches do go out of their way to make their
6 facilities available to the community. We have
7 voting in a community and churches. We have
8 precinct caucuses. We have all kinds of community
9 organizations. We have, you know, fire-wide
10 seminars in our wildland areas.

11 So, I mean, they do that. Yet, at the
12 same time, they would restrict the use of their --
13 perhaps, their sanctuary for weddings or it might
14 even extend -- it would seem to me that this
15 would -- if they do those community oriented
16 outreach things, that this would extend even to the
17 state telling the church who they could offer
18 communion to, because that is -- that is restricted.

19 And I'm -- they would -- I would think
20 they would have to make the decision to protect
21 their assets and protect their congregation, that
22 they just wouldn't allow any of these community
23 activities to take place in their facility.

24 CHAIRMAN: Senator Veiga.

25 SENATOR VEIGA: Madame chair and

1 Senator Wiens, I'm going to defer, at this point,
2 because I've exhausted the extent of my legal
3 knowledge on public accommodations, which is,
4 albeit, on a tip of a pen here. So hopefully
5 there's somebody else here that could address some
6 of these issue more artfully than I can.

7 CHAIRMAN: Well, you know, the only
8 public -- only chapels I know that offer public
9 lanes are the ones in Vegas. I can't think of
10 anybody -- you know, the congregation has
11 certain roles. And I'm not an attorney, and I don't
12 want to get into that, but you have to -- in order
13 to get married in that congregation, you usually
14 have to be member and you have to pass certain needs
15 tests.

16 You just don't walk in a Catholic
17 church and say, I want to get married. And this
18 would not -- and that's the rules, and they have
19 them. This does not change that because it just
20 would not do that.

21 Jim, did you have another comment?

22 JIM PFAFF: Yes. Thank you, Madame
23 chairman.

24 With all due respect, I would politely
25 disagree. Religious institutions, particularly

1 church-based religious institutions, we can -- we
2 can make a distinction between, say, a religious
3 affiliated camp that offers its services to the
4 public as a nice retreat center in general. If
5 we're talking about that type of an accommodation,
6 the chances of it not being considered a public
7 accommodation are rare and specific, and expensive
8 measures will have to be taken to privatize such an
9 institution out of the public accommodations
10 definition.

11 Now, churches of any faith, frankly,
12 and various religions, whether Christian religions,
13 Jewish, Muslim, Hindu, all have some pretense of
14 outreach to the community under various auspices,
15 whether it be for doing good works, whether it be
16 for weddings, or other similar things. I do not
17 represent myself as a lawyer in this regard, but I
18 believe it to be reasonable understanding that some
19 court, and fairly easily, could consider the fact
20 that such an institution that does outreach to the
21 community and would encourage that outreach, just as
22 Senator Wiens said, for example, the taking of
23 communion, do we offer the taking of communion
24 overcome in its initial phase only to members.
25 Well, you can't, because at some point they're not

1 members and must become members, and they come out
2 of the public into the institution to do so.

3 So in a Catholic observance you would
4 have a First Communion ceremony, which typically
5 represents membership of the church. And now you've
6 just become a public accommodation potentially under
7 some court's ruling.

8 So even though -- with respect to what
9 you said, I believe that you make some good points,
10 but I'm not certain, with all due respect, that
11 they're complete enough to give us security that
12 some interpretation could go beyond what is intended
13 here.

14 CHAIRMAN: Senator Veiga.

15 SENATOR VEIGA: Just one further
16 point, and I won't belabor this, but understand that
17 the public accommodation law that we're seeking to
18 amend in this instance is adding sexual orientation
19 (inaudible) and none of the situations that
20 Mr. Pfaff points out have arisen as a result of the
21 20-plus years in instance of that statute.

22 CHAIRMAN: Are there any other
23 questions for Jim?

24 Thank you. Oh, Senator Wiens. I'm
25 sorry.

1 SENATOR WIENS: Jim, on this Mexico
2 case that you were referring to, when did the law
3 that was subject to this case, when did that law go
4 into effect, and then when was the lawsuit
5 initiated, do you know?

6 JIM PFAFF: The lawsuit was initiated
7 within the last year and a half, I believe. I don't
8 remember the exact year when the law came in, but
9 it's within the last five or six years.

10 CHAIRMAN: Thank you. Senator Wiens.

11 SENATOR WIENS: Thank you. And do you
12 know when that law went on the books?

13 CHAIRMAN: Jim.

14 JIM PFAFF: Thank you, Madame
15 Chairman.

16 I don't remember the exact year. I
17 apologize.

18 CHAIRMAN: Continue, Senator Wiens.

19 SENATOR WIENS: I just would be
20 interested to know how long it took from the passage
21 of the law for lawsuits to start being generated.

22 JIM PFAFF: Madame Chair.

23 CHAIRMAN: Continue, Jim.

24 JIM PFAFF: I can't make a specific
25 statement as to the anticipated time period within

1 which such an issue would arise.

2 This, as an overall topic, is a very
3 high topic in the state. There can potentially --
4 although, I don't know of any specific examples of
5 organizations that may be looking for those
6 opportunities.

7 But that having been said, I don't --
8 I'm not going to make any representation that it
9 would happen even in the next 5 years or 10 years.
10 But I will say this, that there is -- there have
11 been examples of organizations that are protesting
12 religiously affiliated organizations which have
13 specific stands based on their faith regarding
14 people who are in the same-sex orientation. And
15 that leaves open the door for potential rise in
16 cases seeking to undermine their activities.

17 Now, I'm not making that claim to be
18 there, but I do believe that it's reasonable to
19 assume with some specific organizations in this
20 state where that has been a prevalent activity that
21 that could come about. Whether it does or not, I
22 did not know.

23 But the door's left open, and I
24 believe that this bill has not been well thought
25 through in that regard to see what the actual

1 effects would be. And I think the New Mexico case
2 is a good example of where this type of law can go
3 awry.

4 Taking into account a person's rights
5 of conscience to believe or not believe certain
6 things for the sake of a limited group of people,
7 when we don't have any evidence of a clear and
8 consistent pattern of abuse in this state regarding
9 sexual orientation, because the purpose here is to
10 meet a goal that may not really have a substantial
11 problem to it at present.

12 Thank you.

13 CHAIRMAN: Thank you, Jim.

14 JIM PFAFF: Thank you, Madame
15 Chairman.

16 CHAIRMAN: Jenny Kraska. Please state
17 your name and who you represent.

18 JENNY KRASKA: My name is Jenny
19 Kraska, and I'm the executive director of the
20 Colorado Catholic Conference. And I'm here to
21 testify -- I'm not going to belabor a lot of the
22 points that have already been discussed, but I would
23 like to say, I would like to thank Senator Veiga
24 and the people that are sponsoring the bill for
25 working with us to try and alleviate some of the

1 concerns that we have regarding this bill.

2 The concern that I still have that is
3 concerning to Catholic institutions is in regards to
4 the public accommodation section and the addition of
5 religion. Before this bill was drafted, the term
6 religion was not an included term in the -- in the
7 different parts of the bill. It was disability,
8 race, creed, color, sex, marital status, national
9 origin, and ancestry .

10 And the addition of religion is really
11 what is troublesome to us. For Catholic
12 institutions, public accommodations could include
13 cemeteries, soup kitchens, hospitals, clinics,
14 athletic fields, gymnasiums.

15 And so for that reason, the addition
16 of the term religion is problematic for us, and we
17 do feel that in some of the public accommodation
18 sections of this bill, if the term religion were
19 removed and put back to the state of the law where
20 it was at, that would be much more beneficial for us
21 and alleviate our concern about the public
22 accommodations applying to some of the organizations
23 that we're concerned about.

24 CHAIRMAN: Senator Veiga.

25 SENATOR VEIGA: Thank you, Madame

1 Chair.

2 Just quickly, I think the latest draft
3 in the amendment I have does that, and pulls out
4 religion as reflected. And I'll confirm that.

5 CHAIRMAN: Are there any questions for
6 Jenny?

7 Thank you, Jenny.

8 Monica Rosenbluth. Good afternoon.
9 State your name and who you represent.

10 MONICA ROSENBLUTH: My name is Monica
11 Rosenbluth. I'm the co-chair of the Gay, Lesbian,
12 Bisexual & Transgender Task Force of the ADL -- I'm
13 sorry, Antidefamation Leagues Mountain States
14 Region. So I'm here today speaking on behalf of the
15 ADL.

16 CHAIRMAN: Thank you, continue.

17 MONICA ROSENBLUTH: We're here today
18 to urge your support of Senate Bill 200. The
19 Antidefamation League has been fighting
20 discrimination and bigotry since its inception in
21 1913. We've had an office here in Colorado for 67
22 years, and our mission is to fight prejudice and
23 secure justice and fair treatment for all.

24 The ADL knows too well the painful
25 consequences of historic discrimination in public

1 accommodations, housing, and other areas of public
2 life. We have fought for the prohibition of
3 discrimination based on race, religion, sex, and our
4 national origin. And we're here today to urge you
5 to continue to expand Colorado's prohibitions
6 against discrimination based on prejudice.

7 The ADL applauds the senate for its
8 work last year expanding Colorado's employment
9 discrimination laws to cover sexual orientation.
10 Senate Bill 200 would build on that work by adding
11 sexual orientation to other antidiscrimination laws
12 in the state, including housing, public
13 accommodations, and many others that we've heard
14 about today.

15 Unfortunately, in Colorado today it is
16 illegal to refuse to rent an apartment or deny
17 credit or even to do business with somebody simply
18 because that person is a gay man or a lesbian.
19 ADL's office in Denver has received calls from
20 Denver who have been denied housing because of their
21 sexual orientation. So without the inclusion of
22 sexual orientation in the antidiscrimination laws,
23 those individuals have no recourse.

24 Senate Bill 200 would bring Colorado
25 in line with a host of other states in protecting

1 gays and lesbians from discrimination and housing
2 and public accommodations. And your support for
3 Senate Bill 200 would send an important message to
4 all Coloradans that discrimination based on sexual
5 orientation is intolerable.

6 And conversely, the failure to include
7 sexual orientation within Colorado's existing
8 nondiscrimination statute will send the message that
9 this type of discrimination, unlike discrimination
10 motivated by disability, race, creed, color, sex,
11 marital status, national origin or ancestry, is not
12 so bad, is not so intolerable and is not deserving
13 of attention by our lawmakers, and that it's
14 permissible to discriminate against Colorado gays
15 and lesbians solely because of their sexual
16 orientations.

17 The ADL urges the passage of Senate
18 Bill 200. It's the fair and right thing to do.

19 Thank you.

20 CHAIRMAN: Are there any questions for
21 Monica? Thank you.

22 Brian Moore. Please state your name
23 and who you represent.

24 BRIAN MOORE: Thank you, Senator.

25 Brian Moore, on behalf of the Colorado Bar

1 Association.

2 CHAIRMAN: Continue.

3 BRIAN MOORE: Thank you. I'm a member
4 of the Civil Rights committee of the Bar
5 Association, and I'm here on behalf of the Bar
6 Association as a whole to express its support for
7 this bill.

8 And I can report that the vote of the
9 policy -- the votes by the policy committee of the
10 bar was unanimous to support this bill. And I think
11 the reason for that unanimity is the -- simply the
12 good governance aspect of this bill, in terms of
13 taking an area that has a patchwork of laws that
14 were enacted at different times when there were
15 different consensus that are norms as to what bases
16 of discrimination should be prohibited. And
17 therefore, because of historical accident, have
18 these arbitrary distinctions between one set of
19 classifications being protected in one area, a
20 different set in another area, and simply taking and
21 bringing uniformity across all of those different
22 laws, that it's just -- it eliminates confusion. It
23 makes it easier for regulated companies doing
24 business to know what they can and can't do, what is
25 prohibited and what is not.

1 You know, you've got situations where
2 a company that is a property management company has
3 one set of bases on which it can't discriminate with
4 respect to employment, and a different set of bases
5 in which it can't discriminate with respect to its
6 running activities. And you can go across --
7 examples like that across the board where there's
8 just these arbitrary distinctions.

9 And we think it makes sense to bring
10 that uniformity, to take the current -- I guess
11 consensus may overstate it, but the current majority
12 view of what bases of discrimination should be
13 protected and go back and read them into the
14 different bills that have been passed at different
15 times.

16 Even though I am an attorney, I don't
17 claim to be an expert on public accommodation law,
18 but I will make a couple observations about that.
19 The legislature has decided over the years what
20 areas of private activity are important enough that
21 there should be a prohibition of discrimination.
22 And one of those areas is public accommodations.
23 It's also housing, employment, and so forth.

24 So churches have long been faced with
25 that situation where they have to decide whether you

1 want to engage in a degree of commercial activity
2 that would render them with respect to those
3 activities, anyways, public accommodations, and in
4 so doing, subject themselves to the same laws that
5 regulate those activities that affect other
6 businesses.

7 The public accommodation law as it
8 exists now prohibits discrimination based on creed,
9 which certainly would come into one's moral views,
10 and presumably touch on religious beliefs and so
11 forth. So I don't see this as working the dramatic
12 change that has been suggested in terms of deterring
13 a religious institution from operating on the side
14 or in some sense a public accommodation or
15 commercial activity.

16 That's all I have. Thank you.

17 CHAIRMAN: Are there any questions.

18 Thank you.

19 Mindy Barton. Good afternoon, Mindy.

20 State your name and who you represent.

21 MINDY BARTON: My name's Mindy Barton.

22 I'm here with Equal Rights Colorado.

23 CHAIRMAN: Continue.

24 MINDY BARTON: Equal Rights Colorado

25 is a statewide nonprofit organization which works to

1 promote equal rights for Colorado's GLBT people and
2 their families through nonpartisan state legislative
3 advocacy.

4 As another part of my work, I also
5 work as a legal director for the Gay, Lesbian,
6 Bisexual, and Transgender Community Center of
7 Colorado. And in that capacity, I run a hot line
8 for those individuals to gain legal referrals or
9 representation on gay, lesbian, bisexual, and
10 transgender, or HIV issues. Many of the calls that
11 I receive are people have suffered discrimination.

12 As you know, last year we were able to
13 finally pass the Employment Nondiscrimination Act in
14 this state, which expanded the antidiscrimination
15 laws to include sexual orientation.

16 We have a variety of those sections in
17 the Colorado statute that prohibit discrimination
18 based on such things as sex, marital status,
19 disability, et cetera, where it would make sense,
20 for consistency and predictability reasons, to have
21 sexual orientation listed.

22 I'm specifically going to address two
23 issues, housing and public accommodations. And 2nd
24 24-34-502 states the various areas in
25 antidiscrimination laws which apply to housing in

1 Colorado.

2 Most of the states, as earlier stated,
3 it's currently legal for a landlord to tell a
4 potential tenant that they are not going to get an
5 apartment simply because they are gay. The current
6 laws allow this, and I believe this is wrong.

7 While I understand the need of some
8 exemptions in the housing arena, those exemptions
9 are already in place under current laws, and those
10 will apply when this law becomes effective. I do
11 not have a concern with the current exemptions. I
12 believe that it's important that a state move
13 forward in consistency of its application on the
14 antidiscrimination laws.

15 In doing research on this issue, I
16 found statistics that there are already 14 states
17 and the District of Columbia that have laws in this
18 area. So this is not a brand-new direction for this
19 has a legislation.

20 In addition, there are many
21 municipalities which specify this type of
22 protection, including Denver.

23 It's important that legislation make
24 it clear that discrimination will not be tolerated.

25 Regarding public accommodations listed

1 in 24-34-601 and 602, that includes most businesses
2 establishments providing lodging, food,
3 entertainment, other services that are open to the
4 public.

5 It's important to note that those
6 could be a variety of situations where these things
7 occur. It could be the lesbian couple walks into
8 Burger King and are refused service because they
9 don't -- they say, we don't serve your kind here.
10 That could happen, and it shouldn't.

11 But more dangerously, there are
12 situations where an individual can go into an
13 emergency room, and that same kind of denial of
14 services could happen in that situation and somebody
15 could not get treated.

16 As to the bill as a whole, as
17 previously stated, there's several sections of this
18 bill that have not been modified in many, many
19 years, and are missing listings in a variety of
20 areas, not just including sexual orientations. It's
21 clear that any status-based discrimination is
22 inherently unfair.

23 And I should stress, the purpose of
24 this bill is really to update the laws and make them
25 consistent across the board. It's that

1 predictability of application that is really
2 important here.

3 What I hear the opposition stating is,
4 to some degree, the importance of their right to
5 discriminate. There has already been
6 antidiscrimination protections based on creed for
7 public accommodations.

8 There's some question here as to the
9 difference between creed and religion, and that
10 those two or different things. My understanding is
11 that, in looking at the enforcement under the Civil
12 Rights division, they do lump both creed and
13 religion together in some of those instances.

14 Oftentimes, if someone files a
15 complaint with the Colorado Civil Rights Division,
16 those two things will be marked as the same.

17 Additionally, I did go ahead and pull
18 up definitions of creed and religion based on Blacks
19 Law Dictionary, which a lot of us lawyers refer to
20 on a regular basis.

21 Really, in looking at those
22 definitions, the word creed was defined as
23 concession of articles or states, a formal
24 declaration of religious beliefs, any formula or
25 concession of religious faith and a system of

1 religious belief.

2 And religion is defined in the Blacks
3 Law Dictionary as a term meaning a particular system
4 of faith in worship recognized and practiced by a
5 particular church, sector, or denomination.

6 In this case, it seems that each term
7 can be defined by the other. By the virtue of creed
8 already being in the public accommodation
9 protections that are there, I'm not sure that the
10 addition of religion in that case is going to make
11 as big of a difference as it has been stated.

12 Going back to the example previously
13 brought up of the case in New Mexico. I've done a
14 little bit of looking into that, and it looks like
15 the hearing was held before the Human Rights
16 Commission in New Mexico regarding the photographer
17 case just the end of this January.

18 I don't have -- and I looked through
19 my notes to see if -- when their protections went
20 into place, although I could have access to that
21 when I get back to my office.

22 I know that in working on a legal hot
23 line for sometime now, I believe that such cases
24 would be few and far between, and that this one
25 example would probably not come up on a regular

1 basis.

2 That's all I have at this time. I'd
3 be happy to answer any questions.

4 CHAIRMAN: Are there any questions?
5 Senator Schwartz.

6 SENATOR SCHWARTZ: Thank you, Madame
7 Chair.

8 So with respect to medical services,
9 has there been an incident in Colorado where someone
10 was refused medical service?

11 MINDY BARTON: I can tell you, by
12 virtue of my position as legal director and
13 receiving phone calls, I have gotten calls from
14 individuals who have stated to me that they felt
15 that they were discriminated against, and could hear
16 specifically physicians treating them in the ER
17 behind the curtain, which doctors seem to think is
18 actually a wall sometimes, behind the curtains
19 saying that they didn't want to treat those gay
20 boys, that type of thing. That does still happen.

21 While blatant, discrimination is not
22 as apparent anymore, there are still a variety of
23 cases when that happens.

24 Did that answer your question?

25 SENATOR SCHWARTZ: Thank you.

1 CHAIRMAN: Are there any other
2 questions? Thank you.

3 Cathryn.

4 CATHRYN HAZOURI: Madam Chair, members
5 of the committee, my name is Cathryn Hazouri. I'm
6 the executive director of the Colorado ACLU. As you
7 might expect, the ACLU strongly supports this bill.

8 The ACLU has been about ending
9 discrimination based on status for its long history
10 in both Colorado and the United States. I think
11 that -- especially when you're looking at the grant
12 of a license to practice law, for example, or being
13 called for jury duty.

14 Government and government entities
15 should not be discriminating against people on any
16 basis, quite frankly. And so adding the sexual
17 orientation to those two specific areas makes more
18 sense than -- well, it makes a lot of sense, I guess
19 I would say.

20 We have a situation where the
21 legislature now has the ability to strengthen the
22 laws against discrimination, discrimination that has
23 no real basis, except for dislike of a type of
24 person. And that's not -- that's not the kind of
25 fairness that one expects out of the Colorado

1 legislature.

2 I also believe that all entities that
3 have public accommodations should be required to end
4 their discrimination, if they have been
5 discriminating. And I think that the current
6 statute takes care of that. And there may be no
7 need to add in with respect to religion to that
8 particular area.

9 However, sexual orientation should be
10 part of all nondiscrimination.

11 CHAIRMAN: Any questions?

12 Senator Takis.

13 SENATOR TAKIS: Thank you, Madame
14 Chair.

15 I have a question for both of you,
16 since you're both lawyers, maybe you can answer this
17 for me. Earlier in discussions there was discussion
18 about the word creed, which is already in the law,
19 and religion, which is inserted in here, and whether
20 or not the two words were interchangeable legally.
21 Can you address that?

22 CHAIRMAN: Cathryn.

23 CATHRYN HAZOURI: I believe that the
24 department of the Civil Rights Division does say
25 that they are interchangeable terms. So any of the

1 horror stories that you may have heard about
2 including religion as a form -- as an area in which
3 you cannot discriminate, or adding that to the
4 public accommodations, simply it's nonsensical.
5 Because creed and religion has been held together as
6 being the same issue for years.

7 So that if you add religion in this
8 case, you're not adding anything specific. But if
9 you -- so all these lawsuits that you've heard about
10 really would have come about much earlier.

11 CHAIRMAN: Thank you.

12 Are there any other questions?

13 Bill Kirton. Would you state your
14 name and who you represent.

15 BILL KIRTON: Can you tell me what my
16 time limit is, since I was late. Five minutes, four
17 minutes.

18 SENATOR VEIGA: She hasn't set a time
19 limit.

20 CHAIRMAN: I have not set a time
21 limit.

22 BILL KIRTON: Okay. My name is Bill
23 Kirton. I represent the Inter Faith Alliance of
24 Colorado. I am married and have two sons and two
25 daughters-in-law and two grandchildren. I've been a

1 minister, a full-time minister in the United
2 Methodist church for 43 years.

3 Now, that last identification part of
4 me I'm not altogether proud of, because I think one
5 of the greatest sources of discrimination and
6 oppression in the world is religion. And this
7 certainly is true in my Methodist denomination.

8 For many, many years, we separated.
9 We white preachers separated ourselves from black
10 preachers and put them over in some other category,
11 thereby considering they might think a little less
12 than human than we white folks were at the time.

13 And it's from that perspective that I
14 support the bill that protects gay and lesbian
15 people from discrimination. Because I think, in our
16 state and in our city, we can rise to a higher
17 standard from that of dehumanizing our fellow human
18 beings.

19 I did not grow up with a lot of
20 knowledge, in rural Oklahoma. In my era, gay and
21 lesbian people did not make an appearance. But one
22 experience I had in my own congregation was with a
23 musician that we had for a number of years who was a
24 genius in music, was absolutely incredible. And he
25 told a story about growing up in Mississippi where

1 he was so afraid because the he had characteristics
2 and mannerisms that we often associate with gay
3 males.

4 And he was so afraid of being beaten
5 up that he didn't ever go to school. He hid in the
6 woods in Mississippi all of his elementary and
7 junior high and high school life. And then, when he
8 came to Denver, he told stories about his being
9 attacked and assaulted on the streets in Denver.

10 So this incredibly talented and gentle
11 human being lived in terror. So from that
12 experience, I learned that it's time for, I believe,
13 our state and our city to rise to a higher standard
14 of behavior and openness to the possibility that all
15 of us are indeed fully human beings.

16 So it's for that reason I support this
17 legislation.

18 CHAIRMAN: Are there any questions for
19 Bill?

20 Senator Schwartz.

21 SENATOR SCHWARTZ: Thank you, madame
22 Chair.

23 The discussion earlier talked about
24 the -- and since you've been a preacher or a pastor
25 in the past, the concern that -- the belief that,

1 for example, communion and so forth, certain
2 practices would be not limited to your congregation,
3 but would be open to the public being construed as
4 public, as a public activity.

5 Is that an issue that you feel is
6 realistic?

7 CHAIRMAN: Come to the chair. Bill,
8 please answer. I'm sorry.

9 BILL KIRTON: I didn't quite
10 understand.

11 SENATOR SCHWARTZ: The concern being
12 that a church could be construed as a public place.

13 CHAIRMAN: Bill.

14 BILL KIRTON: A church can be
15 construed as a public -- I think churches and
16 private organizations, such as the Boy Scouts -- I
17 don't agree with the Boy Scouts' position on
18 homosexuality, but they are private organizations,
19 and so they can choose to exclude people based on
20 their own creed and practices.

21 I think, as I understand this bill,
22 we're talking about in areas of housing, education,
23 various aspects of our public sphere, that this is
24 more closely are related to that area than to -- for
25 instance, in my own denomination, we do not ordain

1 gay or lesbians as clergy. I think that's
2 discriminatory, but I do affirm the right for the
3 church to do that.

4 I do not think it is the right for
5 people who in ordinary public life to not be able
6 to -- to be -- for instance, a person who is renting
7 a house, I don't believe it's appropriate for them
8 to ask whether or not a person is a gay or lesbian
9 individual and use that as a basis for not renting
10 housing.

11 So there's some separation, in my
12 view, from church and state, private and public.

13 CHAIRMAN: Are there any other
14 questions? Thank you, Bill.

15 This concludes all those who have
16 signed up to testify. Is there anybody in the
17 audience who wishes to testify that has not signed
18 up at this time?

19 Public testimony is closed.

20 Senator Veiga, for a wrap up.

21 SENATOR VEIGA: Just very briefly.
22 What I want to remind everybody, there are 14 other
23 states, as Mindy pointed out, that already have
24 public accommodation laws that include sexual
25 orientation.

1 And, remember, Colorado public
2 accommodation law has been in existence for many,
3 many years. We'll go with many, many. It has
4 already included creed in it. So some of the issues
5 that we've heard talked about relative to religious
6 discrimination, I think, just fall on deaf ears,
7 when creed has been included in that.

8 Having said that, I will ask the
9 committee to consider, at least, an amendment
10 striking religion, because I do believe it is
11 unnecessary, that it is already covered under creed.

12 But really relative to what we're
13 doing here, I think here you heard in the testimony
14 from folks that all of a sudden is going to open
15 floodgates of litigation, it's just unfounded.

16 You've heard of, actually, one case in
17 New Mexico. And I'm happy to -- you know, I think
18 Mindy talked you a little bit about the case. And
19 you can pull it up on line, frankly, and you feel
20 what you want about that case. But out of the 14
21 states, that's really the only circumstance that has
22 arisen that anybody here has chosen the share with
23 you.

24 I also will share with you that based
25 on past history, in terms of the largest components

1 of the law that we're changing, that being housing
2 and public accommodations, they're reasonably minor
3 relative to the complaints filed in our civil rights
4 division currently.

5 But way of example, in -- I think it
6 was 2006, 2007, the claims based on employment,
7 which we addressed last year, that's 80 percent of
8 the claims that filed with the CCRD.

9 Claims for housing are only 8 percent.
10 And for public accommodations, it's over 5, 5 and a
11 half percent. So it is a really very minor
12 situation.

13 And then, finally, I just wanted to
14 say one other point relative to is there remedies.
15 And I know I think Jim Pfaff mentioned he thought
16 that the remedies were (inaudible) this still does
17 nothing to change the existing remedies in the civil
18 rights statutes. All it does is restates what is
19 already current law.

20 So with that, Madame Chair, I would
21 move Senate Bill 200 to the committee on
22 appropriations, and I would move L -- what is it,
23 L002?

24 CHAIRMAN: L002.

25 SENATOR VEIGA: Okay.

1 CHAIRMAN: Appropriate motion. If you
2 would like to explain L002?

3 SENATOR VEIGA: Yeah. L002 is largely
4 technical. It does remove creed and religion from
5 the prohibition on restrictions -- restrictive
6 covenants on cemetery plots. It came to our
7 attention that certainly some cemeteries were
8 reserved for persons of certain religious beliefs,
9 and so we've pulled that out.

10 It strikes gender in a number of
11 places and it replaces it with sex. Frankly, just
12 adding consistency, updating the statute.

13 It just clarified some omissions we
14 had where, for example, marital status or color were
15 left out. It striked Section 26 of the bill, which
16 deals with the state plans for adequate hospital
17 facilities.

18 Hospital is already included in public
19 accommodations. It was unnecessary. And it makes
20 some conforming amendments to a similar bill
21 (inaudible) regulating cremation to Section 14 of
22 the bill.

23 So that's what it does.

24 CHAIRMAN: Senator Takis.

25 SENATOR TAKIS: Yes, I do have a

1 question just for clarification here. You're asking
2 for conceptual amendments on --

3 SENATOR VEIGA: Not yet.

4 SENATOR TAKIS: If it's the conceptual
5 amendment, I think it's going to -- it will affect
6 this amendment, as well.

7 SENATOR VEIGA: It's actually not
8 conceptual. I haven't (inaudible) lines in.

9 SENATOR TAKIS: Oh, you do. Okay.

10 SENATOR VEIGA: And I am being told by
11 people much wiser than myself that it will not
12 affect L002.

13 SENATOR TAKIS: Thank you. That's
14 what I needed to know.

15 CHAIRMAN: Is there any opposition at
16 this time to L002?

17 L002 is passed.

18 Senator Veiga.

19 SENATOR VEIGA: And then I will offer
20 the second amendment. And this will actually
21 (inaudible) remove the term religion, understanding
22 that creed is there. It's been a longstanding
23 portion of the public accommodation statutes.

24 And as Mindy testified, and the Civil
25 Rights Division would verify, they're

1 interchangeably.

2 While I don't necessarily agree where
3 the Catholic Conference folks are coming from,
4 (inaudible) I think it's easier, since I think it's
5 covered, to pull this out.

6 Those are -- so we would remove
7 religion on page 7, line 22; page 8, line 6; page 8,
8 line 15; and page 8, line 13.

9 CHAIRMAN: Does everybody understand
10 the conceptual amendment that Senator Veiga's
11 presented?

12 Is there any opposition to --

13 SENATOR VEIGA: I'm sorry. Madame
14 Chair. I think Senator Wiens wanted to hear the
15 page and line numbers again.

16 CHAIRMAN: Oh. If you would repeat
17 those again.

18 SENATOR VEIGA: Page 7, line 22; page
19 8, line 6; page 8, line 13; and line 15, on page 8,
20 as well.

21 CHAIRMAN: Are we -- is that
22 everywhere in the bill? And are you -- I'm
23 wondering if we could just say if it comes up in any
24 other places.

25 SENATOR VEIGA: Well, it's limiting it

1 to a portion of the bill that caused some concern,
2 and that would be that portion of the public
3 accommodations where creed is already there.

4 CHAIRMAN: Senator Schwartz.

5 SENATOR SCHWARTZ: Just for
6 clarification. Thank you, Madame Chair.

7 Page 9, two references under
8 publishing. And you're leaving everything in on
9 those sections?

10 CHAIRMAN: Senator Veiga.

11 SENATOR VEIGA: Madame Chair, these
12 are the ones that I know have caused some issue. I
13 will check, after the bill moves on, to make sure we
14 didn't miss anything. But I think, relative to the
15 ones that were causing folks concern, that's what
16 was just addressed.

17 CHAIRMAN: Is there any objection to
18 the conceptual amendments to remove the word
19 religion and the four places in the bill that
20 Senator Veiga stated?

21 The conceptual amendment is passed.

22 To the bill, if you -- would you like
23 to call roll.

24 And the bill is to the committee on
25 appropriations.

1 UNIDENTIFIED VOICE: Senator Kester?

2 SENATOR KESTER: Excused.

3 UNIDENTIFIED VOICE: Schwartz?

4 SENATOR SCHWARTZ: Aye.

5 UNIDENTIFIED VOICE: Takis?

6 SENATOR TAKIS: Aye.

7 UNIDENTIFIED VOICE: Taylor?

8 SENATOR TAYLOR: No.

9 UNIDENTIFIED VOICE: Wiens?

10 SENATOR WIENS: No.

11 UNIDENTIFIED VOICE: Senator Veiga?

12 SENATOR VEIGA: Aye.

13 UNIDENTIFIED VOICE: Madame Chair?

14 CHAIRMAN: Aye.

15 That passed with more than two. At
16 this time, the Business and Technology Committee is
17 in recess.

18 (End of audio file.)

19

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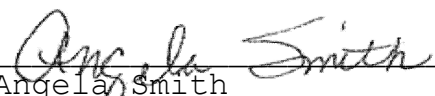
1 CERTIFICATE

2 STATE OF COLORADO)
) ss.
3 CITY AND COUNTY OF DENVER)

4
5 I, Angela Smith, Professional Reporter
6 and Notary Public for the State of Colorado, do
7 hereby certify that the above-mentioned audio file
8 was reduced to typewritten form by computer-aided
9 transcription; that the foregoing is a true
10 transcript of the audio file to the best of my
11 ability; that I am not attorney nor counsel nor in
12 any way connected with any attorney or counsel for
13 any of the parties to said action or otherwise
14 interested in its event.

15 IN WITNESS WHEREOF, I have hereunto
16 affixed my hand and notarial seal this 14th day of
17 August 2017.

18 My commission expires January 22,
19 2019.

20
21 
22 Angela Smith
23 Reporter, Notary Public
24 Calderwood-Mackelprang, Inc.
25



SECOND READING SB08-200

AUDIO TRANSCRIPTION

1 * * * * *

2 CHAIRMAN: Senator Veiga.

3 SENATOR VEIGA: Thank you, Madame

4 Chair. I move Senate Bill 200, the Business, Labor,
5 Technology Committee Report, and the Appropriations
6 Committee Report.

7 CHAIRMAN: The Business, Labor, and
8 Technology Report.

9 SENATOR VEIGA: The report amended
10 several components that actually removed the words
11 "creed" and "religion" from the prohibition on
12 restrictive covenants cemetery plots. Some
13 cemeteries are reserved for persons of religions, so
14 it was inappropriate to include that.

15 It striked "gender" in most provisions
16 of the bill, and replaced it with "sex," just to
17 update the language. That was more for consistency.

18 It added "religion, color, and marital
19 status" to certain portions of the statute that were
20 previously omitted on the initial draft of the bill.
21 Struck Section 26 of the bill, which dealt with the
22 state plan for adequate hospital facilities, because
23 that was covered elsewhere.

24 Made certain conforming amendments, I
25 think, concerning the bill on (inaudible) of house

1 Bill 11-23. And removed certain references to
2 religion in the public accommodations portion of the
3 bill, at the request of the Colorado Catholic
4 Conference.

5 And with that amendment, and the
6 amendment I'll be offering on the floor, that would
7 neutralize the Catholic Conference on the bill.

8 That is the Business, Labor, and
9 Technology Committee Report, and I would ask for its
10 adoption.

11 CHAIRMAN: Is there discussion on the
12 committee report?

13 Seeing none. Is there objection to
14 the committee report?

15 Seeing none, the committee report is
16 adopted to the appropriations committee report.

17 SENATOR VEIGA: Thank you, Madame
18 Chair. The Appropriations Committee Report simply
19 added an appropriation's clause for the bill. And
20 with that, I would ask for its adoption.

21 CHAIRMAN: Discussion on the
22 Appropriations Committee Report?

23 Seeing none. Is there objection to
24 the Appropriations Committee Report?

25 Seeing none, the Appropriations

1 Committee Report is adopted to the bill.

2 And we do have -- will the clerk
3 please read Amendment 006.

4 CLERK: (Unintelligible.)

5 CHAIRMAN: Senator Veiga.

6 SENATOR VEIGA: Thank you, Madame
7 Chair. I move Amendment 6.

8 Amendment 6 actually does a couple of
9 things. The first lines 1 through 5, I believe of
10 the amendment, maybe 6, actually strikes religion
11 from the remaining portions of the public
12 accommodation law that we did not catch in the
13 Business, Labor, and Technology Committee.

14 Again, this was at the request of the
15 Catholic Conference. And so we have agreed to do
16 that.

17 The second portion of the bill
18 starting, I think, on line 7 through 19 -- or excuse
19 me, the amendment, added a section of law that we
20 missed, that dealing with the nonrenewal or refusal
21 to write auto insurance.

22 And then, the final line of the bill,
23 I think line 21, actually strikes the word "creed,"
24 I think, from jury provisions. I think it's jury
25 instructions or jury provisions. And I believe that

1 was at the request of the district attorneys.

2 So that is Amendment 6, and I would
3 ask for its adoption.

4 CHAIRMAN: Discussion on Amendment 6?
5 Seeing none, all those in favor
6 indicate by saying aye.

7 UNIDENTIFIED VOICES: Aye.

8 CHAIRMAN: Opposed no.

9 The ayes have it. Amendment 6 is
10 adopted to the bill.

11 Senator Veiga.

12 SENATOR VEIGA: Thank you, Madame
13 Chair.

14 Members, Senate Bill 200 expands
15 existing antidiscrimination protections and,
16 principally, housing practices, public
17 accommodation, but also other components of our
18 civil rights laws that did not include sexual
19 orientation.

20 So it adds sexual orientation into
21 those components of the civil rights laws that were
22 not addressed last year in Senate Bill 25, which
23 only addressed employment protection.

24 The other thing Senate Bill 200 does
25 is it updates our current statutes to try and make

1 them conform. So what you'll see throughout the
2 bill is additions of religion, changing the word
3 gender to sex. So updating the language, and then
4 also providing for consistency.

5 What we're trying to do here, by
6 adding sexual orientation to our housing and public
7 accommodations laws, at least relative to public
8 accommodations that are done in at least 14 other
9 states. In addition, I would note that the state of
10 Colorado, in the jurisdictions, I think, of Denver,
11 Boulder, Aspen, and maybe at least one other, maybe
12 Durango, I can't recall, have had similar provisions
13 in housing and public accommodations in their city
14 ordinances for quite some time, dating back to, I
15 think, oftentimes in the early '90s.

16 I believe any status-based
17 discrimination is unfair. I think it's appropriate
18 at this time to add sexual orientation, and it makes
19 sense to update the statutes for purposes of
20 conformity.

21 And with that, I would request for an
22 aye vote.

23 CHAIRMAN: Senator Romer.

24 SENATOR ROMER: Thank you, Madame
25 Chair. And I think it's just a great day for us to

1 run this bill, where, you know, we're honored to
2 have the Pope speaking to the United Nations today.
3 And one of his messages today is that all countries
4 shall work upon a standard of laws based on a firm
5 moral code.

6 And there is no firmer, and no more
7 appropriate moral code than for us to effectively
8 say discrimination against individuals is
9 deplorable. This is an appropriate, modest
10 advancement of this cause.

11 And I really want to have everybody
12 understand that this is a human issue that has been
13 with us, and it is an appropriate way for us to
14 continue to move for a dialogue that's been with us
15 for 20 years.

16 And I couldn't be prouder today to ask
17 for an aye vote.

18 CHAIRMAN: Senator Brophy.

19 SENATOR BROPHY: Thank you, Madame
20 Chair, and members of the chamber here.

21 I'm going to ask for a no vote on
22 Senate Bill 200. I think it's important that we
23 discuss this for what it is. As Senator Romer
24 pointed out, this is about discrimination and how
25 wrong discrimination is when it's done on a

1 wholesale basis and you can see the proof of
2 discrimination. And that's what this bill really is
3 about.

4 And I want to challenge the sponsor of
5 the bill to show us something that we can hang our
6 hats on, something that proves discrimination in
7 this case, because I can't find anything.

8 And this bill -- and I think it was
9 Senate Bill 28, last year, really changes what
10 discrimination is in this country. And I think it's
11 important that we not do that. I think it's
12 important that we retain definitions, specific
13 definitions for what words and concepts mean in this
14 country.

15 To be discriminated against in this
16 country, you need to be able to show, somehow, some
17 way, statistically a pattern of discrimination,
18 something that proves that discrimination actually
19 exists. And you cannot find that in the case of
20 sexual orientation.

21 You can find it in a lot of other
22 areas, and I think those areas are appropriate to
23 talk about. But what -- the discrimination I'm
24 talking about is economic discrimination,
25 educational discrimination, political

1 discrimination. And I find no pattern of any of
2 those. And I want to challenge the sponsor to show
3 me a pattern of any of those types of
4 discrimination.

5 I can find other types of -- or other
6 types of people who are discriminated against that
7 you can prove statistically that aren't protected in
8 our statutes.

9 And to that end, Madame Chair, I offer
10 an amendment here, when you get it, and we can have
11 Chris start off on the amendment, and I'll tell you
12 what it does ask.

13 CHAIRMAN: Mr. McGallon, would you
14 please read the title to Amendment L005.

15 CLERK: (Unintelligible.)

16 CHAIRMAN: Senator Brophy.

17 SENATOR BROPHY: Thank you, Madame
18 Chair.

19 Members, what this is is a
20 strike-below amendment, and it's adding a category
21 of discriminated folks to all of our discrimination
22 laws. And this category is short people.

23 If you take a look at some statistical
24 information about the amount of discrimination that
25 short people see in this country, it is -- it's

1 actually appalling. A person who is 5 foot, 6
2 inches tall will earn on average \$6,000 a year less
3 than a person who is 6 foot tall.

4 In America, the average CEO is just
5 under 6 foot tall, and the average American is
6 around 5 foot 9.

7 And short people have one other
8 important element that you need in order to qualify
9 for discrimination statutes. It's called an
10 immutable characteristic.

11 You can see, standing here beside me,
12 a very tall man, Senator Cadman, and myself, a very
13 height challenged person at 5 foot 6. Among the
14 CEOs in this country, 58 percent are 6 foot tall or
15 taller. 30 percent of all CEOs, 30 percent, are 6
16 foot 2 or taller. Only let 3.9 percent of all men
17 in this country are 6 foot 2 or taller.

18 And then, finally, to prove political
19 discrimination against short people, of the 43
20 presidents, only 5 have been more than an inch below
21 average height. Of the 54 U.S. presidential
22 elections, only 13 have been won by the shorter
23 candidate. That is real live discrimination. Proof
24 of people being discriminated against in this
25 country, and it honors the concept of what

1 discrimination really is.

2 Members that's Amendment 5.

3 Madame Chair.

4 CHAIRMAN: Senator Brophy.

5 SENATOR BROPHY: I will withdraw
6 Amendment 5.

7 CHAIRMAN: Amendment 5 is withdrawn.

8 Senator Veiga.

9 SENATOR VEIGA: Thank you, Madame
10 Chair.

11 Senator Brophy, it must be nice, as a
12 white male, to sit back and mock the real
13 discrimination that occurs to many people in our
14 society, including (inaudible) of sexual
15 orientation.

16 CHAIRMAN: Senator Romer.

17 SENATOR ROMER: Senator Brophy, I
18 really have to object to what just happened. When
19 Amendment 2 was passed, my father led a group of
20 people from downtown Denver to the state capital to
21 keep from rioting that day. He described a staff
22 person in this building who walked into his office
23 and said to him, governor, I am gay. Didn't know
24 that.

25 He said to him, you know, I've never

1 told anybody in this building that I'm gay. And he
2 said to him, look, the challenges that we have in
3 this country are that there are people who are
4 afraid to talk about this issue.

5 And I really, really, really think
6 when you have people who literally can't talk to
7 their closest colleagues about something so personal
8 and important, you have to be very thoughtful about
9 how painful it is to have this person, the first
10 time in his life, come in this building, into the
11 governor's office to explain to people what it means
12 to be afraid and to be gay.

13 So there is discrimination that still
14 occurs in this area. And I think we need to be
15 very, very careful to understand that, while we may
16 differ about this issue, there are really, really
17 human issues at stake here.

18 There are people who still live in
19 fear of discrimination. There's a history in this
20 state as a result of Amendment 2 that we have to be
21 very, very careful of.

22 So I appreciate the legitimate debate,
23 but I want to be very careful to give honor to those
24 people who, to this day, are still afraid of being
25 discriminated against.

1 CHAIRMAN: Senator Schwartz.

2 SENATOR SCHWARTZ: Thank you, Madame
3 Chair. And I too take exception to the comments.

4 Too often we use this podium for the
5 wrong purposes. And there was something said, you
6 need to walk in another man's moccasins. And to be
7 presumptuous that we can make a determination about
8 what's discrimination and what's not is really
9 unacceptable.

10 Until one has experienced what people
11 experience in on a day-to-day life, it is not our
12 position to presume what they experience.

13 CHAIRMAN: Senator Brophy.

14 SENATOR BROPHY: Thank you, Madame
15 Chair. Can you ask for a moment of personal
16 privilege on (inaudible)? No.

17 I'll respond to the issue. I
18 certainly didn't mean to be offensive, but I did
19 intend -- and I apologize for that, because I did
20 not mean to be offensive to anybody. But we still
21 do have to talk about the ability to statistically
22 show discrimination, and try to do that in a way
23 that is thoughtful and not offensive.

24 And I actually -- actually prayed, and
25 obviously it wasn't delivered, in that I wanted to

1 be able to clearly articulate an opposition to a
2 bill like this in a way that wasn't offensive.

3 Sometimes we get there. Sometimes we
4 don't.

5 CHAIRMAN: Senator Mitchell.

6 SENATOR MITCHELL: Thank you, Madame
7 Chairman.

8 Members, I think an issue that Senator
9 Brophy was raising is that, historically in this
10 society we have looked for certain social indicators
11 and social consequences to find a case for
12 discrimination, a case for restricting free choice
13 that overrides people's own choices about
14 association and about who they'll deal with, and
15 about how they'll structure their lives.

16 I think Senator Brophy might have
17 meant to point out that, in fact, when you look at
18 many of the facts and circumstances that underlay
19 the Civil Rights Act of 1965, they're missing in the
20 case of gay Americans.

21 In fact, in 1965, when we looked at
22 the status of African Americans in society, they
23 were, in most important respects, excluded from the
24 benefits of modern American life, lower educational
25 levels, lower income levels, lower health outcomes,

1 lower educational opportunities, lower access to all
2 of the fruits and manifestations of success in
3 America.

4 That particular set of circumstances
5 is entirely absent regarding gay Americans. In
6 fact, demographic information suggests a higher
7 level of income, a higher level of educational
8 attainment, a higher likelihood to have traveled
9 outside of the United States, greater measure of
10 professional access -- professional success than
11 many other people.

12 That's one factor. That's one factor
13 only, economic and cultural attainments. But yet
14 this debate does get at the heart of freedom and
15 opportunity in America. And so let's observe a
16 couple inconvenient truths.

17 Let's observe that the constitution
18 doesn't distinguish between gay and straight
19 Americans. The First Amendment protects everyone's
20 speech, no matter the orientation of the speaker.

21 The Fourth Amendment protects the
22 privacy and the security in their homes and in
23 their -- personal effects of all Americans,
24 regardless of their sexual orientation. The
25 standards of American life and civic opportunities

1 are extended to all. And it all happens in the
2 context of a general presumption of freedom of
3 choice.

4 And there are only a very few kind of
5 associational choices we have as a society decided
6 to restrict, to override. They involve race, where
7 we confidently made the judgment that there is no
8 important difference based on ethnicity or race or
9 heritage.

10 Then it came to sex, where we decided
11 every sex -- where we decided both sexes have to be
12 treated equally and identically in the workplace.

13 But, members, most personal
14 characteristics we leave to freedom of conscience
15 and freedom of choice and the associational choices
16 of individuals.

17 And now I understand the concern about
18 humor entering this debate. This is a profound
19 area. People worry about the feelings of their
20 family members, their friends, and their standing in
21 society, and those are real issues. But they're not
22 the same issues as economic opportunity in our
23 economy. They're not the same issue as
24 discrimination in the workplace.

25 And so, Senator Veiga, I will ask you

1 respectfully the same question that Senator Brophy
2 tried to ask you with levity, which is: Where is
3 the record of discrimination? Not anecdotally,
4 someone has felt slighted, someone has felt
5 criticized, where is the information that suggests
6 that gays are disadvantaged in society and need the
7 intervention of government to override people's free
8 associational choices?

9 Where is the information that suggests
10 major employers don't have doors wide open to the
11 best talent they can find, that suggests that
12 economic opportunity does not abound for all, gay
13 and straight?

14 I suggest, members, that that
15 information is not there, and that in this most
16 profound and personal area, we should exercise
17 humility rather than hubris, and we should let
18 people work out their own choices and their own
19 associations and their own relationships, and
20 government should butt out.

21 I respectfully request a no vote on
22 this bill.

23 CHAIRMAN: Senator Shaffer.

24 SENATOR SHAFFER: Thank you, Madame
25 Chair.

1 Senator Brophy, I think that your
2 comments were ironic and (inaudible), because I
3 think that you were trying to impose a bill and
4 point out -- well, make a point. And I think that
5 the result of your comments are nearly the
6 guaranteed passage of the bill.

7 And, in fact, I hope that the result
8 of your comments is to bring some Republican votes
9 on board, as well.

10 CHAIRMAN: Senator Groff.

11 SENATOR GROFF: Thank you, Madame
12 Chair.

13 I rise this morning to speak on behalf
14 of Senate Bill 200. I wasn't going to say anything,
15 until what just happened on the floor. And Senator
16 Mitchell made an interesting argument with regard to
17 choice.

18 I don't think, in so many instances,
19 that people choose this lifestyle. I believe -- I
20 personally believe that some people are born this
21 way.

22 But let's assume that that's not the
23 case. Let's assume that people choose this
24 lifestyle and want to live this way. Are we going
25 to say because they make that choice we are going to

1 allow discrimination to occur because we don't like
2 the way that those folks with living?

3 And I appreciate the historical
4 lesson, but I would hope that this country had come
5 to the point where we could stop discriminating
6 against people who live in a different way than we
7 do, who live in a different way that maybe we don't
8 understand or appreciate. I would hope that we
9 would be beyond that.

10 And I suspect that there are a lot of
11 people in this room, in this building, in this space
12 who could share stories about how family members,
13 maybe themselves, neighbors, and others were
14 discriminated against because they're gay.

15 Just because you walk into a room and
16 you don't happen to be African American doesn't mean
17 the discrimination doesn't come your way. Just
18 because you walk into a restaurant and you don't
19 happen to appear Hispanic doesn't mean that you're
20 not going to be discriminated against.

21 Let's say that people make this
22 choice, which I don't think is the case, but let's
23 say that they do. So what? Should we allow
24 discrimination to occur? And what Senator Veiga is
25 trying to do is say, we're not going to discriminate

1 against people who happen to be gay or lesbian or
2 transgender or bisexual.

3 I would hope that we would be beyond
4 that, that we would treat everyone the same,
5 regardless of who they are and what they are.

6 This bill doesn't hurt anybody. This
7 bill doesn't do anything, other than to say, just
8 because you happen to be gay or lesbian, we're going
9 to treat you the same way in the workplace or
10 anywhere else, and housing or anywhere else that
11 this bill is going to cover.

12 This is what we're supposed to be
13 doing down here, is making sure that there is some
14 moral foundation, some moral guidepost that we can
15 leave for the next generation to follow.

16 Discrimination is a practice that has
17 gone on in this country for far too long. It is the
18 birth defect of this country, and it's time that we
19 began to deal with that.

20 I ask for an aye vote.

21 CHAIRMAN: Senator Tapia.

22 SENATOR TAPIA: Thank you.

23 A couple of years ago I came to the
24 mic to talk about this issue, but put a personal
25 touch on it. And the personal touch is that my son

1 is gay. And I announced this to the body because I
2 needed to make the point.

3 At that time, we were talking about --
4 there were statements about trying to categorize
5 gays as something biblically unacceptable to our
6 society. Gratefully, that day we actually did pass
7 the bill, and made it a better situation for my son
8 and for a lot of other people.

9 My son is an assistant district
10 attorney in Oregon. I'm very proud of him. He
11 actually defends kids that have been abused and
12 women in abusive relationships. And I'm just so
13 proud of what he does.

14 He moved to Oregon because he found
15 Colorado to not be a very open and accepting state.
16 He loves Oregon. He thinks that Oregon is a great
17 place to live. I'm hoping that with the passage of
18 this bill I can convince him that he can come home
19 and feel comfortable being a district attorney or an
20 attorney or anything else that he wants to be here
21 in this state.

22 Senator Mitchell, you asked about
23 statistics. I don't have formal statistics, I just
24 have one, and the one is my son. He was
25 uncomfortable in Colorado. He felt he was

1 discriminated against when he was in Colorado, both
2 at the workplace -- if not discriminated, at least
3 treated differently. In housing, he felt that he
4 was uncomfortable in a lot of settings that he was
5 put to, so he had to go to an area that he felt more
6 comfortable, to the point where he decided that
7 maybe there's a better place to live, and he found a
8 better place. But I think it's time for him to come
9 home.

10 CHAIRMAN: Senator Veiga.

11 SENATOR VEIGA: Thank you, Madame
12 Chair. And Senator Brophy, thank you for those
13 comments.

14 You know, you and I go way back, and
15 we've always had a good relationship, and I
16 certainly know it was not your intent to demean the
17 bill or me in any manner. And so I appreciate you
18 saying that.

19 Your point and your question that both
20 you and Senator Mitchell raised, relative to the
21 extent or the degree to which sexual -- individuals
22 on the basis of sexual orientation have been
23 discriminated against is a legitimate one. And I'm
24 not trying to suggest it is not. I think that is
25 the purpose of valid debate, and it's something that

1 we should consider as elective bodies, as we look to
2 adopt and amend our civil rights laws.

3 My frustration, I have to tell you,
4 though, really lies in the fact that during my 12
5 years in office, I have worked on gay rights
6 legislation, trying to add for sexual orientation
7 specifically to our antidiscrimination laws covering
8 employment, and now sort of broadening that.

9 And every year -- and, in fact, even
10 prior to the time I carried those bills, Senator
11 Laba (phonetic) -- or excuse me, Representative Laba
12 at the time, and Senator Linkhart (phonetic) also
13 carried those bills. And every year, we would
14 parade in front of the committees that considered
15 those legislations, both as you referred to and
16 disregard, Senator Mitchell, anecdotal
17 information -- or not even anecdotal, it was
18 individual cases from people that attested to their
19 discrimination.

20 We would roll out statistics from the
21 Denver Civil Rights or human rights agency who
22 actually collects that information. We would roll
23 out statistics nationwide. Yet, every single year
24 that was insignificant. It was anecdotal. It was
25 not enough. There was something always wrong with

1 it.

2 And so I have to express my
3 frustration that it's never enough, that there's
4 never enough for those of you who seem to have
5 concern with the direction in which we're moving.

6 This year, again, we brought
7 forward -- and understand, because there's only 14
8 states that have laws relative to banning sexual
9 orientation in public accommodations and housing.
10 There's not a tremendous amount of information out
11 there, again.

12 This year we brought forward the
13 member -- the head of the Gay and Lesbian Community
14 Center to talk to the numbers of complaints they
15 receive on a regular basis in this area.

16 And so we did present that information
17 to the committee. And I'm not going to try and
18 suggest that the numbers are overwhelming because,
19 understand, currently under the civil rights
20 structure, public accommodations and housing
21 complaints are relatively minor in relation to the
22 total employment-related complaints we have.

23 In other words, they make up -- well,
24 it's 8 percent for housing discrimination claims
25 currently, and 5.5 percent for public

1 accommodations. So it is a small part of the total
2 number of claims that are already filed. But we did
3 present evidence, as we have every year, relative to
4 that.

5 Senator Mitchell, you raised a couple
6 of points that you and I have gone round and round
7 in probably in our years of service together, one of
8 which is because gays and lesbians are not income
9 challenged, because somehow, maybe, we're more
10 advanced economically -- which I don't know whether
11 that's statistically true or not, but what I
12 suggested to you every year, and I will say again,
13 it's quite irrelevant whether I make a decent income
14 or not is not going to help me if I get fired from
15 my job.

16 It is not going to help me if I get
17 turned away from a restaurant. It's not going to
18 help me if I get denied a public service. That's
19 what I law's about. It shouldn't be about
20 economics.

21 You wouldn't stand here today at this
22 podium and suggest it's about economics should
23 Senator Groff get denied employment, should Senator
24 Groff get turned away.

25 You know, we had the discussion again

1 about immutable characteristics, and it always
2 somewhat amuses me that you, in your wisdom as a
3 straight male, like to come forward and say that
4 sexual orientation is not an immutable
5 characteristic, **whereas I, as a lesbian,** am pretty
6 sure it is, and I have told you that repeatedly.
7 And I appreciate that's not statistical, it's just
8 me telling you the way it is. And you may discount
9 that, and you've continued to discount that, but it
10 is an immutable characteristic, and I will stand
11 here to this day until the day I die and assure you
12 that that is the case.

13 Having said that, I would also ask you
14 to take a look at Senate Bill 200, and specifically
15 the other things that this state has sought to
16 protect that are not immutable characteristics, the
17 things you don't come up here and challenge here
18 today, Senator Mitchell. You don't stand before
19 this body and say, we shouldn't protect, and not
20 discriminate on the basis of marital status because
21 that's a choice.

22 You don't stand before this body and
23 say, we shouldn't protect in your civil rights
24 against religion or against military status because
25 those are choices.

1 No, you choose to stand before this
2 body and say we shouldn't protect people on the
3 basis of sexual orientation because somehow it's a
4 choice. Well, it's your choice, Senator Mitchell.
5 It's not mine.

6 Sexual orientation is a proven area
7 where people are discriminated against. It's a
8 valid and important thing for this body to move
9 forward and to protect individuals on that basis.
10 It's a small step, yet an important one, and I'd ask
11 for its adoption.

12 CHAIRMAN: Senator Mitchell.

13 SENATOR MITCHELL: Thank you, Madame
14 Chairman.

15 First, I need to take issue, and I
16 hope correct something, that both Senator --
17 President Groff said, and that Senator Veiga just
18 said. My position does not assert that sexual
19 orientation is a choice. All of my references to
20 choice were references to the relationships that
21 people enter into with friends of whatever sexual
22 orientation. I'll get to choice in a minute.

23 Senator Veiga, I have no idea whether
24 sexual orientation is genetic, developed in utero,
25 developed very early in a person's childhood growth

1 and development. It may well be immutable. That's
2 not my point. I don't dispute that. I don't recall
3 that I ever have disputed that with you.

4 Senator Groff, when I referred to
5 choice, it wasn't one's choice as sexual
6 orientation. I was referring to society's
7 presumption that freedom of choice in who we have
8 relationships with, who we hire, who we rent to, who
9 we go to lunch with, who we form our friendships
10 with. And we have a general presumption of freedom,
11 with a few exceptions, race, sex, national heritage
12 religion, under the First Amendment.

13 To clarify that, choice was referring
14 only to our relationships and our dealings and our
15 activities, not to our sexual identity.

16 Senator Veiga, statistical information
17 is important, because it was those unjust exclusions
18 from society that helped drive support for the Civil
19 Rights movement. This is the an economic
20 regulation, but it's aimed at easing the pain and
21 frustration of human differences.

22 Senator Tapia, if I knew your son, I
23 would probably be proud of him too. He has a loving
24 father and a loving family and has good friends.
25 And if that's the case, they'll give him strength

1 and comfort in his life. And if that's not the
2 case, passing these regulations will not greatly
3 improve his life.

4 The import of economic regulations is
5 to provide ample economic opportunity, and that's
6 why statistics matter, Senator Veiga. Until someone
7 can show that society is imbalanced, that there is
8 indeed discrimination that closes doors and blocks
9 opportunities, until that showing is made, we should
10 proceed in keeping with the American tradition of
11 freedom of choice and freedom of association.

12 Do people discriminate? Do people
13 choose their associations or who they're comfortable
14 extending a job offer to? Of course they do on all
15 kinds of bases and personal attributes.

16 Personality goes into who we want to
17 hire or rent to. Someone's intelligence, the way
18 someone speaks, their habits, the way that we mix
19 with them and mesh with them. Their political
20 beliefs, there isn't a law that prevents an employer
21 from considering someone's political attitude in
22 making a hiring decision or not.

23 We live in a free society, and to
24 override that freedom, we have to have a strong
25 showing. And the strong showing should include that

1 there is some pervasive and ongoing pattern that
2 blocks meaningful opportunity. That is not the case
3 when it comes to gay Americans.

4 Whether it was 10, 20, 30 years ago,
5 it is not the case in Denver, Colorado, in 2008.
6 That's why the statistics are an important part of
7 this debate over whether we should change these
8 economic regulations, these employment regulations
9 these workplace and financial and public
10 accommodation regulations.

11 There is simply no showing that doors
12 are closed, that restaurants turn people away, that
13 major employers don't welcome the best talent
14 wherever they can find it.

15 Freedom is working. Choice is
16 working. Diversity is flourishing. This measure is
17 about the symbolic politics of saying government is
18 on one side in a social debate, and anyone else that
19 holds traditional or moral or religious reservations
20 is wrong.

21 This is an unnecessary and divisive
22 step in a pretty diverse and free and prosperous
23 and culturally flourishing society. This is
24 symbolic politics elevated over real need.

25 I again ask for a no vote.

1 CHAIRMAN: Senator Morris.

2 SENATOR MORRIS: Thank you, Madame
3 Chairman.

4 Senator Mitchell makes some
5 interesting arguments. We can't do this.
6 Government shouldn't do this, until the level of
7 suffering is apparent to all. When it came to
8 African Americans, we let them suffer for hundreds
9 of years before it finally dawned on us that maybe
10 we were treating them differently just because of
11 the color of their skin.

12 We want to rely on statistical
13 information, and to some extent, certainly, we
14 probably should consider statistical information.
15 But I think we also need to remember that even math,
16 as hard a science as it is, as concrete as it is,
17 absolutely has its limitations.

18 For thousands of years we understood
19 the concept that if you took a number and you
20 divided it in half, and you divided it in half
21 again, and you divided it in half again, and you
22 divided it in half again, and again, and again, and
23 again, and again, you would never get to zero.

24 So if you used that theory, I can't
25 walk across this room, halfway across this room, and

1 then half again, and half again, and half again,
2 Theoretically, my nose will never touch the opposing
3 wall. But I can touch the opposing wall with my
4 nose almost from here.

5 So the reality is the math didn't
6 explain the reality. And eventually we discovered
7 the concept of the limit in calculus, and then we
8 figured out, okay, well, that's why we can touch our
9 noses to the wall, because we didn't consider the
10 concept of the limit.

11 There are all kinds of concepts here
12 that we're not considering, as we rely on math to
13 describe human behavior.

14 As most of you know, I moved to
15 Colorado Springs when I was nine years old. I was
16 the son of a military officer. My father was
17 college educated. My mother was college educated.
18 I was white. That was very obvious to people then,
19 continues to obvious to them now.

20 I was given a private school
21 education. I worked very hard. Most of those
22 around me worked hard, as well. I went to college,
23 got a degree, and became a CPA, and wore a
24 three-piece suit, was a very respectable sort of
25 chap. And where I went, I was treated with the

1 utmost of relationship constantly. And then, about
2 11 years later, I put on a police uniform, and the
3 way I was treated changed instantly.

4 So I can't give you the statistics
5 that Senator Veiga has, no doubt, studied over and
6 over again, but you can tell you that discrimination
7 is so absolutely real, even sometimes for those of
8 us that are the discriminators.

9 People have their views, and they live
10 by those views, whether we like it or not. And
11 every once in a while, the government has to get
12 involved and say, you know, that's just not fair,
13 and that's not how we ought to treat people, that's
14 not the kind of society that we want to live in.

15 James Madison suggested that if men
16 were angels, we wouldn't need government. And I
17 think he was absolutely right.

18 So I suggest and urge very, very
19 strongly, a yes vote on this bill. I'm sorry that
20 we have to have this bill, frankly, but we do, and
21 we ought to pass it.

22 CHAIRMAN: Senator Renfro.

23 SENATOR RENFRO: Thank you, Madame
24 chair. I'd like to, if I could, bring us back to
25 the bill a little bit, and get out of our

1 philosophical debate for a second.

2 I have a couple questions on the bill
3 that, I guess, concerns me, that hopefully I could
4 get a better answer to help understand what the
5 intent of certain wording in it is.

6 Basically, Senator Veiga, like, on
7 page 10, the definitions, basically, your definition
8 of sexual orientation. You go through a lot of
9 things, and at the very end it says, "or another
10 person's perception thereof."

11 And I guess if you could put that into
12 perspective how that would play out within this
13 bill, within different areas. Because that type of
14 wording, to me, is so open and so broad that how --
15 how would that be interpreted by different people.

16 An example I can give you is, last
17 year we had the bill you discussed, and I came up
18 and spoke on the bill, and I used the word
19 homosexual, and I got a lot of e-mail about that.

20 And I even had members of your caucus
21 come to me and say, how dare you use that word at
22 the mic. The word is gay or lesbian, you can't use
23 that word. And that was members of your caucus
24 telling me that, and I about fell over saying, well,
25 that's their perception of what I said.

1 And so how does -- could you tell me
2 how that part of this needs to be part of the
3 definition of sexual orientation and how that can
4 fit into this bill?

5 CHAIRMAN: Senator Veiga.

6 SENATOR VEIGA: Thank you, Madame
7 Chair.

8 And Senate Renfro, I understand that
9 that is the current definition existing in law
10 today, as we passed and utilized that definition
11 last year in adoption of Senate Bill 25.

12 But to answer your question, and it's
13 one that's been posed probably last year and other
14 years, when you're talking about a person's
15 perception thereof, how that would come about is if
16 you were to go to apply for a job, Senator Renfro,
17 and you were denied that job because the employer
18 thought you were gay, and you could prove that, you
19 would have a basis for discrimination, even though
20 you were not gay.

21 It's based on your (inaudible) sexual
22 homosexuality status. In other words, you're denied
23 employment because of someone's perception that you
24 were in a category.

25 CHAIRMAN: Senator Shaffer. No.

1 Senator Wiens.

2 SENATOR WIENS: Thank you, Madame
3 Chair.

4 I'd like to come back to the bill,
5 also, and just talk about some of the specifics of
6 the bill and the way -- the way it is drafted.

7 The issue related to the language that
8 Senator Renfro brought up, the "or another person's
9 perception thereof," the fact that we passed it in
10 Senate Bill 25 doesn't make it any better now than
11 it was then, and still is a -- if we're trying to
12 deal with the issues that Senator Veiga is talking
13 about, then why don't we define it in statute,
14 instead of leaving it such a broad way. And this
15 might be an opportunity to actually fix that.

16 I actually have other problems with
17 the bill, and they relate to where we're putting
18 this legislation in statute and, also, adding
19 religion into it as one of the definitions here.

20 And here's the scenario, and here's
21 the problem, and I'm sure the lawyers on the other
22 side of the aisle who are members will come and tell
23 us that this isn't a real thing, but it is a real
24 thing, and it will happen, and it is happening in
25 other states as we speak.

1 The -- when you look at the definition
2 of public accommodation, and when we take that
3 section of our statute, and we put religion into
4 this, the definition of public discrimination is a
5 rather long -- or public accommodation and
6 discrimination in places of public accommodation is
7 a rather long definition. But it starts off by
8 saying anyplace offering services, and it lists out
9 a long list of services that a place might offer,
10 and they would then become a public accommodation,
11 like a gymnasium, a place where there might be a
12 barber shop, or providing some sort of health care,
13 some convalescence home, campsites, a dispensary,
14 maybe a clinic. Any public building, in fact, a
15 park, an arena, a theater, a hall, an auditorium.

16 It goes on to say, or a public
17 facility of any kind whether indoor or outdoor. And
18 then when you add religion as part of this
19 definition, and you're dealing with this section of
20 law, then we really begin to get into a situation
21 that I believe is going to cause significant
22 problems that only lawyers will benefit from, and
23 the intent of the bill will not actually take place.

24 The -- let me give you an example of
25 what could happen under this, given the fact that we

1 put religion into this section of law. Let's -- I'm
2 the father of three daughters. And let's assume
3 that one of my daughters wants to get married, and
4 she wants to have a Christian service. And I want
5 her to have a Christian service. And it turns out
6 that there's a mosque down the street that is a
7 beautiful, beautiful place. And I think that the
8 photography there and the beauty of that facility
9 would just be a fantastic place to create some
10 lasting memories for my daughter's wedding.

11 And so then I go to the mosque, and I
12 request -- because you're a public accommodation
13 under the definition and statute, and religion is
14 now something that you can sue over. And I go to
15 the mosque, and I ask them to perform a Christian
16 wedding for my daughter in their mosque. And under
17 this statute, the way this is written, they would be
18 required to do so, or I could sue them for
19 discrimination.

20 I think that this bill has things in
21 it that is just way off the mark. It's
22 overreaching. I understand some of the issues that
23 the sponsor is trying to deal with, but by
24 broadening this issue to the point that it has,
25 we're going to see litigation over this. You're

1 going see people going into injunctions trying to
2 make different faiths deal with other faiths in a
3 way that they don't have the freedom to worship, and
4 they don't have the freedom to move forward with
5 their own faith.

6 And when you have a situation where I
7 could force a mosque to have a Christian wedding for
8 my child, this just is legislation that isn't
9 necessary and is actually not a positive thing for
10 the state of Colorado. And I ask for a no vote.

11 CHAIRMAN: Senator Veiga.

12 SENATOR VEIGA: Thank you, Madame
13 Chair.

14 Senator Wiens, maybe you missed the
15 portion in the introduction where I told you that we
16 removed religion from all of the sections that you
17 just referenced.

18 Understand, members, actually under
19 our current public accommodations statutes, we have
20 word "creed," which the Civil Rights Division
21 interprets to be synonymous religion.

22 When Senate Bill 200 was drafted, we
23 tried to conform to the various statutes. So we did
24 put religion into these places in the public
25 accommodations components of our statutes, to which

1 Senator Wiens objects.

2 The Catholic Conference approached me
3 and they had some concerns about that, and so I have
4 removed all references to religion in the public
5 accommodations sections, which is why the Catholic
6 Conference is neutral on the bill.

7 So I'm sure, Senator Wiens, since
8 we've addressed your concerns, you'll be a yes vote.

9 CHAIRMAN: Senator Wiens.

10 SENATOR WIENS: Thank you, Madame
11 Chair.

12 Senator Veiga, I, too, heard the
13 testimony, and I heard people testify on this bill.
14 And they testified and, obviously, you accepted that
15 testimony, that the language creed in the --
16 handles -- makes the bill exactly the same as if
17 religion was in there. And so we're still dealing
18 with the religious issue.

19 We're still dealing with anyone who
20 provides the kinds of services that we set forth
21 here. And, in fact -- in the definition. And, in
22 fact, churches and mosques provide those services.

23 And I know you're going to make the
24 argument about the difference between creed and
25 religion, but we heard testimony that was, in fact,

1 the same. And I still would ask for a no vote.

2 CHAIRMAN: Senator Veiga.

3 SENATOR VEIGA: Thank you, Madame
4 Chair.

5 And Senator Wiens, I'm actually -- I
6 would agree with you, creed and religion are the
7 same, and I think that's the Civil Rights Division
8 interprets.

9 All I'm saying here is Senate Bill 200
10 does not do anything to add creed or religion to the
11 public accommodations laws. That has been stricken.

12 Creed has, since the enactment of the
13 public accommodations law, it's been a portion of
14 it. Senate Bill 200 doesn't change that. It
15 doesn't add to it. It does nothing.

16 So the law, as it currently stands for
17 public accommodations, whether it related to
18 religion or creed, will stay the same, whether
19 Senate Bill 200 is adopted or not.

20 CHAIRMAN: Seeing no further
21 discussion, all those in favor of Senate Bill 200
22 indicate by saying aye.

23 UNIDENTIFIED VOICES: Aye.

24 CHAIRMAN: Opposed, no.

25 UNIDENTIFIED VOICES: No.

1 CHAIRMAN: The ayes have it. Senate

2 Bill 200 is adopted.

3 (End of audio file.)

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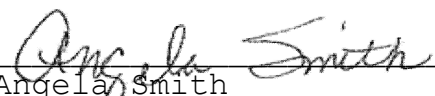
1 CERTIFICATE

2 STATE OF COLORADO)
) ss.
3 CITY AND COUNTY OF DENVER)

4
5 I, Angela Smith, Professional Reporter
6 and Notary Public for the State of Colorado, do
7 hereby certify that the above-mentioned audio file
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9 transcription; that the foregoing is a true
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12 any way connected with any attorney or counsel for
13 any of the parties to said action or otherwise
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15 IN WITNESS WHEREOF, I have hereunto
16 affixed my hand and notarial seal this 14th day of
17 August 2017.

18 My commission expires January 22,
19 2019.

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22 Angela Smith
23 Reporter, Notary Public
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HOUSE COMMITTEE ON JUDICIARY

House Bill Summary for SB08-200

1 * * * * *

2 HEARING OFFICER NO. 1: Come back to
3 order. Representative Judd, (inaudible) for
4 Senate Bill 200.

5 REPRESENTATIVE JUDD: Ms. Chairman and
6 Committee, thank you very much. It's an honor for me
7 to be able to present to you a bill that will recognize
8 the human rights of a segment of our population that
9 has really been neglected for a little too long.

10 Senate Bill 200 provides protection for
11 (inaudible) sexual orientation in a wide variety of
12 aspects of life, and are regulated by the government
13 from housing; to places of public accommodation; to
14 range from, oh, barbershops, to hotels, to hospitals,
15 other -- funeral homes (inaudible), people that live in
16 dignity and will ultimately die in dignity.

17 So the other thing that House Bill 200
18 does is clean up some language that has needed
19 attention for a number of years in the civil rights
20 statute, it has grown a little bit by toxin over the
21 years.

22 And from time to time we provided
23 protection for various groups in terms of some aspect
24 of their life, and just neglected to address it in
25 others.

1 So you'll find those places in the bill
2 where we insert religious protection against
3 discrimination on the basis of religious beliefs where
4 we've already had protection on the basis of sex or
5 marital status or disability and so on.

6 And that's -- then what the other thing
7 the bill does is, for the civil rights portion we say
8 that members of the protective classes, those are the
9 statutes that are designed to protect, our eligible
10 membership as board members. And that's really the
11 bill.

12 HEARING OFFICER NO. 1: Are there any
13 questions for Representative Judd? Representative
14 Stephens.

15 REPRESENTATIVE STEPHENS: Thank you,
16 Mr. Chair. Representative Judd, I think that this is
17 at least one of the first bills, and we saw it last
18 year in Senate Bill 25, on another person's perception
19 thereof.

20 Can you help me understand why, given all
21 the other kind of civil liberties or protections that
22 we had that the perception thereof, how -- what does it
23 mean? How is it applied?

24 HEARING OFFICER NO. 1: Representative
25 Judd.

1 REPRESENTATIVE JUDD: Thank you,
2 Mr. Chair. The bill here is to take folks that are
3 subjected to non-(inaudible) discrimination and
4 eliminate that practice.

5 And with sexual orientation, we've got a
6 pretty good definition right at the front of the bill
7 of sexual orientation. The individual who, let's say,
8 is gay very likely sees himself or herself as being a
9 member of society, and always has seen him or herself
10 as a member of society that's entitled to all the
11 privileges and under all the obligations of any other
12 member of society, and that he has not been treated
13 that way by other people.

14 And what we're doing with this bill is
15 we're addressing (inaudible) disconnect. On the one
16 hand the individual says, I'm a regular guy; and on the
17 other hand society's been saying, No, you're not, and
18 now we're going to say yeah, yeah, you are.

19 HEARING OFFICER NO. 1: Representative
20 Stephens.

21 REPRESENTATIVE STEPHENS: Thank you. If
22 I might ask a line of questions. I think the
23 perception to me is a very key issue. My perception
24 may not be Representative Roberts' perception, which
25 may not be Representative Carroll's. I mean,

1 everyone's perception is different. And perceptions
2 change. Perceptions can (inaudible) from day to day.

3 And so based on this issue of perception,
4 if I perceive, whether right or wrong or otherwise, and
5 completely wrong, there is a basis then by which you're
6 seeing I perceive, that you're perceiving homosexuality
7 is something that one might find offensive.

8 And I'm asking you, are we not -- I'd
9 like to know legally where we set that up within the
10 statutes? Because I tend to find that very scary. I
11 think it actually really -- to me it's on the -- my
12 concern is the whole issue of free speech, free
13 thought, you know, and thought control. So I want to
14 make sure we're not moving down that road in terms of
15 perception.

16 It is quite broad, Representative Judd,
17 in comparison to other CADA law, and so I'm -- I'm
18 concerned about that.

19 HEARING OFFICER NO. 1: Representative
20 Judd.

21 REPRESENTATIVE JUDD: Thank you,
22 Mr. Chairman. Let me give you an example. Americans
23 with Disabilities Act is now about 10 years old. And
24 one of the foundations of that act is the employer or
25 other person's perception of the (inaudible) as having

1 a disability.

2 That's (inaudible) to the ability of the
3 disabled or those who are perceived to be disabled from
4 (inaudible) society. That concept has been pretty
5 proved and vetted over the last decade or so, so I
6 don't think we can call it anything that's particularly
7 new.

8 And to borrow that concept here is
9 strictly appropriate. Here we've got another segment
10 of society that some members have perceived as being
11 out of the norm and they may be perceived as being not
12 entitled to the same benefits or required (inaudible).

13 And then we're saying, okay, we're not
14 going to change anybody's way of thinking. They're
15 going to think the way they think. All we're going to
16 do is we're going to say, as far as the law is
17 concerned, you've got to treat all these folks the
18 same.

19 HEARING OFFICER NO. 1: And I'll just add
20 one thing to that. In employment law it's not unheard
21 of for there to be litigation based on perceptions or
22 stereotypes.

23 I mean, for instance, the basis of
24 employment discrimination when it's gender and their --
25 when it's gender discrimination is actually the fact

1 that you have perceived -- perceived notions of how
2 women should be and stereotypes, and that can serve as
3 a basis for discrimination against someone who's a
4 woman because you have this set idea of what they
5 should be and what their -- and the stereotypes related
6 to that.

7 I'll just add to that, that there is not
8 an unknown or quantity or unknown legal notion that
9 we're adding. Representative Levy, then back to
10 representative Stephens.

11 REPRESENTATIVE LEVY: Thank you,
12 Mr. Chair. Representative Judd, I -- we did have a
13 long conversation last year about this perception
14 issue. And it actually -- I struggled with it also in
15 terms of what does it actually mean in this context.

16 And so I tried just a little exercise of
17 plugging that in here to some of the provisions, and --
18 because you're talking about another person's
19 perception of the person's sexual orientation.

20 And so the way I think it works is just,
21 for example, discrimination in places of public
22 accommodation, it's discriminatory to deny an
23 individual because of another person's perception of
24 their sexual orientation, public accommodation.

25 And I actually do have a little bit of

1 trouble understanding the distinction. If you're
2 denying whether -- regardless of whether you perceive
3 it inaccurately or perceive accurately, you would be
4 denying them public accommodation because of their
5 sexual orientation.

6 Now, you may be wrong as to what their
7 sexual orientation is, but it would be because of it.
8 So I'm not sure it actually does add anything unless,
9 you know, we were going to get hypertechnical, and then
10 it's a defense to a prosecution under this or an action
11 that, well, it turns out I was wrong, they weren't
12 really homosexual.

13 I don't know if that's where this is
14 going, but I actually don't see the distinction.
15 Usually the action is taken either because they are in
16 fact or because they are perceived to be. But I think
17 the reason for the denial is kind of the same, it's
18 based on their sexual orientation.

19 HEARING OFFICER NO. 1: Representative
20 Judd.

21 REPRESENTATIVE JUDD: I don't think we
22 have a response, Mr. Chairman. I will see if some of
23 the witnesses have an example that would speak to this,
24 and then -- maybe.

25 HEARING OFFICER NO. 1: Representative

1 Stephens.

2 REPRESENTATIVE STEPHENS: Thank you,
3 Mr. Chair. I was showing it along those too because,
4 because of the depth of this and because of how sexual
5 orientation is defined, heterosexuality identified,
6 homosexuality identified. The moving target to me
7 (inaudible) sexuality in the perception thereof.

8 What I need to know is, transgender I say
9 identify it using someone are in process sexually. The
10 bisexuality to me is to move a very confusing part,
11 hard to prove.

12 Because if we look at, you know, maybe
13 this year I'm with a partner, in fact, we -- I think we
14 saw this nationally, a woman was with a partner, they
15 broke up, she got married, had a baby, they're getting
16 divorced, in process bisexual and the sexuality and any
17 perception thereof would be a very hard thing to prove.

18 And I guess unlike where Representative
19 Carroll was saying, well, we do this in certain
20 Title IX, the statute says, bisexuality or transgender
21 status, or another person's perception thereof.

22 Well, you know, that I believe is so
23 broad that it's susceptible to abuse by (inaudible),
24 could potentially be, particularly within the area of
25 bisexuality.

1 So perhaps you have witnesses that can
2 answer that, but that, to me, is -- that is a moving
3 target. That to me seems very broad, very extensive,
4 and open to a lot of interpretation.

5 HEARING OFFICER NO. 1: Representative
6 Judd, would you like to answer that or defer to a
7 witness?

8 REPRESENTATIVE JUDD: Oh, I'll defer.
9 Thank you, Mr. Chairman.

10 HEARING OFFICER NO. 1: Representative
11 Roberts.

12 REPRESENTATIVE ROBERTS: Thank you,
13 Mr. Chair. Representative Judd, something that's
14 bothering me I guess about this bill, and maybe you can
15 help me or a witness can, that the list is 23 areas,
16 and some of the things that are within that list cause
17 me to struggle; some don't.

18 But when I think about telling a
19 landlord, perhaps it's somebody who owns only one
20 house, and so this is what they -- you know, it's not a
21 business, per se, it's a home, though, that they rent
22 out; and let's say for them it is immoral to be gay.

23 And so the thought of telling that person
24 that they would now be subject to a statute like this
25 and lawsuit for making a determination that for them

1 just is unacceptable. I really struggle with that.

2 It seems to me that we're opening the
3 door to all sorts of litigation, and again with the
4 word perception in here. So I just -- I see this as
5 different from some of the other stuff that we have
6 passed more recently.

7 And like I say, the 23 areas, some of
8 these things I'm fine with, but others I feel like it's
9 the imposition of somebody else's lifestyle choices on
10 somebody who doesn't share those.

11 And it almost makes me think at what
12 point do you tell the small business owner who has a
13 sign on the door that says, No shirt, no shoes, no
14 service, are we going to go there, but does that become
15 illegal? does that become lawsuit?

16 So I may not be thinking of something,
17 and I'm asking to have you point out how this doesn't
18 lead us down the path where a lot of people will be
19 suing in part because of perception or reality.

20 HEARING OFFICER NO. 1: Representative
21 Judd.

22 REPRESENTATIVE JUDD: Thank you,
23 Mr. Chairman. Let me compare some of what we have in
24 place today and get at it that way. Today if I had a
25 house that I'm going to rent out, and I say, I'm going

1 to rent this to anybody as long as they're not black or
2 as long as they're not Mormon or as long as they're
3 not -- I'm not going to rent to (inaudible), and I'm
4 not going to rent to women; without a statute in place
5 that says, Well, no, if you're going to be commerce, if
6 you want to be in the business of renting out a house,
7 you can't draw that line, you're going to have to make
8 that house available to all of these people, and you're
9 not going to be allowed to discriminate against those
10 folks

11 Now we're saying, well, we're going to
12 add somebody to that. And you say -- if you want to
13 rent that house out and you want to say morally we're
14 going to rent to all kinds of families but not to
15 families that are the same sex, parents. What this
16 bill says is, No, you can't draw the line there either.

17 HEARING OFFICER NO. 1: Representative
18 Roberts.

19 REPRESENTATIVE ROBERTS: Thank you,
20 Mr. Chair. Well, what about people who say in that
21 scenario -- I come from Durango, it's a college town,
22 and they say, I'm not going to rent to college kids. I
23 don't want parties in my house. I don't want the yard
24 destroyed; or people who say, you can't have pets.

25 So, I mean, there are certain things that

1 we allow, or are you -- and I don't know what all the
2 housing laws and regulations may be. But are you
3 saying --

4 And again, part of it is reality and part
5 of it is perception. What if it's because this person
6 has a cat or a dog and is gay, but then the perception
7 issue opens the door to the lawsuit of, well, it really
8 wasn't because I had a cat or a dog, it's because of my
9 sexual orientation?

10 HEARING OFFICER NO. 1: Representative
11 Judd.

12 REPRESENTATIVE JUDD: Thank you,
13 Mr. Chairman. What we're going to do here is we're
14 going to set the rules. And there are many other
15 factual circumstances out there in the real world.

16 And (inaudible) these situations we, of
17 course, have to apply these rules to those factual
18 situations. Just setting rules isn't going to
19 eliminate all possibility of having to apply the rules.

20 In the situation we're talking about
21 where a landlord has a perfectly valid basis for
22 discrimination, something that is absolutely accepted
23 under the law, no pets or as you say, no college
24 students, if a landlord consistently applies that,
25 hopefully it's going to be perfectly fine.

1 And I'm not saying there won't be
2 situations where people are going to require some
3 factfinder to make a determination that that really is
4 the truth and what's going on, that can happen.

5 But in the situation where the landlord
6 has consistently said, I don't rent to college
7 students, I don't want my property torn up, that's
8 perfectly valid. I really (inaudible) that.

9 You can also have a situation where a
10 landlord creates a pretext, and when it's convenient
11 says, Oh, well, so you've got a pet so, nope, you can't
12 come in; and the next person that comes in and knocks
13 on the door with a pet, landlord says, come on in,
14 we'll go ahead and rent to you.

15 In that situation where something that is
16 otherwise valid is being used as a tool, as a pretext
17 to engage in prohibitive conduct, that's going to be
18 barred by (inaudible) with Senate Bill 200.

19 HEARING OFFICER NO. 2: Representative
20 Levy and then Stephens.

21 REPRESENTATIVE LEVY: Madame Chair, you
22 were out of the room, but Representative Stephens
23 actually has been waiting.

24 HEARING OFFICER NO. 2: How about if I
25 reverse that. Representative Stephens and then Levy.

1 REPRESENTATIVE STEPHENS: Thank you. I'm
2 following up basically on what Representative Roberts
3 said. And I'd like to take it actually a little longer
4 term, because I'm worried about a reverse
5 discrimination in some ways. And you can help point to
6 me. I get the whole point about the renting with
7 college kids.

8 Help me understand, though, if I have
9 rental property, my -- I go to church, my religious
10 beliefs do not support homosexuality or bisexuality or
11 transgender, and I don't want -- I believe if I rent
12 that personal property, then it violates my religious
13 belief. And so your response would be, well, don't
14 rent your property, don't own an extra property then.
15 And so then if -- then don't any other kind of public
16 accommodation.

17 And I guess what I'm wondering is, do
18 people not have the right in terms of the their
19 religion and religious (inaudible) the free exercise of
20 religion thereof could practice; and it is not reverse
21 discrimination that then takes place, because then you
22 would be saying, Well, you're discriminating with us
23 with this law, we're going to hammer you and now we're
24 going to discriminate against you.

25 And I understand in the senate version

1 we've taken out religion in a number of areas. But
2 what I see happening down the road is what happened,
3 and I think we had this in the senate committee
4 hearing, the issue of the woman in New Mexico, who's a
5 photographer who said, I don't want to photograph your
6 commitment ceremony; was brought up to the Civil
7 Rights Commission on charges because (inaudible) had
8 religious beliefs.

9 So at what point then are we trampling
10 the (inaudible) on that? (Inaudible) about that for
11 the people who practice the exercise their religion
12 thereof.

13 HEARING OFFICER NO. 2: Representative
14 Judd, would you like to respond?

15 REPRESENTATIVE JUDD: Thank you, Madame
16 Chair. There was a time in this country where it
17 wasn't really that rare for people to express a deeply
18 held religious belief that required discrimination on
19 the basis of race. You know, I'm not going to vote for
20 a black person --

21 REPRESENTATIVE STEPHENS: Sir,
22 (inaudible). I am unaware of what religions did that,
23 so you'd have to help me understand --

24 HEARING OFFICER NO. 2: Representative
25 Stephens, let's let Representative Judd please finish

1 his testimony and not interrupt him.

2 REPRESENTATIVE STEPHENS: Thank you.

3 REPRESENTATIVE JUDD: And we stepped in
4 and we said, As a matter of law, no, you know, we
5 balance out people's interests here. And on balance
6 the need for individuals to be able to acquire
7 acceptable housing, you know, to raise a family is an
8 important value; and the beliefs that you're holding in
9 this regard, yeah, I'm the landlord in this case, can
10 go so far, but then stop.

11 If you have a belief that can be
12 expressed, for example, in the context of a religious
13 service, can be expressed in terms of private activity.
14 But watching individuals engaging in commercial
15 activity, we're going to step in and say, That's where
16 the line is.

17 Same thing for a landlord that says, I'm
18 just not comfortable having a woman live in this house
19 that I own, I just wouldn't like that. Well, we're
20 saying no.

21 Once you step over the line and engage in
22 commerce and put your property out to the public and
23 say, this is going to be a place that's going to be
24 open to everybody in the public except for this
25 particular guy right here, you know, we're going to

1 step in and say, no, you can't draw the line there.

2 HEARING OFFICER NO. 2: Continue,

3 Representative Stephens.

4 REPRESENTATIVE STEPHENS: Yes. Thank
5 you, Madame Chair. I can appreciate, you know -- yeah,
6 I'm still waiting to hear what religions did this, but
7 we can progress on from there. I've yet to (inaudible)
8 see there were any.

9 But the question in regards to a
10 (inaudible) characteristic is one thing. It's one
11 thing to have a bias based on a (inaudible)
12 characteristic. I'm going to go back to the issue of
13 perception and this kind of moving target where one may
14 not know, one just may not know.

15 Because that's what Representative
16 Roberts said, you may not know. You may not have that
17 precursor to that, that if you perceive that I did it
18 based on that, off you go, off (inaudible) in court.
19 That's the thing that concerns me about this.

20 HEARING OFFICER NO. 2: Representative
21 Judd, would you like to reply?

22 REPRESENTATIVE JUDD: Thank you, Madame
23 Chair. If I'm renting out a piece of property, a
24 house, and I really don't know anything about the
25 personal details of the individual that's going to rent

1 that house, and I make a decision I'm not going to rent
2 to that person, the obvious question is going to be,
3 Well, gee, why didn't you rent to that person?

4 And if I've got a straightforward answer,
5 well, they've got a crummy credit history; or after
6 calling his last landlord and the landlord said he
7 trashed the place, that's a perfectly valid
8 explanation.

9 If I don't have an explanation like that,
10 and, you know, the individual says, I think you're not
11 renting to me because I'm gay, well, I can say, Gee, I
12 didn't know you were gay, and then that's a factual
13 question, and the fact finder of facts is going to have
14 to make a determination.

15 REPRESENTATIVE STEPHENS: You've answered
16 my question.

17 HEARING OFFICER NO. 2: Representative
18 Levy.

19 REPRESENTATIVE LEVY: Well, thank you,
20 Madame Chair. And it's not a question, but I think
21 there is a lot of confusion still about this perception
22 issue. And in Representative Roberts' question, it's
23 not -- as you read the language, it's not the person
24 who's being discriminated against, apostrophe S',
25 perception of how -- of why they were denied, it says,

1 another person's perception thereof.

2 And so it's -- so if I'm denying housing
3 to you because I perceive you to be a lesbian,
4 regardless of whether you are or not, then that's
5 illegal.

6 It's not, Well, I say no to you because,
7 in fact, you have a bad credit history; but you
8 perceive that I did it for an improper reason, it's my
9 perception of you. So it's not -- you know, I think
10 you get away from some of these factual issues.

11 And there are factual issues in any of
12 these discrimination cases, you know, anytime it's just
13 inherent in this kind of litigation. But I think it's
14 not quite as subjective and difficult to pin down as a
15 matter of proof as you might think because of this
16 language.

17 HEARING OFFICER NO. 2: Representative
18 Roberts, did you choose to respond?

19 REPRESENTATIVE ROBERTS: Well, I guess it
20 goes a little to what Representative Judd said earlier
21 that made me think sometimes you make those decisions
22 as a landlord perhaps just by gut instinct.

23 I mean, you can't say it was because of
24 the bad credit, you just go, there's just something
25 funny I don't like about that person, you know, and

1 because you're trusting them with your property.

2 So to me, again, I guess my biggest
3 struggle with this bill is, is the potential for
4 lawsuits, and if there were the engaging the commerce,
5 if that were occurring on a larger scale, I guess it
6 wouldn't trouble me as much.

7 But in a lot of, whether it's cities or
8 towns, people do rent one place or two places, and it's
9 very personal to them. And going to the immutable
10 characteristic, I, personally, believe that someone is
11 born or not with their sexual orientation.

12 But I do think there's a behavior that is
13 different than race and religion and gender, those
14 things don't change. So I don't want to get bogged
15 down with whether you're born heterosexual or not, it's
16 just that there is --

17 Just like the party college freshman that
18 you don't want, for some people that's going to be a
19 behavior they don't want continued, they don't want to
20 enter into.

21 So that's -- again, I think that's what's
22 troubling me as much as anything. I think there are so
23 many places here where I make sure they're making
24 anything clearer or better, but maybe actually going in
25 a reverse direction.

1 HEARING OFFICER NO. 2: Representative
2 Judd, (inaudible) to comment, there's no need to
3 respond, that's your choice.

4 REPRESENTATIVE JUDD: Thank you, Madame
5 Chair. First of all, I can remember when I was a
6 residential landlord. And basically, my criterion were
7 pretty straightforward. Am I going to get my rent?
8 And is this guy going to take care of my property?
9 And I didn't much care about much else
10 from that. And a landlord that sticks to that criteria
11 is not going to be affected by Senate Bill 200 at all.

12 HEARING OFFICER NO. 2: Continue
13 Representative Roberts.

14 REPRESENTATIVE ROBERTS: Thank you. And
15 I appreciate that. And I think that's a very clear
16 businesslike approach to take.

17 I'm just telling you, I don't know that
18 that matches reality out in the world so that there are
19 less businesslike decisions made when somebody rents
20 their places out.

21 HEARING OFFICER NO. 2: Committee, are
22 there further questions of the sponsor before we move
23 to public testimony? Seeing no further questions,
24 Representative Judd, what is your preference? Would
25 you like to take the opposition first or --

1 REPRESENTATIVE JUDD: Let's do that,
2 please, Madame Chair.

3 HEARING OFFICER NO. 2: Okay. Thank you
4 very much. Jim Pfaff. Welcome to the judiciary
5 committee. I certainly hope I gave your name
6 appropriately. But please feel free to correct me if
7 I'm wrong.

8 And if you'll identify yourself and state
9 who you represent for the record. And please excuse
10 me, but before you begin, we do have a practice in this
11 committee of asking testimony to be limited to three
12 minutes.

13 We normally have a light system, we don't
14 today, but I'll keep an eye on the time, and as it
15 winds up, I'll just ask that you be courteous and wind
16 up.

17 And then we do ask people, if your
18 testimony has already been stated, please feel free to
19 not feel the need to restate that. But thank you, go
20 ahead and please identify yourself.

21 MR. PFAFF: Thank you. And with all the
22 positive affect to the chairmen, that wouldn't be the
23 last thing -- the last time the name was messed up.
24 And it's a very difficult one, so I do understand
25 difficulty there.

1 My name is Jim Pfaff. I am the president
2 and CEO of Colorado Family Action. I come in
3 opposition to Senate Bill 200 because it threatens
4 religious liberty as well as public safety.

5 This bill adds religion as well, sexual
6 orientation as protected categories to a whole host of
7 Colorado nondiscrimination statutes with apparently no
8 thought given to the unintended consequences.

9 The Colorado public accommodations
10 statute received the brunt of the most seriously flawed
11 changes from Senate Bill 200, affecting religious
12 liberty and public safety since the definition of
13 public accommodations encompasses individuals, small
14 businesses, churches, and other religious
15 organizations, and Representative Roberts pointed out
16 the 23 three different things that are listed there and
17 the concerns with that.

18 Senate Bill 200's changes to that
19 statute -- to this statute create major unwelcome
20 changes for Colorado law, in particular, people of
21 faith.

22 As originally introduced the bill's most
23 egregious effect included religious individuals and
24 organizations could no longer restrict the sale of
25 goods and services to people in the same religion.

1 Religious individuals and organizations
2 would be required to provide goods and services to
3 homosexuals, bisexuals, and transgender individuals in
4 furtherance of a message contrary to their moral and
5 religious beliefs.

6 And bathrooms, locker rooms, and other
7 gender-restricted areas in all private and public
8 businesses and public accommodations would suddenly be
9 required to permit access to males self-identifying as
10 females, and vice versa, no matter what their
11 biological sex is.

12 After complaints from the religious
13 community, their sponsors fixed the first flaw, but
14 left the other two in. They removed the flaw that
15 would have outlawed religious individuals and
16 organizations from serving only persons of the same
17 religion.

18 The flaw is so obvious and so inmincal
19 that the practice -- to the practice of religion that
20 it is surprising that it even made it into the original
21 bill.

22 However, they left in the language that
23 will punish -- they left in the language what will
24 punish any person or organization that refuses, for
25 religious or other moral reasons, to offer or sell

1 goods or services to homosexuals, bisexuals, cross
2 dressers, and transgender individuals.

3 They also (inaudible) the impact of
4 Senate Bill 200's inclusion of transgender status in
5 bathrooms, locker rooms, and other typical
6 gender-restricted areas and public accommodations that
7 puts the safety of women and children in jeopardy.

8 These types of public accommodations,
9 nondiscrimination laws that include sexual orientation,
10 inevitably result in the harassment of and ultimately
11 the punishment of people that had moral and religious
12 beliefs.

13 We've already seen the effect elsewhere
14 in the country where such laws were passed. For
15 example, we talked earlier -- it was mentioned earlier
16 about the New Mexico decision. An Evangelical
17 Christian photographer refused to photograph a same sex
18 commitment ceremony. And the three-member tribunal of
19 the New Mexico Human Rights Commission fined him \$6,600
20 in April for their actions.

21 They also, by the way, in their decision,
22 stated that they saw no jurisdiction in their
23 commission for trying to apply First Amendment
24 principles of religious freedom, something that is an
25 amazing admission because every legal area of our

1 country should be required to determine First Amendment
2 issues, because our constitution holds precedence over
3 any legal institution in this country.

4 In Virginia Tim Bono, owner of Bono Film
5 & Video, was ordered before the Arlington County Human
6 Rights Commission after refusing to duplicate two
7 videotapes promoting the homosexual political agenda.

8 The Human Rights Commission initially
9 ruled against Bono, ordering him to duplicate the tapes
10 and pay for duplication elsewhere.

11 But the Commission reversed its rule a
12 short time later, one day after Bono filed suit against
13 members for overreaching their authority.

14 HEARING OFFICER NO. 2: And, Mr. Pfaff,
15 I'll ask you just to do your best to wrap up, thanks.

16 MR. PFAFF: Okay. In New Jersey, the
17 New Jersey Civil Rights Commission -- the New Jersey
18 Division of Civil Rights investigated a complaint by a
19 lesbian couple who wanted to use a beach-front gazebo
20 that was owned on a church property for a same sex
21 (inaudible) ceremony. The (inaudible) status was
22 revoked.

23 And in California the federal court had
24 the California's public accommodations law applied to
25 forbid an Arizona private adoption agency from

1 advertising only profiles of married opposite-sex
2 couples in California.

3 So one last thing I wanted to say, and I
4 know I need to wrap up. (Inaudible) I'd to clarify
5 this perception issue.

6 The problem of the perception as it reads
7 in this bill, as it was properly pointed out by
8 Representative Levy, is it talks about the perception
9 of the person who commits the offense that's laid out
10 in this bill.

11 That, as Representative Stephens pointed
12 out, is highly subject to plaintiff abuse because --
13 and for religious discrimination on that ground because
14 it invites cases where people would like to make a
15 theological point in the law -- oppose a theological
16 point of an individual based on this law --

17 HEARING OFFICER NO. 2: And --

18 MR. PFAFF: -- determining that they had
19 perceived something that they may even not have.

20 HEARING OFFICER NO. 2: I'll ask you to
21 go ahead and stop. And, Committee, other questions of
22 this witness? Representative Stephens.

23 REPRESENTATIVE STEPHENS: Yes.

24 Mr. Pfaff --

25 HEARING OFFICER NO. 2: (Inaudible)

1 Mr. Pfaff?

2 REPRESENTATIVE STEPHENS: Is there
3 anything else about that that you wanted to say?

4 HEARING OFFICER NO. 2: (Inaudible),
5 Mr. Pfaff.

6 MR. PFAFF: Yes, thank you, Madame Chair.
7 I'm sorry for not waiting for you. Yes.
8 Representative Stephens' perception is, in this case,
9 really becomes a major problem. And if I may restate
10 and expand.

11 Perception of the person who is -- who
12 would be brought before our Civil Rights Commission
13 under this law may have committed a perception
14 violation that was perceived to be so by the plaintiff;
15 and therefore, brought a cause of action thereby.

16 What this requires is for the Civil
17 Rights Commission to determine the prior thoughts of
18 the individual who supposedly brought about the
19 complaint.

20 So, for example, you would see in -- as
21 you could perceive that the couple in New Mexico didn't
22 have a specific -- they were known to be Evangelical
23 Christians, for example, and did not have a stated
24 reason of refusing to provide the lesbian same sex
25 commitment ceremony -- they may have refused because of

1 their time, and in an honest manner that they could not
2 do the resident same sex commitment ceremony because
3 they had too many projects that were taking place
4 already.

5 (Inaudible) though because they hold
6 themselves out to be Evangelical Christians in their
7 approach can -- a plaintiff can bring a cause of action
8 saying, you denied us because we are a lesbian couple.

9 HEARING OFFICER NO. 2: Time's --

10 MR. PFAFF: And therefore, they might, as
11 a Colorado couple, may come under the same problem here
12 merely because they wouldn't have time to do it, but
13 were known to be Evangelical Christians, and therefore,
14 they perceived that that person was a lesbian couple
15 and refused service.

16 HEARING OFFICER NO. 2: Thank you very
17 much. Committee, are there further questions of this
18 witness? Seeing no further questions, thank you very
19 much for your testimony today.

20 Is there anyone else in the audience that
21 would like to testify in opposition to Senate Bill 200?
22 Seeing no one else coming forward, the opposition
23 testimony is closed.

24 We will move now to those who are in
25 support. I'm going to work from the list that you've

1 offered. And I would like to invite Mindy Barton
2 forward, please. Welcome to the judiciary committee.
3 If you'd state your name and who you represent for the
4 record.

5 MS. BARTON: Thank you, Madame Chair.
6 I'm Mindy Barton with Equal Rights Colorado. I'm here
7 in support for Senate Bill 200. And equal rights
8 Colorado is a statewide nonprofit which works to
9 promote equal rights for Colorado's GLBT people and
10 their families through nonpartisan state legislative
11 advocacy.

12 And that was part of my work as a legal
13 director for the Gay, Lesbian, Bisexual, and
14 Transgender Community Center of Colorado. In that
15 capacity I run a hotline for those seeking referrals or
16 representation for gay or HIV issues.

17 Many of the calls which I receive relate
18 to those who've suffered discrimination. Last year we
19 were finally able to pass the Employment
20 Nondiscrimination Act in this state, which expanded the
21 antidiscrimination laws to include sexual orientation.

22 As the (inaudible) note referenced to
23 earlier comments, the definition of sexual orientation,
24 which is in Senate Bill 200, is the same definition
25 exactly as was in the Employment Nondiscrimination Act,

1 as well as the hate crimes action (inaudible).

2 There are a variety of other sections of
3 the Colorado statutes which prohibit discrimination on
4 the basis of such standards of sex, marital status,
5 disability, age, national origin, a whole host of
6 reasons. And it makes sense for consistency and
7 predictability to have sexual orientation included in
8 those sections as well.

9 The two areas that I will specifically
10 address are housing and public accommodation, although
11 I'd be happy to take any questions on other issues at
12 the end. Regarding housing, Section 24-34-502 sets
13 forth the various areas and antidiscrimination laws
14 which apply to housing in Colorado.

15 And those (inaudible) state it's
16 currently legal for a landlord to tell a potential
17 tenant that they are not going to get an apartment
18 simply because they're gay. It's time for this to be
19 ended, and this is definitely wrong.

20 I understand, however, that there are a
21 need for exemptions in the housing area. Those
22 exemptions are already in place, and Senate Bill 200
23 has not changed any of those exemptions that are place.

24 According to the National Organization of
25 Human Rights Campaign, 14 of the states and the

1 District of Columbia have already passed laws regarding
2 this area. This is not a brand-new piece of
3 legislation in the country. And, in fact, several
4 municipalities here in Colorado also have similar
5 housing provisions in place, including Denver.

6 It's important that the legislature make
7 it clear that this discrimination will not be
8 tolerated. Regarding public accommodations listed in
9 Section 24-34-601 and 602, that includes most business
10 establishments.

11 So if it provides lodging, food,
12 entertainment, other services that are open to the
13 public and are in the stream of commerce, I think
14 that's an important distinction.

15 Right now it's legal for a lesbian couple
16 to walk into Burger King and get denied service food
17 for their lunch because they say if you're -- we don't
18 serve your kind here.

19 And these sections and many of the
20 sections in the whole -- in the whole senate bill go
21 back to the 1960s and 1970s, and have not been touched
22 in a long time. It's clear that any establish-based
23 discrimination is inherently unfair.

24 And (inaudible) again the purpose of the
25 bill is to update the laws and to make them consistent

1 across the board. There is -- in addressing some of
2 the earlier questions, there is no expectation that
3 there will be a significant number of cases that would
4 be raised from this matter.

5 It's clear, in looking at the Colorado
6 Civil Rights Division's percentages in '06/'07, this is
7 housing and public accommodation together in all areas
8 of discrimination, be it religion, race, any area.
9 That only comes to approximately 10 percent of the
10 whole caseload.

11 The majority of those cases are
12 employment discrimination, and that (inaudible) has
13 already been added into law last year --

14 HEARING OFFICER NO. 1: Ms. Barton, I'm
15 going to jump in at this point and see if there are any
16 questions from members of the committee.
17 Representative Stephens.

18 REPRESENTATIVE STEPHENS: Thank you,
19 Mr. Chair. And thank you, Ms. Barton.

20 MS. BARTON: Yes.

21 REPRESENTATIVE STEPHENS: But housing and
22 public accommodation, this goes quite a bit further,
23 this bill. I mean, we're not just -- there's a lot of
24 areas where this -- where this touches. How do you see
25 this affecting the rights of the free exercise of

1 religion or people -- or frivolous lawsuits aimed at
2 religious people?

3 HEARING OFFICER NO. 1: Ms. Barton.

4 MS. BARTON: Thank you. I do anticipate
5 that there could be some lawsuits that would occur in
6 this manner. I do believe, however, that there is the
7 importance of free exercise of religion, and that that
8 would still trump in these kind of situations. I don't
9 expect that there would be a lot of those instances.

10 REPRESENTATIVE STEPHENS: Thank you.

11 HEARING OFFICER NO. 1: Any further
12 questions for this witness? Seeing none,
13 Representative Roberts.

14 REPRESENTATIVE ROBERTS: Sorry,
15 Mr. Chair, for having a mouthful. How do you see
16 though the free exercise of religion trumping this? I
17 mean, what would be the case in court? I don't see it.

18 MS. BARTON: Thank you, Representative
19 (inaudible). There is a situation where -- as we
20 talked about in the New Mexico case, there's one thing
21 that has been brought up. And I do believe that if it
22 comes down to litigation, that there could be
23 situations where the free exercise would override this
24 case.

25 However, again, there are numerous

1 exemptions that are in place in the legislature -- or
2 in the language of the statutes currently, and I
3 believe a lot of those will take on those issues as
4 well.

5 HEARING OFFICER NO. 1: Any further
6 questions? Representative Stephens.

7 REPRESENTATIVE STEPHENS: Yes. Are you
8 able to pinpoint those? Because where I am, I just
9 don't see that. I really see, in New Mexico, this
10 woman -- this couple was fined, and their free exercise
11 of religion, that didn't help. So help me understand
12 how that could kind of overcome that.

13 MS. BARTON: Thank you. There are
14 situations, as I said, where there are exemptions that
15 are in place. However, I think that the important
16 thing that we're looking at here is what exactly is a
17 public accommodation.

18 In the situation such as the photographer
19 in New Mexico, that was an individual that opens their
20 business in the chain of commerce and has their
21 services provided to all. If that's the situation,
22 then there shouldn't be allowed to be discrimination in
23 those instances.

24 HEARING OFFICER NO. 1: Representative
25 Stephens .

1 REPRESENTATIVE STEPHENS: So the fact
2 that one would say, my beliefs dictate, you know, they
3 have whatever it is, you'll see it in the Yellow Pages,
4 the (inaudible), you know, indicating I guess that some
5 people are Christian, or a Christian-owned --

6 You'll hear them on the Christian radio
7 stations, we're a Christian-owned and operated home
8 repair business; or we're a Christian-owned and
9 operated photographer, okay?

10 So you say you're Christian owned and
11 operated, and you're asked to photograph then a
12 commitment ceremony that your Christian beliefs say
13 that you don't -- that you don't uphold, and so you're
14 saying this woman then should violate her Christian
15 beliefs in order to maintain her business; is that
16 right?

17 MS. BARTON: Yes, Representative
18 Stephens, I do believe that if we look at the
19 definition of public accommodation, if this business is
20 opened to the public, we go back to what Representative
21 Judd just talked about earlier in the race issues, it's
22 a similar comparison in the context of if you --

23 (Inaudible) open to public and in the
24 stream of commerce, it is important that you are open
25 to all individuals who would like to have you provide

1 that service for them.

2 REPRESENTATIVE STEPHENS: So I hear where
3 you're equating this whole race issue with sexual
4 orientation. I believe the science -- the science is
5 still out on that. So this is a matter of opinion.

6 And I think it's one -- I have yet to
7 see -- I guess, I'd love to hear, I kept asking which
8 religions were doing this, but I never heard it.

9 But you did answer this issue of, yes,
10 you would have to violate your religious beliefs if you
11 were going to actually be in business, right?

12 HEARING OFFICER NO. 1: Representative
13 Stephens, I must have missed your earlier question
14 about which religions are doing what. I was
15 (inaudible.)

16 REPRESENTATIVE STEPHENS: (Inaudible.)
17 So my question there is saying, okay, so, yeah, you are
18 saying then you must violate your religiously held
19 beliefs under this because if your religion dictates
20 your belief and you advertise I am a Christian
21 photographer and I'm ...

22 MS. BARTON: Then violate you will.

23 REPRESENTATIVE STEPHENS: Then you'll
24 violate then her free exercise of religion.

25 HEARING OFFICER NO. 1: Ms. Barton.

1 MS. BARTON: I don't believe -- I
2 apologize if I misunderstood your earlier point. I
3 don't believe that there is a situation where the free
4 exercise of religion would not still be the top
5 priority. I do think that that will still hold true in
6 a lot of situations.

7 And again, we're talking about a very,
8 very small number of cases in this kind of context, and
9 I think that's important to take into account. As I
10 said earlier, I mean, the number of complaints in a
11 whole variety of areas that are protected under these
12 laws that are listed CCRD, it's a very small number of
13 cases that are in (inaudible) accommodation arena to
14 begin with.

15 HEARING OFFICER NO. 1: Are there any
16 further questions? Seeing none, thank you very much
17 for your testimony.

18 MS. BARTON: Thank you.

19 UNIDENTIFIED SPEAKER: Mr. Chairman,
20 could you call Brian Moore as the next witness?

21 HEARING OFFICER NO. 1: Sure.
22 Brian Moore. Welcome to the House Judiciary Committee.
23 Please identify yourself and who you represent for the
24 record.

25 MR. MOORE: Thank you, Chairman. My name

1 is Brian Moore. And I'm representing the Colorado Bar
2 Association.

3 HEARING OFFICER NO. 1: Thank you.
4 Please proceed.

5 MR. MOORE: Thank you, representatives.
6 I'm here to express the support of the Bar Association
7 for this bill. I can report that the support of the
8 Legislative Policy Committee of the Bar is unanimous
9 for this bill.

10 And I think that is unusual in the
11 context of what this bill touches on given the
12 diversity of that committee and the reason that your
13 Amendment E is the, I guess you could call it good
14 government aspect of this bill, and that's what I would
15 like to focus on.

16 Over time, as we've been (inaudible) to
17 before, there have been evolving prevailing views as to
18 what areas are important enough to protect people
19 against discrimination in, and what bases are worth
20 protecting against discrimination and the basis of such
21 as sex, race, religion, gender, so forth.

22 And because these have evolved over time
23 there is an arbitrary set of laws that prohibit
24 discrimination on some bases in some areas, and
25 prohibit discrimination on other bases in other areas.

1 And it is the view of the Bar Association
2 that this is too important an area to allow to depend
3 on historical accident and that sort of arbitrary
4 circumstance; that whatever the prevailing view is as
5 to what bases of discrimination should be prohibited,
6 that set of bases should be consistently applied to all
7 the areas we, as a society and the legal system, have
8 decided are important enough to protect people against
9 discrimination in.

10 A property management company should not
11 have one set of rules governing it as to who it can
12 discriminate against and who it can't. In employment,
13 in a different side (inaudible) activities; and the
14 current state of the laws allows just that sort of
15 haphazard outcome.

16 There has been some concern expressed
17 about litigation and frivolous litigation. And I can
18 tell the committee that in my own personal practice I
19 represent primarily employers in employment litigation
20 and other businesses.

21 I'm certainly not here testifying on
22 behalf of any of my clients at the Bar, but I will tell
23 you that if I thought this legislation was going to
24 lead to a significant increase in litigation against my
25 clients, I would not be here testifying in support of

1 it.

2 One thing I would like to address from
3 what has been focused on so forth is this issue of
4 perception. And to be clear, the statute, as amended,
5 would not allow anyone to bring a claim based on what
6 they perceive was done to them.

7 It's -- if you're going to make it
8 illegal to discriminate against someone because of
9 their sexual orientation, if you perceive they have a
10 particular sexual orientation and that's why you
11 discriminate against them, that's what the perception
12 provision of the bill would prohibit.

13 And as Representative Judd pointed out,
14 that's exactly what was already done in the Americans
15 with Disabilities Act context, it's not something
16 that's novel.

17 And, yes, proof is always an issue in any
18 kind of discrimination case. It's not like an auto
19 accident case where you're proving what happened,
20 you're proving why someone did something.

21 But regardless of the context, it's
22 always the plaintiffs' burden to produce evidence that
23 the action was taken against them for the prohibitive
24 reason, and nothing in this legislation would change
25 that burden in any way.

1 And finally, if I can address the issue
2 of religion, which has also been obviously a heavy
3 focus in this hearing, there's already been, for quite
4 a long time, a legislative balance struck as to when a
5 religious organization becomes subject to laws,
6 discrimination laws; and that balance is when they
7 engage in a commercial activity that is open to the
8 public.

9 And this does nothing to change that
10 balance. It simply adds one bases on which a religious
11 organization cannot discriminate. And once it does
12 engage in activity, that subjects it to the neutral
13 generally applicable legislation of the state.

14 I'll go ahead and stop there and see if
15 there are any questions.

16 HEARING OFFICER NO. 1: Thank you. Are
17 there any questions? Seeing none -- you did that on
18 purpose (inaudible).

19 UNIDENTIFIED SPEAKER: I just finished
20 typing, I'm so sorry. So let me understand. We go
21 back over perceptions in religion, because -- in the
22 free exercise of religion, okay. So help me understand
23 the perception issue.

24 UNIDENTIFIED SPEAKER: The perception
25 issue as it relates to sexual orientation

1 (inaudible) --

2 MR. MOORE: -- (inaudible) it was pointed
3 out, this is already in the legislation that
4 (inaudible) affects employment. That legislation makes
5 it illegal for an employer to terminate someone because
6 of their sexual orientation.

7 Under the laws (inaudible) generally
8 Title VII, for example, if you're a plaintiff and you
9 want to bring that lawsuit, you have to show you're in
10 the protected group. You would have to show you
11 actually are, in fact, gay.

12 What adding the perception language does
13 is makes it so you don't have to come into court and
14 prove you're gay. You have to prove that the employer
15 fired you because they thought you were gay, or
16 (inaudible) circumstances (inaudible) because they
17 thought you were straight.

18 But it's the fact that they fired you
19 because of their belief that you are part of a
20 protected group. It's not simply saying you believe
21 that's why you were fired, therefore, you have a
22 legitimate claim, that's not it at all.

23 And then you were also asking about the
24 free exercise issue?

25 REPRESENTATIVE STEPHENS: Yes. We had a

1 situation about the photographer. You know, there was
2 a couple that, you know, do a lot of Evangelical
3 events, didn't want to photograph the commitment
4 ceremony, brought to the Civil Rights Commission, and
5 paying thousands of dollars were awarded, so ...

6 MR. MOORE: That comes back to what I
7 said before, and -- that there's already been a balance
8 drawn in the laws prohibiting discrimination and public
9 accommodation.

10 And you can obviously debate where that
11 balance was drawn and debate whether small businesses
12 should be exempt or so forth. But that is a law we've
13 had on the books for decades.

14 And if it would make (inaudible) for
15 those photographers to do that (inaudible) commitment
16 ceremony, I have to admit I'm not an expert on the
17 public accommodations law so I don't know if it would
18 or wouldn't.

19 Then it would also be true that for the
20 last 20 years, or however long it's been on the books,
21 that would make it illegal for those photographers
22 to -- well, give me one minute before I speak and
23 possibly misspeak, please.

24 The public accommodation statute has
25 always made it illegal to discriminate for a public

1 accommodation based on someone's creed, which is
2 essentially their religious belief.

3 So if, for example, it would hold true
4 under the Colorado statute, then it's always been the
5 case that those photographers could not refuse to
6 photograph a wedding ceremony because it was being
7 performed by the Mormon church, and they said the
8 Mormon church was a cult, and did not morally feel they
9 could go photograph that wedding ceremony.

10 So again, this does not change the way
11 the balance is, that's always been drawn, and as far as
12 I know, been drawn without any outcry or what. But the
13 problem in Colorado, it simply adds one classification
14 to the prohibition.

15 HEARING OFFICER NO. 1: Representative
16 Stephens.

17 REPRESENTATIVE STEPHENS: Thank you,
18 Mr. Chair. I do that in the senate side the rule's
19 been amended. Religion was taken out in certain
20 aspects because there is a -- we've had a debate
21 internally on the whole creed, religion issue.

22 So in the senate version I know we've had
23 it taken out of some areas, put in some. And I guess
24 the long term -- and you're an employee -- you said
25 you're an employment attorney?

1 MR. MOORE: Correct.

2 REPRESENTATIVE STEPHENS: Yes. So in
3 terms of the question perception and bisexuality, have
4 you had any experience with that? I always see it as a
5 fast-moving target. And I don't know what your law
6 experience is in that area.

7 MR. MOORE: In 11 years of practice I
8 have never encountered a case involving allegations of
9 discrimination based on bisexuality. I have
10 encountered sexual orientation discrimination cases.
11 In terms of a moving target --

12 REPRESENTATIVE STEPHENS: It's very hard
13 to prove. In other words, it's -- it's even on the
14 perception, you now, basis, it's me, that to me seems
15 to be the one area that has ambiguity.

16 MR. MOORE: I mean, the plaintiff would
17 have to prove that the employer believed they were
18 bisexual and that's why they terminated them. And if
19 the employee was not engaging in -- was not, in fact,
20 bisexual and was not engaging in an activity that would
21 lead a reasonable employer to think they were, it's
22 awfully hard to know how they would ever convince a
23 judge or jury that the lawyer thought they were
24 bisexual and that's why they acted against him.

25 But, yeah. As I said, if any

1 discrimination really -- legislation raises these
2 issues, it's not easy proof. I'm not going to suggest
3 there are no frivolous claims out there, but I will
4 suggest the way to address those is through -- is
5 directly, not by not passing a law that would otherwise
6 be a good law.

7 HEARING OFFICER NO. 1: Are there any
8 further questions for Mr. Moore? Seeing none, thank
9 you very much for your testimony. Phil Campbell. I
10 should have said the Reverend Phil Campbell.

11 REVEREND CAMPBELL: Representative Judd,
12 Mr. Chair, members of the committee, thank you for
13 receiving my testimony this afternoon.

14 My name is Phil Campbell, and I'm here
15 representing Colorado Clergy For Equality in Marriage.
16 I'm also on the faculty of the Iliff School of
17 Theology, where among other things I teach in the Peace
18 and Justice studies program.

19 I'm a clergy person in the United Church
20 of Christ; treasurer of (inaudible) Safe Alliance of
21 Colorado, and former cochair of the Greater Park Hill
22 Community Human Relations Committee.

23 I mention these positions to offer
24 something of a perspective I bring to the consideration
25 of the role of legislation in the establishment and

1 maintenance of a just and civil society; and to really
2 (inaudible) that my support for this bill is shaped by
3 years of religious leadership, community engagement,
4 and human rights commitment.

5 Our country has a grand tradition, a
6 grand tradition of commitment to liberty and justice
7 for all. But this grand tradition has an uneven
8 history in its implementation.

9 Determining just who the "all" is for
10 whom there is liberty and justice has not always been
11 self-evident. Sometimes all has not meant all.
12 Sometimes equal protection under the law, a cornerstone
13 of our civil society, has not been extended to all;
14 thus, there has been identified the need for
15 antidiscrimination statutes and the need to review and
16 amend them in order to draw the circle of inclusion
17 ever wider.

18 The bill before you provides the
19 opportunity to do just that, to include religion and
20 sexual orientation as categories deserving protection
21 against discrimination.

22 This legislation is necessary, as has
23 been indicated, necessary because progress can also
24 breed resistance. Even as our society progresses and
25 draws the circle of inclusion ever wider, there are

1 those who will resist such progress, who will seek to
2 deny persons their rights because of the statuses of
3 religious affiliation or sexual orientation.

4 In such instances, this legislation will
5 help us fully comprehend the scope of all for whom
6 liberty and justice are provided.

7 Barring discrimination is the right thing
8 to do. And I am before you to ask you do this right
9 thing, to draw the circle wider, to support this bill
10 to ensure that all persons, regardless of religious
11 affiliation or sexual orientation, are included in the
12 all for whom liberty and justice are guaranteed. Thank
13 you.

14 HEARING OFFICER NO. 1: Representative
15 Kerr.

16 REPRESENTATIVE KERR: Thank you,
17 Mr. Chair. Reverend Campbell, thanks for being here
18 today. I've heard some questions, testimony today
19 somewhat questioning or insinuating that perhaps all
20 Christians are against this bill or some of the tenets
21 of this bill. Could you tell me your personal feelings
22 of that?

23 HEARING OFFICER No. 1: Reverend
24 Campbell.

25 REVEREND CAMPBELL: Thank you, Mr. Chair.

1 Yes, I think it is the fact that there are a variety of
2 understandings of Christian belief and practice that
3 lead to a variety of opinions about rights for persons
4 in the GLBT community, for instance.

5 The tradition that I am a part of is very
6 supportive of rights of GLBT persons both in church and
7 in society. And that's on the basis of my religious
8 convictions. That happens to be the reason for -- a
9 significant reason for my commitment to GLBT rights.

10 HEARING OFFICER NO. 1: Are there any
11 further questions for Reverend Campbell? Seeing none,
12 thank you very much.

13 REVEREND CAMPBELL: Thank you.

14 HEARING OFFICER NO. 1: Those of you who
15 are here for State Affairs, I've been asked to announce
16 to you that they're next door in room 111. The
17 judiciary committee is kind of going over today.

18 The next witness is Cathryn Hazouri.
19 Welcome to the house judiciary committee. Please
20 identify yourself and who you represent for the record.

21 MS. HAZOURI: My name is Cathy Hazouri .
22 I'm the executive director of ACLU of Colorado and
23 (inaudible) in our 11,000 Colorado members.

24 HEARING OFFICER NO. 1: Thank you.
25 Please proceed.

1 MS. HAZOURI: Thank you, Mr. Chair. I'm
2 sorry that Representative Stephens isn't here, since
3 I'm going to address the idea of the ramifications of
4 this bill and religious liberty.

5 Eliminating discrimination is part of the
6 bedrock upon which the ACLU was founded. Another part
7 of that bedrock is religious liberty. However,
8 religious liberty, religious freedom is not
9 un(inaudible) in the public arena.

10 One may practice one religion in private;
11 however, once the religious person comes into the --
12 into the public arena, there are limitations on how the
13 expressions of their religion impacts others.

14 In the situations that have been
15 presented here, the religious person may (inaudible)
16 using her own personal beliefs. But once they become
17 part of the public in commerce, they no longer have the
18 freedom to discriminate based on their religious belief
19 against other persons once they begin to open their
20 business, if you will, to the public.

21 You simply can't do that. And, yes, it
22 will cause some people to feel uncomfortable because
23 they have to photograph a bah mitzvah; or they have to
24 perform -- allow their property, if it's rented to
25 other people, to be used in an LGBT commitment

1 ceremony.

2 Once you open your property or your
3 services to the public, you may not discriminate
4 against another person with strongly held religious
5 beliefs.

6 And that's the difference here that we
7 have to -- we have to look at. Your religious beliefs
8 are your religious beliefs in private and in your house
9 of worship. If your house of worship rents to the
10 public its public facilities, you have to rent it to
11 everybody. You can't discriminate.

12 If you have a religious belief as with a
13 particular photographer, a photographer can't say, I'm
14 not going to -- I'm not going to photograph a
15 bah mitzvah or a same sex civil union.

16 You give up some of your rights when you
17 get into the public sphere. When you allow -- when you
18 open your services or your property to the public,
19 that's part of -- you (inaudible) to discriminate.

20 Now , Representative Stephens asked about
21 religions that discriminated. I grew up in the south
22 in the '50s.

23 HEARING OFFICER NO. 1: I'm going to have
24 to interrupt for a second because you're out of time at
25 this point.

1 MS. HAZOURI: All right. Then I won't
2 answer that question. I'll wait until you ask me.

3 HEARING OFFICER NO. 1: Representative
4 Marshall.

5 REPRESENTATIVE MARSHALL: Excuse me.
6 Thank you, Mr. Chairman. I've heard this example about
7 the photographer used probably three or four times this
8 afternoon. And I think there are a couple of different
9 things going on there.

10 If this photographer owns a commercial
11 site where an individual comes in and asks to be
12 photographed, I think that's one thing. I think a
13 photographer can refuse to accept a job that's off the
14 premises for a variety of bogus reasons.

15 I mean, you know, they don't have to say
16 why if it really affects them, but I think that's kind
17 of two different things. I mean, it's not as though
18 someone's coming into the photographer's studio that's
19 a commercial property. But if a photographer refuses
20 to go do a job, I think that's kind of a different
21 issue and hard to challenge.

22 HEARING OFFICER NO. 1: Ms. Hazouri.

23 MS. HAZOURI: Actually it's not
24 different.

25 REPRESENTATIVE MARSHALL: I'm sorry.

1 MS. HAZOURI: If the -- if the -- if the
2 photographer takes a job, the photographer has to go
3 where the job is, of course. If the photographer -- I
4 am reminded of a movie, and it starred Gregory Peck
5 called a Gentleman's Agreement.

6 In that movie Gregory Peck was an author.
7 And he was trying to determine the extent of
8 discrimination of employment for people who were
9 Jewish. And what he did is he sent out letters with
10 identical resumes, the identical letter. One was for
11 Mr. Green and one was for Mr. Greenberg. Mr. Greenberg
12 got no interview, Mr. Green did.

13 So the (inaudible) discrimination that
14 goes on, you can (inaudible) -- I mean, you can say
15 just -- if you know that the people are someone they
16 want to be involved with, you can say, Oh, I'm just too
17 busy.

18 But you can't say, I'm not going to go to
19 your ceremony because you're Jewish or you're a lesbian
20 or you're black or whatever it is, you can't do that.

21 HEARING OFFICER NO. 1: So actually,
22 Representative Marshall (inaudible) my question.

23 REPRESENTATIVE MARSHALL: No, I
24 understand that fully, and I absolutely concur. I
25 think discrimination of any kind is abhorrent. But

1 what I'm saying is that somebody can refuse to go do a
2 job for any bogus reason. They don't have to say, I'm
3 not coming because you're black or because you're this
4 or that.

5 It's different than if I go into their
6 commercial property, if I go into their studio and they
7 refuse. They're going to have to have a more valid
8 reason in their descriptions in that, that's all I was
9 saying.

10 MS. HAZOURI: Thank you. I
11 misunderstood. Because you're absolutely right, It's
12 not the type of situation where you make your
13 appointment and you show up and you're black, and they
14 say ooh, or (inaudible). That is something that is
15 obvious and it's prejudicial, and that's against the
16 law.

17 UNIDENTIFIED SPEAKER: I'm going to ask a
18 question before --

19 HEARING OFFICER NO. 1: (Inaudible). I
20 just want to follow up on what your -- on the sentence
21 you were finishing when I interrupted you about
22 examples within history where religious groups have
23 used their religious beliefs to discriminate against
24 groups of people.

25 And just by way of example, I can think

1 of several during the civil rights movement (inaudible)
2 counsel was based on, quote, unquote, Christian
3 beliefs.

4 The current day Christian identity
5 movement, which is quite racist and bigoted, is based
6 on Christian values again. And I used Christian values
7 in quotation marks --

8 MS. HAZOURI: Yes --

9 HEARING OFFICER NO. 1: -- I really don't
10 think they are. The Klu Klux Klan of note quotes
11 itself as a religious organization, and we could
12 probably go down the line with those types of examples.
13 So could you fill us in on others?

14 MS. HAZOURI: Yes. Thank you, Mr. Chair.
15 As I was saying, growing up in the south in the '50s
16 and going to the Methodist church, and the
17 discrimination that was apparent in our congregation,
18 this is one of the reasons that gave rise to the
19 African-American religious tradition.

20 You have situations where there was no
21 way that a black person was going to walk into this
22 all-white church. And the church would have been
23 scandalized had I brought in a black friend.

24 There are other situations in which the
25 religion (inaudible) that for a while, for a very long

1 while, (inaudible) actually, (inaudible) same church
2 did not permit African-Americans to become members, did
3 not permit it, that's discrimination. And that's based
4 on their religious belief.

5 And that was church doctrine. It
6 wasn't -- it wasn't just using your religion to be
7 discriminatory, that was part of church doctrine.

8 HEARING OFFICER NO. 1: Representative
9 Stephens.

10 REPRESENTATIVE STEPHENS: Thank you,
11 Mr. Chair. I am (inaudible) about this whole thing,
12 private -- private in your house of worship, private --
13 because to be frank with you, I'm not sure really where
14 that holds up.

15 Because there's a lot of Evangelical and
16 other Christian beliefs that would say, no, I don't
17 just keep my religion private and on Sunday and private
18 in my home, I live it, I breathe it, I'm out and about,
19 I serve in the soup kitchens, I go out, I work, it is a
20 part of who I am. This is a part of who I am, I
21 exercise and live that.

22 They don't just say, I'm a Christian on
23 Sunday when I go to church, and then I -- then I don't
24 practice it, and I go home in the privacy of my home.

25 That's where I'm saying, there are people

1 that because of their religion and freedom to express
2 that, you will believe that in many of their jobs and
3 what they do, that it is a part of that.

4 I guess that's where we go back to the
5 old -- the photographers that said, you know, I'm a
6 Christian photographer and I advertise in the Christian
7 magazines, et cetera.

8 So again, I think what you're saying is,
9 you no longer have the freedom of your religious
10 beliefs if and when this law is passed. In other
11 words, it's going to -- you know, that's what I'm
12 asking.

13 You're saying, based on your testimony,
14 (inaudible) public and commerce, you no longer have the
15 freedom to discriminate based on your religious
16 beliefs. So if biblically, if biblically Evangelicals
17 and others are saying, We believe biblically that our
18 religion teaches us that this is not right, but tough,
19 because now the state's saying, too bad, too bad.

20 UNIDENTIFIED SPEAKER: And let me jump in
21 here and -- I know it's just a short testimony, but
22 (inaudible) want to have a little bit of expertise. So
23 he's going to answer briefly.

24 UNIDENTIFIED SPEAKER: And I'll answer
25 this -- I mean, I'll attempt to answer this for you

1 both theologically and legally and briefly. You know,
2 (inaudible) were really the first proponents of this
3 whole idea of the separation of the church and the
4 state.

5 And one of the things that comes from
6 that whole notion is that, yes, your faith is lived out
7 every day and every part that you are. So I don't
8 necessarily think that Mrs. Hazouri was saying that my
9 faith shuts off simply because I'm in business.

10 REPRESENTATIVE STEPHENS: Right.

11 HEARING OFFICER NO. 1: The response
12 to -- the actual response to that (inaudible) in
13 regards to that goes back to if we want to be biblical.
14 There's a quotation that says, When they're in
15 (inaudible) under God (inaudible).

16 The simple interpretation of that is that
17 when you choose to enter into the world, and in this
18 case you enter into the stream of commerce and to
19 commercial, it's the commercial world you choose to
20 abide by certain rules and regulations.

21 And the same arguments that we're making
22 here were also made in previous times to justify
23 certain forms of discrimination against both people of
24 (inaudible) and people of color by saying, my religious
25 beliefs lead me to believe this, therefore, I can't

1 serve you; which is one of the reasons that certain
2 country clubs in this country excluded Jews, women, and
3 people of color, some of it was based on our religious
4 beliefs.

5 If this bill were to pass, what the
6 legislature was saying is that we're making a policy
7 statement that we respect your religious beliefs. But
8 if your religion chooses -- if you choose to enter into
9 the stream of commerce, there are certain things that
10 we'll protect, among them, sexual orientation, as a
11 policy statement as a protected class.

12 I know there's a temptation to say, Well,
13 what's next? Well, this has happened before in the
14 house last year when we had a similar debate, the
15 question was, what's next? Who do we next protect,
16 short people, obese people, and down the line.

17 I think if we go down that course, we
18 tend -- we're actually diminishing the (inaudible)
19 impact of certain forms of discrimination by certain
20 people.

21 And so I don't think that by passing this
22 bill that we're somehow saying, your right to exercise
23 your religion is no longer important. What we're
24 saying is, if you choose to enter into the stream of
25 commerce, if you choose to enter in a business in the

1 bigger picture, you no longer have the freedom to
2 discriminate based on their religious belief if you
3 choose to be involved in the stream of commerce.

4 Now, that's a hard pill to swallow for
5 many people. But the other alternative is that we
6 (inaudible) society and say that, this group of people
7 over here (inaudible) -- you can function in your own
8 little world and never have to go outside, or the same
9 thing over here.

10 I don't think that's a good place to be
11 (inaudible) public policy, or a good place to be
12 theologically. Because on the theological side, you
13 can never impact the world if you separate yourself
14 from the world. It's just not a good place to be
15 theologically. And so that's a long answer to probably
16 a short question. But if you choose to answer still,
17 it's up to you.

18 UNIDENTIFIED SPEAKER: I absolutely agree
19 with Mr. Chairman. I think that --

20 HEARING OFFICER NO. 1: That's always a
21 good thing.

22 UNIDENTIFIED SPEAKER: It is, I know
23 that. If the best photographer is a Christian ... I'm
24 glad that people live their religion, I think I do
25 mine. However, I can't discriminate against someone

1 whose religious beliefs are not the same as mine.

2 If I'm in commerce I can't say, I believe
3 that your religion is too restrictive, therefore, I'm
4 not going to take -- I'm not going to take your
5 pictures, (inaudible).

6 That's just not what America is about or
7 what the Constitution is. Free expression is free
8 expression until it impacts the public, and then at
9 that point you have chosen voluntarily to go into the
10 stream of commerce. And when you do that, you give up
11 some of your ability to discriminate based on anything.

12 HEARING OFFICER NO. 1: Any further
13 questions for Ms. Hazouri? Seeing none, thank you very
14 much for your testimony.

15 MS. HAZOURI: Thank you.

16 HEARING OFFICER NO. 1: Monica Rosen --
17 sorry, Monica, I just really butchered your last name,
18 and I know you too. Monica Rosenbluth.

19 Welcome to the house judiciary committee.
20 Please identify yourself and who you represent for the
21 record.

22 MS. ROSENBLUTH: Thank you, Mr. Chair.
23 My name is Monica Rosenbluth. I'm the cochair of the
24 GLBT task force of the Antidefamation League's mountain
25 states region. I'm here today speaking on behalf of

1 the ADL. And we are urging your support of
2 Senate Bill 200.

3 The ADL has been fighting discrimination
4 and bigotry since its inception in 1913. We've had an
5 office in Denver, in Colorado, for 67 years. And our
6 mission is to fight prejudice and to secure justice and
7 fair treatment for all.

8 The ADL knows all too well the painful
9 consequences of historic discrimination in public
10 accommodations, housing, and other areas of public
11 life. We have fought for the prohibition of
12 discrimination based on race, on religion, on sex, and
13 on national origin. And we're here today to urge you
14 to continue to expand Colorado's prohibitions against
15 discrimination based on prejudice.

16 The ADL applauds the house (inaudible)
17 last year, extending Colorado's employment
18 discrimination law to cover sexual orientation.

19 Senate Bill 200 would build out a network
20 by adding sexual orientation to other
21 antidiscrimination laws in the state, including
22 housing, public accommodations, and many more, as we've
23 heard today.

24 Unfortunately in Colorado today it is not
25 illegal to refuse to rent an apartment or deny credit

1 or to do business with somebody simply because that
2 person is a gay man or a lesbian.

3 Our office in Denver has received many
4 calls from people who have been denied housing because
5 of their sexual orientation, and that the inclusion of
6 sexual orientation in the antidiscrimination laws,
7 these individuals have no recourse.

8 Senate Bill 200 would bring Colorado into
9 line, as we've heard today, with a host of other states
10 in protecting gays and lesbians from discrimination in
11 housing and public accommodations.

12 And your support for this bill will send
13 an important message to all Coloradans that
14 discrimination based on sexual orientation will not be
15 tolerated.

16 Likewise, the failure to include sexual
17 orientation within Colorado's nondiscrimination
18 statutes will send the message that this type of
19 discrimination, (inaudible) discrimination motivated by
20 disability, race, creed, color, sex, marital status,
21 national origin, or ancestry is not so bad or
22 intolerable, and is not deserving of attention by our
23 lawmakers, and that it is permissible to discriminate
24 against Colorado gays and lesbians solely because of
25 their sexual orientation.

1 And with that, the ADL urges the passage
2 of Senate Bill 200. It is the fair and the right thing
3 to do.

4 HEARING OFFICER NO. 1: Are there any
5 questions for Ms. Rosenbluth? Seeing none, thank you
6 very much for your testimony.

7 MS. ROSENBLUTH: Thank you.

8 HEARING OFFICER NO. 1: Nathan
9 Woodliff-Stanley. Welcome to the house judiciary
10 committee. Please identify yourself and who you
11 represent for the record.

12 MR. WOODLIFF-STANLEY: Thank you very
13 much, Mr. Chair and members of the committee. My name
14 is Nathan Woodliff-Stanley. I'm the (inaudible) at
15 Jefferson Unitarian Church. I'm also the chair of the
16 Public Policy Commission of the Interfaith Alliance of
17 Colorado -- the Interfaith Alliance of Colorado. And I
18 personally support Senate Bill 200. We stand very
19 strongly for nondiscrimination in public policy, and
20 think that this is a good bill.

21 One of the things that I'd like to
22 mention, because religion has come up a lot in this,
23 and I think there's a misperception, there's prevalence
24 in the media that religious voices are voices that have
25 certain values, and that those values are limited to

1 two or three hot button issues that are characterized
2 primarily by what's often called the religious right.

3 This is certainly a valid part of the religious
4 spectrum.

5 But what you actually see in the media is
6 a very disproportionate coverage. I mean, there have
7 been, you know, recent good studies shown that while
8 that segment of the religious spectrum may be less than
9 a third of people who identify themselves religiously
10 in interviews and quotations and the media, that
11 heightened of the religious spectrum generally is
12 quoted or interviewed 75 to 80 percent of the time, so
13 it's easy to get a misperception.

14 (Inaudible) say about that, one is, of
15 course, is, as you know and I'm sure you all realize,
16 that your work in the legislature is not to cater to
17 any one particular religious group, but to protect the
18 rights of all citizens.

19 And that's what this bill does, it
20 creates greater consistency in the law, which is good;
21 and it stems to nondiscrimination more explicitly to
22 areas that ought to be covered in the first place.

23 Another thing I wanted to say is, of
24 course, there are -- many in the Faith Alliance
25 represents many of the religious groups, Christians as

1 well as Jews and Muslims and many other religious
2 groups, who do think that this is a matter of values,
3 but the value that we think it's a matter of is a value
4 of respecting all persons and respecting the rights of
5 all persons.

6 I do believe that -- in religious freedom
7 I do think that there are difficult issues that comes
8 from people with different religious beliefs come
9 together in the public square.

10 And this does not tell anybody what they
11 must believe or not believe since it regulates what in
12 public commerce how we must treat each other.

13 And there most certainly has been, you
14 know, many instances in the past (inaudible) religion.
15 I lived in Mississippi for 11 years, and most certainly
16 religion was used as a justification for racial
17 discrimination there.

18 And this is -- it would be nice in the
19 way -- I mean, one of the things I think is important
20 to point out is that it's not a matter of special
21 rights for any group, it's a matter of making sure that
22 the rights are extended to all people.

23 Unfortunately, there are various reasons
24 why people discriminate (inaudible), where it's not
25 about damage to your property or something like that,

1 but just about who someone else is.

2 It would be nice if we didn't have to
3 enumerate all of those, but we sometimes have to
4 because we recognize that there are certain grounds on
5 which that discrimination has occurred. And it's
6 saying, no, you can't use that as an excuse either.

7 So it's about (inaudible) threatening
8 one, not about putting any group above any other. So I
9 urge you to support Senate Bill 200.

10 HEARING OFFICER NO. 1: Thank you. Are
11 there any questions for this witness? Seeing none,
12 thank you very much for your testimony.

13 That concludes the list of persons who
14 signed up to testify on Senate Bill 200. Is there
15 anyone who wishes to testify but did not sign up to do
16 so? Seeing none, the public testimony phase is closed.

17 To the amendment phase, are there any
18 amendments, Representative Judd.

19 REPRESENTATIVE JUDD: I have none. Can I
20 ask to make an offer?

21 HEARING OFFICER NO. 1: Anything from the
22 members of the committee? Seeing none, the amendment
23 phase is closed to the bill. Representative Judd,
24 would you like to wrap up?

25 REPRESENTATIVE JUDD: Very briefly. I

1 appreciate the committee's time. It's time for
2 Colorado to step up and recognize that we have groups
3 that are in need of protection, this is the vehicle to
4 do it, and I ask for an aye vote.

5 HEARING OFFICER NO. 1: Are there any
6 comments from members of the committee before we
7 proceed to the vote? Representative Roberts.

8 REPRESENTATIVE ROBERTS: Thank you,
9 Mr. Chair. And I guess I just want to say, I'm
10 disappointed where I am in terms of not being able to
11 vote for this bill.

12 And I guess for me it does go too far. I
13 think there are -- again, as I said earlier, there are
14 things that I would be fine within the list of 23
15 areas, but there are others that on a personal level
16 they wouldn't cause me trouble, but I certainly know
17 that many people in our society who I think are good,
18 decent people who would struggle with them. And for
19 that reason, I'll be a no vote.

20 HEARING OFFICER NO. 1: Any further
21 comments from members of the committee? Seeing none,
22 the (inaudible) motions to the committee (inaudible).
23 Representative Levy.

24 REPRESENTATIVE LEVY: Thank you,
25 Mr. Chair. I move Senate Bill 200 to the committee on

1 appropriations with a favorable recommendation.

2 HEARING OFFICER NO. 1: Is there a
3 second?

4 REPRESENTATIVE CARROLL: (Inaudible).

5 HEARING OFFICER NO. 1: Moved by
6 Representative Levy, seconded by Representative Morgan
7 Carroll, Senate Bill 200 to the committee on
8 appropriations. Ms. (Inaudible), please call the roll.

9 UNIDENTIFIED SPEAKER: Representative
10 (inaudible) Carroll.

11 REPRESENTATIVE CARROLL: Absolutely.

12 UNIDENTIFIED SPEAKER: Gardener, excused.
13 Jahn.

14 REPRESENTATIVE JAHN: Yes.

15 UNIDENTIFIED SPEAKER: Kerr?

16 REPRESENTATIVE KERR: Yes.

17 UNIDENTIFIED SPEAKER: King.

18 PRERESENTATIVE KING: Pass.

19 UNIDENTIFIED SPEAKER: Levy.

20 REPRESENTATIVE LEVY: Yes.

21 UNIDENTIFIED SPEAKER: Marshall.

22 REPRESENTATIVE MARSHALL: Yes.

23 UNIDENTIFIED SPEAKER: Roberts.

24 REPRESENTATIVE ROBERTS: No.

25 UNIDENTIFIED SPEAKER: Stephens.

1 REPRESENTATIVE STEPHENS: No.

2 UNIDENTIFIED SPEAKER: King.

3 REPRESENTATIVE KING: No, ma'am.

4 UNIDENTIFIED SPEAKER: Stafford.

5 HEARING OFFICER NO. 1: Excused.

6 UNIDENTIFIED SPEAKER: Mr. Chair.

7 HEARING OFFICER NO. 1: Yes.

8 Congratulations Representative Judd, that motion is
9 adopted. See you in -- well, I won't see you in
10 appropriations. Have fun there.

11 REPRESENTATIVE JUDD: Thank you very
12 much, committee.

13 HEARING OFFICER NO. 1: And just to
14 remind the committee --

15 (Whereupon, the audio recording was
16 concluded.)

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1 CERTIFICATE

2 STATE OF COLORADO)
3 CITY AND COUNTY OF DENVER) ss.

4 I, TERESA HART, Registered Professional
5 Reporter and Notary Public for the State of Colorado,
6 do hereby certify that this transcript was taken in
7 shorthand by me from an audio recording and was reduced
8 to typewritten form by computer-aided transcription;
9 that the speakers in this transcript were identified by
10 me to the best of my ability and according to the
11 introductions made; that the foregoing is a true
12 transcript of the proceedings had; that I am not
13 attorney, nor counsel, nor in any way connected with
14 any attorney or counsel for any of the parties to said
15 action or otherwise interested in its event.

16 IN WITNESS WHEREOF, I have hereunto affixed my
17 hand and notarial seal this 18th day of August, 2017.

18 My commission expires: January 19, 2020.



19
20 *Teresa Hart*

21 TERESA HART
22 Registered Professional Reporter
23 and Notary Public
24 CALDERWOOD-MACKELPRANG, INC.
25

HOUSE SECOND READING - PART 1

AUDIO TRANSCRIPTION

1 * * * * *

2 CLERK: (Unintelligible.)

3 CHAIRMAN: Senator Judd.

4 REPRESENTATIVE JUDD: I move Senate
5 Bill 200.

6 CHAIRMAN: Please proceed,
7 Representative Judd.

8 REPRESENTATIVE JUDD: Thank you,
9 Madame Chair.

10 Senate Bill 200 is our opportunity to
11 bring a group under the protection of the Colorado
12 Civil Rights statutes that has not enjoyed that
13 protection in the past.

14 It basically does three things.
15 First, it says that sexual preference shall not be
16 an acceptable method for discriminating against
17 people for housing and public accommodation.

18 Secondly, it cleans up the civil
19 rights statutes in a number of places where we
20 provide protection for one group but not another.
21 For example, we would permit discrimination on the
22 basis of religion in one place, but not in another
23 place in the civil rights statutes. What the bill
24 does is make those prohibitions uniform.

25 And the third thing is it allows

1 (inaudible) protected class to the members of the
2 civil rights commission.

3 That's the bill, and I ask for an aye
4 vote.

5 CHAIRMAN: Representative Weissmann.

6 REPRESENTATIVE WEISSMANN: Thank you,
7 Madame Chair. I move Amendment L013 and ask to be
8 shown on the screen, please.

9 CHAIRMAN: Amendment's properly moved
10 and displayed. Please continue.

11 REPRESENTATIVE WEISSMANN: Thank you,
12 Madame Chair.

13 Members, every year in the Long
14 Appropriations Bill, we have this language of where
15 the money could be appropriated to. This simply
16 makes that language mirror the language within the
17 rest of this bill.

18 I ask for an aye vote.

19 CHAIRMAN: Discussion regarding the
20 amendment? Representative Gardener C.

21 REPRESENTATIVE GARDNER C: Thank you,
22 Madame Chair.

23 And I guess I would like a little bit
24 further clarification, perhaps, an example, if this
25 is something that -- how this would work in effect

1 if the State appropriated funding to, perhaps, a --
2 like the energy outreach program, if that money were
3 to go to, say, a church, how would this amendment
4 affect that program?

5 CHAIRMAN: Representative Weissmann.

6 REPRESENTATIVE WEISSMANN: Thank you,
7 Madame Chair.

8 This amendment would not affect that
9 program, because religion is already one of the
10 things we have on the -- within that -- within that
11 piece of the Long Bill, which we appropriate every
12 day. So that would not affect them.

13 CHAIRMAN: Representative Gardener C.

14 REPRESENTATIVE GARDNER C: Thank you,
15 Mr. Chairman. How would this affect an organization
16 such as the Boy Scouts?

17 CHAIRMAN: Representative Weissmann.

18 REPRESENTATIVE WEISSMANN: Thank you,
19 Madame Chair.

20 Honestly, Representative Gardener, I'm
21 not sure. And quite honestly, and frankly, I'm not
22 sure that we have the mechanism within state
23 government, as we do procurement, as we allocate
24 money to groups anyway, that they come to check any
25 of these which we have on there based on sex, race,

1 age, marital status, creed, color, religion,
2 national origin, ancestry, or physical handicap.

3 I don't know that we have a true
4 mechanism in law of how this gets checked anyway.
5 All this does -- this amendment does is mirror that
6 language within this bill on the appropriations
7 bill.

8 Functionally, I don't know that it
9 would make a hairs bit of difference.

10 CHAIRMAN: Further discussion on the
11 amendment? Seeing none, the question before us is
12 adoption of Amendment L013. All those in favor
13 indicate by saying aye.

14 UNIDENTIFIED VOICES: Aye.

15 CHAIRMAN: Opposed no.

16 The nos have it. L013 is failed.

17 To the bill, then, Representative
18 Judd.

19 REPRESENTATIVE JUDD: Thank you,
20 Madame Chair. I move Amendment L012.

21 CHAIRMAN: Amendment 012 is properly
22 moved and displayed. Please continue,
23 Representative Judd.

24 REPRESENTATIVE JUDD: Thank you,
25 Madame Chair.

1 The bill, as written in the
2 appropriation section, has a reference to the wrong
3 section, and this corrects that reference.

4 CHAIRMAN: Is there any discussion
5 regarding this amendment? Seeing none, all those in
6 favor of adopting 012, indicate by saying aye.

7 UNIDENTIFIED VOICES: Aye.

8 CHAIRMAN: Opposed no. 012 is
9 adopted.

10 Representative Gardener B.

11 REPRESENTATIVE GARDNER B: Yes, Thank
12 you, Madame Chair.

13 I just have some questions for the
14 sponsor about the bill. It is quite sweeping. So I
15 am interested in knowing how churches and other
16 religious organizations, synagogs, would be affected
17 by this prohibition.

18 Will they be prohibited from
19 discriminating on the basis of sexual orientation in
20 the hiring of someone in one of their ministries or
21 some of their religious work?

22 CHAIRMAN: Representative Judd.

23 REPRESENTATIVE JUDD: Thank you,
24 Madame Chair.

25 The situation you're describing is not

1 going to be affected by this bill. The Constitution
2 of the United States protects the free exercise, and
3 prohibits the establishment of any religion, and
4 that's going to trump anything we do.

5 The Colorado Civil Rights statutes
6 have in their place language that mirrors that
7 constitutional protection. So the religious
8 institutions are going to be able to hire their
9 minister or whatever without regard to the
10 protection provided by house bill -- or Senate Bill
11 200.

12 CHAIRMAN: Representative Gardener.

13 REPRESENTATIVE GARDNER B: Yes. And I
14 would go further. Would this apply to the -- to the
15 janitor for the church or the synagog?

16 CHAIRMAN: Representative Judd.

17 REPRESENTATIVE JUDD: Senate Bill 200
18 is aimed at housing and public accommodation. It's
19 not aimed at employment. This house took up a bill
20 last year that dealt with employment. So the areas
21 you're talking about are not going to be affected by
22 this bill.

23 Now, to expand just a little bit. If
24 a church wants to rent out its facilities to the
25 public, and makes them available to the public on an

1 ongoing commercial basis, it's not going to be
2 allowed to pick and choose and discriminate as to
3 who it's going to rent out the facilities to.

4 On the other hand, if a church keeps
5 its facilities only for its own religious purposes,
6 and does not rent them out to the public, then, of
7 course, it's (inaudible) control, and this -- well,
8 what we say in House Bill 200 will not affect
9 (inaudible) church is doing.

10 CHAIRMAN: Representative Gardner.

11 REPRESENTATIVE GARDNER B: Yes,
12 continuing it, because I really need to understand
13 this bill, Madame Chair.

14 Representative Judd raises an
15 interesting question. I know of many churches who,
16 in order to basically fill the space and make
17 revenue, often will rent their space to various
18 organizations during the week or for meetings. Is
19 it a fact, then, that this bill would prohibit them
20 from picking and choosing, with respect to sexual
21 orientation, on the rental of their space, even if
22 it's the rental of their church sanctuary?

23 CHAIRMAN: Representative Judd.

24 REPRESENTATIVE JUDD: Thank you,
25 Madame Chair.

1 Yes. If the church chooses to hold
2 itself out as a place of public accommodation, it's
3 going to be subject to all the rules that would
4 apply in general to other places that hold
5 themselves out as a place of public accommodation.

6 And, as you say, they're going to be
7 limited in their ability to pick and choose, not to
8 be able to discriminate. Well, currently, of
9 course, they cannot discriminate on the basis of
10 race or any of the other protected classes. And
11 we're now adding sexual preference as one of those
12 protected classes.

13 CHAIRMAN: Representative Gardner.

14 REPRESENTATIVE GARDNER B: Well, thank
15 you.

16 And, Representative Judd, I suppose
17 that begs the question, I know many church that, not
18 only for their members, but, perhaps, for members of
19 their denomination or their faith, would rent their
20 sanctuary, if you will. They would allow the
21 payment of a fee for a wedding ceremony and the use
22 of that facility.

23 Is it your position, and is this bill
24 going to hold, if they allow their sanctuary to be
25 used for their religious marriage ceremonies, that

1 that would be a place of a public accommodation, and
2 they could not discriminate at all, if they took any
3 kind of a fee whatsoever?

4 CHAIRMAN: Representative Judd, I'm
5 trying to figure out if there's a new question here
6 or if we've already answered this question. So help
7 me. If you feel that you already have, let me know,
8 or don't bother to reply. If there's a new question
9 in here, though, we can continue.

10 Representative Gardner.

11 REPRESENTATIVE GARDNER B: Yes. Thank
12 you, Madame Chair.

13 I think there is a new question,
14 because it's a very -- it's a very specific case and
15 a very different kind of a case than my earlier
16 question, which was about simply the renting of
17 church classrooms and space.

18 This is about the actual use of the
19 church, what many would refer to as the sanctuary
20 area, the worship area, which might be used for
21 wedding ceremonies. And in some sense, I'm trying
22 to find out if that, too, is a place of public
23 accommodation, and whether someone would be
24 required, with a particular denomination, faith,
25 would be required to rent to anyone at this point

1 because they're a place of public accommodation,
2 because they take a fee for the janitorial services,
3 if you will, for that space.

4 CHAIRMAN: Representative Judd.

5 REPRESENTATIVE JUDD: Thank you,
6 Madame Chair.

7 Representative Gardner, let me give
8 you a couple of different examples here of how this
9 might play out. Let's say that you have a church
10 that says, our space, our central largest space that
11 we use on occasion as a sanctuary is available to
12 all comers, and we'll rent it out to anybody that
13 comes and pays our standard fee. In that situation,
14 that church is not going to be able to say, except
15 we're not going to rent it to you if you're black,
16 we're not going to rent it to you if you are gay.
17 We're not going to rent it to you if you're lesbian.
18 That's the public accommodation situation.

19 Let me contrast that with a situation
20 where a church says we have a holy sanctuary, and in
21 this sanctuary, we conduct (inaudible) events such
22 as weddings, and we make it available to our
23 members. We also make it available to the public,
24 provided the participants in that ceremony use our
25 clergy to conduct the ceremony. We will rent it on

1 this fee schedule. These are the requirements.

2 There's nothing wrong with that.

3 Nothing in this -- in Senate Bill 200 is going to
4 prohibit doing that. You know, that's a perfectly
5 reasonable requirement on the part of a religious
6 institution to say, it's our church, our clergy are
7 going to be the people that perform the ceremony
8 here.

9 REPRESENTATIVE GARDNER B: Thank you.

10 CHAIRMAN: Representative Stephens,
11 then Representative Bruce, then Represent Gardener,
12 and Representative Lundberg.

13 REPRESENTATIVE STEPHENS: Thank you
14 Madame Chair.

15 Representative Judd, we talked in
16 committee about Senate Bill 200 actually mirroring
17 the New Mexico antidiscrimination law. And we had a
18 situation where we brought up that there was a
19 photographer who does -- who photographs traditional
20 weddings. And because of their traditional and
21 religious beliefs that drive their actions, they --
22 when a couple said, would you come and allow us to
23 photograph your commitment ceremony, they said no.

24 And the couple hired a different
25 photographer and had the pictures taken of their

1 commitment ceremony, but then decided to sue the
2 religious person after that, brought them up to the
3 New Mexico Civil Rights.

4 And I asked, in committee, will this
5 potentially happen here. And I'd like you to answer
6 that, if possible.

7 CHAIRMAN: Representative Judd.

8 REPRESENTATIVE JUDD: Thank you,
9 Madame Chair.

10 When a photographer holds himself out
11 as providing a service to the public, to all comers,
12 and says, I'm available to be hired by anybody,
13 except I'm not going to be hired by a black or I'm
14 not going to be hired by a lesbian doing a
15 commitment ceremony, that's the conduct that this
16 bill is prohibiting.

17 REPRESENTATIVE STEPHENS: Can you tell
18 me then --

19 CHAIRMAN: Representative Stephens.

20 REPRESENTATIVE STEPHENS: Oh, thank
21 you so much.

22 Can you tell me, then, how does that
23 match with our Colorado Constitution, which says,
24 the free exercise and enjoyment of religious
25 profession and worship without discrimination shall

1 forever hereafter be guaranteed.

2 CHAIRMAN: Representative Judd.

3 REPRESENTATIVE JUDD: Thank you,
4 Madame Chair.

5 Representative Stephens, I think that
6 response is the same one that you got in committee.
7 We have a long tradition, not just in this country,
8 but in our western civilization as a whole, of
9 drawing a line between the civil and the religious
10 worlds. And it's summed up in a phrase: Render
11 unto Caesar, what is Caesar's, and render unto God
12 what is God's.

13 We all, in our lives, have religious
14 aspects of what we do, and we have civil aspects of
15 what we do. There are times when those can come
16 into conflict. Our job here in the legislature is
17 to draw the line where that boundary is.

18 And what we're saying in Senate Bill
19 200 is, here is the line. If you choose to go into
20 the world of commerce and offer your services to the
21 general public, then, at that point, you've given up
22 the ability to draw a line on the basis of race, on
23 the basis of religion, or on the basis of sexual
24 preference.

25 CHAIRMAN: Representative Stephens.

1 REPRESENTATIVE STEPHENS: Madame
2 Chair, with that in mind, I would like to introduce
3 Amendment L014, or I'd like to move it.

4 CHAIRMAN: Okay. L014 has been
5 properly moved in display. Please continue.

6 REPRESENTATIVE STEPHENS: I have this
7 here for Representative Judd, if you choose to take
8 a look at it here.

9 But, basically, what this says is
10 that: The general assembly hereby finds and
11 determines and declares that nothing in this Act is
12 intended to impede or otherwise limit the
13 protections contained in Section 4 of Article 2 in
14 the state constitution concerning the free exercise
15 and enjoyment of religious profession and worship.

16 The reason I drew up this amendment
17 was because Senate Bill 200 fails to consider the
18 countless employees that will be affected by this.

19 Men and women are born biologically.
20 These tenants of faith are well established. But
21 what this does is protect people within the
22 workplace from being allowed to practice their
23 religion and/or exercise their religious beliefs.

24 And our constitution does address
25 this. This bill does not. And this is why I've

1 asked that this be added on as an amendment.

2 CHAIRMAN: Discussion on the
3 amendment? Representative Carroll T.

4 REPRESENTATIVE CARROLL T: Thank you,
5 Madame Chair.

6 I appreciate where Representative
7 Stephens is coming from, in terms of trying to
8 protect the religious freedoms and liberties of
9 citizens of the state of Colorado.

10 However, this amendment is wholly and
11 completely unnecessary. The section of our state
12 constitution that she refers to, when you look at
13 the construction of it, the statutory construction
14 of it, religious profession and worship clearly is
15 intended to separate those who are professional in
16 terms of in sacerdotal duties, as opposed to those
17 who are laypeople.

18 And so those protections, as far as I
19 read -- although, I don't think the court's really
20 ever ruled on this, but as I read the way it's
21 constructed in statute, that implies, when you put
22 religious profession and worship together, that
23 we're protecting the right of those whose
24 professional occupation is that of someone involved
25 in a religious activity, as opposed to people who

1 are involved in lay activity, such as professional
2 photographers who make their services available to
3 all and put themselves out that way.

4 This amendment is unnecessary, because
5 religious institutions and people who are involved
6 in sacerdotal or sacred duties will always be
7 protected by the free exercise clause of the First
8 Amendment.

9 And so I ask for a no vote on this.

10 CHAIRMAN: Representative Stephens.

11 REPRESENTATIVE STEPHENS: Thank you
12 Madame Chair. And thank you, Representative
13 Carroll.

14 I do believe that that interpretation
15 is going to be an issue for the courts. Where I
16 draw this is from the legal firms that do this kind
17 of the work all over the United States and are
18 dealing with sexual orientation issues, as well as a
19 number of others.

20 And their rendering of this opinion
21 states that Senate Bill 200 would require religious
22 citizens to either violate their religious beliefs
23 in their employment or face persecution by the
24 government. Now, folks, that is a very, very
25 serious matter.

1 It came up in committee to one of our
2 people in the ACLU, who, I thought, actually gave a
3 very forthright answer. And in that, she said --
4 when we asked her this question, she said, you can
5 practice your beliefs on Sunday, you can practice
6 your beliefs in the privacy of your homes, but when
7 you enter, as Representative Judd said, into the
8 area of free commerce, in essence, you lose that
9 right.

10 What we believe that the Colorado
11 Constitution has said is that we have the free
12 exercise and enjoyment of religious profession, and
13 I have the right to exercise my religious beliefs,
14 not just in the confines of my home or in church on
15 Sunday, but it informs one's conduct, hopefully.

16 We gave the illustration of
17 volunteering and helping out at church and blood
18 drives, because one believes that their religious
19 beliefs will inform their conduct.

20 And so, with that, I would urge an aye
21 vote on this amendment.

22 CHAIRMAN: Representative Lundberg.

23 REPRESENTATIVE LUNDBERG: Thank you,
24 Madame Chair.

25 Members, I come down in support of

1 this amendment. I think it does add a small modicum
2 of guardrail to this deeply troubling bill. But,
3 members, I must say that I'm deeply troubled by the
4 argument against this amendment.

5 Representative T. Carroll has so
6 narrowly defined what -- what a religious occupation
7 may be, or religious profession, I should say, is
8 the precise language on the amendment, as to narrow
9 it down to, if I recall it, sacerdotal. That would
10 imply somebody who, by what I would understand this
11 to be, strictly within the -- you know, the official
12 capacities of a priest or some other religious
13 discipline that has that type of clergy laity
14 division.

15 This is deeply troubling. Now, we're
16 getting down to the micro-management, or the
17 micro-definition of what is religious and what is
18 not. That's inappropriate.

19 That is not what was intended by the
20 First Amendment to the United States Constitution
21 back in the 1780s. I can assure you they didn't
22 imagine that at all. And when Thomas Jefferson was,
23 indeed, questioned as to what religious freedoms the
24 Danbury Baptist had in Connecticut, his assurances
25 was that the government was going to stay out of

1 their business. And the first role to stay out of
2 your business is to not define what tight, narrow
3 box you fit within.

4 This amendment simply reemphasizes
5 what our constitution already states. And for the
6 discussion up here at the mic as to why we don't
7 need to be -- that a very tight and narrow box is
8 inappropriate. Well, the discussion isn't but for
9 the -- for the argument to be persuasive, it's not
10 correct.

11 Secondly, for any opposition to this
12 amendment to be there at all is deeply troubling.
13 Why are we not wanting to clarify, at the bare
14 minimum, that the constitution of the state of
15 Colorado shall be observed within the context of
16 Senate Bill 200?

17 What is the problem? This should be
18 an amendment that there should be universal
19 acceptance in this body, I would think.

20 CHAIRMAN: Madame Majority Leader.

21 MADAME MAJORITY LEADER: Thank you.

22 I'll vote yes for this. But I just
23 want to make sure -- I mean, I know we have a
24 citizen's legislature, but I do think it's important
25 to know what the constitution does and what the

1 statutes do and what legislative declarations do.
2 You probably know how I feel about resolutions,
3 about letters to Santa. And that's pretty much what
4 a legislation declaration is.

5 And so when someone says this wasn't
6 necessary, that's actually factually true. There's
7 the constitution, which rules everything. That will
8 still happen, and it's in the constitution. Then
9 there's statutes, and then there's legislative
10 declarations.

11 So this is pretty harmless, and I'm
12 sure it will help you all support the bill.

13 CHAIRMAN: Representative Gardener C.

14 REPRESENTATIVE GARDNER C: Thank you,
15 Madame Chair.

16 And I would like to come up and
17 address again what Representative Stephens had said
18 earlier. The New Mexico case involving a
19 photographer who objected to --

20 CHAIRMAN: Excuse me, Representative
21 Gardener, we're still on 014. Just making sure you
22 know that.

23 REPRESENTATIVE GARDNER C: Yes. Thank
24 you, Madame Chair. And I believe that this goes to
25 014.

1 Who objected to taking photographs at
2 a -- at a commitment ceremony. The photographer was
3 sued. The photographer was sued. And, actually,
4 \$6,000 later said that they were professing their
5 religion, and that's why they did not do their --
6 that's why they refused to take pictures at the
7 commitment ceremony.

8 The language of our constitution
9 states, the free exercise and enjoyment of religious
10 profession and worship without discrimination shall
11 forever hereafter be guaranteed.

12 Now, we heard one definition of
13 profession, that it's somebody who works in the
14 field of religion, that it's somebody who has a job
15 relating to it. But profession also means this, the
16 act or an instance of professing, declaration, an
17 avowal of faith in a religion.

18 In the provisions of our constitution
19 dealing with religion, it is undoubtable that they
20 were not talking about people who work in a
21 religious field. They were talking about the
22 profession of faith in a religion.

23 Know what you are voting on, members.
24 You are telling somebody that if they have a
25 religious decision to do or not to do something,

1 this Act, this bill may open that up to litigation.

2 I ask for a yes vote on this

3 amendment, and ask for your most serious

4 consideration of Senate Bill 200 and the

5 consequences that it could impose for people across

6 the state.

7 CHAIRMAN: Is there further discussion
8 regarding Amendment L014? Seeing none, the question
9 before us is adoption of Amendment L014. All those
10 in favor indicate by saying aye.

11 UNIDENTIFIED VOICES: Aye.

12 CHAIRMAN: Opposed, no.

13 UNIDENTIFIED VOICES: No.

14 CHAIRMAN: L014 is adopted.

15 We are back on the bill. And
16 Representative Bruce, you're up next.

17 REPRESENTATIVE BRUCE: Thank you,
18 Madame Chair. Nice to see you again.

19 Representative Judd, since you're the
20 sponsor, I had a few questions on the language in
21 the bill, starting on page 4.

22 And, members, it says, starting on
23 line 1: The membership of the commission shall, at
24 all times, be comprised of at least four members who
25 are members of groups of people who have been or who

1 might be discriminated against because of
2 disability, race, creed, color, sex. And this bill
3 inserts sexual orientation, national origin or
4 ancestry, marital status, religion or age.

5 I'm not clear about the operative two
6 parts of that, who might be discriminated against.
7 It sounds to me like speculation. Apparently, that
8 means you don't have any experience to bring to the
9 commission. But you think somebody might
10 discriminate against you because of your sexual
11 orientation.

12 And sexual orientation is defined on
13 page 11, lines 1 through 3, as orientation towards
14 heterosexuality, and homosexuality, bisexuality, or
15 transgender status, or another person's perception
16 thereof.

17 So sexual orientation means,
18 apparently, one person's orientation or another
19 person's perception of something. I'm not sure how
20 that is determined.

21 So I'd like to get an answer,
22 Representative Judd, if you would be so kind as to
23 join me at the microphone.

24 First, how is somebody's sexual
25 orientation determined? I can understand visually

1 you can see somebody's race, gender, color. You
2 might be able to visibly see some disabilities, but,
3 of course, others you might not be able to see, like
4 a heart condition or something.

5 Marital status may be obvious, if
6 they're wearing a wedding ring. Age is something
7 people can draw a conclusion on.

8 But how do you determine somebody's
9 sexual orientation, unless they tell you?

10 Apparently, Representative Judd does
11 not wish to come up and answer. So I'll go on.

12 So, apparently, somebody who might be
13 discriminated against based upon sexual orientation
14 as a qualification for being on this commission
15 includes a heterosexual who feels he might be
16 discriminated against by homosexuals, and,
17 therefore, he would be eligible to one of these four
18 seats.

19 I won't call it a quota, but it does
20 say that there are four members who have to be
21 members of a group that have been or might be
22 subject to discrimination.

23 But in terms of determining that
24 people are eligible to be appointed to this -- these
25 four slot that are earmarked for such people based

1 upon their actual or possible future feelings of
2 discrimination, I don't see how we can determine
3 that proof.

4 Is it just a matter of
5 self-declaration? Do they have to fill out a
6 questionnaire checking off a box as to their sexual
7 orientation, which sounds discriminatory to me? I
8 guess I'm not going to get an answer.

9 So I'll go on to the next page, page
10 5. Page 5 in the bill deals with a series of
11 commercial relationships and business transactions.
12 And it starts out on line 17 with renting or
13 selling, leasing real estate or housing. So such
14 housing -- oh, this is under unfair housing
15 practices. So I don't know whether we're also
16 amending buying an office building or buying
17 agricultural land or only dealing with
18 discrimination in the area of housing.

19 I would like to get an answer to that
20 question at some point. And the people at home can
21 watch and see whether an answer is provided.

22 But it says, if you refuse to sell,
23 rent, lease housing because of disability, various
24 other things already in the law, and inserting
25 sexual orientation.

1 Now, how is that going to be
2 established, unless the person who is -- let's say,
3 the landlord or the seller of the house says, I'm
4 not going to rent to you because I think you are a
5 homosexual or something.

6 What if they don't say anything, how
7 is this going to be established? And isn't this
8 perceived problem simply solved by people not
9 saying, hi, I'd like to rent this apartment, and I'm
10 gay.

11 Now, if people don't say anything, how
12 does this issue come up? And then, how is the proof
13 made? And what is to prevent litigation, if
14 somebody who is homosexual, transgender, bisexual,
15 or even heterosexual, says, you know, the owner of
16 the house appeared to me to be a homosexual and he
17 wouldn't sell to me because -- and I think he was
18 picking on me because I wasn't a homosexual.

19 How is this proven? How is the intent
20 required -- because it does say on line 20, because
21 of this factor, that that is the basis of the
22 discrimination because of these conditions. I don't
23 see anything explaining that problem here.

24 The reason that's important as we deal
25 with this bill, which is yet another affront to the

1 First Amendment -- we can't talk about other bills
2 up here, but this is dealing with right of free
3 association, and not something, apparently, covered
4 in the 14th Amendment, unlike the others.

5 Because the concern that I have from
6 these ambiguities is that, on page 9, first, you
7 have a civil remedy in Subsection 1 of a fine to the
8 aggrieved party of 50 to \$500 to be recovered in
9 court. But then you have Subsection 2, which makes
10 it a misdemeanor. It is a crime.

11 Now, this former prosecutor doesn't
12 know that this is a high enforcement priority to
13 deal with people's perceptions and bruised feelings,
14 to give somebody a criminal record because he did
15 not rent an apartment to somebody who imagined or
16 perceived or felt that he was being picked on
17 because of his sexual orientation.

18 And the penalty is up to one year in
19 jail. Line 17, one year in jail. So anybody who
20 has been a renter -- who has rented property, as I
21 have and still do, whenever you don't rent to
22 somebody, you're facing the possibility, in theory,
23 under this bill, of a year in jail, because they
24 sense that you did something that was wrong or in
25 violation of this statute.

1 Then, on page 10, this deals with
2 controlling, again, another First Amendment
3 violation, all the printed material described on
4 lines 5 through 7, any printed material that is
5 intended or calculated to discriminate or actually
6 discriminates against these categories, including
7 sexual orientation.

8 So, perhaps, if you put up a banner on
9 your property that says, families welcome, or we
10 love families, or you have a photograph in a
11 newspaper advertisement of people that you'd like to
12 come buy your subdivision housing, and it's a man
13 and a woman, and they're wearing wedding rings, that
14 that would be perceived as being discriminatory
15 against other people who could then sue you because
16 of printed material that you have in your
17 advertisements.

18 Page 11, I know this is a standard
19 phrase, but we've added the word "creed" on line 11,
20 in terms of improper discrimination here in the case
21 of the labor union. Creed, as far as I know, means
22 beliefs, but this is being distinguished from
23 origin.

24 So, apparently, you can't discriminate
25 against anybody because of, I don't know, party

1 registration or somebody being a member of the
2 communist party or somebody being a Nazi --

3 CHAIRMAN: Representative Lundberg, I
4 would make the point that we have a lot of existing
5 statutes here that you're referencing, and then the
6 addition of sexual orientation is new language. And
7 we need to stick to the new language and what you
8 think about that and the bill, please.

9 Representative Bruce, please continue.

10 REPRESENTATIVE BRUCE: Thank you.

11 On page 13, line 24, the word creed is
12 in capital letters, Madame Chair. That means it's
13 new language. That's the way laws are drafted
14 around here. If it's in capital letters, it's new
15 language.

16 CHAIRMAN: Representative Bruce --

17 REPRESENTATIVE BRUCE: That's why I
18 brought it up.

19 CHAIRMAN: Representative Bruce,
20 here's how this is going to work. You are to be
21 respectful to this chair. I have listened to you
22 speak now for a while. We are -- and I appreciate
23 that you have stuck to the bill, I really do.

24 REPRESENTATIVE BRUCE: Thank you.

25 CHAIRMAN: So if we could just

1 continue on that path. We are -- what, you're
2 discussing page 13 now?

3 REPRESENTATIVE BRUCE: Page 13, line
4 24, where I point out that the word creed was added.
5 And I'm just pointing out that when you're adding
6 this language in this bill, I think it -- it creates
7 ambiguities. So there's more to this bill than
8 adding the word sexual orientation, Madame Chair. I
9 think that is a factual statement.

10 So that's only going through the first
11 half of the bill, but I don't think that a bill this
12 sweeping, drafted this vaguely should cause us to
13 adopt criminal penalties where somebody's subject to
14 a year in jail because of their printed
15 advertisement, their decision as to whom they wish
16 to rent, based upon no actual evidence, just
17 somebody's feelings.

18 We should not put people's feeling
19 above honoring their First Amendment rights.

20 CHAIRMAN: Okay. Representative Levy,
21 you're next -- well, you're not there. Then
22 Representative Lundberg, and then Representative
23 Stephens.

24 REPRESENTATIVE LUNDBERG: Thank you,
25 Madame Chair.

1 Members, what I'm hoping we can
2 accomplish in this second reading is some clarity of
3 understanding on just what Senate Bill 200 does and
4 doesn't do. And to that end, I do have a question
5 for the sponsor, if he would be so kind as to answer
6 for me. And that is, he had earlier spoken on -- in
7 some interaction with -- I believe it was
8 Representative B Gardner, some comments on a church.

9 Can a church limit who they rent their
10 facility out to? And if I understood the sponsor
11 correctly, he said that, under the terms of a public
12 accommodation, if a church, in fact, does have a
13 policy of renting some of their facility out to the
14 general public, you know, the community -- and,
15 quite frankly, I attend and am in leadership in a
16 church in Loveland that does that. We see it as
17 being a very appropriate activity. And so somebody
18 needs a church for a wedding, we have provisions for
19 that.

20 And if I understand the context of
21 this bill, if the church had that policy under this
22 bill, the church would be required to provide that
23 service for anybody, even if it was a -- well, a
24 commitment ceremony between two women, that church
25 would be required.

1 Is that correct, Representative Judd?

2 Would you come to the mic and interact with us?

3 CHAIRMAN: Representative Judd, if he
4 doesn't raise his hand to be recognized, he does not
5 have to come to the microphone.

6 Please continue, Representative
7 Lundberg.

8 REPRESENTATIVE LUNDBERG: I thank you,
9 Madame Chair. I am disappointed that the sponsor is
10 not going to allow us that clarity. I'm going to
11 have to work off of what he has said. And I will
12 give you what I think is potential conclusions here.

13 And if the sponsor wishes to respond,
14 then I would appreciate that. But if he doesn't,
15 then I will have to, and you must, draw your
16 conclusions without that information.

17 I heard a couple of things here. I
18 heard that under the terms of Senate Bill 200, a
19 church that tries to make their facility available
20 to the general public for, you know, family reunions
21 or weddings or funerals or other things, will be
22 prohibited from commitment services between two
23 people of the same gender.

24 Now, I trust that the people of
25 Colorado are listening very, very carefully to those

1 who are a part of the thousands of churches out
2 there for whom that is not an acceptable scenario.

3 I also heard a very carefully worded
4 comment on the part of the sponsor, that the church
5 could, for the case of a wedding ceremony, specify
6 that their ministers conduct the ceremony, so that,
7 yeah, you can come in, but you have to use our
8 ministers to conduct the ceremony.

9 Well, we have a dilemma there
10 because -- again, I'll use my church as an example.
11 Our pastoral staff will not conduct every ceremony
12 that comes our way among heterosexual couples. They
13 want to be convinced and to be assured that they
14 reach the biblical standards that our pastors see
15 for a proper marriage ceremony.

16 Hence, there are some they'll say, no,
17 we're not the ones to conduct this ceremony for you,
18 you better go find somebody else. And --

19 CHAIRMAN: Representative Lundberg, no
20 offense, but I'm not sure where in the bill you are
21 focused on. Could you help the chair, please.

22 REPRESENTATIVE LUNDBERG: Thank you,
23 Madame Chair. I'm afraid I don't know either,
24 because I'm going off of what the sponsor of the
25 bill was saying in interaction with Representative B

1 Gardner, and he has refused to come up and talk to
2 me on this.

3 If the sponsor would like to tell us
4 exactly where this is, that's fine, but he has
5 already -- I'm sorry, ma'am.

6 CHAIRMAN: Representative Lundberg,
7 you know, I think that question is words on the
8 paper and the bill itself. Please continue.

9 REPRESENTATIVE LUNDBERG: Thank you,
10 Madame Chair.

11 The question is Senate Bill 200, and I
12 do know that the general area is the public
13 accommodation requirements. I regret that I cannot
14 give you the exact line and page that public
15 accommodation's required. But it's been very
16 clearly established by the discussion thus far today
17 that that is a component, and I'm trying to
18 establish clearly what that means.

19 It is absolutely essential that, not
20 only myself, but all 65 of us know precisely what
21 Senate Bill 200 means, because it will affect all
22 five million people in Colorado.

23 And the area of public accommodation,
24 when it interacts with churches that do provide a
25 degree of public accommodation is extremely

1 important. And that's why I'm trying to go down
2 this road. I wish I could be more efficient with
3 our time, as well, but it's not going to be so,
4 being a monologue, rather than a dialogue.

5 The concern I have is the answer the
6 sponsor gave concerning, well, you can specify that
7 your leaders in your church will conduct the
8 ceremony. What if they refuse? As leaders in my
9 church already refuse for such heterosexual marriage
10 ceremonies, if it doesn't reach their understanding
11 of -- you know, their religious understanding of
12 what a proper marriage is.

13 I would like the sponsor to answer
14 that question at some point. If not, I'm going to
15 assume the worse case, and that is, under the terms
16 of Senate Bill 200, in the public accommodation
17 requirements, if a homosexual couple approached a
18 church and said, we demand that you -- because you
19 do provide this for other members of the community,
20 we demand that you provide a commitment ceremony for
21 us. And if they have the stipulation that it be
22 their own ministers of the church provide that
23 ceremony, that they, in turn, demand that they
24 provide that ceremony.

25 In either case, whether it's the

1 facilities alone or the facility plus the ministers,
2 it is a complete violation of the First Amendment of
3 the United States Constitution, and that troubles
4 me.

5 I wish the sponsor would, in fact,
6 respond to these questions and clarify whether or
7 not that is what Senate Bill 200 will do.

8 For the record, members, the only
9 thing we have to go on is what I'm saying here right
10 now. Without clarity that it is not so, we can only
11 assume that it is so.

12 And, finally, I'll give just one
13 other -- delve into one other area, and that is what
14 the sponsor said, again, concerning the right to
15 conduct commerce in the state of Colorado. Quote,
16 if you choose to go into the world of commerce --
17 that's what the sponsor said -- you're going to have
18 to play by the rules here, which mean that if you
19 are a photographer, and you do photograph weddings,
20 you will be required by the force of law, the sword
21 of the State, to set aside your personal values as
22 to what is an appropriate ceremony to be a part of
23 and what is not. And you will be forced to abide by
24 the secular scruples of the State, rather than your
25 own religious perspective. This is deeply

1 troubling.

2 And if I am misreading, then I would
3 beg the sponsor to please come up and give us some
4 clarity. Without that clarity, I don't know how we
5 could ever support this bill, even if you think that
6 there's some appropriateness, you better figure out
7 what the bill says before you vote on it. This
8 one's far too important to just cast a casual vote.

9 Members, I would urge each and every
10 one of you to look at this carefully and ask how
11 does this affect the probably 70-plus thousand
12 people in my district.

13 CHAIRMAN: Representative Levy. I
14 know it was a while back, but you're next.

15 REPRESENTATIVE LEVY: Thank you,
16 Madame Chair. I'm trying to remember way back to
17 when I thought I had something to say.

18 As I recall this second reading
19 debate, and the meaning of the bill will be
20 determined by the language of the bill and by the
21 courts, I suppose, if it's in dispute. It won't be
22 determined by an inquisition of the sponsor as to
23 what the bill means. And it won't be determined by
24 a lack of response from the sponsor.

25 But that's not really what I came up

1 here to talk about. I came up here to talk about
2 the importance of this bill.

3 You know, we've reached the point here
4 in our society where we ought not to discriminate on
5 the basis of sexual orientation in housing
6 practices, places of public accommodation,
7 publication of discriminative matter, all of these
8 things that are enumerated on page 2 of the bill.

9 And I came up here last session, and I
10 spoke about my sister and her partner and their
11 three children and what a wonderful family they are
12 and how they are every bit as much a family as any
13 other family that is heterosexual.

14 And they own a home in a neighborhood.
15 They mow their grass. They don't violate noise
16 ordinances. I don't think they cause any
17 disturbance whatsoever. They have neighborhood
18 children come over and play in the backyard. They
19 host birthday parties.

20 And the premise, I guess, of the
21 opposition is that people like my sister and her
22 partner and their three children should have to
23 traipse from place to place trying to find somebody
24 who will allow them to live in the neighborhood and
25 won't discriminate against them.

1 You know, that's not acceptable. It's
2 just not acceptable. You know, the suggestion is
3 that my sister should not -- should be subject to
4 discrimination and the provision of adequate
5 hospital facilities. If she walks in with her
6 partner, that they would have the right to turn her
7 away.

8 So this is a matter of basic human
9 decency. These are people. You know, it's absurd
10 even to have to say it. This is a good bill. Vote
11 yes.

12 CHAIRMAN: Representative Stephens.

13 REPRESENTATIVE STEPHENS: Thanks,
14 Madame Chair. We passed an amendment, but I'm
15 reminded by our legal counsel that we -- I'd like to
16 move L015.

17 CHAIRMAN: L015 is properly moved and
18 displayed. Please continue, Representative
19 Stephens.

20 REPRESENTATIVE STEPHENS: I appreciate
21 that, Madame Chair. It is to amend what we did.
22 But the section was misplaced. And so, on page 24,
23 line 7, we strike Section 17, and it substitutes 18.
24 It was a technical error, and I would ask for its
25 adoption.

1 CHAIRMAN: Is there any discussion
2 regarding Amendment L015? Seeing none, all those in
3 favor indicate by saying aye.

4 UNIDENTIFIED VOICES: Aye.

5 CHAIRMAN: Opposed no. L015 is
6 adopted.

7 Representative Stephens.

8 REPRESENTATIVE STEPHENS: Thank you
9 very much, Madame Chair. I have another amendment
10 coming, but in order to set that up -- one of the
11 things that we discussed in the committee hearing
12 regarding Senate Bill 200 is the definition within
13 sexual orientation, and including gender identity
14 confusion. These are fluid concepts. They're
15 tough.

16 This is not easy. Because it's based
17 on one's behavioral preference, sexual activity,
18 sexual intimacy, sexual preference. And defining
19 these protections based on individual perceptions
20 and behaviors, I believe, leaves us open to,
21 actually, a lot of rash of lawsuits.

22 It concerns me in the fiscal note that
23 we see we've got 30 potential lawsuits, and 3,
24 perhaps, thinking as the fiscal notes looks at, that
25 could go to court. Folks, that's very serious. It

1 goes from anywhere up to six months to two years in
2 prison.

3 And I think that because these
4 definitions are fluid, you can have numerous sexual
5 proclivities. And on this basis that we argued in
6 committee on perception, perceive, I perceived, you
7 perceived, this came up a lot. I may have perceived
8 for different reasons, that everyone qualifies as a
9 potential victim.

10 And so with that, I think that this
11 bill is -- goes far too broad. It leaves a lot of
12 employers open, I believe, to an abuse of lawsuits
13 or frivolous lawsuits, rather than those actually
14 founded on true discrimination.

15 And I think that, particularly as
16 Representative Lundberg brought up -- is this
17 amendment ready? It is. Thank you. No. It is
18 ready. Okay. May I have it, please.

19 Based on what Representative Lundberg
20 had brought up, in terms of religious organizations
21 and their ability to rent their facility -- for
22 example, I belong to a huge church. They rent their
23 facilities out for all different community reasons
24 because people ask them.

25 Based on that, I would like to move --

1 CHAIRMAN: Representative Lundberg.

2 REPRESENTATIVE LUNDBERG: Thank you,
3 Madame Chair.

4 And, members, this is a very troubling
5 part of the bill concerning public accommodation and
6 just what the breadth of all that is. And I am
7 concerned that we don't understand how thorough this
8 component of Senate Bill 200 is.

9 And lacking that clarity and that real
10 understanding of just how this is going to impact
11 everyone, I move Amendment L017 and ask that it be
12 displayed on the screen.

13 CHAIRMAN: Representative Lundberg,
14 L017 is now displayed on the screen.

15 REPRESENTATIVE LUNDBERG: Thank you,
16 Madame Chair.

17 I believe that if we can't thoroughly
18 understand the component of the bill, let's not have
19 that be a part of the bill. This amendment, very
20 simply and straight forwardly, removes the public
21 accommodation component to Senate Bill 200. And I
22 would urge it's aye vote.

23 CHAIRMAN: To Amendment L017,
24 Representative Judd? Representative Stephens?
25 Someone. Representative Butcher, to L017?

1 REPRESENTATIVE BUTCHER: Thank you. I
2 would ask for a no vote on the floor here, please.
3 Let's have a no vote on this amendment.

4 CHAIRMAN: Would anybody else like to
5 speak to L017? L017 all -- Representative Judd.

6 REPRESENTATIVE JUDD: I ask for a no
7 vote.

8 CHAIRMAN: Representative Lundberg.

9 REPRESENTATIVE LUNDBERG: Thank you,
10 Madame Chair. I'll not take too much time on this.

11 But understand, we don't -- we don't
12 understand how broad a brush public accommodation is
13 going to impose upon the people of Colorado. And,
14 therefore, lacking further information, than simply
15 vote no from the sponsor, I submit to you that the
16 vote ought to be yes.

17 And let's take this part out and move
18 on to the other elements of Senate Bill 200.

19 CHAIRMAN: To that point, moving on.
20 Representative Ferrandino.

21 REPRESENTATIVE FERRANDINO: Thank you,
22 Madame Chair.

23 And I would ask for a no vote on this
24 amendment. This is, for the most part, existing
25 law. The only thing we're adding is sexual

1 orientation. So I don't understand how this is wide
2 sweeping, not understood. This is the same things
3 we have in existing law, just adding and rounding
4 our discrimination laws.

5 And I ask for a no vote.

6 CHAIRMAN: Representative Lundberg,
7 then Representative Butcher.

8 REPRESENTATIVE LUNDBERG: Thank you,
9 Madame Chair.

10 I appreciate those comments, because
11 it does zero in on what the real point is, and that
12 is we are expanding this component of the law to add
13 those elements. And that's where the discussion has
14 been. And that's where the question is, how will
15 this impact places of worship that are places of
16 public accommodation.

17 I don't understand the depth of this.
18 From what I've heard from the sponsor, in earlier
19 testimony when he was discussing this, it was very
20 troubling. It indicated that churches will, in
21 fact, be required -- required to allow any group to
22 come in for any purpose that they -- you know, if
23 they rent out the facilities, doesn't matter. A
24 violation of their principals of what is appropriate
25 and not -- or not, doesn't matter.

1 Apparently Caesar is taking over God,
2 until God's in a little tiny box and Caesar's got
3 the rest of the world.

4 That, by the way, is not what Jesus
5 meant when he said that.

6 CHAIRMAN: Representative Butcher.

7 REPRESENTATIVE BUTCHER: Thank you,
8 Madame Chair.

9 Well, to my dear colleague,
10 Representative Lundberg, and my other colleagues,
11 let me say that in the book of Matthew, when Jesus
12 was asked which is the greatest commandment in the
13 law, he replied, love the Lord your God with all
14 your heart and with all your soul and with all your
15 mind.

16 This is the first and greatest
17 commandment. And the second is, love your neighbor
18 as you love yourself. Jesus says that to love your
19 neighbor as yourself is like loving God. The
20 (inaudible) that anyone offer their blessing to any
21 certain class of people. It simply says that you
22 cannot discriminate, mistreat a person. And to me,
23 that is keeping with what Jesus said is the greatest
24 commandment.

25 The amendment that is before you,

1 actually, if were in the days of civil rights, in
2 1964, we would be in the streets rioting and
3 shedding blood. That's where we would be.

4 If you go to page 8, and what my
5 colleagues that love God are asking you to do is to
6 strike discrimination in places of public
7 accommodation. We died in the streets of this
8 country to have the right to public accommodation.

9 I would ask you to deny that
10 amendment.

11 On page 9, penalty and civil liability
12 page, strike lines 1 through 23. We died on the
13 streets to have the right to be treated with dignity
14 in this country. I would say that the discussion
15 has went on long enough about how us God-fearing
16 people ought to treat other people. The church I go
17 to says love everyone, treat them equal. And that's
18 what the Bible and the Catechism were that I was
19 raised with.

20 And I would suppose, whether you were
21 raised in any Catholic, Jewish, Protestant church,
22 you were taught the same. And if you weren't, I
23 believe that your parents taught you that.

24 I would ask you to reject this
25 amendment. We have had three hours of discussion on

1 hate. This bill has been available since March
2 11 --

3 CHAIRMAN: Representative Butcher, to
4 this amendment only.

5 REPRESENTATIVE BUTCHER: Sure.

6 This bill, and the amendment that's on
7 it, has been available since March 11.

8 CHAIRMAN: Representative Butcher, I
9 believe the amendment just came up. So I don't know
10 that that's technically correct. Since there was a
11 crowd drafting it over here, that's my assumption.

12 REPRESENTATIVE BUTCHER: Thank you,
13 Madame Chair. The amendment is to Senate Bill 200.
14 Am I on the right bill? Thank you. This bill has
15 been available for 45 days. This inspection could
16 have been had.

17 I ask for a no. And let's move on.

18 CHAIRMAN: Thank you. Seeing no more
19 discussion on the Lundberg amendment, L017, we will
20 vote on the amendment. Those favoring L017, please
21 say aye.

22 UNIDENTIFIED VOICES: Aye.

23 CHAIRMAN: Those opposed.

24 UNIDENTIFIED VOICES: No.

25 CHAIRMAN: The nos have it.

1 Representative Stephens.

2 REPRESENTATIVE STEPHENS: Thank you,
3 Madame Chair. I would like to display L016. I'd
4 like to move L016. Thank you -- and display it.

5 CHAIRMAN: Thank you, Representative
6 Stephens. It's been properly moved and displayed.
7 Please continue.

8 REPRESENTATIVE STEPHENS: We've had
9 the discussion in terms of public accommodation.
10 And we talked about churches, synagogs, mosques, any
11 facility owned by a religious organization and/or
12 used for religious purposes. That also takes into
13 consideration christenings and traditional weddings
14 and things that are done within the communities that
15 really serve as a basis for a church's identity and
16 for the availability to be rented if other people,
17 you know, try to avail themselves of that.

18 What this would do is protect
19 religious institutions and organizations for this
20 purpose. And I would ask an aye vote on this.

21 CHAIRMAN: Representative Witwer.

22 REPRESENTATIVE WITWER: Thank you,
23 Madame Chair.

24 Members, like many of you, I've been
25 following the debate. And this amendment really

1 gets to the heart of my concern about the bill.
2 There's -- we don't have an option of ignoring the
3 U.S. Constitution as -- the Bill of Rights, as it
4 applies to the state of Colorado.

5 The First Amendment, among the very
6 first rights that are articulated in the Bill of
7 Rights is the right to free exercise of religion.
8 Regardless of how you feel about the remainder of
9 the bill, and there are many different feelings on
10 it, people who are exercising their religious rights
11 under the federal constitution have a civil right
12 that is to be protected in that.

13 And I've mentioned at this microphone
14 before, I think, we, as legislators, have an
15 obligation to consider the civil rights articulated
16 in the constitution, the free exercise right in the
17 First Amendment.

18 This right here is the heart of my
19 concern about the bill, and I strongly urge an aye
20 vote on the amendment.

21 CHAIRMAN: Discussion on 016?
22 Representative Judd.

23 REPRESENTATIVE JUDD: Thank you,
24 Madame Chair.

25 As Representative Witwer notes, the

1 free exercise of religion is protected. It is
2 enshrined in the First Amendment to the United
3 States Constitution. There is nothing in existing
4 Colorado Civil Rights law or in Senate Bill 200 that
5 is, in any way, going to change or diminish the
6 protections we afford to the free exercise of
7 religion.

8 The amendment that's before us, No.
9 16, represents an extraordinarily difficult step
10 back in terms of the protections that we provide to
11 a variety of discriminated persons in Colorado.
12 This would eliminate the protection that we afford
13 to people against discrimination on the basis of
14 race, religion, color, disability, marital status,
15 national origin, and ancestry.

16 All of that would be struck out in a
17 situation where a (inaudible) religious institution
18 chooses to rent out some of its facilities to the
19 public.

20 Nobody, no religious institution is
21 required to rent any of its facilities to anybody.
22 Every church, every other religious institution is
23 absolutely within its rights to keep its facilities
24 solely for the use of its members, its parishioners,
25 it's congregants, and to say, this is ours, no one

1 else can come in here. That is absolutely protected
2 today, and will be protected after Senate Bill 200
3 passes.

4 What Senate Bill 200 says, and what
5 current law says, is if that institution chooses to
6 change its mission from a purely religious activity
7 to enter into the world of commerce and to seek
8 money from the public for the use of its facilities,
9 at that point, it has stepped over a line. And at
10 that point, it is no longer allowed to discriminate
11 on the basis of race, color, religion, national
12 origin, creed, disability, and now, sexual
13 orientation.

14 I ask for a no vote on Amendment 16.

15 CHAIRMAN: Representative Ferrandino.

16 REPRESENTATIVE FERRANDINO: Thank you,
17 Madame Chair. And I'd ask for a ruling that this
18 amendment fits under the title.

19 CHAIRMAN: The committee will stand in
20 a brief recess.

21 (End of audio file.)
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25

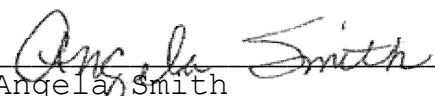
1 CERTIFICATE

2 STATE OF COLORADO)
3) ss.
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5 I, Angela Smith, Professional Reporter
6 and Notary Public for the State of Colorado, do
7 hereby certify that the above-mentioned audio file
8 was reduced to typewritten form by computer-aided
9 transcription; that the foregoing is a true
10 transcript of the audio file to the best of my
11 ability; that I am not attorney nor counsel nor in
12 any way connected with any attorney or counsel for
13 any of the parties to said action or otherwise
14 interested in its event.

15 IN WITNESS WHEREOF, I have hereunto
16 affixed my hand and notarial seal this 14th day of
17 August 2017.

18 My commission expires January 22,
19 2019.

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21 
22 Angela Smith
23 Reporter, Notary Public
24 Calderwood-Mackelprang, Inc.
25



HOUSE SECOND READING - PART 2

AUDIO TRANSCRIPTION

1 * * * * *

2 CHAIRMAN: Come back to order. The
3 Chair rules that Amendment L016 does fit under the
4 title. The debate will continue.

5 Mr. Assistant Majority Leader.

6 ASSISTANT MAJORITY LEADER: Thank you,
7 Madame Chair.

8 I certainly appreciate what my friend,
9 Representative Witwer, was trying to do with this
10 amendment, because we do want to protect the rights
11 of religious institutions to continue to be able to
12 profess their faith in the manner in which they see
13 fit.

14 However, again, we go back to the
15 argument of whether, one, this bill as a whole
16 violates the First Amendment, and whether this
17 amendment would fix that problem if there is a
18 violation of the First Amendment.

19 Generally, the free exercise clause
20 does protect the right of churches to be free, or
21 people who practice their religion to be free from
22 intrusions from the government.

23 There's a caveat to that. As the
24 Supreme Court laid out in 1990 in the Smith case,
25 when there are laws of general applicability that

1 are neutral on their face, those laws do not violate
2 the free exercise clause of the First Amendment.

3 Senate Bill 200, as a whole, is
4 neutral and generally applicable. Therefore, it
5 won't violate the First Amendment.

6 This amendment tries to fix a problem
7 that does not really exist. Because if a church or
8 religious institution chooses not to be impacted by
9 Senate Bill 200, they can simply change the methods
10 in which they rent or make available their
11 facilities to the public and limit accessibility to
12 maybe people who share common and religious bond,
13 for example. And many institutions already do that.

14 And, secondly, the First Amendment
15 still protects religious institutions and churches.

16 And so I ask for a no vote, because
17 this is an amendment that really would limit
18 protections. And it's not necessary, because
19 churches and religious institutions can control this
20 issue on their own without us passing this
21 amendment.

22 So I ask for a no vote.

23 CHAIRMAN: Representative Mitchell.

24 REPRESENTATIVE MITCHELL: Thank you,
25 Madame Chair. And thank you, members. I'll be

1 brief.

2 But after looking at this amendment
3 and hearing the discussion on the bill, the more and
4 more I listen to this debate, the more and more
5 angry I get. We spent almost two hours the other
6 morning memorializing the Holocaust, the 6 million
7 Jewish people that lost their lives. Under this
8 bill, if I'm a practicing Jew and own a --
9 hypothetically, a business that does photography, a
10 Skin Head group could come forward and say, listen,
11 I want to hire your services. And if I don't hire
12 your services, and you don't provide these services
13 to me, then you can, both, face criminal
14 prosecution, as well as civil liability.

15 This goes way beyond the protection of
16 sexual discrimination. This is a clear -- in my
17 opinion, a clear violation of, not only our State
18 Constitution, but our Federal Constitution.

19 I strongly urge a no on the bill and,
20 of course, a yes on the amendment.

21 Thank you.

22 CHAIRMAN: Representative Judd. I
23 have Representative Green and Representative
24 Marshall. Who would like to go?

25 Representative Marshall.

1 REPRESENTATIVE MARSHALL: Thank you,
2 Madame Chair. And I'm speaking to the amendment.

3 CHAIRMAN: Yes. Thank you.

4 REPRESENTATIVE MARSHALL: One of
5 the -- one of things that concerns me about this
6 amendment is that -- and some of the discussion with
7 my colleagues, we cannot engage in selective
8 discrimination.

9 There -- there are some examples that
10 are used, you know, why should a synagog have to
11 marry a couple who is a member of the Klan, if they
12 don't choose to, or why should they have to allow a
13 gay couple in the synagog.

14 But I guess that could also translate
15 to -- a synagog could say they don't want me there
16 because I'm black. And my colleagues say, well,
17 that's not what that means. Well, you cannot engage
18 selectively in discrimination.

19 There are some very hard issues for
20 all of us. I mean, the Klan is very difficult for
21 me, but they do have civil liberties. They do have
22 civil rights. And we cannot say that our public
23 facilities should be able to discriminate
24 selectively.

25 Religion is something that we engage

1 in by choice. And religion, in a lot of respects,
2 could drive a lot of debate. And I know this is
3 saying -- they're trying to suggest an interesting
4 dilemma here, that we're opposing religious freedom
5 by saying that these institutions are included, as
6 well as others.

7 But religious freedom, I think, means
8 choice. And it doesn't mean that you have the
9 ability to discriminate.

10 I also heard my colleague,
11 Representative Mitchell, use an example that someone
12 should not have to service someone else if they
13 choose not to. And one of the examples that was
14 used in committee and, Madame Chair, it follows
15 along with this amendment, is that a photographer
16 who has a studio shouldn't have to go and photograph
17 a gay marriage.

18 Any person in business can choose to
19 go do whatever they choose to do. But if that gay
20 couple comes into the studio, that should be
21 unlawful for them to discriminate and say, you
22 cannot be served here. So we cannot -- we cannot be
23 selective about discrimination.

24 These are difficult and dividing
25 lines. I think these are the dividing lines. But

1 if we're going to uphold the constitution, and we're
2 going to uphold civil rights, everyone is entitled
3 to civil rights.

4 And I object to this amendment.

5 CHAIRMAN: Discussion on the
6 amendment? Let's see, I have Representative Green,
7 and then . . .

8 REPRESENTATIVE GREEN: Thank you,
9 Madame Chair.

10 And there are a couple of concerns I
11 have regarding the amendment. And one is, first of
12 all, as we all heard, after our discussion on
13 Holocaust awareness, we discussed -- we had a
14 resolution for Native Americans.

15 We have had resolutions for people who
16 are the objects of discrimination. We treat them as
17 objects when we discriminate against them. And this
18 bill is to prevent discrimination.

19 Now, when we think about the
20 Holocaust, we need to remember that one of the first
21 people that --

22 CHAIRMAN: Excuse me, Representative
23 Green, you are speaking correctly to the amendment,
24 right, 016?

25 REPRESENTATIVE GREEN: Thank you,

1 Madame Chair. And I will try to make it clearer.

2 CHAIRMAN: Thank you, Representative
3 Green.

4 REPRESENTATIVE GREEN: Homosexuals
5 were discriminated against throughout history,
6 especially during the Holocaust, and they are
7 discriminated against today.

8 My concern with the amendment also has
9 to do with -- it has to do with churches accepting
10 money under faith-based initiatives. And so I'm
11 wondering if the sponsor can tell me how this
12 amendment would affect that.

13 Thank you very much.

14 CHAIRMAN: Madame Majority Leader.

15 MADAME MAJORITY LEADER: Thank you,
16 Madame Chair. And I move 022 as a substitute
17 amendment.

18 CHAIRMAN: Okay. Madame Majority
19 Leader, the amendment's been properly moved and
20 displayed. Please continue.

21 MADAME MAJORITY LEADER: Thank you. I
22 think this will solve some people's concerns, not
23 everyone's concerns, about the constitutionality of
24 this. I wish I could say it was my idea, it wasn't.
25 I think it's a really good idea. And this way, the

1 courts can determine if any part of this bill is
2 unconstitutional, it would be held invalid.

3 And I hope you can support this
4 amendment.

5 CHAIRMAN: Okay. Discussion on the
6 substitute Amendment L022? Representative Stephens,
7 do you -- okay. Representative Witwer.

8 REPRESENTATIVE WITWER: Thank you,
9 Madame Chair.

10 This would replace the amendment we
11 were just discussing. The only -- it gets to the
12 same -- it goes to the same place that the prior
13 amendment is on the screen.

14 But here's the problem I've got with
15 this. This now puts the burden on the religious
16 organization. They have to be the ones filing the
17 lawsuit to prove that they're exercising their
18 free -- they're exercising their right to free
19 exercise of religion.

20 The prior amendment would carve them
21 out affirmatively, and they would have a safe harbor
22 under law. This would require them to litigate it
23 to demonstrate that they are.

24 So I think we're all trying to get to
25 the same place. Some people have raised questions

1 about the wording, and I think that there might be a
2 compromise in there somewhere, but -- in fact, I
3 know there is. But this is not the way to do it,
4 because this puts a burden on religious
5 organizations to litigate the fact that they're
6 using their free exercise right.

7 CHAIRMAN: Discussion on L022?
8 Representative Gardener C.

9 REPRESENTATIVE GARDNER C: Thank you
10 Madame Chair.

11 And, again, I think there is an
12 appropriate discussion to be had on this amendment.
13 But the affect of this amendment will be to
14 extinguish the debate on the underlying amendment,
15 and I think we ought to continue the debate we had
16 on the underlying amendment.

17 I think that was -- a number of people
18 came and expressed support for the underlying
19 amendment. That's why, at this point, I would ask
20 for a no vote on this substitute.

21 CHAIRMAN: Is there further
22 discussion? Representative Judd.

23 REPRESENTATIVE JUDD: Thank you,
24 Madame Chair. I ask for an aye vote and Amendment
25 22.

1 As Representative Witwer noted, this
2 gets us to basically the same place. It allows a
3 court ruling on the free exercise implications of,
4 really, not just Senate Bill 200, but some of the
5 existing language in the statute, as well.

6 I'm quite confident that there are
7 religious organizations that feel strongly enough
8 about their free exercise rights to put forward the
9 case that will be able to take advantage of the
10 severability provisions in Amendment 22.

11 And as to the question as to the
12 extent of debate, we've actually had considerable
13 amount of debate this morning. I don't think we're
14 really lacking on that.

15 So, again, I ask for an aye vote.

16 CHAIRMAN: Representative Stephens.

17 REPRESENTATIVE STEPHENS: Thanks,
18 Madame Chair.

19 Folks, I'd urge a no vote on this.
20 And I'll tell you why. This puts, not only the
21 burden on religious institutions -- in other words,
22 it assumes you guilty, in a way, until you're going
23 to prove your innocence.

24 And when we look at our basic
25 fundamental right to practice the free exercise of

1 religion, whether you are a large church -- where my
2 church could probably, perhaps, afford to engage in
3 that severability issue, but if you are a small
4 church, exercising your free exercise of religion,
5 then, sorry, you're probably going into a lot of
6 debt to try to prove this.

7 Folks, that's not what this should be
8 about. And I would urge a no vote.

9 CHAIRMAN: Representative Marshall.

10 REPRESENTATIVE MARSHALL: Thank you,
11 Madame Chair.

12 And I see this very differently. I
13 think this is actually a great protection, I think,
14 for the whole bill. And if you don't discriminate,
15 then you'll never be subject to having to use money
16 to go file a lawsuit.

17 So if there's a concern that your
18 church is now going to have to be subject to finding
19 funding to litigate, that means that they are going
20 to be discriminating. And so I would suggest, if
21 they don't discriminate, they will never have to be
22 subject to litigation.

23 CHAIRMAN: Is there further discussion
24 on the substitute Amendment L022? All those in
25 favor of adopting L022, indicate by saying aye.

1 UNIDENTIFIED VOICES: Aye.

2 CHAIRMAN: Opposed, no.

3 UNIDENTIFIED VOICES: No.

4 CHAIRMAN: The nos have it. L022

5 fails. We are back to 016.

6 Is there further discussion on that
7 amendment? Madame Majority Leader.

8 MADAME MAJORITY LEADER: Thank you. I
9 move that Senate Bill 200 lay over until later in
10 the day, unamended.

11 CHAIRMAN: You posed a motion. Senate
12 Bill 200 will lay over until later in the day,
13 unamended.

14 (End of audio file.)

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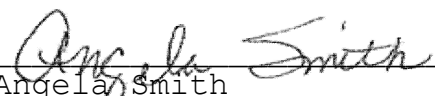
1 CERTIFICATE

2 STATE OF COLORADO)
) ss.
3 CITY AND COUNTY OF DENVER)

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5 I, Angela Smith, Professional Reporter
6 and Notary Public for the State of Colorado, do
7 hereby certify that the above-mentioned audio file
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10 transcript of the audio file to the best of my
11 ability; that I am not attorney nor counsel nor in
12 any way connected with any attorney or counsel for
13 any of the parties to said action or otherwise
14 interested in its event.

15 IN WITNESS WHEREOF, I have hereunto
16 affixed my hand and notarial seal this 14th day of
17 August 2017.

18 My commission expires January 22,
19 2019.

20
21 
22 Angela Smith
23 Reporter, Notary Public
24 Calderwood-Mackelprang, Inc.
25



HOUSE SECOND READING - PART 3

AUDIO TRANSCRIPTION

1 * * * * *

2 CHAIRMAN: Members, you've heard the
3 motion. We shall proceed out of order and consider
4 Senate Bill 200.

5 Will the clerk please read the title
6 of Senate Bill 200.

7 CLERK: (Unintelligible.)

8 CHAIRMAN: Representative Judd.

9 REPRESENTATIVE JUDD: Thank you,
10 Madame Chair. I don't know if I need to do this,
11 but I move Senate Bill 200, and I move Amendment 24.

12 CHAIRMAN: Okay. We are on the bill.
13 And amendment -- did you say 024? No. 024 is
14 properly moved and displayed. Please continue,
15 Representative Judd. Go ahead.

16 REPRESENTATIVE JUDD: Thank you,
17 Madame Chair.

18 We voted on this earlier. This is
19 within the correct reference in the appropriations
20 clause.

21 CHAIRMAN: Is there any discussion on
22 Amendment 024? Seeing none, all those in favor,
23 please say aye.

24 UNIDENTIFIED VOICES: Aye.

25 CHAIRMAN: Opposed no.

1 The ayes have it. Amendment L024 is
2 adopted.

3 Representative Looper -- oh,
4 Representative Stephens.

5 REPRESENTATIVE STEPHENS: Thank you,
6 Madame Chair. I would like to reintroduce L026 and
7 move the amendment.

8 CHAIRMAN: We're looking for 026 to
9 display it. We're getting there.

10 REPRESENTATIVE STEPHENS: Thank you.

11 CHAIRMAN: Actually, hold on a second,
12 Representative Stephens. We don't have it displayed
13 yet. Representative Stephens, the amendment is
14 properly moved and displayed. Please continue.

15 REPRESENTATIVE STEPHENS: Thank you so
16 much. We had voted aye on this legislative
17 declaration conforming this to Section 4 of Article
18 2, the State Constitution. And I'd urge an aye
19 vote.

20 CHAIRMAN: Is there any discussion on
21 026? Seeing none -- well, I'm sorry, Representative
22 Judd.

23 REPRESENTATIVE JUDD: I'm all for the
24 State Constitution, Madame Chair. I support this
25 amendment.

1 CHAIRMAN: Okay. Is there any further
2 discussion on 026? Seeing none, the question before
3 us is adoption of Amendment L026. All those in
4 favor, please say aye.

5 UNIDENTIFIED VOICES: Aye.

6 CHAIRMAN: Opposed, no.

7 The ayes have it. L026 is adopted.

8 Representative Weissmann.

9 REPRESENTATIVE WEISSMANN: Madame
10 Chair, I move Amendment L013.

11 CHAIRMAN: L013 is properly moved and
12 displayed. So you can continue Representative
13 Weissmann.

14 REPRESENTATIVE WEISSMANN: Thank you,
15 Madame Chair.

16 This amendment is simple. It just
17 goes back to the way we deal with the moneys in our
18 budget, and deals with the same antidiscrimination
19 clause, makes it consistent with everything else
20 we're doing. I ask for an aye vote.

21 CHAIRMAN: Is there any discussion on
22 this amendment? Representative Lundberg.

23 REPRESENTATIVE LUNDBERG: Yes. Thank
24 you, Madame Chair.

25 Members, as I recall in this deja vu,

1 all-over-again time, this is a very extensive
2 addition to this bill. And I would urge a no vote
3 on that measure that I don't believe was successful
4 this morning either, if I recall correctly.

5 CHAIRMAN: Further discussion on L013.
6 Question before us -- Representative Bruce.

7 REPRESENTATIVE BRUCE: Thank you,
8 Madame Chair.

9 Looking at the amendment, comparing it
10 to the title, the title says, Concerning the
11 expansion of prohibitions against discrimination.
12 This amendment says nothing about prohibition
13 against discrimination. It has to do with an
14 appropriation.

15 It doesn't say no business receiving
16 money from the State shall engage in. It just says
17 no money shall be paid. So I don't think this fits
18 within the title, Madame Chair.

19 CHAIRMAN: The Chair rules the
20 amendment fits within the title. Is there further
21 discussion? Representative Judd.

22 REPRESENTATIVE JUDD: I ask for an aye
23 vote.

24 CHAIRMAN: The question before us is
25 adoption of Amendment L013. All those in favor,

1 please say aye.

2 UNIDENTIFIED VOICES: Aye.

3 CHAIRMAN: Opposed, no.

4 UNIDENTIFIED VOICES: No.

5 CHAIRMAN: The ayes have it. L013 is
6 adopted.

7 Representative Looper.

8 REPRESENTATIVE LOOPER: Thank you,
9 Madame Chair. I move Amendment L20 and ask that it
10 be displayed.

11 CHAIRMAN: Representative Looper,
12 Amendment L020 is properly moved and displayed.
13 Please continue.

14 REPRESENTATIVE LOOPER: Thank you,
15 Madame Chair and members.

16 What this is is a severability clause.
17 There's been great discussion about the
18 constitutionality or unconstitutionality of
19 different parts of this bill. What this clause does
20 is basically provide that if any part of the Act is
21 held unconstitutional that the remainder of the act
22 shall not be affected.

23 And so with that, members, I ask for
24 your support on this amendment.

25 CHAIRMAN: Representative Ferrandino.

1 REPRESENTATIVE FERRANDINO: Thank you
2 Madame Chair. And this is a good amendment. I ask
3 for an aye vote.

4 CHAIRMAN: Further discussion?
5 Representative Judd.

6 REPRESENTATIVE JUDD: I ask for an aye
7 vote.

8 CHAIRMAN: Question before us -- is
9 there further discussion? Question before us is
10 adoption of Amendment L020. All those in favor,
11 please say aye.

12 UNIDENTIFIED VOICES: Aye.

13 CHAIRMAN: Opposed, no.

14 UNIDENTIFIED VOICES: No.

15 CHAIRMAN: The ayes have it. L020 is
16 adopted.

17 Representative Judd.

18 REPRESENTATIVE JUDD: Thank you,
19 Madame Chair. I move Amendment L025.

20 CHAIRMAN: Amendment L025 is properly
21 moved and displayed. Please continue,
22 Representative Judd.

23 REPRESENTATIVE JUDD: Earlier today we
24 had a considerable amount of discussion regarding
25 the places of religious worship and the ability of

1 people who have places of religious worship to
2 practice without having to worry about becoming a
3 place of public accommodation. This amendment
4 attempts to address that concern.

5 It's not as sweeping as some might
6 like, but I think it goes a long ways towards
7 dealing with the problem.

8 I ask for an aye vote.

9 CHAIRMAN: Discussion on Amendment
10 L025? Is there any discussion on Amendment L025?
11 Representative Gardner C.

12 REPRESENTATIVE GARDNER C: Thank you,
13 Madame Chair.

14 And the clarification on the
15 amendment. Now, this would be a place inside a
16 church, synagog, mosque, or other place of worship.
17 So this would not include properties of a church,
18 synagog, mosque, or other religious facilities; is
19 that correct?

20 CHAIRMAN: Representative Judd, would
21 you like to clarify? If you'd like to clarify,
22 please proceed.

23 REPRESENTATIVE JUDD: Yes. This deals
24 with a space within the facility.

25 CHAIRMAN: Representative Gardner.

1 REPRESENTATIVE GARDNER C: Thank you
2 Madame Chair.

3 And there may be others who wish to
4 come to the microphone and clarify this point. Some
5 of the concern, I believe, that drove the previous
6 amendment was that a religious institution may have
7 property, a home, a parish, a room that they rent
8 that's not inside the church, the actual place of
9 worship, but is yet still owned by a religious
10 institution.

11 And the answer of the bill sponsor was
12 that those properties outside of it would be subject
13 to the bill still. But places within the actual
14 church, mosque, synagogue, or others would not be
15 subject to the bill. And so I don't know if this
16 actually meets the needs of the sponsor. And I'm
17 curious to hear a little more debate on that point.

18 CHAIRMAN: The question before us is
19 Amendment L025. Representative Judd.

20 REPRESENTATIVE JUDD: Thank you,
21 Madame Chair.

22 I hear the concern expressed. It's
23 been put in various terms. Some have put it in
24 terms of facilities that are used for religious
25 groups that are not necessarily the very exact spots

1 where the worship takes place.

2 CHAIRMAN: Further discussion at the
3 microphone about L025?

4 REPRESENTATIVE JUDD: Madame Chair --

5 CHAIRMAN: Representative Judd.

6 REPRESENTATIVE JUDD: Thank you. I
7 withdraw 025. And I think we'll revisit this
8 subject soon.

9 CHAIRMAN: I didn't catch your last
10 remarks there, but I did hear you say you withdraw
11 Amendment L025. Okay. So we're back on the bill
12 then. Representative Judd? Anyone?

13 REPRESENTATIVE STEPHENS: Madame
14 Chair, I have a substitute amendment.

15 CHAIRMAN: Well, we actually don't
16 have an amendment on the floor right now.

17 REPRESENTATIVE STEPHENS: So I'd like
18 to run the next amendment, please, which is L026 --
19 029, I'm so sorry. Jumping around here. And I move
20 L029. Thank you.

21 CHAIRMAN: Amendment L029 has been
22 properly moved and displayed. Please continue,
23 Representative Stephens.

24 REPRESENTATIVE STEPHENS: Thank you so
25 much, Madame Chair.

1 This adds -- will not include a church
2 synagog, mosque, or other place that's principally
3 used for religious purposes, as we were looking at
4 the camps.

5 And with that, I urge an aye vote.

6 CHAIRMAN: Discussion on L029?

7 Representative Judd.

8 REPRESENTATIVE JUDD: I'll except this
9 as a friendly amendment and ask for an aye vote.

10 CHAIRMAN: Is there discussion. The
11 question before us is adoption -- Representative
12 Green.

13 REPRESENTATIVE GREEN: Thank you,
14 Madame Chair.

15 And, members, I do like L029. There
16 are such things as religious camps. And, also,
17 there are properties that are not in the church or
18 the sanctuary but are next to or adjacent to those,
19 and I think it's incumbent upon us to, however we
20 may disagree with the beliefs of a religion, to
21 respect people to have their own religion.

22 I urge adoption of this amendment.

23 And I am a co-sponsor on the bill.

24 CHAIRMAN: Is there further discussion
25 on Amendment L029? Seeing none, all those in favor

1 of adopting Amendment L029, please indicate by
2 saying aye.

3 UNIDENTIFIED VOICES: Aye.

4 CHAIRMAN: Opposed, no. L029 is
5 adopted.

6 Further discussion on the bill?
7 Representative Bruce.

8 REPRESENTATIVE BRUCE: Thank you,
9 Madame Chair. I move 027, ask it be displayed on
10 the screen.

11 CHAIRMAN: L027 is properly moved and
12 displayed. Please continue, Representative Bruce.

13 REPRESENTATIVE BRUCE: Thank you.
14 This deals with pages 6 and 7 of the bill. And this
15 bill not only covers -- covers not only
16 discrimination in rent, but it says, on page 8 of
17 line 6: For any person to whom application is made
18 for financial assistance.

19 You notice that is not a person who is
20 necessarily even in the business of providing
21 financial assistance for a living. So it applies to
22 your uncle. It applies to, you know, your neighbor,
23 any individual whom you ask. If that person says, I
24 don't want to loan you money because I don't approve
25 of your lifestyle, when the request was made by the

1 applicant, the applicant can sue, and that person
2 who is approached is responsible for a \$10,000 fine.

3 I think that's kind of crazy.

4 Under the case of -- U.S. Supreme
5 Court case of Shelly versus Kramer, there was a
6 standard for State action for the State to be
7 involved, discrimination that involves State action.

8 Here, we're talking about a private
9 party who isn't engaged in commerce at all. He's
10 just approached for a loan. And then it says he's
11 approached for a loan for the acquisition. It
12 doesn't even say he has to know the purpose of the
13 loan is the acquisition of real estate.

14 He could be -- said, you know, I think
15 I'd like to buy a brand-new Maserati, can you loan
16 me \$40,000 down payment. And then the person goes
17 ahead and uses it for housing, and then this person
18 is liable because it doesn't say he has to know what
19 the purpose is.

20 Similarly, on page 7, line 1, you're
21 talking about a related activity for any person
22 whose business includes residential real estate
23 related transactions, which transactions involve the
24 making or purchasing of loans secured by residential
25 real estate.

1 Now, when it says a business includes
2 real estate, and within real estate, it includes
3 potentially making loans, that means the person can
4 have a real estate brokerage which is 95 percent of
5 its business, and make one loan as incidental to
6 that business to help facilitate a transaction, like
7 he carries back his commission or something like
8 that, and then he's liable for a \$10,000 fine if he
9 chooses not to make the loan for a impermissible
10 reason under this bill.

11 The purpose of Amendment 27 is to
12 narrow the focus here so it doesn't involve private
13 citizens, particularly those who are just approached
14 out of the blue. May even be relatives, neighbors,
15 lodge fraternal order members, or something.

16 And, therefore, this narrows the
17 purpose of the measure to say that it is a person
18 whose primary business is providing loans secured by
19 liens on housing, not somebody who provides a loan,
20 you know, for consumer household purposes or
21 unsecured by anything or unrelated to real estate.

22 This section is about real estate. So
23 it should be a loan by somebody who's in the
24 business of making those kinds of real estate
25 related loans.

1 Now, I will say that in maybe the last
2 10 years, I might have made three or four loans
3 myself to people. Sometimes I never even met them.
4 And I don't care what they used the money for,
5 whether they used the money to go out and buy real
6 estate or something else. And, obviously, I know
7 nothing about the person's sexual orientation. But
8 I would be covered if somebody made -- perhaps, made
9 one loan a year, and if a person felt aggrieved or
10 overly sensitive, then I would be facing this
11 penalty, even if I didn't know it was a real estate
12 related loan or I didn't know anything about their
13 orientation.

14 And I think that this is overly broad.
15 I think that we should narrow this bill. When
16 you're dealing with real estate loans, it should
17 make it clear that it's somebody whose primary
18 business is real estate loans, not just any person
19 who is approached for any kind of a loan that may
20 end up being used for real estate purposes.

21 CHAIRMAN: Discussion on Amendment
22 L027? Representative Judd.

23 REPRESENTATIVE JUDD: Thank you,
24 Madame Chair. I ask for a no vote on Amendment 27.

25 If I stay overnight at a friend's ski

1 condo, that does not put my friend in the business
2 of providing public accommodation. If I borrow a
3 hundred bucks from my Uncle Bob, that does not make
4 my Uncle Bob a lender who needs to comply with the
5 public -- restrictions on public lending that are in
6 place in the civil rights laws.

7 Over the 30-some year that these laws
8 have been in place, the courts have had no
9 difficulty whatsoever in making these distinctions.
10 The distinction that Representative Bruce asked us
11 to make is a perfectly reasonable distinction. It's
12 already inherent in the language.

13 And if we're going to start picking
14 out the various places where we want to explicitly
15 state that distinction, we really should do it in a
16 lot more places than just the two that
17 Representative Bruce has picked out.

18 What I would suggest is, rather than
19 taking the haphazard approach that is present in
20 Amendment 27, that instead we take a look at doing
21 some sort of comprehensive revision.

22 The theory behind what is proposed in
23 Amendment 27 is fine in practice. However, doing
24 this for just two provisions in the civil rights
25 code and leaving the others untouched is an

1 indication to mischief.

2 So I ask for a no vote.

3 CHAIRMAN: Representative Bruce.

4 REPRESENTATIVE BRUCE: Thank you,
5 Madame Chair.

6 Representative Judd, there's nothing
7 in here about a dollar limit, that if it's a hundred
8 dollars from your uncle it doesn't count. It says
9 for any person to whom application is made for
10 financial assistance. Any person. It doesn't say
11 anything, on page 6, line 8 and 9, about being in
12 business. It just doesn't.

13 If this isn't changing the way the
14 practice is, which was Representative Judd's
15 argument, then why object to this loan, if this is
16 the reality. But this amendment doesn't even
17 establish a threshold limit that is the loan of
18 \$10,000 or more, you know.

19 The way the law is written now that we
20 are being asked to endorse, it is if it's a hundred
21 dollar loan from your uncle, it is strictly covered.

22 Because Representative Judd said he's
23 not aware of any cases where the literal meaning has
24 been enforced, that doesn't mean we shouldn't
25 clarify and narrow the target to people who are in

1 the business of making loans, and not have it be to
2 any person who is approached and asked to make a
3 loan and turns it down for a reason that this bill
4 suggests is impermissible as a basis for turning
5 down a loan.

6 CHAIRMAN: Is there further
7 discussion? Representative Judd.

8 REPRESENTATIVE JUDD: I ask for a no
9 vote.

10 CHAIRMAN: The question before us is
11 adoption of Amendment L027. All those in favor,
12 please say aye.

13 UNIDENTIFIED VOICES: Aye.

14 MS. METZGER: Opposed, no.

15 UNIDENTIFIED VOICES: No.

16 CHAIRMAN: L027 is lost.

17 Further discussion on the bill?

18 Representative Gardner C.

19 REPRESENTATIVE GARDNER C: Thank you,
20 Madame Chair.

21 And we've added some amendments in
22 here to address some concerns. But, again, the
23 overall bill does not address all of the concerns.
24 I would ask that Amendment L -- I move L018 at this
25 time and ask that it be displayed on the screen.

1 CHAIRMAN: Amendment L018 is properly
2 moved and displayed. Please continue,
3 Representative Gardner.

4 REPRESENTATIVE GARDNER C: Thank you,
5 Madame Chair.

6 This amendment simply makes it clear
7 that Senate Bill 200 shall not apply to religious
8 organizations or people expressing their religious
9 beliefs.

10 We had a good conversation about the
11 Colorado Constitution where it talks about
12 profession of one's religion. We talked about the
13 First Amendment of the United States Constitution.

14 I ask for a yes vote on this
15 amendment.

16 CHAIRMAN: Representative Bruce.

17 REPRESENTATIVE BRUCE: Thank you.
18 This son of an English teacher would like to suggest
19 a friendly amendment. Any person practicing his
20 religious -- or if you want to be correct, under the
21 current standard, his or her religious belief. Any
22 person cannot say their. The antecedent for their
23 cannot be one individual person.

24 CHAIRMAN: Further discussion on the
25 amendment? Representative Judd.

1 REPRESENTATIVE JUDD: Oh, I'm
2 religiously opposed to this. Thank you, Madame
3 Chair.

4 CHAIRMAN: Is there additional
5 discussion? Notwithstanding the grammatical
6 problem, the question before us is Amendment L018.
7 All those in favor, please indicate by saying aye.

8 UNIDENTIFIED VOICES: Aye.

9 CHAIRMAN: Opposed, no.

10 UNIDENTIFIED VOICES: No.

11 CHAIRMAN: L018 is lost.

12 Is there further discussion on the
13 bill? Representative Stephens.

14 REPRESENTATIVE STEPHENS: Thank you,
15 Madame Chair.

16 And, Representative Carroll and I have
17 been trying to deal with certain gender identity
18 issues in terms of restrooms and -- you know, some
19 of these policies are problematic, as we've
20 discovered in other states. There have already been
21 lawsuits by individuals claiming the right to use
22 restrooms reserved for members of the opposite sex.

23 And I think this bill has very
24 specific problems with places of public
25 accommodations. Health clubs, gyms, how do they

1 accommodate for this?

2 And from a law enforcement standpoint,
3 how does a police officer discern whether a man
4 who's in a public women's restroom is either there
5 for gender identity purposes or other purposes, for
6 example predatory. And we have had that.

7 I believe this opens up to some
8 confusion and some things that we're really going to
9 have to work through. I don't have the answer for
10 that, but I know that we risk that possibility with
11 this, and I feel the obligation to bring that up.

12 CHAIRMAN: Mr. Assistant Majority
13 Leader, did you have your hand up? No.

14 Is there further discussion on Senate
15 Bill 200? Representative Ferrandino.

16 REPRESENTATIVE FERRANDINO: Thank you,
17 Madame Chair.

18 Members, let's talk about what this
19 bill is actually about. This bill is about rounding
20 out the statutes of discrimination throughout our
21 statutes. We should have consistent law through all
22 the different statutes we have in this.

23 And last year, with the passing of the
24 Employment Nondiscrimination Act, we added sexual
25 orientation under the same definition we're using

1 here in this bill. And we should make sure that
2 that is applied to every place we prohibit
3 discrimination.

4 So I just want to talk about a few
5 things in here, because this is what we're talking
6 about discriminating against. I mean, do you think
7 it's okay to discriminate against myself and my
8 partner on places of cemetery plots. On the
9 eligibility of serving on juries, should people be
10 discriminated against that? Should I be
11 discriminated against that because of my sexual
12 orientation?

13 This is about fairness, about
14 equality, about treating every person in our state
15 the same by not discriminating on people.

16 We've heard a lot at this mic about
17 issues of public accommodations, issues about other
18 things. Representative Bruce talked about housing
19 and how do we know someone's sexual orientation when
20 looking for housing. Well, I'll tell you, when my
21 partner and I go and look for a place to live, the
22 people who we're renting from or the people we're
23 buying from, they know. They know because there's
24 two gentlemen, or there could be two women.

25 This is not something I go around

1 saying, hi, my name is Mark Ferrandino, and I'm gay.
2 This is something that is about fairness. And I ask
3 all of you to support Senate Bill 200.

4 CHAIRMAN: Representative Stephens.

5 REPRESENTATIVE STEPHENS: Thank you,
6 Madame Chair.

7 You know, I really want to thank our
8 body for the debate today, and it's been a good
9 debate. And I think it's been an honorable debate.
10 And I think I will appreciate just this in general.

11 I'll tell you why I'm not supportive
12 of this bill, and mostly certainly based on
13 individual religious liberties. And that's because
14 less than half of the U.S. includes sexual
15 orientation in their nondiscrimination statutes.
16 And this is because government entities usually
17 enact laws to remedy actual problems.

18 I think that we could add a number of
19 groups. We could add a number of disenfranchised
20 groups, and we could make excellent arguments on and
21 on and on. But I do believe that this demonstrates
22 existence of any problems does not need a solution
23 showing evidence that this is the actual, actual
24 problem.

25 And even during committee, we didn't

1 see evidence of this. It was just we're
2 discriminating against, it's the right thing to do.

3 What I think we did here today is that
4 individual liberties, religious liberties stand a
5 huge -- a huge issue of government intervention,
6 which is already covered under our State
7 Constitution and Federal Constitution. And I think
8 it's going to be challenged quite -- quite a bit.

9 And so I would urge a no vote on this
10 bill.

11 I want to thank everybody for the
12 debate. You've been honorable and polite, and I
13 certainly appreciate that. And with that, I would
14 urge a no vote.

15 CHAIRMAN: Is there additional
16 discussion on Senate Bill 200? The question before
17 us is adoption of Senate Bill 200. All those in
18 favor, indicate by saying aye.

19 UNIDENTIFIED VOICES: Aye.

20 CHAIRMAN: Opposed, no.

21 UNIDENTIFIED VOICES: No.

22 CHAIRMAN: Senate Bill 200 is adopted.

23 (End of audio.)
24
25

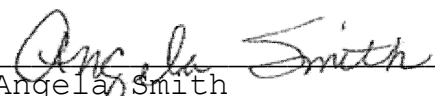
1 CERTIFICATE

2 STATE OF COLORADO)
) ss.
3 CITY AND COUNTY OF DENVER)

4
5 I, Angela Smith, Professional Reporter
6 and Notary Public for the State of Colorado, do
7 hereby certify that the above-mentioned audio file
8 was reduced to typewritten form by computer-aided
9 transcription; that the foregoing is a true
10 transcript of the audio file to the best of my
11 ability; that I am not attorney nor counsel nor in
12 any way connected with any attorney or counsel for
13 any of the parties to said action or otherwise
14 interested in its event.

15 IN WITNESS WHEREOF, I have hereunto
16 affixed my hand and notarial seal this 14th day of
17 August 2017.

18 My commission expires January 22,
19 2019.

20
21 
22 Angela Smith
23 Reporter, Notary Public
24 Calderwood-Mackelprang, Inc.
25



Date: 03/19/2008

Final
BILL SUMMARY for SB08-200

SENATE COMMITTEE ON BUSINESS, LABOR AND TECHNOLOGY

Votes: View-->	Action Taken:
Amend the introduced bill, remove the word "religi Amendment L.002 (Attachment D). Senator Veiga des Refer SB 200 to the Committee on Appropriations, a	Pass Without Objection Pass Without Objection PASS

02:03 PM -- Senate Bill 08-200

Senator Veiga introduced her bill that would add prohibition of discriminaiton based on sexual orientation to non-discrimination statutes for 23 new areas including housing, education, and public accomotions. She provided an amendment to the committee (Attachment D).



080319 Attach D.pdf

02:05 PM -- Jim Pfaff, Colorado Family Action, spoke in opposition to the legislation. He discussed concerns that his organization has with the bill as it affects religious institutions. He responded to questions from Senator Weins about whether a church could be sued for not permitting particular individuals to use their facility. Senator Veiga addressed the distinction between a church that already limits who may use facilities as opposed to those that operate under public accomodation laws. Mr. Pfaff responded to questions from Senator Weins regarding a similar New Mexico law.

02:23 PM -- Jenny Kraska, Colorado Catholic Conference, spoke in opposition to the legislation. She noted concerns with public accomodation requirements related to religious belief. Senator Veiga indicated a proposed amendment with address those concerns.

02:25 PM -- Monica Rosenbluth, Anti-Defamation League, spoke in support of the legislation.

02:28 PM -- Brian Moore, Colorado Bar Association, spoke in support of the legislation. He discussed public accomodation requirements in state law.

02:31 PM -- Mindy Barton, Equal Rights Colorado, spoke in support of the legislation. She described situations in which she believes it is currently legal for establishments to refuse services based on individual sexual orientation.

02:38 PM -- Cathryn Hazouri, American Civil Liberties Union, spoke in support of the legislation. She responded to questions from the committee regarding the difference in meaning between "creed" and "religion."

02:41 PM -- Bill Kirton, Inter Faith Alliance of Colorado, spoke in support of the legislation. He responded to questions from the committee regarding public accomodation.

02:47 PM

Senator Veiga made closing comments on the merits of the bill.

BILL:	SB08-200	
TIME:	02:49:39 PM	
MOVED:	Veiga	
MOTION:	Amendment L.002 (Attachment D). Senator Veiga described the provisions of the amendment. The motion passed without objection.	
SECONDED:		
		VOTE
	Kester	Excused
	Schwartz	
	Takis	
	Taylor	
	Wiens	
	Tochtrop	
	Veiga	
Not Final YES: 0 NO: 0 EXC: 1 ABS: 0 FINAL ACTION: Pass Without Objection		

BILL:	SB08-200	
TIME:	02:51:17 PM	
MOVED:	Veiga	
MOTION:	Amend the introduced bill, remove the word "religion" from Sections 4 and 5 of the bill. Page 7, line 22 strike "religion"; page 8, line 6, strike "religion"; line 13, strike "religion"; and line 15, strike "religion". The motion passed without objection.	
SECONDED:		
		VOTE
	Kester	Excused
	Schwartz	
	Takis	
	Taylor	
	Wiens	
	Tochtrop	
	Veiga	
Not Final YES: 0 NO: 0 EXC: 1 ABS: 0 FINAL ACTION: Pass Without Objection		

BILL:	SB08-200	
TIME:	02:53:30 PM	
MOVED:	Veiga	
MOTION:	Refer SB 200 to the Committee on Appropriations, as amended. The motion passed 4-2-1.	
SECONDED:		
		VOTE
	Kester	Excused
	Schwartz	Yes
	Takis	Yes
	Taylor	No
	Wiens	No
	Tochtrop	Yes

	Veiga	Yes
Final YES: 4 NO: 2 EXC: 1 ABS: 0 FINAL ACTION: PASS		

02:54 PM

Recess.

Date: 04/11/2008

Final
SUMMARY for SB08-200

SENATE COMMITTEE ON APPROPRIATIONS

Votes: View-->	Action Taken:
cow	PASS
J.001	Pass Without Objection

08:06 AM -- Senate Bill 08-200

BILL:	SB08-200	
TIME:	08:06:40 AM	
MOVED:	Veiga	
MOTION:	J.001	
SECONDED:		
		VOTE
	Brophy	
	Harvey	
	Johnson	
	Kopp	
	Romer	
	Tapia	
	Veiga	
	Windels	
	Keller	
	Morse	
Not Final YES: 0 NO: 0 EXC: 0 ABS: 0 FINAL ACTION: Pass Without Objection		

BILL:	SB08-200	

TIME:	08:08:59 AM	
MOVED:	Veiga	
MOTION:	cow	
SECONDED:		
		VOTE
	Brophy	No
	Harvey	No
	Johnson	No
	Kopp	No
	Romer	Yes
	Tapia	Yes
	Veiga	Yes
	Windels	Yes
	Keller	Yes
	Morse	Yes
Final YES: 6 NO: 4 EXC: 0 ABS: 0 FINAL ACTION: PASS		

Date: 04/29/2008

Final
BILL SUMMARY for SB08-200
HOUSE COMMITTEE ON JUDICIARY

Votes: View-->	Action Taken:
Refer Senate Bill 08-200 to the Committee on Appro	PASS

12:31 PM -- Senate Bill 08-200

The committee took a brief recess to wait for Representative Judd.

12:33 PM

The committee returned to order. Representative Judd presented Senate Bill 08-200 concerning the expansions of prohibitions against discrimination. The bill adds the prohibition of discrimination based on sexual orientation to nondiscrimination statutes for 23 areas, including housing, employment not covered by House Bill 07-025, education, public accommodations and health care. It also allows for the appointment of people who have been, or might be discriminated against because of sexual orientation, to the Civil Rights Commission. Prohibitions against discrimination on the basis of sex, marital status, disability, age, national origin, ancestry, and religion, are added as necessary for consistency in all nondiscrimination statutes including consumer credit transactions, jury service, issuance of a license to practice law, and public accommodations. Violations of anti-discrimination laws are misdemeanors subject to fines up to \$5,000, two years imprisonment in a county jail, or both.

Representative Judd responded to questions from the committee regarding the perception of sexual orientation and discrimination.

12:50 PM

The committee continued their discussion regarding perception of discrimination.

01:01 PM -- Jim Pfaff, Colorado Family Action, spoke in opposition to the bill. Mr. Pfaff stated that the bill threatens religious liberty and public safety. He discussed his opposition from the perspective of religious faith. He raised concerns about allowing transgendered or cross dressing individuals to use public facilities, which he stated would create an unsafe environment for women and children. Mr. Pfaff talked about cases in other states that have included sexual orientation within their nondiscrimination statutes.

01:09 PM -- Mindy Barton, Equal Rights Colorado, spoke in support of the bill. Ms. Barton discussed nondiscrimination in the area of housing and public accommodation. Ms. Barton responded to questions from the committee regarding lawsuits that could be brought under the new law related to free exercise of religion.

01:19 PM -- Brian Moore, Colorado Bar Association, spoke in support of the bill. Mr. Moore stated the support for the bill was unanimous in the legislative policy committee of the Bar Association. He stated that he does not believe the bill lead to frivolous litigations related to free exercise of religion. He clarified that the perception provision in the bill addresses the perception of the individual who is discriminating, not the perception of the individual against whom the discrimination is committed. The committee discussed the perception issue further.

01:29 PM -- Philip Campbell, Colorado Clergy for Equality in Marriage, spoke in support of the bill. Reverend Campbell discussed his credentials and talked about civil justice. Rev. Campbell responded to questions from the committee regarding religious convictions and tolerance for GLBT rights.

01:34 PM -- Cathryn Hazouri, ACLU of Colorado, spoke in support of the bill. Ms. Hazouri addressed the impact of the bill on religious liberty. She stated that religious freedom is not unfettered in the public arena. There are limitations on how an individual's practice of his or her religion affects others. Opening a business to public commerce carries certain rights and restrictions in terms of nondiscrimination. Ms. Hazouri responded to questions from the committee.

01:49 PM -- Monica Rosenbluth, Anti-defamation League (ADL), spoke in support of the bill. Ms. Rosenbluth discussed reports made to the ADL regarding discrimination based on sexual orientation. She discussed the public policy message that would be sent if the bill does not pass.

01:52 PM -- Nathan Woodliff-Stanley, Interfaith Alliance of Colorado, spoke in support of the bill. Mr. Woodliff-Stanley discussed religious values and media's disproportionate coverage of those values. He pointed out that the job of the

legislature is not to cater to one specific group, but rather to protect as many citizens as possible. He stated that this is a matter of respecting the rights of all persons.

01:57 PM

Representative Judd wrapped up his presentation of the bill and asked for a favorable recommendation.

BILL:	SB08-205	
TIME:	01:58:21 PM	
MOVED:	Levy	
MOTION:	Refer Senate Bill 08-200 to the Committee on Appropriations with a favorable recommendation. The motion passed on a vote of 6-3, with 2 excused.	
SECONDED:	Carroll M.	
		VOTE
	Carroll M.	Yes
	Gardner B.	Excused
	Jahn	Yes
	Kerr A.	Yes
	King	No
	Levy	Yes
	Marshall	Yes
	Roberts	No
	Stephens	No
	Stafford	Excused
	Carroll T.	Yes
Final YES: 6 NO: 3 EXC: 2 ABS: 0 FINAL ACTION: PASS		

02:00 PM

Representative T. Carroll announced that the committee will meet at 7:30 a.m. on Wednesday, April 30 to hear bills. He recessed the committee.

Date: 05/01/2008

Final
SB08-200

HOUSE COMMITTEE ON APPROPRIATIONS

Votes: View-->	Action Taken:
COW	PASS

08:25 AM -- Senate Bill 08-200

Rep Judd presented the bill.

BILL:	SB08-200	
TIME:	08:26:47 AM	
MOVED:	Judd	
MOTION:	COW	
SECONDED:	McGihon	
		VOTE
	Butcher	Yes
	Ferrandino	Yes
	Judd	Yes
	Kerr J.	No
	Massey	Yes
	McGihon	Yes
	McNulty	No
	Riesberg	Yes
	Vaad	No
	Weissmann	Yes
	White	Yes
	Pommer	Yes
	Buescher	Yes
Final YES: 10 NO: 3 EXC: 0 ABS: 0 FINAL ACTION: PASS		

SENATE COMMITTEE OF REFERENCE REPORT

	March 19, 2008
Chairman of Committee	Date

Committee on Business, Labor and Technology.

After consideration on the merits, the Committee recommends the following:

SB08-200 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 4, after line 21, insert the following:

2 "SECTION 3. 24-34-501 (3) and (4), Colorado Revised Statutes,
3 are amended to read:

4 **24-34-501. Definitions.** As used in this part 5, unless the context
5 otherwise requires:

6 (3) "Person" has the meaning ascribed to such term in section
7 24-34-301 (5) and includes any owner, lessee, proprietor, manager,
8 employee, or any agent of a person; but, for purposes of this part 5,
9 "person" does not include any private club not open to the public, which
10 as an incident to its primary purpose or purposes provides lodgings ~~which~~
11 THAT it owns or operates for other than a commercial purpose unless such
12 club has the purpose of promoting discrimination in the matter of housing
13 against any person because of disability, race, creed, color, RELIGION, SEX,
14 SEXUAL ORIENTATION, marital status, familial status, national origin, or
15 ancestry.

16 (4) "Restrictive covenant" means any specification limiting the
17 transfer, rental, or lease of any housing because of disability, race, creed,
18 color, RELIGION, sex, SEXUAL ORIENTATION, marital status, familial status,
19 national origin, or ancestry."

- 1 Renumber succeeding sections accordingly.
- 2 Page 6, line 8, after "color," , insert "RELIGION," .
- 3 Page 7, line 22, strike "RELIGION," .
- 4 Page 8, line 6, strike "RELIGION," ;
- 5 line 13, strike "RELIGION," ;
- 6 line 15, strike "RELIGION," .
- 7 Page 12, line 13, strike "CREED," ;
- 8 line 14, strike "RELIGION," .
- 9 Page 13, after line 8, insert the following:
 - 10 "SECTION 16. 12-54-303 (1) (b), Colorado Revised Statutes, as
 - 11 enacted by House Bill 08-1123, enacted at the Second Regular Session of
 - 12 the Sixty-sixth General Assembly, is amended to read:
 - 13 **12-54-303. Unlawful acts.** (1) It is unlawful for a cremationist:
 - 14 (b) To discriminate because of race, creed, color, ~~or~~ RELIGION,
 - 15 DISABILITY, SEX, SEXUAL ORIENTATION, MARITAL STATUS, national origin,
 - 16 OR ANCESTRY in the provision of funeral services;" .
 - 17 Renumber succeeding sections accordingly.
 - 18 Page 14, line 4, strike "gender," and substitute "~~gender~~," ;
 - 19 line 20, strike "gender," and substitute "~~gender~~," .
 - 20 Page 15, line 12, strike "GENDER," .
 - 21 Page 16, line 6, after "CREED," , insert "COLOR," ;
 - 22 line 18, strike "gender," and substitute "~~gender~~," .
 - 23 Page 18, strike lines 24 through 27.

- 1 Page 19, strike lines 1 through 10.
- 2 Renumber succeeding sections accordingly.
- 3 Page 21, line 2, after "ORIENTATION," , insert "MARITAL STATUS,".
- 4 Page 22, strike lines 4 and 5 and substitute the following:
 - 5 **"SECTION 35. Effective date - applicability.** (1) Except as
 - 6 otherwise provided in subsection (2) of this section, this act shall take
 - 7 effect upon passage and shall apply to discriminatory acts committed on
 - 8 or after said date.
 - 9 (2) Section 16 of this act amending section 12-54-303 (1) (b),
 - 10 Colorado Revised Statutes, shall take effect only if House Bill 08-1123
 - 11 is enacted at the second regular session of the sixty-sixth general
 - 12 assembly and becomes law."

** *** ** *** **

SENATE COMMITTEE OF REFERENCE REPORT

	April 11, 2008
Chairman of Committee	Date

Committee on Appropriations.

After consideration on the merits, the Committee recommends the following:

SB08-200 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend the Business, Labor and Technology Committee Report, dated
2 March 19, 2008, page 3, after line 4, insert the following:

3 **"SECTION 34. Appropriation - adjustments to the 2008 long**
4 **bill.** (1) In addition to any other appropriation, there is hereby
5 appropriated, out of any moneys in the general fund not otherwise
6 appropriated, to the department of regulatory agencies, for allocation to
7 the executive director's office, for legal services, for the fiscal year
8 beginning July 1, 2008, the sum of sixty thousand seventy-three dollars
9 (\$60,073), or so much thereof as may be necessary, for the
10 implementation of this act.

11 (2) In addition to any other appropriation, there is hereby
12 appropriated, out of any moneys in the general fund not otherwise
13 appropriated, to the department of regulatory agencies, for allocation to
14 the civil rights division, for the enforcement of prohibitions against
15 discrimination, for the fiscal year beginning July 1, 2008, the sum of
16 twenty-one thousand seven hundred thirty-two dollars (\$21,732) and 0.4
17 FTE, or so much thereof as may be necessary, for the implementation of
18 this act.

19 (3) In addition to any other appropriation, there is hereby
20 appropriated to the department of law, for the fiscal year beginning July
21 1, 2008, the sum of sixty thousand seventy-three dollars (\$60,073) and 0.5

1 FTE, or so much thereof as may be necessary, for the provision of legal
2 services to the department of regulatory agencies related to the
3 implementation of this act. Said sum shall be from reappropriated funds
4 received from the executive director's office out of the appropriation
5 made in subsection (1) of this section.

6 (4) For the implementation of this act, the general fund
7 appropriation to the controlled maintenance trust fund made in section 20
8 of the annual general appropriation act, for the fiscal year beginning July
9 1, 2008, shall be decreased by eighty-one thousand eight hundred five
10 dollars (\$81,805).".

11 Renumber succeeding sections of the Committee Report accordingly.

12 Page 3 of the Committee Report, after line 12, insert the following:

13 "Page 1, line 102, strike "**DISCRIMINATION.**" and substitute
14 "**DISCRIMINATION, AND MAKING AN APPROPRIATION THEREFOR.**".".

** **

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 29, 2008
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB08-200 be referred favorably to the Committee on Appropriations.

** ** ** *

HOUSE COMMITTEE OF REFERENCE REPORT

_____	<u>May 1, 2008</u>
Chairman of Committee	Date

Committee on Appropriations.

After consideration on the merits, the Committee recommends the following:

SB08-200 be referred to the Committee of the Whole with favorable recommendation.

** *** ** *** **

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

101st Legislative Day

Friday, April 18, 2008

Prayer By Senator Schultheis.

Pledge By Senator Romer.

Call to Order By the President at 9:00 a.m.

Roll Call Present--31.
Absent--1; Schwartz.
Excused--3; Penry, Tupa, Wiens.
Present later--Penry, Schwartz, Tupa, Wiens.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Morse, reading of the Journal of April 17, 2008 was dispensed with and the Journal was approved as corrected by the Secretary.

THIRD READING OF BILLS -- FINAL PASSAGE

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

SB08-212 by Senator(s) Romer and Penry, Boyd, Gibbs, Keller, Kopp, Mitchell S., Morse, Schwartz, Veiga, Bacon, Gordon, Groff, Tapia, Tochtrop, Williams, Windels; also Representative(s) Witwer and Scanlan, Benefield, Casso, Hodge, Jahn, Kerr A., Marostica, Massey, May M., McFadyen, McNulty, Middleton, Mitchell V., Rice, Summers, Todd--Concerning alignment of preschool to postsecondary education.

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

YES	31	NO	0	EXCUSED	3	ABSENT	1
Bacon	Y	Johnson	Y	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	E
Brophy	Y	Kester	Y	Schultheis	Y	Veiga	Y
Cadman	Y	Kopp	Y	Schwartz	A	Ward	Y
Gibbs	Y	McElhany	Y	Shaffer	Y	Wiens	E
Gordon	Y	Mitchell S.	Y	Spence	Y	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	Y	Penry	E	Tapia	Y	President	Y
Isgar	Y	Renfroe	Y	Taylor	Y		

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

Co-sponsors added: Isgar and Shaffer.

Senator Kopp asked to be removed as a sponsor of **SB08-212**.

SB08-133 by Senator(s) Shaffer; also Representative(s) Kerr A.--Concerning financial incentives for persons to enter the teaching profession, and, in connection therewith, creating the teach Colorado scholarship program.

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

YES	29	NO	2	EXCUSED	3	ABSENT	1
Bacon	Y	Johnson	Y	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	E
Brophy	Y	Kester	Y	Schultheis	N	Veiga	Y
Cadman	N	Kopp	Y	Schwartz	A	Ward	Y
Gibbs	Y	McElhany	Y	Shaffer	Y	Wiens	E
Gordon	Y	Mitchell S.	Y	Spence	Y	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	Y	Penry	E	Tapia	Y	President	Y
Isgar	Y	Renfroe	Y	Taylor	Y		

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

Co-sponsors added: Bacon, Boyd, Gibbs, Groff, Tapia, Tochtrop, Veiga and Windels.

SB08-166 by Senator(s) Shaffer; also Representative(s) McNulty--Concerning eligibility for the college opportunity fund for members of the Colorado National Guard who are eligible for in-state tuition, and making appropriation therefor.

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

YES	32	NO	0	EXCUSED	2	ABSENT	1
Bacon	Y	Johnson	Y	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	Y
Brophy	Y	Kester	Y	Schultheis	Y	Veiga	Y
Cadman	Y	Kopp	Y	Schwartz	A	Ward	Y
Gibbs	Y	McElhany	Y	Shaffer	Y	Wiens	E
Gordon	Y	Mitchell S.	Y	Spence	Y	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	Y	Penry	E	Tapia	Y	President	Y
Isgar	Y	Renfroe	Y	Taylor	Y		

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

Co-sponsors added: Bacon, Boyd, Brophy, Cadman, Gibbs, Groff, Harvey, Isgar, Johnson, Kester, Kopp, Mitchell S., Renfroe, Romer, Sandoval, Schultheis, Spence, Tapia, Taylor, Tochtrop, Tupa, Ward, Williams and Windels.

SB08-038 by Senator(s) Schwartz; also Representative(s) Massey--Concerning the creation of a system of regional service areas throughout the state to support economic efficiencies in the delivery of effective public education services, and making an appropriation in connection therewith.

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

YES	23	NO	11	EXCUSED	1	ABSENT	0
Bacon	Y	Johnson	N	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	Y
Brophy	N	Kester	Y	Schultheis	N	Veiga	Y
Cadman	N	Kopp	N	Schwartz	Y	Ward	N
Gibbs	Y	McElhany	N	Shaffer	Y	Wiens	N
Gordon	Y	Mitchell S.	N	Spence	Y	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	N	Penry	E	Tapia	Y	President	Y
Isgar	Y	Renfroe	N	Taylor	Y		

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

Co-sponsors added: Gibbs, Groff, Romer, Shaffer, Tapia, Tupa, Williams and Windels.

SB08-123 by Senator(s) Sandoval; also Representative(s) Madden--Concerning a program to provide additional funding for school lunch programs, and making an appropriation therefor.

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

YES	24	NO	10	EXCUSED	1	ABSENT	0
Bacon	Y	Johnson	N	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	Y
Brophy	N	Kester	Y	Schultheis	N	Veiga	Y
Cadman	N	Kopp	N	Schwartz	Y	Ward	N
Gibbs	Y	McElhany	N	Shaffer	Y	Wiens	N
Gordon	Y	Mitchell S.	Y	Spence	Y	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	N	Penry	E	Tapia	Y	President	Y
Isgar	Y	Renfroe	N	Taylor	Y		

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

Co-sponsors added: Bacon, Boyd, Gibbs, Gordon, Groff, Isgar, Morse, Romer, Schwartz, Shaffer, Tapia, Tochtrop, Tupa, Veiga and Williams.

SB08-194 by Senator(s) Hagedorn; also Representative(s) McGihon--Concerning public health.

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

YES	26	NO	8	EXCUSED	1	ABSENT	0
Bacon	Y	Johnson	Y	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	Y
Brophy	N	Kester	Y	Schultheis	N	Veiga	Y
Cadman	N	Kopp	N	Schwartz	Y	Ward	Y
Gibbs	Y	McElhany	N	Shaffer	Y	Wiens	N
Gordon	Y	Mitchell S.	Y	Spence	Y	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	N	Penry	E	Tapia	Y	President	Y
Isgar	Y	Renfroe	N	Taylor	Y		

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

Co-sponsors added: Bacon, Boyd, Gibbs, Gordon, Groff, Isgar, Keller, Morse, Schwartz, Shaffer, Tochtrop, Tupa, Williams and Windels.

SB08-098 by Senator(s) Mitchell S.; also Representative(s) Gardner C.--Concerning the requirement of English language competency for high school graduation.

Laid over until Friday, May 2, retaining its place on the calendar.

SB08-040 by Senator(s) Gordon; also Representative(s) Casso--Concerning online voter registration, and making an appropriation therefor.

Laid over until Monday, April 21, retaining its place on the calendar.

COMMITTEE OF REFERENCE REPORTS

Finance After consideration on the merits, the Committee recommends that **SCR08-001** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed concurrent resolution, page 2, line 9, strike "A NEW SUBSECTION," and substitute "THE FOLLOWING NEW SUBSECTIONS,";

line 11, strike "For" and substitute "EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1.9) OF THIS SECTION, for".

Page 3, line 25, strike "FOR" and substitute "EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1.9) OF THIS SECTION, FOR";

strike lines 26 and 27.

Page 4, strike lines 1 through 7 and substitute the following:

"JANUARY 1, 2009, AN OWNER-OCCUPIER WHO CHANGED HIS OR HER PRIMARY";

line 8, strike "ONE OR MORE TIMES";

line 9, strike "WHO";

line 11, strike "OR PARAGRAPH (a) OF THIS SUBSECTION";

line 12, strike "(1.7)";

line 13, strike "PRIMARY RESIDENCES MORE THAN ONCE" and substitute "HIS OR HER PRIMARY RESIDENCE";

line 15, strike "(I)" and substitute "(a)";

line 20, strike "(II)" and substitute "(b)";

line 23, strike "(III)" and substitute "(c)".

Page 5, after line 1, insert the following:

"(1.9) (a) FOR THE PROPERTY TAX YEARS COMMENCING JANUARY 1, 2009, AND JANUARY 1, 2010, AN OWNER-OCCUPIER WHO IS NOT A DISABLED VETERAN OR THE SURVIVING SPOUSE OF A DISABLED VETERAN MAY CLAIM AN EXEMPTION PURSUANT TO THIS SECTION FOR RESIDENTIAL REAL PROPERTY, AS DEFINED BY LAW, THAT, AS OF THE ASSESSMENT DATE, IS OWNER-OCCUPIED AND IS USED AS THE PRIMARY RESIDENCE OF THE OWNER-OCCUPIER ONLY IF THE ACTUAL VALUE OF THE RESIDENTIAL REAL PROPERTY, AS DETERMINED BY THE ASSESSOR, FOR THE PROPERTY TAX YEAR FOR WHICH THE EXEMPTION IS CLAIMED IS NO MORE THAN FIVE HUNDRED THOUSAND DOLLARS.

(b) FOR THE PROPERTY TAX YEAR COMMENCING JANUARY 1, 2011, AND FOR EACH SUCCEEDING PROPERTY TAX YEAR, AN OWNER-OCCUPIER WHO IS NOT A DISABLED VETERAN OR THE SURVIVING SPOUSE OF A DISABLED VETERAN MAY CLAIM AN EXEMPTION UNDER THIS SECTION FOR RESIDENTIAL REAL PROPERTY, AS DEFINED BY LAW, THAT, AS OF THE ASSESSMENT DATE, IS OWNER-OCCUPIED AND IS USED AS THE PRIMARY RESIDENCE OF THE OWNER-OCCUPIER ONLY IF THE ACTUAL VALUE OF THE RESIDENTIAL REAL PROPERTY, AS DETERMINED BY THE ASSESSOR, FOR THE PROPERTY TAX YEAR FOR WHICH THE EXEMPTION IS CLAIMED IS NO MORE THAN THE MAXIMUM ACTUAL VALUE PERMITTED FOR THE PROPERTY TAX YEAR COMMENCING JANUARY 1, 2009, MULTIPLIED BY THE SUM OF ONE HUNDRED PERCENT AND EACH BIENNIAL PERCENTAGE INCREASE IN THE AGGREGATE STATEWIDE VALUATION FOR ASSESSMENT THAT IS ATTRIBUTABLE TO RESIDENTIAL REAL PROPERTY THAT APPLIES TO ONE OR MORE PROPERTY TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2011.";

line 12, strike "EXPANSION OF";

line 13, strike "WHO HAD PREVIOUSLY";

strike lines 14 through 20 and substitute the following:

"TO CHANGE HIS OR HER PRIMARY RESIDENCE WITHIN COLORADO DURING THE TEN YEARS IMMEDIATELY PRECEDING THE ASSESSMENT DATE IF THE CHANGE RESULTS FROM A STATE OR FEDERALLY DECLARED DISASTER EMERGENCY, CONDEMNATION, OR A SPECIFIC THREAT OF CONDEMNATION WITHOUT BEING";

line 22, strike "AND";

line 23, strike "EXEMPTION." and substitute "EXEMPTION, AND ALLOWING AN EXEMPTION FOR THE PRIMARY RESIDENCE OF A PERSON WHO IS NOT A DISABLED VETERAN OR THE SURVIVING SPOUSE OF A DISABLED VETERAN

ONLY IF THE PRIMARY RESIDENCE HAS AN ACTUAL VALUE OF NO MORE THAN A SPECIFIED AMOUNT."".

Page 1, line 104, strike "EXPANSION OF";

line 105, strike "WHO HAD";

strike lines 106 through 113 and substitute the following:

"TO CHANGE HIS OR HER PRIMARY RESIDENCE WITHIN COLORADO DURING THE TEN YEARS IMMEDIATELY PRECEDING THE ASSESSMENT DATE IF THE CHANGE RESULTS FROM A STATE OR FEDERALLY DECLARED DISASTER EMERGENCY, CONDEMNATION, OR A SPECIFIC THREAT OF CONDEMNATION WITHOUT".

Page 2, line 102, strike "AND";

line 103, strike "EXEMPTION." and substitute "EXEMPTION, AND ALLOWING AN EXEMPTION FOR THE PRIMARY RESIDENCE OF A PERSON WHO IS NOT A DISABLED VETERAN OR THE SURVIVING SPOUSE OF A DISABLED VETERAN ONLY IF THE PRIMARY RESIDENCE HAS AN ACTUAL VALUE OF NO MORE THAN A SPECIFIED AMOUNT.".

Appropriations

After consideration on the merits, the Committee recommends that **HB08-1314** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 13, after "RESIDENTS." insert "THE DEPARTMENT OF HUMAN SERVICES MAY USE A PORTION OF THE MONEYS IN THE GAMBLING ADDICTION ACCOUNT TO COVER THE DEPARTMENT'S DIRECT AND INDIRECT COSTS ASSOCIATED WITH ADMINISTERING THE GRANT PROGRAM AUTHORIZED IN THIS PARAGRAPH (a.5).".

Page 4, after line 15, insert the following:

"SECTION 2. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, to the department of human services, executive director's office, for the purchase of legal services, for the fiscal year beginning July 1, 2008, the sum of two thousand eight hundred sixty-six dollars (\$2,866), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from reappropriated funds transferred from the department of local affairs.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of human services, for allocation to the alcohol and drug abuse division, for the fiscal year beginning July 1, 2008, the sum of one hundred forty-three thousand eight hundred eighteen dollars (\$143,818) and 0.1 FTE, or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from reappropriated funds transferred from the department of local affairs.

(3) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2008, the sum of two thousand eight hundred sixty-six dollars (\$2,866), or so much thereof as may be necessary, for the provision of legal services to the department of human services related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of human services out of the appropriation made in subsection (1) of this section.".

Renumber succeeding section accordingly.

Page 1, line 103, strike "RESIDENTS." and substitute "RESIDENTS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.".

Appropriations

After consideration on the merits, the Committee recommends that **HB08-1105** be referred to the Committee of the Whole with favorable recommendation.

Appropriations	After consideration on the merits, the Committee recommends that HB08-1078 be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4 5
Appropriations	After consideration on the merits, the Committee recommends that HB08-1240 be referred to the Committee of the Whole with favorable recommendation.	6 7 8
Appropriations	After consideration on the merits, the Committee recommends that HB08-1269 be referred to the Committee of the Whole with favorable recommendation.	9 10 11
Appropriations	After consideration on the merits, the Committee recommends that HB08-1151 be referred to the Committee of the Whole with favorable recommendation.	12 13 14
Appropriations	After consideration on the merits, the Committee recommends that SB08-216 be referred to the Committee of the Whole with favorable recommendation.	15 16 17
Appropriations	After consideration on the merits, the Committee recommends that HB08-1056 be referred to the Committee of the Whole with favorable recommendation.	18 19 20
Appropriations	After consideration on the merits, the Committee recommends that HB08-1231 be referred to the Committee of the Whole with favorable recommendation.	21 22 23
Appropriations	After consideration on the merits, the Committee recommends that HB08-1234 be referred to the Committee of the Whole with favorable recommendation.	24 25 26
Appropriations	After consideration on the merits, the Committee recommends that HB08-1058 be referred to the Committee of the Whole with favorable recommendation.	27 28 29
Appropriations	After consideration on the merits, the Committee recommends that HB08-1139 be referred to the Committee of the Whole with favorable recommendation.	30 31 32
Appropriations	After consideration on the merits, the Committee recommends that HB08-1046 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	33 34 35 36
	Amend reengrossed bill, page 9, after line 10, insert the following:	37 38
	"(3) For the implementation of this act, the general fund appropriation to the controlled maintenance trust fund made in section 23 of the annual general appropriation act, for the fiscal year beginning July 1, 2008, shall be decreased by twenty-five thousand three hundred twelve dollars (\$25,312)."	39 40 41 42 43 44 45
Appropriations	After consideration on the merits, the Committee recommends that HB08-1156 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	46 47 48 49
	Amend reengrossed bill, page 22, after line 1, insert the following:	50 51
	" SECTION 16. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of human services, for allocation to the juvenile parole board, for the fiscal year beginning July 1, 2008, the sum of fifty-five thousand nine hundred ninety-seven dollars (\$55,997) and 0.8 FTE, or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from reappropriated funds from the department of public safety, state victims assistance and law enforcement fund."	52 53 54 55 56 57 58 59 60
	Renumber succeeding sections accordingly.	61 62
	Page 1, line 104, strike "PAROLE." and substitute "PAROLE, AND MAKING AN APPROPRIATION THEREFOR."	63 64 65 66

Appropriations	After consideration on the merits, the Committee recommends that HB08-1054 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4 5 6 7 8
	Amend reengrossed bill, page 2, line 22, strike "fund" and substitute "fund, created in section 25-5-426 (5), Colorado Revised Statutes,".	9 10 11 12 13 14
Appropriations	After consideration on the merits, the Committee recommends that SB08-219 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	15 16 17 18 19 20 21 22 23
	Amend printed bill, page 25, before line 26, insert the following:	24 25 26 27 28 29 30 31 32
	"SECTION 6. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the executive director's office, for legal services, for the fiscal year beginning July 1, 2008, the sum of eighteen thousand eight dollars (\$18,008), or so much thereof as may be necessary, for the implementation of this act.	33 34 35 36 37 38 39 40 41 42
	(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of registrations, for regulation of massage therapists, for the fiscal year beginning July 1, 2008, the sum of two hundred twenty-eight thousand eighty dollars (\$228,080) and 3.3 FTE, or so much thereof as may be necessary, for the implementation of this act.	43 44 45 46 47 48 49 50 51 52
	(3) In addition to any other appropriation, there is hereby appropriated to the department of regulatory agencies, for allocation to the division of registrations, for the fiscal year beginning July 1, 2008, the sum of two hundred twenty-three thousand six hundred dollars (\$223,600), or so much thereof as may be necessary, for pass through to the department of public safety, to perform criminal history background checks for massage therapists related to the implementation of this act. Said sum shall be from application processing fees collected by the division of registrations.	53 54 55 56 57 58 59 60 61 62
	(4) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2008, the sum of eighteen thousand eight dollars (\$18,008) and 0.2 FTE, or so much thereof as may be necessary, for the provision of legal services to the department of regulatory agencies related to the implementation of this act. Said sum shall be from reappropriated funds received from the executive director's office out of the appropriation made in subsection (1) of this section.	63 64 65 66 67 68 69 70 71 72
	(5) In addition to any other appropriation, there is hereby appropriated, to the department of public safety, for allocation to the Colorado bureau of investigation, for processing of fingerprint-based criminal history background checks for massage therapists, for the fiscal year beginning July 1, 2008, the sum of one hundred twenty thousand one hundred dollars (\$120,100) and 1.1 FTE, or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from reappropriated funds received from the department of regulatory agencies, division of registrations, out of the appropriation made in subsection (3) of this section.	73 74 75 76 77 78 79 80 81 82
	(6) In addition to any other appropriation, there is hereby appropriated to the department of public safety, for the fiscal year beginning July 1, 2008, the sum of one hundred three thousand five hundred dollars (\$103,500), or so much thereof as may be necessary, for pass through to the federal bureau of investigation for fingerprint-based national criminal history background checks for massage therapists related to the implementation of this act. Said sum shall be from	83 84 85 86 87 88 89 90 91 92

reappropriated funds received from the department of regulatory agencies, division of registrations, out of the appropriation made in subsection (3) of this section."

Renumber the succeeding section accordingly.

Page 1, line 101, strike "THERAPISTS." and substitute "THERAPISTS, AND MAKING AN APPROPRIATION THEREFOR."

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

MEMBER OF THE
BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE

for a term expiring December 31, 2011:

Richard G. Ballantine of Durango, Colorado to serve as a Republican, reappointed.

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

MEMBER OF THE
BOARD OF TRUSTEES FOR
ADAMS STATE COLLEGE

for a term expiring December 31, 2008:

Ann C. Rice of Greenwood Village, Colorado to fill the vacancy occasioned by the resignation of Meyer M. Saltzman of Denver, Colorado, and to serve as a Republican, appointed.

Education After consideration on the merits, the Committee recommends that **HB08-1267** be referred to the Committee on Appropriations with favorable recommendation.

Education After consideration on the merits, the Committee recommends that **HB08-1157** be referred to the Committee on Appropriations with favorable recommendation.

Trans- After consideration on the merits, the Committee recommends that **HB08-1010** be referred portation to the Committee on Appropriations with favorable recommendation.

State, After consideration on the merits, the Committee recommends that **HB08-1345** be Veterans, & amended as follows, and as so amended, be referred to the Committee of the Whole with Military Affairs favorable recommendation.

Amend reengrossed bill, page 4, line 6, strike "FOURTEEN" and substitute "THIRTY".

Page 5, line 26, strike "SIX" and substitute "TEN".

State, After consideration on the merits, the Committee recommends that **HB08-1007** be Veterans, & amended as follows, and as so amended, be referred to the Committee of the Whole with Military Affairs favorable recommendation.

Amend reengrossed bill, page 13, after line 18, insert the following:

"**SECTION 10.** Article 35.7 of title 38, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

38-35.7-105. Disclosure of transportation projects - rules. NO LATER THAN JANUARY 1, 2009, THE REAL ESTATE COMMISSION CREATED IN SECTION 12-61-105, C.R.S., SHALL, BY RULE, REQUIRE EACH SELLER'S

PROPERTY DISCLOSURE FOR REAL PROPERTY THAT IS SUBJECT TO THE COMMISSION'S JURISDICTION PURSUANT TO ARTICLE 61 OF TITLE 12, C.R.S., TO DISCLOSE THE EXISTENCE OF ANY PROPOSED OR EXISTING TRANSPORTATION PROJECT THAT AFFECTS OR IS EXPECTED TO AFFECT THE REAL PROPERTY."

Renumber succeeding section accordingly.

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

**MEMBERS OF THE
READ-TO-ACHIEVE BOARD**

for terms expiring April 1, 2010:

Katie Carroll of Rocky Ford, Colorado, to serve as a member with knowledge of the best practices in reading and reading instruction, and as a Republican, appointed.

for terms expiring April 1, 2011:

Teresa L. Williams of Westminster, Colorado, to serve as a member with knowledge of and experience in public education in elementary grades and as a Democrat, appointed.

Health & Human Services The Committee on Health and Human Services has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

**MEMBER OF THE
COLORADO COMMISSION ON THE AGING**

for a term expiring July 1, 2008:

Gretchen G. Cerveny of Wheat Ridge, Colorado, to fill the vacancy occasioned by the resignation of Marion P. Fairbank of Aurora, Colorado, and to serve as a Republican from the Seventh Congressional District, appointed.

Health & Human Services The Committee on Health and Human Services has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

**MEMBERS OF THE
UNIVERSITY OF COLORADO HOSPITAL AUTHORITY
BOARD OF DIRECTORS**

From the Fifth Congressional District: William J. Hybl for a term effective March 1, 2008, and continuing until February 29, 2012 (or until his successor is appointed by the Board of Regents).

From the Seventh Congressional District: Tim Travis for a term effective March 1, 2007, and continuing until February 28, 2011 (or until his successor is appointed by the Board of Regents).

Health & Human Services After consideration on the merits, the Committee recommends that **SB08-211** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

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

"**SECTION 1.** 10-4-620, Colorado Revised Statutes, is amended to read:

10-4-620. Required coverages - legal liability - medical payments. (1) Subject to the limitations and exclusions authorized by this part 6, the basic coverage required for compliance with this part 6 is:

(a) Legal liability coverage for bodily injury or death arising out

of the use of the motor vehicle to a limit, exclusive of interest and costs, of twenty-five thousand dollars to any one person in any one accident and fifty thousand dollars to all persons in any one accident and for property damage arising out of the use of the motor vehicle to a limit, exclusive of interest and costs, of fifteen thousand dollars in any one accident; AND

(b) (I) MEDICAL PAYMENTS COVERAGE OF AT LEAST TEN THOUSAND DOLLARS PER PERSON IN ANY ONE ACCIDENT FOR THE PAYMENT OF ALL MEDICALLY NECESSARY AND ACCIDENT-RELATED HEALTH CARE EXPENSES FOR BODILY INJURY ARISING OUT OF THE OWNERSHIP, MAINTENANCE, OR USE OF THE MOTOR VEHICLE. PAYMENT SHALL BE MADE TO A FIRST RESPONDER, LICENSED OR CERTIFIED HOSPITAL, OR LICENSED HEALTH CARE PROVIDER, AS DEFINED IN SECTION 10-4-902, FOR MEDICALLY NECESSARY AND ACCIDENT-RELATED HEALTH CARE SERVICES PROVIDED TO THE INJURED PERSON WITHIN FIVE YEARS AFTER THE ACCIDENT.

(II) IF AN INSURER FAILS TO INCLUDE MEDICAL PAYMENTS COVERAGE IN A POLICY ISSUED PURSUANT TO THIS PART 6, THE INSURED'S POLICY SHALL BE PRESUMED TO INCLUDE THE MINIMUM MEDICAL PAYMENTS COVERAGE REQUIRED BY THIS PARAGRAPH (b). NOTHING IN THIS PARAGRAPH (b) SHALL PRECLUDE AN INSURER FROM OFFERING, OR AN INSURED FROM PURCHASING, MEDICAL PAYMENTS COVERAGE IN EXCESS OF THE AMOUNT OR FOR A LONGER PERIOD THAN THE AMOUNT OR PERIOD OF COVERAGE REQUIRED BY THIS PARAGRAPH (b).

(III) THE MEDICAL PAYMENTS COVERAGE BENEFITS REQUIRED BY THIS PARAGRAPH (b) SHALL BE PAID TO PERSONS OR ENTITIES PROVIDING MEDICALLY NECESSARY AND ACCIDENT-RELATED HEALTH CARE SERVICES IN THE FOLLOWING PRIORITY:

(A) BENEFITS SHALL FIRST BE PAID TO FIRST RESPONDERS WHO PROVIDE EMERGENCY MEDICAL CARE AT THE SCENE OR IMMEDIATELY AFTER A MOTOR VEHICLE ACCIDENT.

(B) AFTER PAYMENT OF BENEFITS TO FIRST RESPONDERS, BENEFITS SHALL NEXT BE PAID TO A HOSPITAL OR TRAUMA CENTER WHOSE EMERGENCY CALL PANEL PHYSICIANS PROVIDE CARE AT SUCH FACILITY IMMEDIATELY AFTER A MOTOR VEHICLE ACCIDENT.

(C) ANY REMAINING BENEFITS SHALL BE PAID TO PROVIDERS DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) WHO PROVIDE SUBSEQUENT HEALTH CARE SERVICES.

(IV) MEDICALLY NECESSARY AND ACCIDENT-RELATED HEALTH CARE SERVICES PROVIDED TO A PERSON CLAIMING MEDICAL PAYMENTS COVERAGE SHALL BE REIMBURSED AT THE REASONABLE AND CUSTOMARY RATE OF REIMBURSEMENT PAID TO HEALTH CARE PROVIDERS IN THE IMMEDIATE GEOGRAPHICAL AREA.

(V) THIS PARAGRAPH (b) SHALL NOT APPLY TO A MOTORCYCLE, MOTORSCOOTER, MOTORBICYCLE, MOTORIZED BICYCLE, OR TOY VEHICLE, AS DEFINED IN SECTION 42-1-102, C.R.S., A SNOWMOBILE, AS DEFINED IN SECTION 33-14-101, C.R.S., OR ANY VEHICLE DESIGNED PRIMARILY FOR USE OFF THE ROAD OR ON RAILS.

(VI) THIS PARAGRAPH (b) SHALL NOT APPLY TO A PERSON THAT HAS OBTAINED A CERTIFICATE OF SELF-INSURANCE FROM THE COMMISSIONER PURSUANT TO SECTION 10-4-624.

(VII) AS USED IN THIS PARAGRAPH (b), UNLESS THE CONTEXT OTHERWISE REQUIRES:

(A) "FIRST RESPONDER" MEANS A PERSON OR ENTITY THAT RESPONDS TO AND PROVIDES EMERGENCY MEDICAL CARE TO AN INDIVIDUAL INJURED IN AN AUTOMOBILE ACCIDENT. THE TERM "FIRST RESPONDER" INCLUDES, BUT IS NOT LIMITED TO, A PERSON OR ENTITY PROVIDING AMBULANCE SERVICE, INCLUDING AIR AMBULANCE SERVICE, AN EMERGENCY MEDICAL TECHNICIAN, AS DEFINED IN SECTION 25-3.5-103,

C.R.S., AND ANY SERVICE AGENCY, AS DEFINED IN SECTION 25-3.5-103, C.R.S., OR OTHER PERSON OR ENTITY THAT PROVIDES EMERGENCY MEDICAL CARE AT THE SCENE OF OR IMMEDIATELY AFTER AN AUTOMOBILE ACCIDENT. "FIRST RESPONDER" DOES NOT INCLUDE A HOSPITAL.

(B) "HEALTH CARE SERVICES" MEANS ALL MEDICALLY NECESSARY AND ACCIDENT-RELATED MEDICAL EVIDENCE-BASED HEALTH CARE AND REHABILITATION SERVICES PROVIDED TO A PERSON INJURED IN AN AUTOMOBILE ACCIDENT WITHIN FIVE YEARS AFTER THE ACCIDENT.

(2) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT ANY OTHER COVERAGE AMOUNTS MADE AVAILABLE BY AN INSURER.

SECTION 2. 10-4-624 (2), Colorado Revised Statutes, is amended to read:

10-4-624. Self-insurers. (2) The commissioner may, in his or her discretion, upon the application of such person, issue a certificate of self-insurance when the commissioner is satisfied that such person is able and will continue to be able to pay benefits as required under ~~section 10-4-620~~ SECTION 10-4-620 (1) (a) and to pay any and all judgments that may be obtained against such person. Upon not less than five days' notice and a hearing pursuant to such notice, the commissioner may, upon reasonable grounds, cancel a certificate of self-insurance. Failure to pay any benefits under ~~section 10-4-620~~ SECTION 10-4-620 (1) (a) or failure to pay any judgment within thirty days after such judgment has become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

SECTION 3. 10-4-636 (4) (b), Colorado Revised Statutes, is amended to read:

10-4-636. Disclosure requirements for automobile insurance products offered - rules. (4) The disclosure form required by subsection (1) of this section shall include a disclosure specifying that:

(b) IF THE INSURED ALSO HAS HEALTH INSURANCE COVERAGE, THE medical payments coverage:

(I) Is primary to ~~any~~ THE health insurance coverage available to ~~an~~ THE insured when injured in an automobile accident;

(II) SHALL PROVIDE COVERAGE BEFORE THE HEALTH INSURANCE COVERAGE; AND

(III) SHALL APPLY TO ANY COINSURANCE OR DEDUCTIBLE AMOUNT REQUIRED BY THE HEALTH INSURANCE COVERAGE PLAN OR POLICY;

SECTION 4. Repeal. 10-4-635 (1), Colorado Revised Statutes, is repealed.

SECTION 5. Effective date - applicability. (1) This act shall take effect January 1, 2009.

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during the 90-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later.

(3) The provisions of this act shall apply to automobile insurance policies issued or renewed on or after the applicable effective date of this act."

Health & Human Services After consideration on the merits, the Committee recommends that **HB08-1366** be referred to the Committee of the Whole with favorable recommendation.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders -- Second Reading of Bills -- Consent Calendar (HB08-1359) of April 18 was laid over until Monday, April 21, retaining its place on the calendar.

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

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, (SB08-065, SB08-200, SB08-187, SB08-213, SB08-184, SB08-217, SB08-215, SB08-188, SB08-044, SCR08-003) were advanced on the calendar.

SB08-065 by Senator(s) Spence; --Concerning teacher performance incentive programs.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, February 13, pages 235-239 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 10, page 890 and placed in members' bill files.)

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

SB08-200 by Senator(s) Veiga; also Representative(s) Judd, Borodkin, Carroll M., Carroll T., Casso, Ferrandino, Frangas, Green, Kerr A., Levy, Madden, Marshall, McGihon, Pommer, Todd-- Concerning the expansion of prohibitions against discrimination.

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, March 24, pages 649-650 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 11, page 913 and placed in members' bill files.)

Amendment No. 3(L.006), by Senator Veiga.

Amend printed bill, page 7, line 26, strike "written" and substitute "written, ELECTRONIC,".

Page 9, line 18, strike "RELIGION,";

line 27, strike "RELIGION,".

Page 10, line 4, strike "RELIGION,".

Page 12, after line 3, insert the following:

"**SECTION 11.** 10-4-626 (1), Colorado Revised Statutes, is amended to read:

10-4-626. Prohibited reasons for nonrenewal or refusal to write policy of automobile insurance applicable to this part 6. (1) No

insurer authorized to transact or transacting business in this state shall refuse to write or refuse to renew a policy of insurance affording the coverage required by operation of section 10-4-620 solely because of the age, race, ~~gender~~ CREED, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, national origin, ANCESTRY, residence, marital status, or lawful occupation, including the military service, of anyone who is or seeks to become insured, or solely because another insurer has canceled a policy or refused to write or renew such policy. The commissioner shall administer and enforce ~~the provisions of~~ this subsection (1).".

Renumber succeeding sections accordingly.

Page 13, line 23, strike "CREED,".

Amend the Business, Labor, and Technology Committee Report, dated March 19, 2008, page 3, line 9, strike "16" and substitute "17".

As amended, ordered engrossed 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.)

SB08-187 by Senator(s) Hagedorn; also Representative(s) Soper--Concerning a requirement that carbon monoxide alarms be installed in residential properties.

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, April 9, pages 849-850 and placed in members' bill files.)

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

Amend printed bill, page 3, strike lines 22 through 25.

Renumber succeeding subsections accordingly.

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

"(4) A PERSON WHO INSTALLED A CARBON MONOXIDE ALARM SHALL HAVE NO LIABILITY, DIRECTLY OR INDIRECTLY, TO ANY PERSON WITH RESPECT TO THE OPERATION, MAINTENANCE, OR EFFECTIVENESS OF THE CARBON MONOXIDE ALARM.".

Page 5, strike lines 1 through 13.

Renumber succeeding C.R.S. sections accordingly.

Page 5, line 16, strike "OR DWELLING UNIT IN A MULTI-FAMILY";

line 17, strike "DWELLING";

strike line 20 and substitute the following:

"SECTION 38-45-102.".

Page 6, line 8, strike "OR DWELLING UNIT IN A";

line 9, strike "MULTI-FAMILY DWELLING";

strike lines 22 and 23 and substitute the following:

"TENANT'S OCCUPANCY OF THE SINGLE-FAMILY DWELLING; AND";

strike line 25 and substitute the following:

"DWELLING, OR THE".

Page 7, strike lines 1 through 6.

Renumber succeeding subsection accordingly.

Page 7, after line 10, insert the following:

"(5) A PERSON WHO INSTALLED A CARBON MONOXIDE ALARM SHALL HAVE NO LIABILITY, DIRECTLY OR INDIRECTLY, TO ANY PERSON WITH RESPECT TO THE OPERATION, MAINTENANCE, OR EFFECTIVENESS OF THE CARBON MONOXIDE ALARM."

As amended, declared LOST on Second Reading.

SB08-184 by Senator(s) Romer; also Representative(s) Levy--Concerning the creation of the Colorado clean energy finance program.

Amendment No. 1, Agriculture, Natural Resources & Energy Committee Amendment.
(Printed in Senate Journal, March 7, pages 495-496 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 14, pages 924-928 and placed in members' bill files.)

Amendment No. 3(L.006), by Senator Romer.

Amend the Appropriations Committee Report, dated April 11, 2008, page 4, after line 9, insert the following:

"line 13, after 'BORROWER.', insert 'HOWEVER, A PARTICIPATING PUBLIC LENDER MAY ONLY ORIGINATE CLEAN ENERGY LOANS FOR FIRST TIER AND SECOND TIER QUALIFIED BORROWERS.'"

Page 6, line 4, strike "ENERGY," and substitute "ENERGY FOR PUBLIC BENEFIT ONLY,".

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

SB08-217 by Senator(s) Hagedorn, Johnson; also Representative(s) McGihon and Massey, Roberts--Concerning the framework for developing the centennial care choices program to reform the health care system in Colorado.

Laid over until Monday, April 21, retaining its place on the calendar.

SB08-215 by Senator(s) Schwartz; also Representative(s) Riesberg--Concerning broadband telecommunications service, and, in connection therewith, directing the state's chief information officer to create an inventory of broadband telecommunications service areas and information service areas and authorizing the public utilities commission to establish a funding mechanism to help defray the cost of preparing the inventory.

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, April 10, pages 879-881 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 16, page 980 and placed in members' bill files.)

Amendment No. 3(L.004), by Senator Schwartz.

Amend the Business, Labor and Technology Committee Report, dated April 9, 2008, page 3, line 11, strike "CHIEF INFORMATION OFFICER" and substitute "OFFICE OF INFORMATION TECHNOLOGY";

line 24, strike "CHIEF";

line 25, "INFORMATION OFFICER" and substitute "OFFICE OF INFORMATION TECHNOLOGY".

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

SB08-188 by Senator(s) Boyd; also Representative(s) Kerr J.--Concerning the establishment of a pilot program for Colorado hospitals to collaborate with direct-care nurses in order to model professional nursing practice involvement in issues of importance to nursing.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, March 6, page 490 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 16, page 982 and placed in members' bill files.)

Amendment No. 3(L.002), by Senator Boyd.

Amend printed bill, page 4, line 6, after the period, add "BASED UPON STUDY DESIGN OF THE RESEARCH AND FINDINGS OF THE STUDY, IN CONSULTATION WITH THE PRINCIPAL INVESTIGATOR, THE COMMITTEE MAY DEVELOP RECOMMENDATIONS FOR BEST PRACTICES AND IMPLEMENTATION STRATEGIES.";

line 9, strike "To" and substitute "AT THE FIRST MEETING,";

strike line 10 and substitute the following:

"COMMITTEE;

(b) HIRE A THIRD-PARTY ADMINISTRATOR TO";

Reletter succeeding paragraphs accordingly.

Page 4, line 22, after the semi-colon, add "AND";

strike lines 23 through 25.

Reletter succeeding paragraph accordingly.

Page 5, line 2, after "OF" insert "THE PRINCIPAL INVESTIGATOR HIRED PURSUANT TO PARAGRAPH (g) OF SUBSECTION (1) OF THIS SECTION AND";

line 21, strike "COMMITTEE SHALL" and substitute "COMMITTEE, WHO MAY ALSO SERVE AS THE PRINCIPAL INVESTIGATOR,";

strike line 22;

line 23, strike "COMMITTEE, AND";

line 25, after the period, add "THE RESEARCH ADVISOR OR THE PRINCIPAL INVESTIGATOR SHALL ENSURE THE RESEARCH INTEGRITY OF THE PROJECT.".

Page 6, line 8, after the period, add "THE COMMITTEE SHALL BE CONVENED BY AN INTERIM ADMINISTRATOR APPOINTED BY THE STATE BOARD OF NURSING.".

Page 7, strike lines 17 through 19 and substitute the following:

"(j) A REVIEW OF THE SAMPLING STRATEGY AS PREPARED BY THE RESEARCH ADVISOR OR PRINCIPAL INVESTIGATOR";

line 24, strike "DEVELOPMENT OF" and substitute "DISSEMINATION OF ANY IDENTIFIED".

Page 8, line 2, after "BUT" insert "NOT".

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

SB08-044 by Senator(s) Renfro; --Concerning tuberculosis screening for higher education students.

Amendment No. 1, Health & Human Services Committee Amendment.

(Printed in Senate Journal, February 8, pages 208-209 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, April 16, pages 982-983 and placed in members' bill files.)

Amendment No. 3(L.008), by Senator Renfro.

Amend the Appropriations Committee Report, dated April 11, 2008, page 1, line 12, after the period, insert "THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT MAY ATTEND AND PARTICIPATE IN ANY MEETINGS HELD BY THE UNIVERSITIES AND COLLEGES REGARDING THE SCREENING PROCESS."

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

SCR08-003 by Senator(s) Tapia, Shaffer, Mitchell S., Isgar, Groff, Gordon, Bacon, Boyd, Keller, Morse, Romer, Williams; also Representative(s) White, Kerr A., Roberts, Madden-- Submitting to the registered electors of the state of Colorado an amendment to section 1 of article V of the constitution of the state of Colorado, concerning initiatives, and, in connection therewith, requiring the number of signatures gathered on a proposed initiative petition for state legislation to be equal to at least four percent of the votes cast in the previous election for governor; requiring the number of signatures gathered on a proposed initiative petition for an amendment to the constitution to be equal to at least six percent of the votes cast in the previous election for governor; requiring a minimum number of signatures for an initiative petition to amend the state constitution to be gathered from residents of each congressional district in the state; requiring an initiative petition for an amendment to the constitution to be filed with the secretary of state seven months before an election; and requiring a two-thirds vote of all members elected to each house of the general assembly to repeal or amend any law enacted by an initiative for a period of six years after the law becomes effective.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.

(Printed in Senate Journal, April 10, page 881 and placed in members' bill files.)

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

Amend the State, Veterans, and Military Affairs Committee Report, dated April 9, 2008, page 1, strike lines 1 and 2;

line 3, strike "Page 4," and substitute "Amend printed concurrent resolution, page 4,".

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

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (SB08-157 as amended, SB08-198, HB08-1329, HB08-1354, HB08-1175, HB08-1253, HB08-1171, HB08-1257, HB08-1109, HB08-1268, HB08-1250, HB08-1108, HB08-1100, HB08-1241, HB08-1103, HB08-1170, SB08-213) of April 18, was laid over until Monday, April 21, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB08-200 by Senator(s) Veiga; also Representative(s) Judd, Borodkin, Carroll M., Carroll T., Casso, Ferrandino, Frangas, Green, Kerr A., Levy, Madden, Marshall, McGihon, Pommer, Todd-- Concerning the expansion of prohibitions against discrimination.

Senator Harvey moved to amend the Report of the Committee of the Whole to show that the following amendment to SB 08-200 did pass.

Amend printed bill, page 10, strike line 26 and substitute the following:

"amended, and the said 8-3-102 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:".

Page 11, after line 16, insert the following:

"(h) (I) Legislative declaration. IT IS HEREBY DECLARED TO BE THE PUBLIC POLICY OF THE STATE OF COLORADO THAT ALL PERSONS SHALL HAVE, AND SHALL BE PROTECTED IN THE EXERCISE OF, THE RIGHT TO FREELY FORM, JOIN, OR ASSIST LABOR ORGANIZATIONS OR TO REFRAIN FROM SUCH ACTIVITY WITHOUT FEAR OF PENALTY OR REPRISAL.

(II) Definitions. AS USED IN THIS PARAGRAPH (h), UNLESS THE CONTEXT OTHERWISE REQUIRES:

(A) "EMPLOYER" MEANS ANY INDIVIDUAL, CORPORATION, ASSOCIATION, ORGANIZATION, ENTITY, OR STATE OR LOCAL GOVERNMENT THAT EMPLOYS ONE OR MORE PERSONS IN ANY CAPACITY, INCLUDING ANY PERSON EMPLOYED TO PERFORM AGRICULTURAL LABOR. "EMPLOYER" ALSO MEANS ANY INDIVIDUAL ACTING AS AN AGENT OF AN EMPLOYER, DIRECTLY OR INDIRECTLY.

(B) "LABOR ORGANIZATION" OR "LABOR UNION" MEANS ANY ORGANIZATION, AGENCY, EMPLOYEE REPRESENTATION COMMITTEE, OR PLAN THAT EXISTS FOR THE PURPOSE, WHOLLY OR IN PART, OF DEALING WITH EMPLOYERS CONCERNING GRIEVANCES, LABOR DISPUTES, WAGES, RATES OF PAY, HOURS OF WORK, OR OTHER CONDITIONS OF EMPLOYMENT.

(III) Prohibited activities. ON AND AFTER JULY 1, 2008, NO EMPLOYER SHALL REQUIRE ANY PERSON, AS A CONDITION OF EMPLOYMENT OR OF THE CONTINUATION OF EMPLOYMENT, TO BECOME OR REMAIN A MEMBER OF ANY LABOR ORGANIZATION OR TO PAY ANY DUES, FEES, ASSESSMENTS, OR OTHER SUMS OF MONEY TO A LABOR ORGANIZATION. ON AND AFTER JULY 1, 2008, NO EMPLOYER SHALL DISCRIMINATE AGAINST ANY EMPLOYEE BECAUSE THE EMPLOYEE HAS FAILED OR REFUSED TO BECOME A MEMBER OF ANY LABOR ORGANIZATION OR HAS FAILED OR REFUSED TO PAY ANY DUES, FEES, ASSESSMENTS, OR OTHER SUMS OF MONEY TO A LABOR ORGANIZATION.

(IV) Void agreements. ANY WRITTEN OR ORAL AGREEMENT, UNDERSTANDING, OR PRACTICE BETWEEN AN EMPLOYER AND A LABOR ORGANIZATION THAT IS IN VIOLATION OF THE PROVISIONS OF THIS ARTICLE IS VOID.

(V) Penalty. ANY PERSON, EMPLOYER, LABOR ORGANIZATION, OR AGENT OR REPRESENTATIVE OF AN EMPLOYER OR LABOR ORGANIZATION WHO DIRECTLY OR INDIRECTLY IMPOSES UPON ANY PERSON ANY REQUIREMENT PROHIBITED BY THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, IMPRISONMENT IN THE COUNTY JAIL FOR NOT MORE THAN NINETY DAYS, OR BOTH SUCH FINE AND IMPRISONMENT FOR EACH OFFENSE.

(VI) Civil remedies. (A) ANY PERSON INJURED AS A RESULT OF ANY VIOLATION OF THIS ARTICLE OR WHO WOULD BE INJURED AS A RESULT OF A THREATENED VIOLATION MAY BRING SUIT IN A COURT OF COMPETENT JURISDICTION TO OBTAIN INJUNCTIVE RELIEF AGAINST THE VIOLATOR OR PERSON THREATENING VIOLATION. A PERSON INJURED AS A RESULT OF A VIOLATION OF THIS PARAGRAPH (h) MAY BRING SUIT IN A COURT OF COMPETENT JURISDICTION TO RECOVER THE DAMAGES RESULTING FROM SUCH VIOLATION. IN ANY ACTION OR PROCEEDING TO ENFORCE A PROVISION OF THIS PARAGRAPH (h), THE COURT SHALL AWARD TO ANY PERSON INJURED OR THREATENED WITH INJURY BY A VIOLATION OF THIS ARTICLE REASONABLE ATTORNEY FEES IN ADDITION TO COURT COSTS.

(B) THE REMEDIES PROVIDED BY THIS SECTION ARE INDEPENDENT OF AND IN ADDITION TO ANY OTHER PENALTY OR REMEDY ESTABLISHED BY THIS PARAGRAPH (h).

(VII) **Investigation of complaints - prosecution of violations.** THE ATTORNEY GENERAL AND THE DISTRICT ATTORNEY IN EACH JUDICIAL DISTRICT SHALL INVESTIGATE ANY COMPLAINTS OF VIOLATION OF THIS PARAGRAPH (h), PROSECUTE ANY PERSON VIOLATING ANY PROVISION OF THIS PARAGRAPH (h), AND TAKE ACTIONS NECESSARY TO ENSURE EFFECTIVE ENFORCEMENT OF THIS PARAGRAPH (h).

(VIII) **Applicability of article - new contracts - extension or renewal of existing contracts.** THIS PARAGRAPH (h) SHALL APPLY TO ANY CONTRACT OR AGREEMENT ENTERED INTO ON OR AFTER JULY 1, 2008, AND TO ANY EXTENSION OR RENEWAL OF A CONTRACT OR AGREEMENT EXISTING ON SUCH DATE OR ENTERED INTO ON OR AFTER SUCH DATE.

(IX) **Severability.** IF ANY PROVISION OF THIS PARAGRAPH (h) OR THE APPLICATION OF THIS PARAGRAPH (h) TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, SUCH INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS PARAGRAPH (h) THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS ARTICLE ARE DECLARED TO BE SEVERABLE."

Less than 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 LOST on the following roll call vote:

YES	14	NO	19	EXCUSED	2	ABSENT	0
Bacon	N	Johnson	Y	Romer	E	Tochtrop	N
Boyd	N	Keller	N	Sandoval	N	Tupa	N
Brophy	Y	Kester	Y	Schultheis	Y	Veiga	N
Cadman	Y	Kopp	Y	Schwartz	N	Ward	Y
Gibbs	N	McElhany	Y	Shaffer	N	Wiens	Y
Gordon	N	Mitchell S.	Y	Spence	Y	Williams	N
Hagedorn	N	Morse	N	Takis	N	Windels	N
Harvey	Y	Penry	Y	Tapia	N	President	N
Isgar	N	Renfroe	Y	Taylor	E		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Windels, the Report of the Committee of the Whole was adopted on the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Johnson	Y	Romer	E	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	Y
Brophy	Y	Kester	Y	Schultheis	Y	Veiga	Y
Cadman	Y	Kopp	Y	Schwartz	Y	Ward	Y
Gibbs	Y	McElhany	Y	Shaffer	Y	Wiens	Y
Gordon	Y	Mitchell S.	Y	Spence	Y	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	Y	Penry	Y	Tapia	Y	President	Y
Isgar	Y	Renfroe	Y	Taylor	E		

The Committee of the Whole took the following action:

Passed on Second Reading: SB08-065 as amended, SB08-200 as amended, SB08-184 as amended, SB08-215 as amended, SB08-188 as amended, SB08-044 as amended, SCR08-003 as amended.

Laid over until Monday, April 21: SB08-217, SB08-157 as amended, SB08-198, HB08-1329, HB08-1354, HB08-1175, HB08-1253, HB08-1171, HB08-1257, HB08-1109, HB08-1268, HB08-1250, HB08-1108, HB08-1100, HB08-1241, HB08-1103, HB08-1170, SB08-213.

Lost on Second Reading: SB08-187 as amended.

On motion of Senator Gordon, 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 -- HJR08-1029 and HJR08-1016.

CONSIDERATION OF RESOLUTIONS

HJR08-1029 by Representative(s) Jahn; also Senator(s) Boyd--Concerning recognition of Crime Victims' Rights Week in Colorado.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Johnson	Y	Romer	E	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	Y
Brophy	Y	Kester	Y	Schultheis	Y	Veiga	Y
Cadman	Y	Kopp	Y	Schwartz	Y	Ward	Y
Gibbs	Y	McElhany	Y	Shaffer	Y	Wiens	Y
Gordon	Y	Mitchell S.	Y	Spence	Y	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	Y	Penry	Y	Tapia	Y	President	Y
Isgar	Y	Renfroe	Y	Taylor	E		

Co-sponsors added: Bacon, Brophy, Cadman, Gibbs, Gordon, Groff, Hagedorn, Harvey, Isgar, Johnson, Keller, Kester, Kopp, McElhany, Mitchell S., Morse, Penry, Renfroe, Sandoval, Schultheis, Schwartz, Shaffer, Spence, Takis, Tapia, Tochtrop, Tupa, Veiga, Ward, Wiens, Williams and Windels.

HJR08-1016 by Representative(s) Roberts, Balmer, Benefield, Borodkin, Carroll T., Casso, Curry, Ferrandino, Gagliardi, Gardner B., Gardner C., Garza-Hicks, Hodge, Jahn, Kefalas, Kerr A., Kerr J., King, Labuda, Lambert, Liston, Lundberg, Marostica, Massey, McNulty, Mitchell V., Peniston, Pommer, Primavera, Romanoff, Rose, Sonnenberg, Stafford, Stephens, Summers, Swalm, Todd, Vaad, Weissmann, White, Witwer; also Senator(s) Isgar--Concerning network television broadcasting in southwestern Colorado.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Johnson	Y	Romer	E	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	Y
Brophy	Y	Kester	Y	Schultheis	Y	Veiga	Y
Cadman	Y	Kopp	Y	Schwartz	Y	Ward	Y
Gibbs	Y	McElhany	Y	Shaffer	Y	Wiens	Y
Gordon	Y	Mitchell S.	Y	Spence	Y	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	Y	Penry	Y	Tapia	Y	President	Y
Isgar	Y	Renfroe	Y	Taylor	E		

Co-sponsors added: Bacon, Boyd, Brophy, Cadman, Gibbs, Gordon, Groff, Hagedorn, Harvey, Johnson, Keller, Kester, Kopp, McElhany, Mitchell S., Morse, Penry, Renfroe, Sandoval, Schultheis, Schwartz, Shaffer, Spence, Takis, Tapia, Tochtrop, Tupa, Veiga, Ward, Wiens, Williams and Windels.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of April 18 was laid over until Monday, April 21, retaining its place on the calendar.

Consideration of Resolutions: SJR08-010, SJR08-020, SJR08-021, SJR08-022, SJR08-024, SJR08-026, HJR08-1018, HJR08-1020, SJR08-027, SJR08-028, SJR08-029, SJR08-030, SJR08-031, SJR08-032, SJR08-033, SJR08-034, SJR08-035, SR08-005.

Consideration of Memorials: SJM08-003, SJM08-004, SJM08-005, SM08-002, SM08-003.

Consideration of House Amendments to Senate Bills: SB08-088, SB08-208, SB08-155, SB08-029, SB08-039, SB08-077, SB08-063, SB08-099.
Consideration of Conference Committee Reports: HB08-1203, HB08-1186, SB08-117.
Conference Committees to Report: HB08-1180, HB08-1083, HB08-1001, HB08-1358.

MESSAGE FROM THE GOVERNOR

April 17, 2008

To the Honorable
Senate
Sixty-sixth General Assembly
Second Regular Session
State Capitol
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 Acts:

SB08-032 CONCERNING THE AUTHORITY OF A SWORN BONDING COMMISSIONER TO APPLY TO THE COURT FOR A HEARING ON THE ISSUE OF A BREACH OF A CONDITION OF THE BOND.

Approved April 17, 2008 at 1:06 PM.

SB08-059 CONCERNING THE FEE CHARGED FOR THE ADMINISTRATION OF THE COMMERCIAL DRIVER'S LICENSE TEST.

Approved April 17, 2008 at 1:06 PM.

SB08-122 CONCERNING THE PROHIBITION OF ACTION AGAINST AN EMPLOYEE FOR SHARING WAGE INFORMATION.

Approved April 17, 2008 at 1:07 PM.

SB08-176 CONCERNING THE CONTINUATION OF STATUTORY PROVISIONS GOVERNING RACING BEYOND THEIR SCHEDULED SELF-REPEAL DATE IN APRIL OF 2008.

Approved April 17, 2008 at 1:08 PM.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd 4/17/08, 4:08 p.m.
Karen Kuhlmann, Asst. Secretary

COMMITTEE OF REFERENCE REPORTS

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
COLORADO TOURISM OFFICE BOARD OF DIRECTORS**

for terms expiring June 1, 2010:

Robert E. Perlman of Littleton, Colorado, to serve as a representative of the ski industry and as a Republican, reappointed;

Richard W. Scharf of Littleton, Colorado, to serve as a representative of the destination marketing industry, and as a Republican, appointed.

for terms expiring June 1, 2011:

John J. Schafer of Parker, Colorado, to serve as a representative of the hotel, motel and lodging industry, and as an Unaffiliated, reappointed.

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

MEMBERS OF THE
STATE AGRICULTURAL COMMISSION

effective June 11, 2007, for a term expiring March 1, 2009:

Alex C. Gerace of Denver, Colorado, to serve as an Unaffiliated from the First Agricultural District, appointed.

effective June 11, 2007, for terms expiring March 1, 2011:

Barbara L. Marty of Henderson, Colorado, to serve as a Republican from the First Agricultural District, appointed;

Ernest D. Ford of Center, Colorado, to serve as a Democrat from the Third Agricultural District, appointed;

Penny H. Lewis of Kremmling, Colorado, to serve as a Republican from the Fourth Agricultural District, reappointed;

Thomas K. Cameron of Palisade, Colorado, to serve as a Democrat from the Fourth Agricultural District, appointed;

John W. Singletary of Pueblo, Colorado, to serve as a Democrat and at-large member, appointed.

Agriculture, After consideration on the merits, the Committee recommends that **HB08-1346** be referred
Natural to the Committee on Appropriations with favorable recommendation.
Resources, &
Energy

Agriculture, After consideration on the merits, the Committee recommends that **HB08-1379** be referred
Natural to the Committee of the Whole with favorable recommendation.
Resources, &
Energy

Agriculture, After consideration on the merits, the Committee recommends that **SB08-226** be amended
Natural as follows, and as so amended, be referred to the Committee on Appropriations with
Resources, & favorable recommendation.
Energy

Amend printed bill, page 4, line 25, strike "IS" and substitute "MAY BE".

Page 5, line 1, strike "IMPOUND" and substitute "DECONTAMINATE OR IMPOUND";

line 8, strike "REVENUE" and substitute "REVENUE, THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT, THE COLORADO TOURISM OFFICE,";

line 9, after "MONITOR," insert "EDUCATE PERSONS ABOUT,";

line 20, before "PLANT", insert "AQUATIC".

Page 6, line 21, strike "SHALL KNOWINGLY:" and substitute "SHALL:";

line 27, strike "(a)".

Page 7, strike lines 10 through 16.

Renumber succeeding sections accordingly.

Page 7, line 18, strike "BY A PEACE OFFICER".

Page 10, line 16, strike "division of commerce and development," and substitute "~~division of commerce and development~~ OFFICE OF ECONOMIC DEVELOPMENT,";
line 25, after "RESOURCES," insert "THE DIRECTOR OF THE OFFICE OF ECONOMIC DEVELOPMENT, THE BOARD OF DIRECTORS OF THE COLORADO TOURISM OFFICE,".

Agriculture, After consideration on the merits, the Committee recommends that **SB08-221** be amended
Natural as follows, and as so amended, be referred to the Committee of the Whole with favorable
Resources, & recommendation.
Energy

Amend printed bill, page 3, line 6, after "A", insert "DOMESTIC SUPPLY";

line 7, strike "ASSURE FIRE PROTECTION," and substitute "ACHIEVE FIRE PREVENTION OR REMEDIATION,";

line 8, strike "SUPPLY," and substitute "SUPPLY CONTINUANCE," and, before "WITHIN", insert "IMPROVEMENT";

line 13, strike "HAS THE POWER AND";

line 15, strike "PROJECTS. THE BONDS ISSUED PURSUANT" and substitute the following:

"PROJECTS, IN AN AMOUNT NOT TO EXCEED FIFTY MILLION DOLLARS.

(2) THE AUTHORITY MAY MAKE AND CONTRACT TO MAKE LOANS OF THE BONDS AUTHORIZED BY THIS SECTION TO GOVERNMENTAL AGENCIES PURSUANT TO THIS SECTION TO FINANCE THE COST OF WATERSHED PROTECTION PROJECTS AND FOREST HEALTH PROJECTS PROVIDED THAT THE AUTHORITY OR THE GOVERNMENTAL AGENCY HAS ENTERED INTO AN AGREEMENT WITH THE COLORADO CLEAN ENERGY DEVELOPMENT AUTHORITY OR THE COLORADO STATE FOREST SERVICE WITH RESPECT TO THE APPLICATION OF PROCEEDS OF SUCH BONDS. THE AUTHORITY MAY MAKE THE LOANS SUBJECT TO TERMS AND CONDITIONS THAT ARE DETERMINED BY THE AUTHORITY TO BE CONSISTENT WITH THE PURPOSES OF THE LOANS. THE LOANS SHALL BE EVIDENCED BY NOTES, BONDS, OR OTHER OBLIGATIONS OF THE GOVERNMENTAL AGENCY THAT ARE ISSUED TO THE AUTHORITY, AND THE GOVERNMENTAL AGENCIES ARE AUTHORIZED TO USE SUCH NOTES, BONDS, OR OTHER OBLIGATIONS FOR SUCH PURPOSES. ALL NOTES, BONDS, OR OTHER OBLIGATIONS EVIDENCING A LOAN FROM THE AUTHORITY MAY BE SOLD AT A PRIVATE SALE TO THE AUTHORITY AT ANY PRICE, WHETHER OR NOT LESS THAN PAR VALUE. THE DENOMINATIONS, TIMES, FOR PAYMENT OF PRINCIPAL AND INTEREST, AND PROVISIONS FOR REDEMPTION PRIOR TO MATURITY OF SUCH BONDS, NOTES, OR OTHER OBLIGATIONS SHALL BE AS THE AUTHORITY AND THE GOVERNMENTAL AGENCY AGREE. EACH LOAN TO A GOVERNMENTAL AGENCY AND THE NOTES, BONDS, OR OTHER OBLIGATIONS THEREBY ISSUED SHALL BEAR INTEREST AT THE RATE OR RATES AND HAVE THE MATURITIES AS THE AUTHORITY AND THE GOVERNMENTAL AGENCY AGREE. THE AUTHORITY MAY CHARGE AND COLLECT FROM GOVERNMENTAL AGENCIES FEES AND CHARGES IN CONNECTION WITH THE LOANS OR OTHER SERVICES FROM THE AUTHORITY, INCLUDING, BUT NOT LIMITED TO, FEES AND CHARGES SUFFICIENT TO REIMBURSE THE AUTHORITY FOR ALL REASONABLE COSTS THAT IT NECESSARILY INCURRED BY PROVIDING SUCH LOANS.";

strike lines 16 and 17 and substitute the following:

"(3) GOVERNMENTAL AGENCIES".

Page 4, line 3, strike "ENTITIES" and substitute "AGENCIES";

line 4, strike "STATE FORESTER APPOINTED" and substitute "COLORADO STATE FOREST SERVICE PURSUANT TO SECTION 23-31-311, C.R.S.";

strike line 5;

line 6, strike "(2)" and substitute "(4)" and, strike "ENTITIES" and substitute "AGENCIES";

strike line 7 and substitute the following:

"MEANS:

(a) ANY POLITICAL SUBDIVISION OF THE STATE, INCLUDING, BUT NOT";

line 10, strike "DISTRICTS," and substitute "DISTRICTS WITH NO LESS THAN FIVE HUNDRED REGISTERED VOTERS,";

line 11, strike "AGENCIES." and substitute "AGENCIES";

after line 11, insert the following:

"(b) THE UNITED STATES AND ANY AGENCY THEREOF, INCLUDING THE UNITED STATES FOREST SERVICE AND THE BUREAU OF LAND MANAGEMENT; AND

(c) ANY ENTERPRISE, ENTITY, AGENCY, COMMISSION, OR AUTHORITY ESTABLISHED BY A GOVERNMENTAL AGENCY, INCLUDING, WITHOUT LIMITATION, THOSE ESTABLISHED PURSUANT TO AN INTERSTATE COMPACT OR OTHER INTERGOVERNMENTAL COMPACT OR AGREEMENT."

Page 6, line 17, after "FUND.", insert "If, IN ITS SOLE DISCRETION, THE GENERAL ASSEMBLY APPROPRIATES ANY MONEYS FOR SUCH PURPOSE, THE AGGREGATE OUTSTANDING PRINCIPAL AMOUNT OF BONDS FOR WHICH MONEYS MAY BE APPROPRIATED SHALL NOT EXCEED FIFTY MILLION DOLLARS."

Page 8, strike lines 25 through 27.

Page 9, strike lines 1 through 8 and substitute the following:

"SECTION 6. Part 3 of article 31 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

23-31-311. Watershed protection projects and forest health projects. (1) THE COLORADO STATE FOREST SERVICE, REPRESENTING THE STATE OF COLORADO, SHALL, IN CONSULTATION WITH THE GOVERNMENTAL AGENCIES PARTICIPATING IN SUCH PROJECTS, IDENTIFY WATERSHED PROTECTION PROJECTS AND FOREST HEALTH PROJECTS THAT WILL USE MONEYS RECEIVED PURSUANT TO SECTION 37-95-112.5, C.R.S., INCLUDING, BUT NOT LIMITED TO, THE HARVESTING OF TREES INFESTED WITH BEETLES.

(2) THE COLORADO STATE FOREST SERVICE SHALL COLLABORATE WITH FEDERAL, STATE, AND LOCAL GOVERNMENTS AND WATER PROVIDERS TO RECOMMEND THE USE OF AVAILABLE RESOURCES FOR:

(a) AREAS THAT HAVE THE HIGHEST PRIORITY FOR RESTORATION; AND

(b) (I) WATERSHED PROTECTION PROJECTS AND FOREST HEALTH PROJECTS ON STATE AND FEDERAL LANDS, INCLUDING NATIONAL FOREST AND OTHER FEDERAL LANDS THAT SERVE AS THE PRIMARY SOURCE OF WATER TO COMMUNITIES AND MUNICIPALITIES.

(II) IN IDENTIFYING SUCH WATERSHED PROTECTION PROJECTS AND FOREST HEALTH PROJECTS, CONSIDERATION SHALL BE MADE TO EFFECTIVELY USE AVAILABLE RESOURCES BY:

(A) APPLYING THE PRINCIPLES OF THE STATE OF COLORADO GOOD NEIGHBOR AUTHORITY PROGRAM ENTERED INTO WITH THE UNITED STATES FOREST SERVICE;

(B) COMBINING AVAILABLE RESOURCES WITH FEDERAL GRANT MONEY, IF ANY, THAT IS AVAILABLE FOR SUCH PROJECTS OR SIMILAR PROJECTS; AND

(C) PARTNERING ON SUCH PROJECTS BEING PLANNED OR CONDUCTED BY GOVERNMENTAL AGENCIES WITH LAND MANAGEMENT JURISDICTION IN COMMUNITY AND MUNICIPAL WATERSHEDS.

(3) IN CARRYING OUT SUCH WATERSHED";

line 9, strike "STATE";

line 10, strike "FORESTER" and substitute "COLORADO STATE FOREST SERVICE";

line 12, after the period, add "FOR PURPOSES OF THIS SECTION:";

strike line 13;

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

line 17, strike "(II)" and substitute "(b)";

after line 18, insert the following:

"(c) "GOVERNMENTAL AGENCIES" HAS THE MEANING SET FORTH IN SECTION 37-95-112.5 (3), C.R.S.";

line 19, strike "(III)" and substitute "(d)".

Local
Government

After consideration on the merits, the Committee recommends that **HB08-1161** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 7, line 14, after "OF", insert "GROUND WATER CONTAINING";

strike line 27.

Page 8, strike line 1 and substitute the following:

"IN ACCORDANCE WITH THE RECLAMATION PLAN APPROVED BY THE BOARD IMMEDIATELY WHEN EITHER OF THE FOLLOWING OCCUR:

(A) DETECTION PURSUANT TO THE BASELINE CHARACTERIZATION AND MONITORING PLAN APPROVED BY THE BOARD OF ANY SUBSURFACE EXCURSION OF GROUND WATER OUTSIDE OF THE AFFECTED LAND CONTAINING CHEMICALS USED IN OR MOBILIZED BY IN SITU LEACH MINING DURING THE MINING OPERATIONS OR GROUND WATER OUTSIDE OF THE AFFECTED LAND THAT OTHERWISE FAILS TO MEET THE STANDARDS ESTABLISHED IN SECTION 34-32-116 (8).

(B) CESSATION OF PRODUCTION OPERATIONS."

Page 9, line 6, after "ON", insert "SCIENTIFIC OR TECHNICAL".

Page 10, strike lines 11 and 12 and substitute the following:

"LAW, RULE, OR PERMIT ISSUED BY ANOTHER STATE OR THE UNITED STATES AS DISCLOSED IN THE APPLICATION PURSUANT";

line 16, strike "PREVIOUSLY" and substitute "IN THE TEN YEARS PRIOR TO SUBMISSION OF THE APPLICATION" and, after "VIOLATED", insert "THE ENVIRONMENTAL PROTECTION REQUIREMENTS OF";

strike lines 19 and 20 and substitute the following:

"ISSUED BY ANOTHER STATE OR THE UNITED STATES AS DISCLOSED IN THE APPLICATION PURSUANT TO SECTION".

MESSAGE FROM THE HOUSE

April 18, 2008
Mr. President:

The House has adopted the First Report of the First Conference Committee on SB08-117, as printed in House Journal, April 16, pages 1406-1407, and has repassed the bill as so amended. The bill is returned herewith.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB08-1381, amended as printed in House Journal, April 17, page 1426.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB08-101, amended as printed in House Journal, April 17, page 1425.
SB08-192, amended as printed in House Journal, April 17, pages 1425-1426.

The House has passed on Third Reading and returns herewith SB08-114.

INTRODUCTION OF RESOLUTIONS

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

SJR08-036 by Senator(s) Tupa; --Concerning Colorado's relationship with the nation of Cuba.
State, Veterans & Military Affairs

SJR08-037 by Senator(s) Tupa and Penry, McElhany, Bacon, Spence, Williams; --Concerning the review and examination of student fees by the Department of Higher Education.

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

SJR08-038 by Senator(s) Gordon; --Concerning the just treatment of people of all faiths.

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:

SB08-232 by Senator(s) Isgar and Gibbs, Brophy, Kester, Kopp, Schwartz, Taylor, Wiens; also Representative(s) Curry--Concerning certain entities within the Colorado state university system, and, in connection therewith, making an appropriation to the wildfire emergency response fund.

Agriculture, Natural Resources & Energy

SCR08-008 by Senator(s) Tupa; --Submitting to the registered electors of the state of Colorado an amendment to section 9 of article XVIII of the constitution of the state of Colorado, concerning the allocation for state purposes of additional revenue derived from increasing the maximum single bet permissible under limited gaming.

State, Veterans & Military Affairs

SCR08-009 by Senator(s) Schultheis, Harvey, Brophy, Cadman, Mitchell S.; also Representative(s) Lundberg, Bruce, Gardner C., King, Lambert, McNulty, Sonnenberg--Submitting to the registered electors of the state of Colorado an amendment to article XVIII of the constitution of the state of Colorado, concerning illegal aliens, and, in connection therewith, requiring officials, agencies, and employees of the state or of a political subdivision of the state to comply with and assist in the enforcement of federal immigration laws, requiring the

citizenship status of each person arrested to be determined and verified with the federal government, requiring certain persons to be transferred to the custody of federal officials, and prohibiting the imposition of limitations on sending, receiving, or maintaining information on a person's immigration status for specified purposes.
State, Veterans & Military Affairs

HB08-1072 by Representative(s) Soper, Pommer; also Senator(s) Williams--Concerning employment incentives for people with disabilities through a medicaid buy-in program, and making an appropriation therefor.
Health and Human Services

HB08-1167 by Representative(s) Frangas; also Senator(s) Boyd--Concerning specialized legal protections for certain members of vulnerable population groups, and, in connection therewith, prohibiting certain conduct with respect to the guaranteed issue of a medicare supplement policy for disabled persons, creating a working group to study health care issues for vulnerable populations, requiring certain retail establishments to provide toilet facilities to customers who suffer from certain medical conditions, and requiring the conduct of developmental screenings and assessments for certain children receiving welfare services.
Health and Human Services

SENATE SERVICES REPORT

Correctly Printed: SB08-231; SCR08-007; SJR08-027, 028, 029, 030, 031, 032, 033, 034, and 035; SM08-002, and 003; SR08-005;
Correctly Engrossed: SB08-038, 133, 166, 194, and 212; SJR08-019.
Correctly Reengrossed: SB08-001.
Correctly Rerevised: HB08-1335.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB08-1038, 1131, 1178, 1224, 1236, 1248, 1249, 1270, 1337.
The President has signed: SB08-016.
The President has signed: HB08-1375.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Friday, April 18, 2008, at 9:59 a.m.:
SB08-016.

CHANGE IN SPONSORSHIP

Upon announcement of President Groff, Senator Romer will replace Senator Tapia as the Senate prime sponsor on SB08-227.

On motion of Senator Gordon, the Senate adjourned until 10:00 a.m., Monday, April 21, 2008.

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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

104th Legislative Day

Monday, April 21, 2008

Prayer	By President Groff.
Pledge	By Senator Tupa.
Call to Order	By the President at 10:00 a.m.
Roll Call	Present--35.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Penry, reading of the Journal of April 18, 2008 was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE REVISOR OF STATUTES

April 18, 2008

We herewith transmit:

Without comment, as amended, HB08-1381.
Without comment, as amended, SB08-101 and 192.

THIRD READING OF BILLS -- FINAL PASSAGE

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

SB08-040 by Senator(s) Gordon; also Representative(s) Casso--Concerning online voter registration, and making an appropriation therefor.

Laid over until Tuesday, April 22, retaining its place on the calendar.

HB08-1261 by Representative(s) Buescher; also Senator(s) Bacon--Concerning the exemption from sales tax of the sale of aircraft to be removed from the state.

Laid over until Tuesday, April 22, retaining its place on the calendar.

SB08-065 by Senator(s) Spence; also Representative(s) Merrifield and Massey--Concerning teacher performance incentive programs, and making an appropriation therefor.

Laid over until Tuesday, April 22, retaining its place on the calendar.

SB08-200 by Senator(s) Veiga; also Representative(s) Judd, Borodkin, Carroll M., Carroll T., Casso, Ferrandino, Frangas, Green, Kerr A., Levy, Madden, Marshall, McGihon, Pommer, Todd--Concerning the expansion of prohibitions against discrimination.

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

YES	20	NO	15	EXCUSED	0	ABSENT	0
Bacon	Y	Johnson	N	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	Y
Brophy	N	Kester	N	Schultheis	N	Veiga	Y
Cadman	N	Kopp	N	Schwartz	Y	Ward	N
Gibbs	Y	McElhany	N	Shaffer	Y	Wiens	N
Gordon	Y	Mitchell S.	N	Spence	N	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	N	Penry	N	Tapia	Y	President	Y
Isgar	Y	Renfroe	N	Taylor	N		

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

Co-sponsors added: Bacon, Boyd, Gibbs, Groff, Isgar, Keller, Morse, Romer, Sandoval, Schwartz, Shaffer, Tapia, Tupa, Williams and Windels.

SB08-184 by Senator(s) Romer; also Representative(s) Levy--Concerning the creation of the Colorado clean energy finance program.

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

YES	20	NO	15	EXCUSED	0	ABSENT	0
Bacon	Y	Johnson	N	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	Y
Brophy	N	Kester	N	Schultheis	N	Veiga	Y
Cadman	N	Kopp	N	Schwartz	Y	Ward	N
Gibbs	Y	McElhany	N	Shaffer	Y	Wiens	N
Gordon	Y	Mitchell S.	N	Spence	N	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	N	Penry	N	Tapia	Y	President	Y
Isgar	Y	Renfroe	N	Taylor	N		

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

Co-sponsors added: Bacon, Boyd, Gibbs, Groff, Schwartz, Shaffer, Tapia, Tupa, Veiga, Williams and Windels.

SB08-215 by Senator(s) Schwartz; also Representative(s) Riesberg--Concerning broadband telecommunications service, and, in connection therewith, directing the state's chief information officer to create an inventory of broadband telecommunications service areas and information service areas and authorizing the public utilities commission to establish a funding mechanism to help defray the cost of preparing the inventory.

Laid over until Tuesday, April 22, retaining its place on the calendar.

SB08-188 by Senator(s) Boyd; also Representative(s) Kerr J.--Concerning the establishment of a pilot program for Colorado hospitals to collaborate with direct-care nurses in order to model professional nursing practice involvement in issues of importance to nursing.

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

YES	23	NO	12	EXCUSED	0	ABSENT	0
Bacon	Y	Johnson	Y	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	Y
Brophy	N	Kester	Y	Schultheis	N	Veiga	Y
Cadman	N	Kopp	N	Schwartz	Y	Ward	N
Gibbs	Y	McElhany	N	Shaffer	Y	Wiens	N
Gordon	Y	Mitchell S.	N	Spence	N	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	N	Penry	N	Tapia	Y	President	Y
Isgar	Y	Renfroe	N	Taylor	Y		

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

Co-sponsors added: Bacon, Gibbs, Groff, Keller, Schwartz, Shaffer, Tapia, Tochtrop, Williams and Windels.

SB08-044 by Senator(s) Renfroe; also Representative(s) McFadyen--Concerning tuberculosis screening for higher education students.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Johnson	Y	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	Y
Brophy	Y	Kester	Y	Schultheis	Y	Veiga	Y
Cadman	Y	Kopp	Y	Schwartz	Y	Ward	Y
Gibbs	Y	McElhany	Y	Shaffer	Y	Wiens	Y
Gordon	Y	Mitchell S.	Y	Spence	Y	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	Y	Penry	Y	Tapia	Y	President	Y
Isgar	Y	Renfroe	Y	Taylor	Y		

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

Co-sponsors added: Gibbs, Schultheis, Wiens and Williams.

SCR08-003 by Senator(s) Tapia, Shaffer, Mitchell S., Isgar, Groff, Gordon, Bacon, Boyd, Keller, Morse, Romer, Williams; also Representative(s) White, Kerr A., Roberts, Madden-- Submitting to the registered electors of the state of Colorado an amendment to section 1 of article V of the constitution of the state of Colorado, concerning initiatives, and, in connection therewith, requiring the number of signatures gathered on a proposed initiative petition for state legislation to be equal to at least four percent of the votes cast in the previous election for governor; requiring the number of signatures gathered on a proposed initiative petition for an amendment to the constitution to be equal to at least six percent of the votes cast in the previous election for governor; requiring a minimum number of signatures for an initiative petition to amend the state constitution to be gathered from residents of each congressional district in the state; requiring an initiative petition for an amendment to the constitution to be filed with the secretary of state seven months before an election; and requiring a two-thirds vote of all members elected to each house of the general assembly to repeal or amend any law enacted by an initiative for a period of six years after the law becomes effective.

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

YES	27	NO	8	EXCUSED	0	ABSENT	0
Bacon	Y	Johnson	Y	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	N
Brophy	Y	Kester	Y	Schultheis	N	Veiga	Y
Cadman	N	Kopp	N	Schwartz	Y	Ward	N
Gibbs	Y	McElhany	Y	Shaffer	Y	Wiens	N
Gordon	Y	Mitchell S.	Y	Spence	Y	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	N	Penry	Y	Tapia	Y	President	Y
Isgar	Y	Renfroe	N	Taylor	Y		

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

Co-sponsors added: Sandoval, Schwartz, Tochtrop and Windels.

IMMEDIATE RECONSIDERATION OF SCR08-003

SCR08-003 by Senator(s) Tapia, Shaffer, Mitchell S., Isgar, Groff, Gordon, Bacon, Boyd, Keller, Morse, Romer, Williams; also Representative(s) White, Kerr A., Roberts, Madden-- Submitting to the registered electors of the state of Colorado an amendment to section 1 of article V of the constitution of the state of Colorado, concerning initiatives, and, in connection therewith, requiring the number of signatures gathered on a proposed initiative petition for state legislation to be equal to at least four percent of the votes cast in the previous election for governor; requiring the number of signatures gathered on a proposed initiative petition for an amendment to the constitution to be equal to at least six percent of the votes cast in the previous election for governor; requiring a minimum number of signatures for an initiative petition to amend the state constitution to be gathered from residents of each congressional district in the state; requiring an initiative petition for an amendment to the constitution to be filed with the secretary of state seven months before an

election; and requiring a two-thirds vote of all members elected to each house of the general assembly to repeal or amend any law enacted by an initiative for a period of six years after the law becomes effective.

Having voted on the prevailing side, Senator Shaffer moved for immediate reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on **SCR08-003**. The roll call was taken with the following result:

YES	10	NO	25	EXCUSED	0	ABSENT	0
Bacon	N	Johnson	N	Romer	N	Tochtrop	N
Boyd	N	Keller	N	Sandoval	N	Tupa	Y
Brophy	Y	Kester	N	Schultheis	Y	Veiga	N
Cadman	Y	Kopp	Y	Schwartz	N	Ward	Y
Gibbs	N	McElhany	N	Shaffer	N	Wiens	Y
Gordon	N	Mitchell S.	Y	Spence	N	Williams	N
Hagedorn	N	Morse	N	Takis	N	Windels	N
Harvey	Y	Penry	N	Tapia	N	President	N
Isgar	N	Renfroe	Y	Taylor	N		

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

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

GENERAL ORDERS -- SECOND READING OF BILLS -- CONSENT CALENDAR

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:

HB08-1359 by Representative(s) Buescher, King; also Senator(s) Penry, Tupa--Concerning the authority of certain licensed wineries to use common licensed premises for the production of wine in this state.

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

HB08-1371 by Representative(s) Madden, May M.; also Senator(s) Gordon--Concerning the authority of the director of research of the legislative council to submit bids for legislative printing, and, providing for the funding thereof.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE -- CONSENT CALENDAR

On motion of Senator Keller, the Report of the Committee of the Whole was adopted on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Johnson	Y	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	Y
Brophy	Y	Kester	Y	Schultheis	Y	Veiga	Y
Cadman	Y	Kopp	Y	Schwartz	Y	Ward	Y
Gibbs	Y	McElhany	Y	Shaffer	Y	Wiens	Y
Gordon	Y	Mitchell S.	Y	Spence	Y	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	Y	Penry	Y	Tapia	Y	President	Y
Isgar	Y	Renfroe	Y	Taylor	Y		

The Committee of the Whole took the following action:

Passed on Second Reading: HB08-1359, HB08-1371.

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

SB08-170 by Senator(s) Bacon, Johnson, Penry; also Representative(s) Buescher, Fischer, Kefalas, Marostica--Concerning an extension of the period during which tax revenues may be allocated to a special fund by a downtown development authority in connection with tax increment financing.

Amendment No. 1, Local Government Committee Amendment.

(Printed in Senate Journal, March 5, page 474 and placed in members' bill files.)

Amendment No. 1(L.005), by Senator Bacon.

Amend the Local Government Committee report, dated February 28, 2008, page 1, strike line 1 and substitute the following:

"Amend printed bill, page 2, line 16, after "years", insert "OR SUCH LONGER PERIOD AS PROVIDED FOR IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (a)".

Page 3, line 8, after "WHICH", insert "PROPERTY";

line 9, strike "YEARS" and substitute "YEARS, WHICH EXTENSION SHALL COMMENCE UPON THE EXPIRATION OF THE ORIGINAL THIRTY-YEAR PERIOD,";

line 10, after "ALLOCATION", insert "OF PROPERTY TAXES";

line 15, after "EXTENSION.", insert "THE GOVERNING BODY MAY ALSO BY ORDINANCE EXTEND THE PERIOD DURING WHICH SALES TAXES SHALL BE ALLOCATED FOR ONE ADDITIONAL EXTENSION OF TWENTY YEARS WITH NO CHANGE TO THE ESTABLISHED SALES TAX BASE YEAR.";

strike lines 22 and 23 and substitute the following:

"BASIS FIFTY PERCENT OF THE PROPERTY TAXES LEVIED, OR SUCH GREATER AMOUNT AS MAY BE SET FORTH IN AN AGREEMENT NEGOTIATED BY THE MUNICIPALITY AND THE RESPECTIVE PUBLIC BODIES, AND ALLOCATED IN ACCORDANCE WITH THE";

strike lines 25 through 27.

Page 4, strike lines 1 and 2 and substitute the following:

"PAID INTO THE SPECIAL FUND OF THE MUNICIPALITY AND THE BALANCE OF SUCH TAXES SHALL BE PAID INTO THE FUNDS OF THE OTHER PUBLIC BODIES BY OR FOR WHICH SUCH TAXES ARE COLLECTED. NOT LATER THAN";

line 11 of the Committee Report, strike "BODY." and substitute "BODY.";

after line 11, insert the following:

"SECTION 2. 31-25-807 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

31-25-807. Powers - duties. (3) (f) THE MANNER AND METHOD BY WHICH THE REQUIREMENTS OF SUBPARAGRAPH (III) OF PARAGRAPH (a) OF THIS SUBSECTION (3) ARE TO BE IMPLEMENTED BY THE COUNTY ASSESSORS SHALL BE CONTAINED IN SUCH MANUALS, APPRAISAL PROCEDURES, AND INSTRUCTIONS, AS APPLICABLE, THAT THE PROPERTY TAX ADMINISTRATOR IS AUTHORIZED TO PREPARE AND PUBLISH PURSUANT

TO SECTION 39-2-109 (1) (e), C.R.S.". 1

Renumber succeeding section accordingly.". 2

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 3

HB08-1183 by Representative(s) Hodge; also Senator(s) Veiga--Concerning modifications to the program that allows performance-based incentives for new job creation. 4

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, February 26, page 372 and placed in members' bill files.) 5

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 6

HB08-1354 by Representative(s) Levy; also Senator(s) Mitchell S.--Concerning authorization for the regional transportation district to finance transportation projects by issuing specified types of bonds authorized by federal law. 7

Ordered revised and placed on the calendar for Third Reading and Final Passage. 8

HB08-1253 by Representative(s) White, Buescher, Pommer; also Senator(s) Morse, Keller, Johnson--Concerning the creation of the judicial department information technology cash fund, and making an appropriation in connection therewith. 9

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 16, page 981 and placed in members' bill files.) 10

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 11

HB08-1175 by Representative(s) Garza-Hicks, Gardner B., Kerr J., Lambert, Marostica, May M., McNulty, Rose, Witwer; also Senator(s) Kopp--Concerning the creation of the United States Army fourth infantry division special license plate, and making an appropriation in connection therewith. 12

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 16, page 980 and placed in members' bill files.) 13

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 14

HB08-1171 by Representative(s) Casso; also Senator(s) Gibbs--Concerning the exclusion of a federal excise tax paid on the first sale of a heavy vehicle from the purchase price of such vehicle for the purpose of determining tax liability. 15

Ordered revised and placed on the calendar for Third Reading and Final Passage. 16

HB08-1257 by Representative(s) Vaad; also Senator(s) Williams--Concerning the issuance of a permit to operate a motor vehicle with an overweight divisible load, and making an appropriation in connection therewith. 17

Ordered revised and placed on the calendar for Third Reading and Final Passage. 18

HB08-1109 by Representative(s) Balmer; also Senator(s) Williams--Concerning an increase in the secretary of state's authority over charitable solicitations, and making an appropriation therefor. 19

Ordered revised and placed on the calendar for Third Reading and Final Passage. 20

HB08-1268 by Representative(s) White, Buescher, Pommer; also Senator(s) Johnson, Keller, Morse--Concerning the authority of the department of human services to rent surplus facilities, and making an appropriation therefor. 21

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, March 24, page 661 and placed in members' bill files.) 22

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 23

- HB08-1250** by Representative(s) Pommer, Buescher, White; also Senator(s) Johnson, Keller, Morse-- Concerning the provision of necessary moneys for the provision of social services by counties, and, in connection therewith, changing the calculation of distributions from the county tax base relief fund, and making an appropriation in connection therewith. 1
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 6
7
- HB08-1108** by Representative(s) Riesberg; also Senator(s) Morse--Concerning an increase in the funding to the older Coloradans cash fund from the receipts collected from the state sales and use tax, and making an appropriation therefor. 8
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 12
13
- HB08-1100** by Representative(s) Gagliardi; also Senator(s) Keller--Concerning adjusting fees charged by the office of the state registrar to support the Colorado responds to children with special needs program, and making an appropriation therefor. 14
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Amendment No. 1, Finance Committee Amendment. 18
(Printed in Senate Journal, March 5, page 472 and placed in members' bill files.) 19
20
As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 21
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23
- HB08-1241** by Representative(s) Scanlan, Casso, Curry, Rose, White; also Senator(s) Schwartz, Gibbs-- Concerning the voluntary contribution designation benefiting the Colorado watershed protection fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation and changing the name of the fund. 24
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 30
31
- HB08-1103** by Representative(s) Kerr J., Marshall, Mitchell V., Primavera; also Senator(s) Isgar, Takis, Taylor--Concerning the regulation of amusement rides by the division of oil and public safety. 32
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Amendment No. 1, Business, Labor & Technology Committee Amendment. 36
(Printed in Senate Journal, March 18, page 605 and placed in members' bill files.) 37
38
Amendment No. 2, Appropriations Committee Amendment. 39
(Printed in Senate Journal, April 16, page 981 and placed in members' bill files.) 40
41
As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 42
43
(For further action, see Amendments to the Report of the Committee of the Whole.) 44
45
- HB08-1084** by Representative(s) Buescher; also Senator(s) Penry--Concerning an option for prepayment of severance tax liability available to a taxpayer for mitigation of the impact of mineral or mineral fuel severance. 46
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Amendment No. 1, Agriculture, Natural Resources & Energy Committee Amendment. 50
(Printed in Senate Journal, April 17, page 992, was declared LOST.) 51
52
As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 53
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- Senator Gordon moved that the Committee of the Whole rise, report progress, and beg leave to sit again at 1:30 p.m. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted. 58
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- REPORT OF THE COMMITTEE OF THE WHOLE** 62
63
- Passed on Second Reading: SB08-170 as amended, HB08-1183 as amended, HB08-1354, HB08-1253 as amended, HB08-1175 as amended, HB08-1171, HB08-1257, HB08-1109, HB08-1268 as amended, HB08-1250, HB08-1108, HB08-1100 as amended, HB08-1241, HB08-1103 as amended, HB08-1084. 64
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Laid over to the end of the General Order -- Second Reading of Bills, April 21: SB08-217 as amended, SB08-157 as amended, SB08-198, HB08-1164 as amended, HB08-1329, HB08-1170, SB08-213. 68
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Committee of the Whole in recess.

On motion of Senator Gordon, 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 -- SJR08-026.

CONSIDERATION OF RESOLUTIONS

SJR08-026 by Senator(s) Keller; also Representative(s) Green--Concerning the recognition and commendation of the Colorado School of Mines' Eighth Continent Project.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Johnson	Y	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	Y
Brophy	Y	Kester	Y	Schultheis	Y	Veiga	Y
Cadman	Y	Kopp	Y	Schwartz	Y	Ward	Y
Gibbs	Y	McElhany	Y	Shaffer	Y	Wiens	Y
Gordon	Y	Mitchell S.	Y	Spence	Y	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	Y	Penry	Y	Tapia	Y	President	Y
Isgar	Y	Renfroe	Y	Taylor	Y		

Co-sponsors added: Bacon, Boyd, Brophy, Cadman, Gibbs, Gordon, Groff, Hagedorn, Harvey, Isgar, Johnson, Kester, Kopp, McElhany, Mitchell S., Morse, Penry, Renfroe, Romer, Sandoval, Schultheis, Schwartz, Shaffer, Spence, Takis, Tapia, Taylor, Tochtrop, Tupa, Veiga, Ward, Wiens, Williams and Windels.

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON HB08-1001

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 HB08-1001, concerning the advancement of bioscience discoveries in Colorado, 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 the amendments appear in the rerevised bill.

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

Amend rerevised bill, page 13, line 7, strike "continuously" and substitute "continuously";

strike lines 8 through 18 and substitute the following:

~~"appropriated~~ SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY for the ~~direct and indirect costs associated with the implementation of the program~~ PURPOSES SPECIFIED IN THIS SECTION, INCLUDING ADMINISTRATION OF THE PROGRAM BY THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT. 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; EXCEPT THAT ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND UPON THE REPEAL OF THIS SECTION SHALL BE TRANSFERRED TO THE GENERAL FUND. ANY MONEYS INCLUDED IN AN ANNUAL APPROPRIATION THAT ARE NOT EXPENDED OR ENCUMBERED AT THE END OF THE FISCAL YEAR SHALL REMAIN AVAILABLE FOR EXPENDITURE IN THE NEXT FISCAL YEAR WITHOUT FURTHER APPROPRIATION."

Page 17, line 16, strike "\$5,500,000" and substitute "\$5,500,000), and 0.6 FTE,".

Respectfully submitted,

House Committee:
(signed)
Representative Riesberg, Chair
Representative J. Kerr
Representative Buescher

Senate Committee:
(signed)
Senator Bacon, Chair
Senator Veiga
Senator Johnson

MESSAGE FROM THE HOUSE

April 21, 2008
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB08-1344, amended as printed in House Journal, April 18, pages 1444-1447, and on Third Reading, as printed in House Journal, April 21.

HB08-1380, amended as printed in House Journal, April 18, pages 1447-1448.

The House has passed on Third Reading and returns herewith SB08-203.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB08-118, amended as printed in House Journal, April 18, page 1447.

INTRODUCTION OF BILLS -- FIRST READING

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

- SB08-233** by Senator(s) Windels and Williams; also Representative(s) Riesberg and Marostica--
Concerning the authority of the state treasurer to enter into certain lease-purchase agreements relating to state-supported institutions of higher education.
Finance
- SB08-234** by Senator(s) Bacon; --Concerning procedural matters related to substance abuse treatment in criminal cases.
Judiciary
- SB08-235** by Senator(s) Bacon; --Concerning adding the act of masturbation in public to the offense of public indecency.
Judiciary
- SB08-236** by Senator(s) Bacon; --Concerning clarifying that a law enforcement officer may give notice of the contents of a protection order to the person who is the subject of the order for purposes of the knowledge element in a criminal case involving violation of the protection order.
Judiciary
- SB08-237** by Senator(s) Bacon; --Concerning the circumstances under which a person is required to register as a sex offender based upon a conviction in a jurisdiction other than Colorado.
Judiciary

- SB08-238** by Senator(s) Bacon; --Concerning a prohibition on the reproduction of sexually exploitative material in a criminal case. Judiciary
- SB08-239** by Senator(s) Bacon; --Concerning increasing from a class 4 felony to a class 3 felony the penalty for leaving the scene of an accident involving death. Judiciary
- HB08-1381** by Representative(s) Frangas, Casso; also Senator(s) Sandoval--Concerning measures to prevent the loss of a mortgagor's equity in real property used as collateral for a loan. Business, Labor and Technology

SENATE SERVICES REPORT

Correctly Printed: SB08-232; SCR08-008, and 009; SJR08-036, 037, and 038.
Correctly Engrossed: SB08-044, 065, 184, 188, 200, and 215; SCR08-003.
Correctly Reengrossed: SB08-038, 123, 133, 166, 194, and 212.
Correctly Revised: HJR08-1016, and 1029.
Correctly Enrolled: SB08-016.

Senate in recess. Senate reconvened.

Call of the Senate. Call raised.

Committee of the Whole reconvened.

GENERAL ORDERS -- SECOND READING OF BILLS -- cont.

- SB08-217** by Senator(s) Hagedorn, Johnson; also Representative(s) McGihon and Massey, Roberts-- Concerning the framework for developing the centennial care choices program to reform the health care system in Colorado.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, April 10, pages 882-883 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 16, pages 979-980 and placed in members' bill files.)

Amendment No. 3(L.007), by Senator Hagedorn.

Strike the Appropriations Committee Report, dated April 16, 2008.

Strike the Health and Human Services Committee Report, dated April 9, 2008.

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

"**SECTION 1.** Part 1 of article 1 of title 25.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

25.5-1-125. Centennial care choices - value benefit plans - request for information - request for proposals - report to general assembly - definitions - legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

(a) THE BLUE RIBBON COMMISSION FOR HEALTH CARE REFORM, ESTABLISHED PURSUANT TO SECTION 10-16-131, C.R.S., AS IT EXISTED PRIOR TO JULY 1, 2008, SUBMITTED ITS RECOMMENDATIONS TO THE GENERAL ASSEMBLY IN JANUARY 2008, REGARDING COMPREHENSIVE PROPOSALS TO REFORM HEALTH CARE IN COLORADO, INCLUDING METHODS

TO REDUCE OR ELIMINATE COLORADO'S UNINSURED POPULATION;

(b) THE GENERAL ASSEMBLY RECOGNIZES THAT WHILE COMPREHENSIVE HEALTH CARE REFORM IS A LAUDABLE GOAL, THE STATE LACKS THE FINANCIAL RESOURCES TO FULLY SOLVE ALL THE PROBLEMS FACING THIS STATE'S HEALTH CARE SYSTEM;

(c) WHILE UNABLE TO FULLY ADDRESS COMPREHENSIVE HEALTH CARE REFORM AT THIS TIME, IT IS IMPORTANT TO START THE PROCESS NOW AND LAY THE GROUNDWORK FOR ESTABLISHING A SECURE, STABLE PROGRAM THAT REDUCES COLORADO'S UNINSURED POPULATION, PROVIDES ASSISTANCE TO THE STATE'S LOW-INCOME INDIVIDUALS AND EMPLOYEES IN OBTAINING HEALTH CARE COVERAGE, ENCOURAGES EMPLOYERS TO CONTINUE OFFERING HEALTH CARE COVERAGE TO THEIR EMPLOYEES, AND IS SUSTAINABLE INTO THE FUTURE, EVEN DURING AN ECONOMIC DOWNTURN;

(d) IT IS ALSO CRITICAL THAT THE STATE MAXIMIZE FEDERAL FUNDS FOR MEDICAL ASSISTANCE PROGRAMS SO AS TO PROVIDE SERVICES AND ACCESS TO HEALTH CARE TO THE STATE'S NEEDY POPULATION;

(e) COLORADO CANNOT WAIT TO ADDRESS THE CURRENT PROBLEMS RELATED TO THE DELIVERY OF AFFORDABLE HEALTH CARE TO RESIDENTS OF THE STATE, AND IT IS THEREFORE CRITICAL TO START THE PROCESS TOWARD DEVELOPING A BALANCED PARTNERSHIP BETWEEN PRIVATE AND PUBLIC SECTORS IN COLORADO TO BEGIN TO PROVIDE AFFORDABLE HEALTH INSURANCE TO THOSE WHO ARE UNINSURED; AND

(f) TO THAT END, THIS SECTION CREATES THE OPPORTUNITY FOR HEALTH INSURANCE CARRIERS TO DEVELOP AND OFFER AN AFFORDABLE, BASELINE HEALTH INSURANCE PRODUCT NOT CURRENTLY AVAILABLE IN THE INDIVIDUAL MARKET, TO PROVIDE ACCESS TO HEALTH CARE COVERAGE FOR THE STATE'S UNINSURED POPULATION.

(2) (a) (I) THE STATE DEPARTMENT, IN COORDINATION WITH THE DIVISION OF INSURANCE AND A PANEL OF EXPERT ADVISORS APPOINTED BY THE GOVERNOR, WHICH SHALL INCLUDE PERSONS WITH EXPERTISE IN ACTUARIAL SCIENCES, PERSONS ENGAGED IN THE DESIGNING, IMPLEMENTATION, AND MANAGEMENT OF HEALTH BENEFIT PLANS, CONSUMERS, AND PERSONS REPRESENTING HEALTH CARE PROVIDERS, SHALL PREPARE A REQUEST FOR INFORMATION TO BE ISSUED TO HEALTH INSURANCE CARRIERS. THE REQUEST FOR INFORMATION SHALL REQUEST INTERESTED HEALTH INSURANCE CARRIERS TO PROVIDE INFORMATION REGARDING:

(A) THE DESIGN OF AND BENEFITS INCLUDED IN VALUE BENEFIT PLANS, REFERRED TO IN THIS SECTION AS VBPs, THAT APPROXIMATE EIGHTY PERCENT OF THE ACTUARIAL VALUE OF A PREFERRED PROVIDER ORGANIZATION PLAN OFFERED TO EMPLOYEES OF THE STATE OF COLORADO AT THE TIME THE REQUEST FOR INFORMATION IS ISSUED, AS SPECIFIED IN THE REQUEST FOR INFORMATION; AND

(B) THE PERCENTAGE DIFFERENTIAL IN RATES FOR VBPs IF ALL COLORADO RESIDENTS ARE REQUIRED TO OBTAIN CREDITABLE COVERAGE AND IF NO SUCH INDIVIDUAL MANDATE IS IMPOSED.

(II) EXCEPT AS AUTHORIZED IN THIS SECTION, THE REQUEST FOR INFORMATION SHALL NOT SPECIFY BENEFITS OR OTHER DETAILS TO BE INCLUDED IN THE PROPOSED VBP.

(b) IN RESPONDING TO THE REQUEST FOR INFORMATION, A HEALTH INSURANCE CARRIER SHALL ASSUME THAT A VBP WILL, AT A MINIMUM:

(I) INCLUDE BENEFITS FOR PRIMARY AND PREVENTIVE CARE AND PARTICIPATION IN WELLNESS PROGRAMS AND INCENTIVES FOR PLAN PARTICIPANTS TO ENGAGE IN HEALTHIER BEHAVIOR;

(II) INCLUDE A LIFETIME MAXIMUM BENEFIT OF TWO HUNDRED FIFTY THOUSAND DOLLARS PER COVERED PERSON;

(III) IMPOSE A TWELVE-MONTH WAITING PERIOD FOR A PERSON SEEKING TO ENROLL IN A VBP WHO HAS CREDITABLE COVERAGE AT THE

TIME THE VBP IS FIRST OFFERED IN THE INDIVIDUAL MARKET;

(IV) ENCOURAGE THE USE OF HEALTH INFORMATION TECHNOLOGY AND TELEMEDICINE, INCLUDING, WITHOUT LIMITATION, HEALTH INFORMATION EXCHANGE, ELECTRONIC HEALTH RECORDS, AND ELECTRONIC PRESCRIPTIONS;

(V) ENCOURAGE THE USE OF A PAY-FOR-PERFORMANCE SYSTEM FOR REIMBURSING HEALTH CARE PROVIDERS, WHERE APPROPRIATE;

(VI) PROVIDE CONSUMERS WITH EDUCATIONAL MATERIALS REGARDING HOW TO ACCESS INTERNET-BASED HEALTH CARE TOOLS;

(VII) SPECIFY AN ADEQUATE NETWORK OF PROVIDERS AVAILABLE UNDER THE VBP;

(VIII) ENCOURAGE THE USE OF REGIONAL NETWORKS OF HOSPITALS, PHYSICIANS, COMMUNITY HEALTH CENTERS AND OTHER SAFETY NET PROVIDERS, AND OTHER HEALTH CARE PROFESSIONALS, WHERE AVAILABLE, AND INNOVATIVE OR COLLABORATIVE EFFORTS WITHIN COMMUNITIES FOR THE PROVISION OF HEALTH CARE SERVICES;

(IX) INCLUDE OPTIONAL COVERAGE CHOICES FOR PURCHASE BY CONSUMERS TO ADD TO THEIR VBPs;

(X) LIMIT THE DEMOGRAPHIC CHARACTERISTICS USED BY HEALTH INSURANCE CARRIERS IN DETERMINING PREMIUM RATES TO THE AGE OF THE INDIVIDUALS TO BE COVERED UNDER THE VBP AND THE GEOGRAPHIC LOCATION OF THE POLICYHOLDER;

(XI) SPECIFY PREMIUM LEVELS FOR EACH VBP BY AGE GROUP, REGION BY REGION;

(XII) BE OFFERED AND ISSUED TO ANY COLORADO RESIDENT ELIGIBLE PURSUANT TO THE TERMS OF THE APPROVED VBP WHO AGREES TO MAKE THE PREMIUM PAYMENTS REQUIRED FOR THAT PERSON;

(XIII) ALLOW FOR THE PAYMENT OF ALL OR A PORTION OF THE COVERED PERSON'S PREMIUM FROM A STATE-PAID PREMIUM SUBSIDY, IF MADE AVAILABLE BY THE STATE FOR LOW-INCOME INDIVIDUALS AND FAMILIES; AND

(XIV) NOT DESTABILIZE THE EXISTING SMALL GROUP MARKET.

(3) (a) AFTER RECEIPT OF THE INFORMATION REQUESTED OF HEALTH INSURANCE CARRIERS PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE STATE DEPARTMENT, IN COORDINATION WITH THE DIVISION AND THE PANEL, SHALL ACQUIRE RELEVANT ACTUARIAL PROJECTIONS, RESEARCH POTENTIAL COST SAVINGS, AND ANALYZE THE INFORMATION OBTAINED FROM HEALTH INSURANCE CARRIERS. USING THE RELEVANT PROJECTIONS, RESEARCH, AND INFORMATION, THE STATE DEPARTMENT, IN COOPERATION WITH THE DIVISION AND THE PANEL, SHALL DEVELOP A REQUEST FOR PROPOSALS TO BE ISSUED TO INTERESTED HEALTH INSURANCE CARRIERS FOR THE PURPOSE OF OBTAINING PLAN DESIGNS FOR VBPs BASED ON THE PARAMETERS OUTLINED IN THE REQUEST FOR INFORMATION, AS MODIFIED BY THE REQUEST FOR PROPOSALS. IN DEVELOPING THE REQUEST FOR PROPOSALS, THE STATE DEPARTMENT SHALL CONSIDER AND DETERMINE WHETHER THE REQUEST FOR PROPOSALS SHALL INCLUDE THE FOLLOWING ASSUMPTIONS OR COMPONENTS:

(I) AN ASSUMPTION THAT THE STATE WILL IMPOSE A REQUIREMENT THAT ALL COLORADANS OBTAIN CREDITABLE COVERAGE, EITHER THROUGH A STATE-SANCTIONED VBP, ANOTHER HEALTH INSURANCE PRODUCT AVAILABLE IN THE PRIVATE MARKET FOR INDIVIDUALS OR GROUPS, PARTICIPATION IN A STATE OR FEDERAL PROGRAM PROVIDING BENEFITS OR COVERAGE FOR HEALTH CARE, OR ANY OTHER CREDITABLE COVERAGE;

(II) AN ASSUMPTION THAT THE STATE WILL ESTABLISH A MECHANISM TO ENFORCE THE REQUIREMENT THAT ALL COLORADO RESIDENTS OBTAIN CREDITABLE COVERAGE THROUGH THE STATE TAX LAWS, IF SUCH REQUIREMENT IS IMPOSED;

(III) AN ASSUMPTION THAT THE STATE WILL CREATE A SLIDING SCALE PREMIUM SUBSIDY PROGRAM TO ASSIST LOW-INCOME INDIVIDUALS AND FAMILIES IN PAYING THE PREMIUM COSTS FOR HEALTH INSURANCE;

(IV) AN ASSUMPTION THAT THE STATE WILL AMEND THE STATE PLAN TO EXPAND ELIGIBILITY FOR THE COLORADO MEDICAL ASSISTANCE PROGRAM TO SINGLE ADULTS WHOSE FAMILY INCOME DOES NOT EXCEED ONE HUNDRED PERCENT OF THE FEDERAL POVERTY LEVEL, ADJUSTED FOR FAMILY SIZE;

(V) A MECHANISM TO ENCOURAGE THE USE OF EVIDENCE-BASED MEDICINE THROUGH CREATION OF A PATIENT SAFETY COUNCIL TO EVALUATE PATIENT CARE WITH THE GOALS OF IMPROVING QUALITY OF CARE AND MINIMIZING MEDICAL CARE MISTAKES;

(VI) AN ASSUMPTION THAT THE STATE WILL AUTHORIZE THE STATE DEPARTMENT AND THE DIVISION TO ESTABLISH HEALTH MARTS THROUGH WHICH AN INDIVIDUAL ELIGIBLE FOR THE STATE SUBSIDY, IF CREATED, MAY SELECT A VBP THAT BEST MEETS HIS OR HER NEEDS; AND

(VII) AN ASSUMPTION THAT THE STATE WILL CREATE A DEDICATED SOURCE OF REVENUE, IF NECESSARY, TO FUND THE PREMIUM SUBSIDY PROGRAM OR OTHER NEW STATE COSTS.

(b) THE REQUEST FOR PROPOSALS SHALL SPECIFY A DEADLINE BY WHICH PROPOSALS SHALL BE SUBMITTED TO THE STATE DEPARTMENT.

(c) PROPOSALS SUBMITTED BY HEALTH INSURANCE CARRIERS SHALL BUILD ON AND NOT INTERFERE WITH OR DESTABILIZE THE EXISTING SMALL GROUP MARKET, SHALL NOT ENCOURAGE BUSINESSES CURRENTLY OFFERING HEALTH CARE COVERAGE TO THEIR EMPLOYEES TO DISCONTINUE SUCH COVERAGE, AND SHALL PROMOTE ADMINISTRATIVE EFFICIENCIES.

(4) (a) AFTER RECEIPT OF PROPOSALS SUBMITTED BY HEALTH INSURANCE CARRIERS, THE STATE DEPARTMENT, IN COORDINATION WITH THE DIVISION AND THE PANEL, SHALL EVALUATE THE PROPOSALS AND MAKE RECOMMENDATIONS TO THE GOVERNOR REGARDING THE PROPOSALS AND ANY LEGISLATION THAT MAY BE NEEDED TO IMPLEMENT ONE OR MORE PROPOSALS.

(b) IF THE GOVERNOR DETERMINES THAT NONE OF THE PROPOSALS SUBMITTED BY HEALTH INSURANCE CARRIERS MEETS THE CRITERIA ESTABLISHED IN THIS SECTION OR THAT THE PROPOSALS ARE OTHERWISE INADEQUATE TO ADDRESS THE HEALTH CARE COVERAGE NEEDS OF THE STATE'S UNINSURED POPULATION, THE GOVERNOR MAY REJECT THE PROPOSALS AND SHALL INFORM THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY AND THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, IN WRITING, THAT THE PROPOSALS HAVE BEEN REJECTED AND THE REASONS FOR THE REJECTIONS.

(c) IF THE GOVERNOR APPROVES ONE OR MORE PROPOSALS, THE GOVERNOR SHALL SUBMIT RECOMMENDATIONS FOR LEGISLATION TO THE GENERAL ASSEMBLY FOR ITS CONSIDERATION. IF THE GENERAL ASSEMBLY CHOOSES TO PURSUE LEGISLATION TO IMPLEMENT THE GOVERNOR'S RECOMMENDATIONS, THE LEGISLATION MAY CREATE THE CENTENNIAL CARE CHOICES PROGRAM TO INCLUDE PROVISIONS AND COMPONENTS CONSISTENT WITH THE GOVERNOR'S RECOMMENDATIONS. THE LEGISLATION SHOULD INCLUDE AT LEAST THE FOLLOWING:

(I) STANDARDS THAT VBPs MUST SATISFY IN ORDER TO BE CERTIFIED BY THE STATE DEPARTMENT AND THE DIVISION AND AUTHORIZED TO BE OFFERED TO COLORADO RESIDENTS BY ANY HEALTH INSURANCE CARRIER, REGARDLESS OF WHETHER THE HEALTH INSURANCE CARRIER DEVELOPED THE VBP IN RESPONSE TO THE REQUEST FOR PROPOSALS, AS LONG AS THE HEALTH INSURANCE CARRIER OFFERS A VBP THAT MEETS SUCH STANDARDS AND THE REQUIREMENTS OF THIS SECTION;

(II) CREATION OF A PROCESS FOR PERIODIC REVIEW OF VBPs;

(III) CREATION OF A CONSUMER ADVISORY COUNCIL FOR THE

CENTENNIAL CARE CHOICES PROGRAM; AND

(IV) IF THE GOVERNOR RECOMMENDS CREATION OF A REVENUE SOURCE TO FUND A PREMIUM SUBSIDY PROGRAM OR OTHER COSTS OF THE CENTENNIAL CARE CHOICES PROGRAM AND THE REVENUE SOURCE WOULD BE CREATED THROUGH A NEW OR INCREASED TAX OR TAX RATE, A BALLOT QUESTION TO SEEK VOTER APPROVAL AT A FUTURE GENERAL ELECTION FOR THE REVENUE SOURCE.

(5) A HEALTH INSURANCE CARRIER SHALL NOT BE REQUIRED TO HAVE A CERTIFICATE OF AUTHORITY ISSUED BY THE COMMISSIONER OF INSURANCE PURSUANT TO SECTION 10-3-105, C.R.S., IN ORDER TO RESPOND TO THE REQUEST FOR INFORMATION OR REQUEST FOR PROPOSALS BUT SHALL BE ALLOWED TO OFFER AN APPROVED VBP TO ELIGIBLE COLORADO RESIDENTS ONLY IF THE HEALTH INSURANCE CARRIER OBTAINS A CERTIFICATE OF AUTHORITY TO TRANSACT THE BUSINESS OF INSURANCE IN THIS STATE PRIOR TO OFFERING THE VBP.

(6) A HEALTH INSURANCE CARRIER THAT SUBMITS INFORMATION OR A PROPOSAL IN RESPONSE TO THE REQUEST FOR INFORMATION OR THE REQUEST FOR PROPOSALS, RESPECTIVELY, SHALL NOT BE OBLIGATED TO OFFER A VBP IF, AFTER SUBMISSION OF INFORMATION OR A PROPOSAL, THE GENERAL ASSEMBLY, BY BILL, MODIFIES THE DESIGN OF THE VBP.

(7) AS USED IN THIS SECTION:

(a) "COLORADO MEDICAL ASSISTANCE PROGRAM" MEANS THE PROGRAM ESTABLISHED IN THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLES 4, 5, AND 6 OF THIS TITLE.

(b) "CREDITABLE COVERAGE" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 10-16-102, C.R.S.

(c) "DIVISION OF INSURANCE" OR "DIVISION" MEANS THE DIVISION OF INSURANCE IN THE DEPARTMENT OF REGULATORY AGENCIES.

(d) "HEALTH INSURANCE CARRIER" SHALL HAVE THE SAME MEANING AS "CARRIER", AS DEFINED IN SECTION 10-16-102, AND SHALL INCLUDE A CARRIER THAT IS NOT CURRENTLY PROVIDING HEALTH COVERAGE IN THE STATE OR THAT DOES NOT, AT THE TIME THE REQUEST FOR INFORMATION OR REQUEST FOR PROPOSALS IS ISSUED, HAVE A CERTIFICATE OF AUTHORITY FROM THE COMMISSIONER OF INSURANCE PURSUANT TO SECTION 10-3-105, C.R.S.

(e) "PANEL" MEANS THE PANEL OF EXPERT ADVISORS APPOINTED BY THE GOVERNOR PURSUANT TO SUBSECTION (2) OF THIS SECTION.

(f) "VALUE BENEFIT PLAN" OR "VBP" MEANS A POLICY, CONTRACT, CERTIFICATE, OR AGREEMENT TO PROVIDE, DELIVER, ARRANGE FOR, PAY FOR, OR REIMBURSE THE COSTS OF HEALTH CARE SERVICES THAT IS DEVELOPED IN RESPONSE TO THE REQUEST FOR PROPOSALS ISSUED PURSUANT TO THIS SECTION.

SECTION 2. Appropriation -- adjustment to the 2008 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, 2008, shall be adjusted as follows:

(a) The appropriation to the executive director's office, for personal services is increased by the sum of eighty-four thousand five hundred ninety-three dollars (\$84,593) general fund and 3.0 FTE, or so much thereof as may be necessary, for the implementation of this act. In addition to said appropriation, the general assembly anticipates that the department of health care policy and financing will receive eighty-four thousand five hundred ninety-two dollars (\$84,592) federal funds in the fiscal year beginning July 1, 2008, for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing state appropriation amounts.

(b) The appropriation to the executive director's office, for

operating expenses is increased by the sum of six thousand six hundred seven dollars (\$6,607) general fund, or so much thereof as may be necessary, for the implementation of this act. In addition to said appropriation, the general assembly anticipates that the department of health care policy and financing will receive six thousand six hundred eight dollars (\$6,608) federal funds in the fiscal year beginning July 1, 2008, for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing state appropriation amounts.

(c) The appropriation to the executive director's office, for general professional services and special projects is increased by the sum of thirty-seven thousand five hundred dollars (\$37,500) general fund, or so much thereof as may be necessary, for the implementation of this act. In addition to said appropriation, the general assembly anticipates that the department of health care policy and financing will receive thirty-seven thousand five hundred dollars (\$37,500) federal funds in the fiscal year beginning July 1, 2008, for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing state appropriation amounts.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of regulatory agencies, division of insurance, for the fiscal year beginning July 1, 2008, the sum of fifteen thousand nine hundred dollars (\$15,900) cash funds, or so much thereof as may be necessary, for the implementation of this act. Said sum, shall be from the division of insurance cash fund created in section 10-1-103 (3), Colorado Revised Statutes.

(3) For the implementation of this act, the general fund appropriation to the controlled maintenance trust fund made in section 23 of the annual general appropriation act, for the fiscal year beginning July 1, 2008, shall be decreased by one hundred twenty-eight thousand seven hundred dollars (\$128,700).

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

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

Amendment No. 4(L.009), by Senator Hagedorn.

Amend the Hagedorn floor amendment, (SB217_L.007), page 2, line 35, after "VBPs", insert "TO BE OFFERED IN THE INDIVIDUAL MARKET".

Page 4 of the floor amendment, line 31, after "VBPs", insert "FOR THE INDIVIDUAL MARKET".

Page 6, line 23, strike "PROPOSALS," and substitute "PROPOSALS FOR THE INDIVIDUAL MARKET,".

Amendment No. 5(L.010), by Senator Hagedorn.

Amend the Hagedorn floor amendment, (SB217_L.007), page 3, line 17, strike "TWELVE-MONTH WAITING PERIOD" and substitute "WAITING PERIOD, AS SPECIFIED IN THE REQUEST FOR INFORMATION,";

line 19 of the floor amendment, strike "FIRST".

Page 4 of the floor amendment, line 20, strike "MARKET." and substitute "MARKET OR THE COVERCOLORADO PROGRAM.".

Page 5 of the floor amendment, after line 20, insert the following:

"(V) AN ASSUMPTION THAT THE STATE WILL IMPOSE A WAITING PERIOD FOR PERSONS SEEKING TO ENROLL IN OR PURCHASE A VBP THAT HAVE CREDITABLE COVERAGE AT THE TIME OF APPLICATION IN ORDER TO

PREVENT DESTABILIZATION OF THE SMALL GROUP MARKET AND THE COVERCOLORADO PROGRAM;".

Renumber succeeding subparagraphs accordingly.

Page 6 of the floor amendment, line 3, strike "MARKET," and substitute "MARKET OR THE COVERCOLORADO PROGRAM;".

Page 7 of the floor amendment, after line 26, insert the following:

"(b) "COVERCOLORADO PROGRAM" MEANS THE PROGRAM CREATED IN PART 5 OF ARTICLE 8 OF TITLE 10, C.R.S."

Reletter succeeding paragraphs accordingly.

Amendment No. 6(L.011), by Senator Hagedorn.

Amend the Hagedorn floor amendment, (SB217_L.007), page 2, line 21, strike "PRODUCT" and substitute "PRODUCT, REPRESENTING THE MINIMUM BENEFITS PACKAGE FOR THE STATE'S INDIVIDUAL MARKET, THAT IS".

Page 3, after line 14, insert the following:

"(II) PROVIDE THE LOWEST LEVEL OF BENEFITS THAT MAY BE OFFERED IN THE STATE'S INDIVIDUAL MARKET;".

Renumber succeeding subparagraphs accordingly.

Page 5, after line 12, insert the following:

"(III) AN ASSUMPTION THAT A VBP WILL BE THE MINIMUM BENEFITS PACKAGE AVAILABLE IN THE STATE'S INDIVIDUAL MARKET;".

Renumber succeeding subparagraphs accordingly.

Amendment No. 7(L.012), by Senator Hagedorn.

Amend the Hagedorn floor amendment, (SB217_L.007), page 2, line 20, after "OFFER", insert "TO INDIVIDUALS THROUGHOUT THE STATE".

Page 4, line 13, after "OFFERED", insert "STATEWIDE".

Page 6, line 5, after "COVERAGE,", insert "SHALL ASSUME THAT VBPs WILL BE AVAILABLE STATEWIDE TO ELIGIBLE INDIVIDUALS;".

Amendment No. 8(L.013), by Senator Hagedorn.

Amend the Hagedorn floor amendment, (SB217_L.007), page 4, line 32, after "PROPOSALS.", insert "PRIOR TO ISSUING A REQUEST FOR PROPOSALS, THE STATE DEPARTMENT, IN CONSULTATION WITH THE DIVISION AND THE PANEL, SHALL DEVELOP A BENCHMARK PRICE OR AFFORDABILITY STANDARD FOR VBPs TO ENSURE THAT ELIGIBLE INDIVIDUALS CAN AFFORD TO PURCHASE VBPs THAT ARE DEVELOPED BY HEALTH INSURANCE CARRIERS."

Amendment No. 9(L.014), by Senator Hagedorn.

Amend the Hagedorn floor amendment, (SB217_L.007), page 4, line 28, strike "SHALL" and substitute "MAY".

Amendment No. 10(L.015), by Senator Hagedorn.

Amend the Hagedorn floor amendment, (SB217_L.007), page 2, line 27, strike "ENGAGED IN THE DESIGNING," and substitute "WITH EXPERTISE IN DESIGNING HEALTH BENEFIT PLANS, PERSONS ENGAGED IN THE";

line 28, strike "IMPLEMENTATION," and substitute "IMPLEMENTATION";

Amendment No. 11(L.016), by Senator Hagedorn.

Amend the Hagedorn floor amendment, (SB217_L.007), page 2, line 26, strike "GOVERNOR," and substitute "GOVERNOR BY AUGUST 1, 2008;".

Amendment No. 12(L.017), by Senator Mitchell S.

Amend the Hagedorn floor amendment, (SB217_L.007), page 7, after line 22, insert the following:

"(7) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ESTABLISH A REQUIREMENT FOR INDIVIDUALS TO PURCHASE HEALTH INSURANCE OR TO PRECLUDE OR LIMIT THE ABILITY OF THE GENERAL ASSEMBLY TO USE INFORMATION OBTAINED THROUGH THE REQUEST FOR INFORMATION TO ENACT REFORMS THAT DO NOT INCLUDE SUCH A REQUIREMENT.".

Renumber succeeding subsection accordingly.

Amendment No. 13(L.018), by Senator Mitchell S.

Amend the Hagedorn floor amendment, (SB217_L.007), page 2, strike lines 1 through 9.

Reletter succeeding paragraphs accordingly.

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

SB08-157 by Senator(s) Schwartz; also Representative(s) Benefield--Concerning the state income tax modification for Colorado capital gains, and, in connection therewith, for income tax years for which specified state income tax modifications for Colorado capital gains used to refund excess state revenues are not allowed, allowing a partial modification for capital gains earned on property, stock, or an ownership interest acquired before May 9, 1994, and offsetting the state revenue impact of the partial modification by reducing the modification allowed for capital gains earned on property, stock, or an ownership interest acquired on or after May 9, 1994.

(Amended in General Orders as printed in Senate Journal, March 25, pages 671-672.)

As amended, laid over until Wednesday, April 23, retaining its place on the calendar.

HB08-1164 by Representative(s) Solano, Benefield, Fischer, Levy, Casso, Kerr A., Madden, Merrifield, Peniston, Todd; also Senator(s) Schwartz, Tupa--Concerning the advancement of new solar energy technologies.

Amendment No. 1, Local Government Committee Amendment.

(Printed in Senate Journal, April 10, page 890 and placed in members' bill files.)

Amendment No. 2(L.026), by Senator Isgar.

Amend reengrossed bill, page 3, line 1, after the period, add "WHERE UTILITIES ELIMINATE OR REDUCE CARBON DIOXIDE EMISSIONS THROUGH THE USE OF CAPTURE AND SEQUESTRATION, THE COMMISSION MAY CONSIDER THE BENEFITS OF USING CARBON DIOXIDE FOR ENHANCED OIL RECOVERY OR OTHER USES.".

As amended, laid over until Tuesday, April 22, retaining its place on the calendar.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (SB08-198, HB08-1329, HB08-1170, SB08-213) of April 21, was laid over until Tuesday, April 22, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB08-1103 by Representative(s) Kerr J., Marshall, Mitchell V., Primavera; also Senator(s) Isgar, Takis, Taylor--Concerning the regulation of amusement rides by the division of oil and public safety.

Senator Brophy moved to amend the Report of the Committee of the Whole to show that the following amendment to HB 08-1103 did pass.

Amend reengrossed bill, page 5, line 6, strike "RIDES." and substitute "RIDES; EXCEPT THAT NO FEES SHALL BE ESTABLISHED FOR THE OPERATION OF INFLATABLE AMUSEMENT RIDES.".

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 on the following roll call vote:

YES	29	NO	5	EXCUSED	0	ABSENT	0
Bacon	Y	Johnson	Y	Romer	Y	Tochtrop	N
Boyd	Y	Keller	N	Sandoval	N	Tupa	*
Brophy	Y	Kester	Y	Schultheis	Y	Veiga	Y
Cadman	Y	Kopp	Y	Schwartz	N	Ward	Y
Gibbs	Y	McElhany	Y	Shaffer	Y	Wiens	Y
Gordon	Y	Mitchell S.	Y	Spence	Y	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	Y	Penry	Y	Tapia	Y	President	Y
Isgar	Y	Renfroe	Y	Taylor	N		

* Abstaining from voting under Senate Rule 17(c) -- Senator Tupa.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Keller, the Report of the Committee of the Whole was adopted on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Johnson	Y	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	Y
Brophy	Y	Kester	Y	Schultheis	Y	Veiga	Y
Cadman	Y	Kopp	Y	Schwartz	Y	Ward	Y
Gibbs	Y	McElhany	Y	Shaffer	Y	Wiens	Y
Gordon	Y	Mitchell S.	Y	Spence	Y	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	Y	Penry	Y	Tapia	Y	President	Y
Isgar	Y	Renfroe	Y	Taylor	Y		

The Committee of the Whole took the following action:

Passed on Second Reading: SB08-170 as amended, SB08-217 as amended, HB08-1183 as amended, HB08-1354, HB08-1253 as amended, HB08-1175 as amended, HB08-1171, HB08-1257, HB08-1109, HB08-1268 as amended, HB08-1250, HB08-1108, HB08-1100 as amended, HB08-1241, HB08-1103 as amended, HB08-1084.

Laid over until Tuesday, April 22: SB08-198, HB08-1164 as amended, HB08-1329, HB08-1170, SB08-213.

Laid over until Wednesday, April 23: SB08-157 as amended.

MESSAGE FROM THE REVISOR OF STATUTES

April 21, 2008

We herewith transmit:

Without comment, as amended, HB08-1344 and 1380.

Without comment, as amended, SB08-118.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB08-1097.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of April 21 was laid over until Tuesday, April 22, retaining its place on the calendar.

Consideration of Resolutions: SJR08-010, SJR08-020, SJR08-021, SJR08-022, SJR08-024, HJR08-1018, HJR08-1020, SJR08-027, SJR08-028, SJR08-029, SJR08-030, SJR08-031, SJR08-032, SJR08-033, SJR08-034, SJR08-035, SR08-005, SJR08-037, SJR08-038.

Consideration of Memorials: SJM08-003, SJM08-004, SJM08-005, SM08-002, SM08-003.

Consideration of House Amendments to Senate Bills: SB08-088, SB08-208, SB08-155, SB08-029, SB08-039, SB08-077, SB08-063, SB08-099.

Consideration of Governor's Appointments:

Members of the State Board of Stock Inspection Commissioners.

Consideration of Conference Committee Reports: HB08-1203, HB08-1186, SB08-117.

Conference Committees to Report: HB08-1180, HB08-1083, HB08-1358.

On motion of Senator Gordon, the Senate adjourned until 9:00 a.m., Tuesday, April 22, 2008.

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

HOUSE JOURNAL
SIXTY-SIXTH GENERAL ASSEMBLY
STATE OF COLORADO
Second Regular Session

One hundred-fourteenth Legislative Day Thursday, May 1, 2008

1 Prayer by Associate Pastor Christian Summers, Dakota Ridge Assembly,
 2 Littleton.

3
 4 The Speaker called the House to order at 9:00 a.m.

5
 6 Pledge of Allegiance led by Noah and Lily Chavkin, Horizon
 7 Elementary, Boulder.

8
 9 The roll was called with the following result:

10
 11 Present--60.

12 Excused--Representatives Madden, Marshall, McFadyen,
 13 McKinley, Mitchell--5.

14 Present after roll call--Representatives Madden, Marshall,
 15 McFadyen, Mitchell.

16
 17 The Speaker declared a quorum present.

18
 19
 20 On motion of Representative Stephens, the reading of the journal of
 21 April 30, 2008, was declared dispensed with and approved as corrected
 22 by the Chief Clerk.

CONSIDERATION OF RESOLUTIONS

23
 24
 25
 26
 27
 28 **HR08-1011** by Representative(s) Primavera--Concerning Tinnitus
 29 Awareness Day.

30
 31 (Printed and placed in member's file.)

32
 33 On motion of Representative Primavera, the resolution was read at length
 34 and **adopted** by the following roll call vote:

	YES	61	NO	01	EXCUSED	03	ABSENT	00
37 Balmer	Y		Gardner C	Y	Madden	Y	Riesberg	Y
38 Benefield	Y		Garza-Hicks	Y	Marostica	Y	Roberts	Y
39 Borodkin	Y		Green	Y	Marshall	E	Rose	Y
40 Bruce	N		Hodge	Y	Massey	Y	Scanlan	Y
41 Buescher	Y		Jahn	Y	May	Y	Solano	Y
42 Butcher	Y		Judd	Y	McFadyen	Y	Sonnenberg	Y
43 Carroll M	Y		Kefalas	Y	McGihon	Y	Soper	Y

1	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
2	Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
3	Curry	Y	King	Y	Merrifield	Y	Summers	Y
4	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
5	Fischer	Y	Lambert	Y	Mitchell	E	Todd	Y
6	Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
7	Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
8	Gallegos	Y	Looper	Y	Primavera	Y	White	Y
9	Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
10							Speaker	Y

11 Co-sponsors added: Representatives Benefield, Borodkin, Buescher, Butcher,
 12 Carroll M, Carroll T, Curry, Ferrandino, Fischer, Frangas, Gagliardi, Gallegos,
 13 Gardner B, Garza-Hicks, Green, Hodge, Jahn, Kefalas, Kerr A, Kerr J, King,
 14 Labuda, Levy, Looper, Madden, Marostica, Massey, May, McFadyen,
 15 McGihon, Merrifield, Middleton, Peniston, Rice, Riesberg, Roberts, Rose,
 16 Scanlan, Solano, Soper, Stafford, Stephens, Summers, Swalm, Todd, Vaad,
 17 Weissmann, Witwer.

18
 19 **HJR08-1036** by Representative(s) Gardner B., Buescher, Carroll M.,
 20 Carroll T., Gardner C., Judd, King, Levy, Marshall,
 21 Roberts, Stephens, Witwer; also Senator(s) Veiga,
 22 Shaffer, Gordon, Mitchell S.--Concerning recognition of
 23 May 1, 2008, as Law Day.

24
 25 (Printed and placed in member's file.)

26
 27 On motion of Representative Gardner B, the resolution was **adopted** by
 28 the following roll call vote:

30	YES	63	NO	01	EXCUSED	01	ABSENT	00
31	Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
32	Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
33	Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
34	Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
35	Buescher	Y	Jahn	Y	May	Y	Solano	Y
36	Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
37	Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
38	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
39	Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
40	Curry	Y	King	Y	Merrifield	Y	Summers	Y
41	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
42	Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
43	Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
44	Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
45	Gallegos	Y	Looper	Y	Primavera	Y	White	Y
46	Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
47							Speaker	Y

48 Co-sponsors added: Representatives Ferrandino, Frangas, Garza-Hicks, Green,
 49 Hodge, Kefalas, Kerr J, Labuda, Looper, Marostica, McGihon, Peniston,
 50 Primavera, Riesberg, Rose, Scanlan, Soper, Stafford, Summers, Swalm, Todd,
 51 White.

52
 53 **HJR08-1035** by Representative(s) Gardner B.; also Senator(s)
 54 McElhany--Concerning recognition of the United States
 55 Space Foundation in Colorado Springs.

56

(Printed and placed in member's file.)

On motion of Representative Gardner B, the resolution was **adopted** by the following roll call vote:

YES	63	NO	01	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsors added: Representatives Carroll T, Ferrandino, Frangas, Gallegos, Garza-Hicks, Green, Hodge, Jahn, Kerr A, Kerr J, King, Labuda, Looper, Marostica, Massey, McFadyen, McNulty, Merrifield, Mitchell, Rose, Soper, Stafford, Stephens, Todd, Witwer.

THIRD READING OF BILLS--FINAL PASSAGE

The following bills were considered on Third Reading. The titles were publicly read. Reading of the bill at length was dispensed with by unanimous consent.

HB08-1408 by Representative(s) Levy, Merrifield; also Senator(s) Veiga--Concerning the implementation of additional requirements on a corporate income taxpayer to verify the validity of transactions related to real estate investment trusts.

The question being "Shall the bill pass?"

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative and the bill was declared **passed**.

YES	35	NO	28	EXCUSED	02	ABSENT	00
Balmer	N	Gardner C	N	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	N	Marostica	N	Roberts	N
Borodkin	N	Green	Y	Marshall	Y	Rose	N
Bruce	N	Hodge	Y	Massey	N	Scanlan	Y
Buescher	N	Jahn	Y	May	N	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	N
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	E	Kerr A	Y	McKinley	E	Stafford	N

1	Casso	Y	Kerr J	N	McNulty	N	Stephens	N
2	Curry	Y	King	N	Merrifield	Y	Summers	N
3	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	N
4	Fischer	Y	Lambert	N	Mitchell	N	Todd	Y
5	Frangas	Y	Levy	Y	Peniston	Y	Vaad	N
6	Gagliardi	Y	Liston	N	Pommer	Y	Weissmann	Y
7	Gallegos	Y	Looper	N	Primavera	Y	White	N
8	Gardner B	N	Lundberg	N	Rice	Y	Witwer	N
9							Speaker	Y

10 Representative Carroll T excused from voting under House Rule 21(c).
 11 Co-sponsors added: Representatives Gagliardi, Green.

12
 13
 14 **HB08-1357** by Representative(s) Solano, Benefield, Carroll M., Casso,
 15 Fischer, Green, Kefalas, Marshall, Merrifield, Ferrandino,
 16 Hodge, Madden, Middleton, Peniston, Pommer,
 17 Primavera, Todd, Weissmann; also Senator(s) Williams,
 18 Bacon, Boyd, Keller, Schwartz, Shaffer, Tapia--
 19 Concerning alignment of the Colorado student assessment
 20 program with federal testing requirements for the purpose
 21 of making more effective use of state moneys in
 22 improving student performance in kindergarten-through-
 23 twelfth-grade public schools, and, in connection
 24 therewith, increasing funding for the dropout prevention
 25 activity grant program and the teacher development grant
 26 program.

27
 28 The question being "Shall the bill pass?".
 29 A roll call vote was taken. As shown by the following recorded vote, a
 30 majority of those elected to the House voted in the affirmative and the
 31 bill was declared **passed**.

33	YES	35	NO	29	EXCUSED	01	ABSENT	00
34	Balmer	N	Gardner C	N	Madden	Y	Riesberg	Y
35	Benefield	Y	Garza-Hicks	N	Marostica	N	Roberts	N
36	Borodkin	Y	Green	Y	Marshall	Y	Rose	N
37	Bruce	N	Hodge	Y	Massey	N	Scanlan	N
38	Buescher	Y	Jahn	Y	May	N	Solano	Y
39	Butcher	N	Judd	Y	McFadyen	Y	Sonnenberg	N
40	Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
41	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	N
42	Casso	Y	Kerr J	N	McNulty	N	Stephens	N
43	Curry	Y	King	N	Merrifield	Y	Summers	N
44	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	N
45	Fischer	Y	Lambert	N	Mitchell	N	Todd	Y
46	Frangas	Y	Levy	Y	Peniston	Y	Vaad	N
47	Gagliardi	Y	Liston	N	Pommer	Y	Weissmann	Y
48	Gallegos	Y	Looper	N	Primavera	Y	White	N
49	Gardner B	N	Lundberg	N	Rice	Y	Witwer	N
50							Speaker	N

51 Co-sponsors added: Representatives Borodkin, Frangas, Gagliardi, Judd,
 52 Kerr A, Labuda, McFadyen, Riesberg.

1 **SB08-123** by Senator(s) Sandoval; also Representative(s) Madden--
 2 Concerning a program to provide additional funding for
 3 school lunch programs, and making an appropriation
 4 therefor.
 5

6 The question being "Shall the bill pass?".

7 A roll call vote was taken. As shown by the following recorded vote, a
 8 majority of those elected to the House voted in the affirmative and the
 9 bill was declared **passed**.

	YES	55	NO	09	EXCUSED	01	ABSENT	00
12	Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
13	Benefield	Y	Garza-Hicks	Y	Marostica	N	Roberts	Y
14	Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
15	Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
16	Buescher	Y	Jahn	Y	May	N	Solano	Y
17	Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
18	Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
19	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
20	Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
21	Curry	Y	King	Y	Merrifield	Y	Summers	N
22	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
23	Fischer	Y	Lambert	N	Mitchell	Y	Todd	Y
24	Frangas	Y	Levy	Y	Peniston	Y	Vaad	N
25	Gagliardi	Y	Liston	N	Pommer	Y	Weissmann	Y
26	Gallegos	Y	Looper	Y	Primavera	Y	White	N
27	Gardner B	Y	Lundberg	N	Rice	Y	Witwer	Y
28							Speaker	Y

29 Co-sponsors added: Representatives Benefield, Borodkin, Butcher, Carroll M,
 30 Carroll T, Casso, Curry, Ferrandino, Fischer, Gallegos, Green, Hodge, Kefalas,
 31 Kerr A, Labuda, Marshall, McFadyen, Middleton, Peniston, Primavera, Solano,
 32 Stafford, Todd, Speaker.

33
 34 **SB08-232** by Senator(s) Isgar and Gibbs, Brophy, Kester, Kopp,
 35 Schwartz, Taylor, Wiens; also Representative(s) Curry--
 36 Concerning certain entities within the Colorado state
 37 university system, and, in connection therewith, making
 38 an appropriation to the wildfire emergency response fund.
 39 The question being "Shall the bill pass?".
 40

41 A roll call vote was taken. As shown by the following recorded vote, a
 42 majority of those elected to the House voted in the affirmative and the
 43 bill was declared **passed**.

	YES	63	NO	01	EXCUSED	01	ABSENT	00
46	Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
47	Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
48	Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
49	Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
50	Buescher	Y	Jahn	Y	May	Y	Solano	Y
51	Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
52	Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
53	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
54	Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
55	Curry	Y	King	Y	Merrifield	Y	Summers	Y
56	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y

1	Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
2	Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
3	Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
4	Gallegos	Y	Looper	Y	Primavera	Y	White	Y
5	Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
6							Speaker	Y

7 Co-sponsors added: Representatives Fischer, Frangas, Gallegos, Hodge, King,
8 McFadyen, Roberts.

9
10 **SB08-235** by Senator(s) Bacon; also Representative(s) Kerr A.--
11 Concerning adding the act of masturbation in public to the
12 offense of public indecency.

13
14 The question being "Shall the bill pass?".

15 A roll call vote was taken. As shown by the following recorded vote, a
16 majority of those elected to the House voted in the affirmative and the
17 bill was declared passed.

19	YES	57	NO	07	EXCUSED	01	ABSENT	00
20	Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
21	Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
22	Borodkin	Y	Green	Y	Marshall	N	Rose	Y
23	Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
24	Buescher	Y	Jahn	Y	May	Y	Solano	Y
25	Butcher	Y	Judd	Y	McFadyen	N	Sonnenberg	Y
26	Carroll M	N	Kefalas	Y	McGihon	Y	Soper	Y
27	Carroll T	N	Kerr A	Y	McKinley	E	Stafford	Y
28	Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
29	Curry	N	King	Y	Merrifield	Y	Summers	Y
30	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
31	Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
32	Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
33	Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	N
34	Gallegos	Y	Looper	Y	Primavera	Y	White	Y
35	Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
36							Speaker	Y

37 Co-sponsor added: Representative Casso.

38
39 **HB08-1412** by Representative(s) Labuda, Gardner B., Levy,
40 McGihon, Roberts; also Senator(s) Brophy, Veiga--
41 Concerning the revision of statutes in the Colorado
42 Revised Statutes, as amended, and, in connection
43 therewith, amending or repealing obsolete, inconsistent,
44 and conflicting provisions of law and clarifying the
45 language to reflect the legislative intent of the laws.

46
47 The question being "Shall the bill pass?".

48 A roll call vote was taken. As shown by the following recorded vote, a
49 majority of those elected to the House voted in the affirmative and the
50 bill was declared **passed**.

52	YES	64	NO	00	EXCUSED	01	ABSENT	00
53	Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
54	Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
55	Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
56	Bruce	Y	Hodge	Y	Massey	Y	Scanlan	Y

1	Buescher	Y	Jahn	Y	May	Y	Solano	Y
2	Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
3	Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
4	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
5	Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
6	Curry	Y	King	Y	Merrifield	Y	Summers	Y
7	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
8	Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
9	Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
10	Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
11	Gallegos	Y	Looper	Y	Primavera	Y	White	Y
12	Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
13							Speaker	Y

Co-sponsors added: Representatives Carroll T, Ferrandino, Kerr A, McNulty.

SB08-236 by Senator(s) Bacon; also Representative(s) Kerr A.--
Concerning clarifying that a law enforcement officer may
give notice of the contents of a protection order to the
person who is the subject of the order for purposes of the
knowledge element in a criminal case involving violation
of the protection order.

The question being "Shall the bill pass?".

A roll call vote was taken. As shown by the following recorded vote, a
majority of those elected to the House voted in the affirmative and the
bill was declared **passed**.

	YES	63	NO	01	EXCUSED	01	ABSENT	00
29	Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
30	Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
31	Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
32	Bruce	Y	Hodge	Y	Massey	Y	Scanlan	Y
33	Buescher	Y	Jahn	Y	May	Y	Solano	Y
34	Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
35	Carroll M	N	Kefalas	Y	McGihon	Y	Soper	Y
36	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
37	Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
38	Curry	Y	King	Y	Merrifield	Y	Summers	Y
39	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
40	Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
41	Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
42	Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
43	Gallegos	Y	Looper	Y	Primavera	Y	White	Y
44	Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
45							Speaker	Y

Co-sponsors added: Representatives Casso, King, Speaker.

SB08-237 by Senator(s) Bacon; also Representative(s) Carroll T.--
Concerning the circumstances under which a person is
required to register as a sex offender based upon a
conviction in a jurisdiction other than Colorado.

The question being "Shall the bill pass?".

A roll call vote was taken. As shown by the following recorded vote, a
majority of those elected to the House voted in the affirmative and the
bill was declared passed.

	YES	62	NO	02	EXCUSED	01	ABSENT	00
1								
2	Balmer	Y	Gardner C	Y	Madden	N	Riesberg	Y
3	Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
4	Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
5	Bruce	Y	Hodge	Y	Massey	Y	Scanlan	Y
6	Buescher	Y	Jahn	Y	May	Y	Solano	Y
7	Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
8	Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
9	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
10	Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
11	Curry	Y	King	Y	Merrifield	Y	Summers	Y
12	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
13	Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
14	Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
15	Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	N
16	Gallegos	Y	Looper	Y	Primavera	Y	White	Y
17	Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
18							Speaker	Y

Co-sponsors added: Representatives Balmer, Casso, Frangas, Gagliardi, Gardner B, Jahn, Kerr A, King, Massey, May, Middleton, Mitchell, Rice, Stafford, Summers, Todd, Speaker.

SB08-241 by Senator(s) Tochtrop; also Representative(s) Marshall--
Concerning claims made under the "Workers'
Compensation Act of Colorado" for work-related injuries.

The question being "Shall the bill pass?".

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative and the bill was declared **passed**.

	YES	63	NO	01	EXCUSED	01	ABSENT	00
32								
33	Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
34	Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
35	Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
36	Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
37	Buescher	Y	Jahn	Y	May	Y	Solano	Y
38	Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
39	Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
40	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
41	Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
42	Curry	Y	King	Y	Merrifield	Y	Summers	Y
43	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
44	Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
45	Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
46	Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
47	Gallegos	Y	Looper	Y	Primavera	Y	White	Y
48	Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
49							Speaker	Y

Co-sponsors added: Representatives Frangas, Gagliardi, Green, Madden.

SB08-221 by Senator(s) Romer and Gibbs; also Representative(s) Scanlan and White--Concerning the authority of the Colorado water resources and power development authority to issue bonds for certain projects.

The question being "Shall the bill pass?".

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative and the bill was declared **passed**.

YES	62	NO	02	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	N
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsors added: Representatives Fischer, Kerr J, Roberts, Rose, Stephens.

SB08-044

by Senator(s) Renfroe; also Representative(s) McFadyen--
Concerning tuberculosis screening for higher education
students.

The question being "Shall the bill pass?".

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative and the bill was declared **passed**.

YES	58	NO	06	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	N
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	N	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	N
Gallegos	Y	Looper	N	Primavera	N	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsors added: Representatives Butcher, Gagliardi, Labuda.

SB08-183

by Senator(s) Mitchell S.; also Representative(s) Todd--
Concerning the effect of DNA evidence of nonparentage
on child-related orders.

The question being "Shall the bill pass?".

A roll call vote was taken. As shown by the following recorded vote, a
majority of those elected to the House voted in the affirmative and the
bill was declared **passed**.

YES	60	NO	04	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	Y	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	N	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	N	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	N	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	N	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsors added: Representatives Labuda, Mitchell, Roberts, Stafford.

HB08-1409

by Representative(s) Pommer; also Senator(s) Johnson--
Concerning recovery of payments under medicaid, and
making an appropriation.

The question being "Shall the bill pass?".

A roll call vote was taken. As shown by the following recorded vote, a
majority of those elected to the House voted in the affirmative and the
bill was declared **passed**.

YES	59	NO	05	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	N	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	N
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	N
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	N	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsors added: Representatives Buescher, McGihon, Merrifield,
Primavera, Stafford.

MESSAGE FROM THE SENATE

The Senate has adopted and transmits herewith: SJR08-032

INTRODUCTION AND CONSIDERATION OF RESOLUTION

On motion of Representative Carroll T, the rules were suspended and the following resolution was given immediate consideration.

SJR08-032 by Senator(s) Keller; also Representative(s) Stafford--
Concerning the designation of May 2008 as "Mental
Health Month".

(Printed and placed in member's file).

On motion of Representative Stafford, the resolution **adopted** by **viva**
voce vote.

Co-sponsors added: Representatives Benefield, Borodkin, Buescher, Butcher,
Carroll M, Carroll T, Casso, Curry, Ferrandino, Fischer, Frangas, Gagliardi,
Gallegos, Gardner B, Garza-Hicks, Green, Hodge, Jahn, Judd, Kefalas, Kerr A,
Labuda, Levy, Looper, Madden, Marostica, Marshall, Massey, May, McFadyen,
McGihon, Merrifield, Middleton, Mitchell, Peniston, Pommer, Primavera, Rice,
Riesberg, Roberts, Rose, Scanlan, Solano, Soper, Stephens, Summers, Swalm,
Todd, Vaad, Weissmann, White, Witwer.

CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILL

HB08-1240 by Representative(s) Butcher, Liston; also Senator(s)
Sandoval--Concerning continuation of the regulation of
debt collection, and, in connection therewith, repealing the
collection agency board.

(Amended as printed in Senate Journal, April 29, page 1237.)

Representative Butcher moved that the House **not concur** in Senate
amendments and that a Conference Committee be appointed. The motion
was declared **passed** by the following roll call vote:

YES	56	NO	08	EXCUSED	01	ABSENT	00
Balmer	N	Gardner C	N	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	Y	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	N
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	N	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	N
Fischer	Y	Lambert	N	Mitchell	N	Todd	Y

1	Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
2	Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
3	Gallegos	Y	Looper	Y	Primavera	Y	White	Y
4	Gardner B	Y	Lundberg	N	Rice	Y	Witwer	Y
5							Speaker	Y

6 The Speaker appointed Representatives Butcher, Chairman, Carroll M
7 and Stephens as House conferees to the bill.

11 CONSENT GRANTED TO CONFERENCE COMMITTEE

13 Representative Massey moved that the First Conference Committee on
14 **SB08-018** be granted permission to go beyond the scope of the difference
15 between the House and the Senate. The motion was passed by the
16 following roll call vote:

18	YES	64	NO	00	EXCUSED	01	ABSENT	00
19	Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
20	Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
21	Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
22	Bruce	Y	Hodge	Y	Massey	Y	Scanlan	Y
23	Buescher	Y	Jahn	Y	May	Y	Solano	Y
24	Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
25	Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
26	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
27	Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
28	Curry	Y	King	Y	Merrifield	Y	Summers	Y
29	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
30	Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
31	Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
32	Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
33	Gallegos	Y	Looper	Y	Primavera	Y	White	Y
34	Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
35							Speaker	Y

39 REPORTS OF COMMITTEES OF REFERENCE

41 AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES

42 After consideration on the merits, the Committee recommends the
43 following:

45 **SB08-226** be amended as follows, and as so amended, be referred to
46 the Committee on Appropriations with favorable
47 recommendation:

49 Amend reengrossed bill, page 3, line 2, strike "THEREFORE, PERSONS
50 MAKING A" and substitute "IT IS THE INTENT OF THE GENERAL ASSEMBLY
51 THAT PREVENTION, CONTAINMENT, AND ERADICATION OF AQUATIC
52 NUISANCE SPECIES IN WATERS OF THE STATE IN WHICH SUCH SPECIES HAVE
53 BEEN DETECTED OR ARE LIKELY TO BE INTRODUCED SHALL BE THE
54 DIVISIONS' HIGHEST PRIORITIES.";

56 strike line 3.

1 Page 4, strike lines 9 and 10 and substitute the following:

2
3 "(9) "QUALIFIED PEACE OFFICER" MEANS A COLORADO WILDLIFE
4 OFFICER OR SPECIAL WILDLIFE OFFICER; A PARKS AND RECREATION
5 OFFICER; A PEACE OFFICER IN THE DEPARTMENT OF PUBLIC SAFETY; AND
6 A PEACE OFFICER WITH JURISDICTION OVER ANY WATERS OF THE STATE.";

7
8 line 14, strike "AUTHORIZED:" and substitute "AUTHORIZED TO JOINTLY
9 ESTABLISH, OPERATE, AND MAINTAIN AQUATIC NUISANCE SPECIES CHECK
10 STATIONS IN ORDER TO INSPECT CONVEYANCES PURSUANT TO SECTION
11 33-10.5-104.";

12
13 strike lines 15 through 24.

14
15 Page 5, line 9, strike "REVENUE," and substitute "PUBLIC SAFETY,";

16
17 line 15, before "PEACE", insert "QUALIFIED" and, strike "AND PORT OF
18 ENTRY OFFICER";

19
20 line 16, strike "OFFICERS" and substitute "OFFICER";

21
22 line 18, strike "OFFICERS" and substitute "OFFICER" and, strike "ORDER"
23 and substitute "ORDERS";

24
25 line 20, before "PEACE", insert "QUALIFIED" and, strike "AND PORT OF
26 ENTRY OFFICER";

27
28 line 22, strike everything after "A" and substitute "CONVEYANCE:";

29
30 strike lines 23 through 27 and substitute the following:

31
32 "(I) PRIOR TO A VESSEL BEING LAUNCHED ONTO WATERS OF THE
33 STATE;

34
35 "(II) PRIOR TO DEPARTING FROM THE WATERS OF THE STATE OR A
36 VESSEL STAGING AREA;

37
38 "(III) THAT IS VISIBLY TRANSPORTING ANY AQUATIC PLANT
39 MATERIAL; AND

40
41 "(IV) UPON A REASONABLE BELIEF THAT AN AQUATIC NUISANCE
42 SPECIES MAY BE PRESENT.".

43
44 Page 6, strike lines 1 and 2.

45
46 Renumber succeeding subsections accordingly.

47
48 Page 6, strike line 3 and substitute the following:

49
50 "(2) EXCEPT AS PROVIDED IN SUBSECTION (5) OF THIS SECTION, A
51 QUALIFIED PEACE OFFICER MAY IMPOUND";

52
53 line 5, before "PEACE", insert "QUALIFIED" and, strike "OR PORT OF ENTRY
54 OFFICER";

55
56 after line 19, insert the following:

"(4) NOTWITHSTANDING ANY PROVISION TO THE CONTRARY, NO MOTOR VEHICLE THAT IS DRAWING A CONVEYANCE SHALL BE IMPOUNDED OR QUARANTINED PURSUANT TO THIS ARTICLE; HOWEVER, THE CONVEYANCE BEING DRAWN IS STILL SUBJECT TO IMPOUNDMENT AND QUARANTINE UNDER THIS SECTION.

(5) AN AUTHORIZED AGENT SHALL HAVE THE AUTHORITY TO STOP, DETAIN, AND INSPECT A CONVEYANCE FOR THE PRESENCE OF AN AQUATIC NUISANCE SPECIES; HOWEVER, UNLESS THE AUTHORIZED AGENT IS A QUALIFIED PEACE OFFICER, THE AUTHORIZED AGENT HAS NO AUTHORITY TO IMPOUND AND QUARANTINE OR ORDER A CONVEYANCE DECONTAMINATED.";

strike lines 20 through 22;

line 26, strike "OR".

Page 7, line 2, strike "SPECIES." and substitute "SPECIES; OR";

after line 2, insert the following:

"(c) REFUSE TO COMPLY WITH A PROPER ORDER ISSUED UNDER THIS ARTICLE.";

line 3, after "WHO", insert "KNOWINGLY OR WILLFULLY" and, strike "SECTION" and substitute "SECTION:

(a) FOR A FIRST OFFENSE, IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, SHALL BE SUBJECT TO A FINE OF ONE HUNDRED FIFTY DOLLARS AND SHALL BE ISSUED A WARNING FROM THE DIVISIONS;

(b) FOR A SECOND OFFENSE, IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, SHALL BE FINED ONE THOUSAND DOLLARS; AND

(c) FOR A THIRD AND ANY SUBSEQUENT OFFENSE, COMMITS A CLASS 1 MISDEMEANOR AND, UPON CONVICTION, SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S.";

strike lines 4 through 20;

line 24, strike everything after "DIVISIONS.";

strike lines 25 through 27.

Page 8, strike line 1;

line 3, strike "RULES, IN CONSULTATION WITH THE" and substitute "RULES";

line 4, strike "COMMISSION,";

line 6, after "SPECIES.", add "IN PROMULGATING SUCH RULES, THE BOARD SHALL CONSULT WITH THE COMMISSION AND ANY AFFECTED STATE, FEDERAL, AND TRIBAL GOVERNMENTAL ENTITIES AND SUBDIVISIONS THEREOF, INCLUDING, BUT NOT LIMITED TO, SPECIAL DISTRICTS, WATER CONSERVANCY DISTRICTS, AND WATER SUPPLY AGENCIES.";

1 strike lines 19 through 21.

2
3 Reletter succeeding paragraphs accordingly.

4
5 Page 8, line 25, strike "33-10.5-106;" and substitute "33-10.5-105; AND".

6
7 Page 9, line 1, strike "SPECIES; AND" and substitute "SPECIES.";

8
9 strike lines 2 through 5;

10
11 line 8, after "(1)", insert "(a)";

12
13 line 13, strike "SECTION" and substitute "SECTIONS 33-1-112, 33-10-111,
14 AND";

15
16 after line 18, insert the following:

17
18 "(b) IN THE USE OF SUCH MONEYS, PRIORITY SHALL BE GIVEN TO
19 CONTAINMENT AND ERADICATION OF AQUATIC NUISANCE SPECIES IN THE
20 WATERS OF THE STATE IN WHICH SUCH SPECIES HAVE BEEN DETECTED AND
21 PREVENTION OF THE INTRODUCTION OF NUISANCE SPECIES IN AREAS
22 DETERMINED TO BE MOST VULNERABLE TO SUCH AN INTRODUCTION.";

23
24 line 19, after "(2)", insert "(a)";

25
26 line 23, strike "SECTION" and substitute "SECTIONS 33-1-112, 33-10-111,
27 AND".

28
29 Page 10, after line 1, insert the following:

30
31 "(b) IN THE USE OF SUCH MONEYS, PRIORITY SHALL BE GIVEN TO
32 CONTAINMENT AND ERADICATION OF AQUATIC NUISANCE SPECIES IN THE
33 WATERS OF THE STATE IN WHICH SUCH SPECIES HAVE BEEN DETECTED AND
34 PREVENTION OF THE INTRODUCTION OF NUISANCE SPECIES IN AREAS
35 DETERMINED TO BE MOST VULNERABLE TO SUCH AN INTRODUCTION.

36
37 **SECTION 2.** 33-1-112 (1), Colorado Revised Statutes, is
38 amended to read:

39
40 **33-1-112. Funds and cost accounting - repeal.** (1) (a) Except
41 as provided in subsections (7) and (8) of this section, sections 33-1-112.5
42 and 33-6-105, and in part 7 of article 22 of title 39, C.R.S., all moneys
43 received from wildlife license fees, and all moneys from all other wildlife
44 sources, and all interest earned on such moneys shall be deposited in the
45 state treasury and credited to the wildlife cash fund, which fund is hereby
46 created, and such moneys shall be utilized for expenditures authorized or
47 contemplated by and not inconsistent with the provisions of articles 1 to
48 6 of this title for wildlife activities and functions and for the financing of
49 impact assistance grants pursuant to part 3 of article 25 of title 30, C.R.S.
50 All moneys so deposited in the wildlife cash fund shall remain in such
51 fund to be used for the purposes set forth in the provisions of articles 1 to
52 6 of this title and shall not be deposited in or transferred to the general
53 fund of the state of Colorado or any other fund.

54
55 (b) FOR THE FISCAL YEAR COMMENCING JULY 1, 2008, THERE
56 SHALL BE TRANSFERRED EIGHT HUNDRED FIFTY THOUSAND DOLLARS FROM

1 THE WILDLIFE CASH FUND TO THE DIVISION OF PARKS AND OUTDOOR
2 RECREATION AQUATIC NUISANCE SPECIES FUND, CREATED IN SECTION
3 33-10.5-108, FOR THE PURPOSES AUTHORIZED IN SAID SECTION.

4
5 (c) FOR THE FISCAL YEAR COMMENCING JULY 1, 2008, THERE
6 SHALL BE TRANSFERRED EIGHT HUNDRED FIFTY THOUSAND DOLLARS FROM
7 THE WILDLIFE CASH FUND TO THE DIVISION OF WILDLIFE AQUATIC
8 NUISANCE SPECIES FUND, CREATED IN SECTION 33-10.5-108, FOR THE
9 PURPOSES AUTHORIZED IN SAID SECTION.

10
11 **SECTION 3.** 33-10-111, Colorado Revised Statutes, is amended
12 BY THE ADDITION OF A NEW SUBSECTION to read:

13
14 **33-10-111. Parks and outdoor recreation cash fund created -**
15 **accounting expenditures for roads and highways - repeal.** (6) (a) FOR
16 THE FISCAL YEAR COMMENCING JULY 1, 2008, THERE SHALL BE
17 TRANSFERRED ONE HUNDRED FIFTY THOUSAND DOLLARS FROM THE PARKS
18 AND OUTDOOR RECREATION CASH FUND TO THE DIVISION OF PARKS AND
19 OUTDOOR RECREATION AQUATIC NUISANCE SPECIES FUND, CREATED IN
20 SECTION 33-10.5-108, FOR THE PURPOSES AUTHORIZED IN SAID SECTION.

21
22 (b) FOR THE FISCAL YEAR COMMENCING JULY 1, 2008, THERE
23 SHALL BE TRANSFERRED ONE HUNDRED FIFTY THOUSAND DOLLARS FROM
24 THE PARKS AND OUTDOOR RECREATION CASH FUND TO THE DIVISION OF
25 WILDLIFE AQUATIC NUISANCE SPECIES FUND, CREATED IN SECTION
26 33-10.5-108, FOR THE PURPOSES AUTHORIZED IN SAID SECTION."

27
28 Renumber succeeding sections accordingly.

29
30 Page 10, strike lines 14 through 27.

31
32 Page 11, strike lines 1 through 24.

33
34 Renumber succeeding sections accordingly.

35
36 Page 13, strike lines 18 through 27.

37
38 Page 14, strike lines 1 through 5.

39
40 Renumber succeeding sections accordingly.

41
42 Page 14, strike lines 24 and 25.

43
44 Renumber succeeding section accordingly.

45
46
47
48 **SB08-228** be amended as follows, and as so amended, be referred to
49 the Committee of the Whole with favorable
50 recommendation:

51
52 Amend reengrossed bill, page 2, line 23, strike everything after
53 "IDENTITY" and substitute "IDENTITY."

54
55 Page 3, strike lines 1 and 2.

56

APPROPRIATIONS

After consideration on the merits, the Committee recommends the following:

SB08-065 be postponed indefinitely.

SB08-200 be referred to the Committee of the Whole with favorable recommendation.

SB08-216 be referred to the Committee of the Whole with favorable recommendation.

SB08-219 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend the Health and Human Services Committee Report, dated April 29, 2008, page 19, strike lines 9 through 38 and insert the following:

"**SECTION 5. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the executive director's office, for legal services, for the fiscal year beginning July 1, 2008, the sum of eighteen thousand eight dollars (\$18,008), or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of registrations, for regulation of massage therapists, for the fiscal year beginning July 1, 2008, the sum of two hundred fifty-four thousand five hundred eighty-three dollars (\$254,583) and 3.5 FTE, or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated to the department of regulatory agencies, for allocation to the division of registrations, for the fiscal year beginning July 1, 2008, the sum of two hundred forty-three thousand seven hundred sixty-eight dollars (\$243,768), or so much thereof as may be necessary, for pass through to the department of public safety, to perform criminal history background checks for massage therapists related to the implementation of this act. Said sum shall be from application processing fees collected by the division of registrations.

(4) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2008, the sum of eighteen thousand eight dollars (\$18,008) and 0.2 FTE, or so much thereof as may be necessary, for the provision of legal services to the department of regulatory agencies related to the

1 implementation of this act. Said sum shall be from reappropriated funds
2 received from the executive director's office out of the appropriation
3 made in subsection (1) of this section.

4
5 (5) In addition to any other appropriation, there is hereby
6 appropriated, to the department of public safety, for allocation to the
7 Colorado bureau of investigation, for processing of fingerprint-based
8 criminal history background checks for massage therapists, for the fiscal
9 year beginning July 1, 2008, the sum of one hundred thirty-one thousand
10 six hundred forty-three dollars (\$131,643) and 1.2 FTE, or so much
11 thereof as may be necessary, for the implementation of this act. Said sum
12 shall be from reappropriated funds received from the department of
13 regulatory agencies, division of registrations, out of the appropriation
14 made in subsection (3) of this section.

15
16 (6) In addition to any other appropriation, there is hereby
17 appropriated to the department of public safety, for the fiscal year
18 beginning July 1, 2008, the sum of one hundred twelve thousand one
19 hundred twenty-five dollars (\$112,125), or so much thereof as may be
20 necessary, for pass through to the federal bureau of investigation for
21 fingerprint-based national criminal history background checks for
22 massage therapists related to the implementation of this act. Said sum
23 shall be from reappropriated funds received from the department of
24 regulatory agencies, division of registrations, out of the appropriation
25 made in subsection (3) of this section.";

26
27 Page 20 of the Committee Report, strike lines 1 through 23.".

28
29
30
31 **SB08-239** be referred to the Committee of the Whole with favorable
32 recommendation.

33
34
35
36
37 **FINANCE**

38 After consideration on the merits, the Committee recommends the
39 following:

40
41 **SB08-233** be amended as follows, and as so amended, be referred to
42 the Committee on Appropriations with favorable
43 recommendation:

44
45 Amend reengrossed bill, page 4, line 4, strike "FUNDS AND" and substitute
46 "FUNDS,";

47
48 line 5, strike "SOURCES." and substitute "SOURCES, AND THE TOTAL
49 AMOUNT OF PRINCIPAL TO BE RAISED FROM BOTH SOURCES.";

50
51 line 26, after "PRIORITIZED", insert "LIST".

52
53 Page 6, line 6, after "SECTION.", insert "THE LEASE-PURCHASE
54 AGREEMENTS AUTHORIZED PURSUANT TO THIS PARAGRAPH (a) MAY BE
55 FOR THE TOTAL AMOUNT OF THE PROJECT COST AS REFLECTED IN THE JOINT
56 RESOLUTION.".

1 Page 9, line 7, strike "LOCATED." and substitute "LOCATED OR AN
2 AGREEMENT ENTERED INTO PURSUANT TO SUBSECTION (5) OF THIS
3 SECTION.";

4
5 line 22, after "SECTION.", insert "STATE-SUPPORTED INSTITUTIONS OF
6 HIGHER EDUCATION, INCLUDING BUT NOT LIMITED TO THE AURARIA
7 HIGHER EDUCATION CENTER AND ITS CONSTITUENT INSTITUTIONS, ARE
8 AUTHORIZED TO TRANSFER MONEYS TO THE STATE TREASURER PURSUANT
9 TO THIS SUBSECTION (4) FOR THE PROJECTS FOR WHICH THE STATE
10 TREASURER EXECUTES A LEASE-PURCHASE AGREEMENT PURSUANT TO
11 SUBSECTION (3) OF THIS SECTION WITHOUT AN APPROPRIATION FROM THE
12 GENERAL ASSEMBLY.".

13
14 Page 10, after line 9, insert the following:

15
16 "(5) (a) PRIOR TO EXECUTING A LEASE-PURCHASE AGREEMENT
17 PURSUANT TO SUBSECTION (3) OF THIS SECTION, IN ORDER TO PROTECT
18 AGAINST FUTURE INTEREST RATE INCREASES, THE STATE OF COLORADO,
19 ACTING BY AND THROUGH THE STATE TREASURER AND AT THE DISCRETION
20 OF THE STATE TREASURER, MAY ENTER INTO AN INTEREST RATE EXCHANGE
21 AGREEMENT PURSUANT TO ARTICLE 59.3 OF TITLE 11, C.R.S. A
22 LEASE-PURCHASE AGREEMENT ENTERED INTO PURSUANT TO SUBSECTION
23 (3) OF THIS SECTION SHALL BE A PROPOSED PUBLIC SECURITY FOR THE
24 PURPOSES OF ARTICLE 59.3 OF TITLE 11, C.R.S. ANY PAYMENTS MADE BY
25 THE STATE UNDER AN AGREEMENT ENTERED INTO PURSUANT TO THIS
26 SUBSECTION (5) SHALL BE MADE SOLELY FROM MONEYS MADE AVAILABLE
27 TO THE STATE TREASURER FROM THE EXECUTION OF A LEASE-PURCHASE
28 AGREEMENT OR FROM MONEYS APPROPRIATED FROM THE REVENUES FUND
29 OR THE HIGHER EDUCATION INSTITUTIONS LEASE-PURCHASE CASH FUND
30 CREATED PURSUANT TO SUBSECTION (4) OF THIS SECTION.

31
32 (b) ANY AGREEMENT ENTERED INTO PURSUANT TO THIS
33 SUBSECTION (5) SHALL ALSO PROVIDE THAT THE OBLIGATIONS OF THE
34 STATE SHALL NOT BE DEEMED OR CONSTRUED AS CREATING AN
35 INDEBTEDNESS OF THE STATE WITHIN THE MEANING OF ANY PROVISION OF
36 THE STATE CONSTITUTION OR THE LAWS OF THE STATE OF COLORADO
37 CONCERNING OR LIMITING THE CREATION OF INDEBTEDNESS BY THE STATE
38 OF COLORADO AND SHALL NOT CONSTITUTE A MULTIPLE FISCAL-YEAR
39 DIRECT OR INDIRECT DEBT OR OTHER FINANCIAL OBLIGATION OF THE
40 STATE WITHIN THE MEANING OF SECTION 20 (4) OF ARTICLE X OF THE
41 STATE CONSTITUTION.

42
43 (c) ANY MONEYS RECEIVED BY THE STATE UNDER AN AGREEMENT
44 ENTERED INTO PURSUANT TO THIS SUBSECTION (5) SHALL BE USED TO
45 MAKE PAYMENTS ON LEASE-PURCHASE AGREEMENTS ENTERED INTO
46 PURSUANT TO SUBSECTION (3) OF THIS SECTION OR TO PAY THE COSTS OF
47 THE PROJECT FOR WHICH A LEASE-PURCHASE AGREEMENT WAS
48 EXECUTED.".

49
50
51
52 **SB08-245** be referred to the Committee of the Whole with favorable
53 recommendation.
54
55
56

1 **JUDICIARY**

2 After consideration on the merits, the Committee recommends the
3 following:

4
5 **SB08-238** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:

8
9 Amend reengrossed bill, page 2, line 20, strike "DEFENDANT." and
10 substitute "DEFENDANT; EXCEPT THAT IF, AFTER A HEARING, THE
11 DEFENDANT SHOWS THAT FOR REASONS SPECIFIC TO THE CASE, THE
12 ACCESS PROVIDED BY THE PROSECUTING ATTORNEY DOES NOT PROVIDE
13 AMPLE OPPORTUNITY FOR INSPECTION, VIEWING, AND EXAMINATION BY A
14 DEFENSE EXPERT, THE COURT MAY ORDER REPRODUCTION OF THE
15 MATERIAL WITH AN APPROPRIATE PROTECTIVE ORDER.".

16
17
18 **MESSAGE FROM THE SENATE**

19
20 The Senate has laid HB08-1331 over to May 8th, 2008. The bill is
21 returned herewith.

22
23 The Senate has granted permission to the First Conference Committee on
24 HB08-1314 to go beyond the scope of the difference between the two
25 houses.

26
27 On motion of Representative Carroll T, **SB08-234, 216, 200, 219, 239,**
28 **238, 228, 245** were added to the Special Orders Calendar on Thursday,
29 May 1, 2008.

30
31
32 On motion of Representative Curry, the House resolved itself into
33 Committee of the Whole for consideration of Special Orders and she was
34 called to the Chair to act as Chairman.

35
36
37 **SPECIAL ORDERS--SECOND READING OF BILLS**

38
39 The Committee of the Whole having risen, the Chairman reported the
40 titles of the following bills had been read (reading at length had been
41 dispensed with by unanimous consent), the bills considered and action
42 taken thereon as follows:

43
44 (Amendments to the committee amendment are to the printed committee
45 report which was printed and placed in the members' bill file.)

46
47 **SB08-210** by Senator(s) Shaffer; also Representative(s) Scanlan--
48 Concerning Colorado child care assistance program
49 provider reimbursement rates.

50
51 Amendment No. 1, by Representative Scanlan.
52 Strike the Health and Human Services Committee Report, dated April 21,
53 2008, and substitute the following:

54
55 "Amend reengrossed bill, strike everything below the enacting clause and
56 substitute the following:

1 **"SECTION 1.** 26-2-802, Colorado Revised Statutes, is amended
2 to read:

3
4 **26-2-802. Legislative declaration.** (1) The general assembly
5 hereby finds and declares that the state's policies in connection with the
6 provision of child care assistance and the effective delivery of such
7 assistance are critical to the ultimate success of any welfare reform
8 program. THE GENERAL ASSEMBLY FURTHER FINDS THAT CHILDREN IN
9 LOW-INCOME FAMILIES WHO RECEIVE SERVICES THROUGH A CHILD CARE
10 ASSISTANCE PROGRAM NEED AND DESERVE THE SAME ACCESS TO A BROAD
11 RANGE OF CHILD CARE PROVIDERS AS DO CHILDREN IN FAMILIES WHO DO
12 NOT NEED ASSISTANCE.

13
14 (2) Therefore, the general assembly hereby finds and declares that
15 it is in the best interests of the state to adopt the Colorado child care
16 assistance program set forth in this part 8. THE GENERAL ASSEMBLY
17 FURTHER FINDS AND DECLARES THAT IT IS IN THE BEST INTERESTS OF THE
18 STATE TO ADOPT CONSISTENT, STATEWIDE CHILD CARE PROVIDER
19 REIMBURSEMENT RATES SET AT A FLOOR OF THE SEVENTY-FIFTH
20 PERCENTILE OF EACH COUNTY'S MARKET RATE OR THE PROVIDER'S RATE,
21 WHICHEVER IS LOWER, TO FACILITATE AND INCREASE ACCESS TO
22 HIGH-QUALITY CHILD CARE FOR LOW-INCOME FAMILIES.

23
24 **SECTION 2.** Part 8 of article 2 of title 26, Colorado Revised
25 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
26 read:

27
28 **26-2-807. Child care provider reimbursement rate task force**
29 **- creation - duties - repeal.** (1) (a) (I) THERE IS HEREBY CREATED THE
30 CHILD CARE PROVIDER REIMBURSEMENT RATE TASK FORCE, REFERRED TO
31 IN THIS SECTION AS THE "TASK FORCE", TO STUDY THE MOST EFFICIENT
32 AND COST-EFFECTIVE WAY FOR THE STATE TO ADOPT CONSISTENT,
33 STATEWIDE CHILD CARE PROVIDER REIMBURSEMENT RATES SET AT A
34 FLOOR OF THE SEVENTY-FIFTH PERCENTILE OF EACH COUNTY'S MARKET
35 RATE OR THE PROVIDER'S RATE, WHICHEVER IS LESS, WHICH WILL
36 FACILITATE AND INCREASE ACCESS TO HIGH-QUALITY CHILD CARE FOR
37 LOW-INCOME FAMILIES.

38
39 (II) ON OR BEFORE JULY 1, 2008, THE SPEAKER OF THE HOUSE OF
40 REPRESENTATIVES AND THE PRESIDENT OF THE SENATE SHALL JOINTLY
41 APPOINT THIRTEEN MEMBERS TO THE TASK FORCE AS FOLLOWS:

42
43 (A) TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES, ONE OF
44 WHOM REPRESENTS THE MINORITY PARTY;

45
46 (B) TWO MEMBERS OF THE SENATE, ONE OF WHOM REPRESENTS
47 THE MINORITY PARTY;

48
49 (C) THE DIRECTOR OF THE DIVISION OF CHILD CARE IN THE STATE
50 DEPARTMENT, OR HIS OR HER DESIGNEE;

51
52 (D) THREE MEMBERS WHO REPRESENT EARLY CHILDHOOD
53 COUNCILS;

54
55 (E) ONE MEMBER WHO REPRESENTS A CHILDREN'S ADVOCACY
56 GROUP;

1 (F) TWO MEMBERS WHO ARE COUNTY COMMISSIONERS; AND

2
3 (G) TWO MEMBERS WHO ARE DIRECTORS OF COUNTY
4 DEPARTMENTS OF SOCIAL SERVICES.

5
6 (III) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE
7 PRESIDENT OF THE SENATE SHALL JOINTLY DESIGNATE ONE MEMBER OF
8 THE TASK FORCE TO SERVE AS CHAIR OF THE TASK FORCE.

9
10 (IV) IN APPOINTING THE MEMBERSHIP, EVERY EFFORT SHALL BE
11 MADE TO CREATE A TASK FORCE THAT REPRESENTS THE RACIAL, ETHNIC,
12 GEOGRAPHIC, SOCIOECONOMIC, CULTURAL, RELIGIOUS, PHYSICAL, AND
13 EDUCATIONAL DIVERSITY OF THE STATE.

14
15 (b) THE MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT
16 COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES INCURRED
17 IN THE PERFORMANCE OF THEIR DUTIES.

18
19 (c) THE TASK FORCE SHALL HOLD ITS FIRST MEETING ON OR BEFORE
20 AUGUST 1, 2008, AS CONVENED BY THE CHAIR.

21
22 (2) IN CARRYING OUT ITS DUTIES AND FUNCTIONS UNDER THIS
23 SECTION, THE TASK FORCE MAY CONSIDER, BUT NEED NOT BE LIMITED TO,
24 DETERMINING THE MOST EFFICIENT AND COST-EFFECTIVE WAY FOR THE
25 STATE TO ADOPT CONSISTENT, STATEWIDE CHILD CARE PROVIDER
26 REIMBURSEMENT RATES SET AT A FLOOR OF THE SEVENTY-FIFTH
27 PERCENTILE OF EACH COUNTY'S MARKET RATE OR THE PROVIDER'S RATE,
28 WHICHEVER IS LESS, WHICH WILL FACILITATE AND INCREASE ACCESS TO
29 HIGH-QUALITY CHILD CARE FOR LOW-INCOME FAMILIES

30
31 (3) ON OR BEFORE JANUARY 30, 2009, THE TASK FORCE SHALL
32 MAKE RECOMMENDATIONS AS IT DEEMS NECESSARY TO THE HEALTH AND
33 HUMAN SERVICES COMMITTEES OF THE SENATE AND THE HOUSE OF
34 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, CONCERNING
35 MATTERS STUDIED UNDER THIS SECTION, INCLUDING ANY
36 RECOMMENDATIONS FOR LEGISLATION.

37
38 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2009.

39
40 **SECTION 3. Safety clause.** The general assembly hereby finds,
41 determines, and declares that this act is necessary for the immediate
42 preservation of the public peace, health, and safety."."

43
44 As amended, ordered revised and placed on the Calendar for Third
45 Reading and Final Passage.

46
47 **HCR08-1012** by Representative(s) Frangas--Submitting to the registered
48 electors of the state of Colorado an amendment to article
49 XVIII of the constitution of the state of Colorado,
50 concerning the creation of a department performance
51 measurement and management system for the purpose of
52 fostering the more efficient and effective delivery of
53 governmental services and increasing governmental
54 accountability.

55
56 Declared **lost** on Second Reading.

1 **SB08-234** by Senator(s) Bacon; also Representative(s) Kerr A.--
2 Concerning procedural matters related to substance abuse
3 treatment in criminal cases.
4

5 Ordered revised and placed on the Calendar for Third Reading and Final
6 Passage.
7

8 **SB08-216** by Senator(s) Morse, Keller, Johnson; also
9 Representative(s) White, Buescher, Pommer--Concerning
10 the county contribution for the cost of placement of
11 children in residential child care facilities, and making an
12 appropriation therefor.
13

14 Ordered revised and placed on the Calendar for Third Reading and Final
15 Passage.
16

17 **SB08-200** by Senator(s) Veiga; also Representative(s) Judd,
18 Borodkin, Carroll M., Carroll T., Casso, Ferrandino,
19 Frangas, Green, Kerr A., Levy, Madden, Marshall,
20 McGihon, Pommer, Todd--Concerning the expansion of
21 prohibitions against discrimination, and making an
22 appropriation therefor.
23

24 Laid over unamended until later in the day.
25

26 A motion by Representative Carroll T that the Committee rise, report
27 progress and beg leave to sit again at 2:30 p.m., was adopted by
28 unanimous consent. (Special Orders continued on page 1803.)
29

31 House reconvened.
32

33 The Committee of the Whole reported it had risen, reported progress and
34 would sit again at 2:30 p.m.
35

38 **REPORT OF COMMITTEE OF REFERENCE**

39 **APPROPRIATIONS**

40 After consideration on the merits, the Committee recommends the
41 following:
42

43 **SB08-217** be amended as follows, and as so amended, be referred to
44 the Committee of the Whole with favorable
45 recommendation:
46

47
48 Amend the Health and Human Services Committee Report, dated April
49 28, 2008, page 1, line 2, strike "'POPULATION; AND";" and substitute
50 "'POPULATION;";";
51

52 strike line 13 and substitute the following:
53 "LEGISLATIVE SESSION; AND
54

55 (g) THE APPROPRIATION AND EXPENDITURE OF STATE GENERAL
56 FUND MONEYS TO IMPLEMENT THIS SECTION SHALL NOT EXCEED ONE

1 HUNDRED TWENTY-EIGHT THOUSAND SEVEN HUNDRED DOLLARS, AND IF
2 THE STATE COSTS TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION
3 EXCEED SUCH AMOUNT, THE STATE DEPARTMENT SHALL SOLICIT GIFTS,
4 GRANTS, AND DONATIONS TO COVER ANY STATE COSTS THAT EXCEED SUCH
5 APPROPRIATED AMOUNT.";"

6
7 Page 7, of the Committee Report, after line 4, insert the following:

8
9 "Page 12, strike lines 11 through 27 and substitute the following:

10
11 **"bill.** (1) In addition to any other appropriation, there is hereby
12 appropriated, to the department of health care policy and financing, for
13 allocation to the executive director's office, general professional services
14 and special projects, for the fiscal year beginning July 1, 2008, the sum
15 of one hundred ninety-one thousand two hundred dollars (\$191,200), or
16 so much thereof as may be necessary, for the implementation of this act.
17 Of said sum, one hundred twenty-eight thousand seven hundred dollars
18 (\$128,700) shall be from the general fund and sixty-two thousand five
19 hundred dollars (\$62,500) shall be cash funds from gifts, grants, and
20 donations. In addition to said appropriation, the general assembly
21 anticipates that the department of health care policy and financing will
22 receive one hundred ninety-one thousand two hundred dollars (\$191,200)
23 federal funds in the fiscal year beginning July 1, 2008, for the
24 implementation of this act. Although the federal funds are not
25 appropriated in this act, they are noted for the purpose of indicating the
26 assumptions used relative to these funds in developing state appropriation
27 amounts."

28
29 Page 13, strike lines 1 through 20;

30
31 line 23 strike "fifteen";

32
33 line 24 strike "thousand nine hundred dollars (\$15,900)" and substitute
34 "twenty-nine thousand five hundred dollars (\$29,500)".

38 DELIVERY OF BILLS TO GOVERNOR

39
40
41 The Chief Clerk of the House of Representatives reports the following
42 bills have been delivered to the Office of the Governor: **HB08-1084,**
43 **1109, 1171** at 11:25 a.m. on May 1, 2008.

48 MESSAGES FROM THE SENATE

49
50 The Senate voted to recall HB08-1114, for purposes of reconsideration,
51 and requests the return of the bill.

1 The Senate has passed on Third Reading and transmitted to the Revisor
2 of Statutes:

3
4 HB08-1388 amended as printed in Senate Journal, April 29, 2008,
5 pages 1235-1236, and April 30, 2008 pages 1266-1271,
6 and amended on Third Reading, May 1, 2008, as printed
7 in the Senate Journal.
8

9 The Senate has voted not to concur in House Amendments to SB08-218,
10 and requests that a Conference Committee be appointed. The President
11 appointed Senators Schwartz- Chair, Penry and Isgar, as members of the
12 First Conference Committee on the part of the Senate. The bill is
13 transmitted herewith.
14

15 The Senate has voted not to concur in House Amendments to SB08-090,
16 and requests that a Conference Committee be appointed. The President
17 appointed Senators Hagedorn- Chair, Mitchell, and Gordon, as members
18 of the First Conference Committee on the part of the Senate.
19

20 The Senate has granted permission to the First Conference Committee on
21 SB08-090 to go beyond the scope of the difference between the two
22 houses. The bill is transmitted herewith.
23

26 MESSAGE FROM THE REVISOR

27
28 We herewith transmit:
29 Without comment, as amended, HB08-1388.
30

31
32
33 House in recess. House reconvened.
34
35

37 REPORTS OF COMMITTEE OF REFERENCE

38 STATE, VETERANS, & MILITARY AFFAIRS

39 After consideration on the merits, the Committee recommends the
40 following:
41

42
43 HCR08-1010 be referred to the Committee of the Whole with favorable
44 recommendation.
45

46
47 SB08-198 be postponed indefinitely.
48

49
50 SCR08-003 be amended as follows, and as so amended, be referred to
51 the Committee on Appropriations with favorable
52 recommendation:
53

54 Amend reengrossed concurrent resolution, page 3, line 20, strike
55 "REQUIRED" and substitute "MINIMUM".
56

1 Page 4, line 2, strike "general OR";
2
3 line 3, strike "ODD-YEAR" and substitute "~~general~~";
4
5 line 7, strike "GENERAL OR ODD-YEAR";
6
7 line 19, strike "AMEND OR REPEAL" and substitute "AMEND, REPEAL, OR
8 SUPERSEDE".
9
10 Page 5, line 14, strike "REPEAL OR AMEND" and substitute "AMEND,
11 REPEAL, OR SUPERSEDE".
12
13 Page 2, line 107, strike "REPEAL OR AMEND" and substitute "AMEND,
14 REPEAL, OR SUPERSEDE".
15

17 APPOINTMENTS TO CONFERENCE COMMITTEE

18
19 Pursuant to a request from the Senate, the Speaker appointed House
20 conferees to the First Conference Committees as follows:
21
22
23 **SB08-090**--Representatives McGihon, Chairman, Ferrandino and
24 Gardner B.
25

26
27 House in recess. House reconvened.
28
29
30

31 REPORTS OF COMMITTEES OF REFERENCE

32 BUSINESS AFFAIRS & LABOR

33 After consideration on the merits, the Committee recommends the
34 following:
35

36
37 **SB08-224** be amended as follows, and as so amended, be referred to
38 the Committee of the Whole with favorable
39 recommendation:
40

41 Amend reengrossed bill, page 3, line 14, strike "SHALL" and substitute
42 "MAY".
43
44

45
46 **SB08-231** be referred favorably to the Committee on Appropriations.
47
48
49
50

51 STATE, VETERANS, & MILITARY AFFAIRS

52 After consideration on the merits, the Committee recommends the
53 following:
54

55 **HCR08-1013** be postponed indefinitely.
56

1 On motion of Representative Carroll T, **SB08-217, HCR08-1010,**
2 **SB08-224** were added to the Special Orders Calendar on Thursday,
3 May 1, 2008.

4
5
6
7 On motion of Representative Curry, the House resolved itself into
8 Committee of the Whole for continuation of consideration of Special
9 Orders, and she returned to the Chair to act as Chairman.

10
11
12
13 **SPECIAL ORDERS--SECOND READING OF BILLS**

14 (Continued from page 1799)

15
16 **SB08-219** by Senator(s) Romer, Groff, Morse, Tapia, Tochtrop; also
17 Representative(s) McFadyen and Rice, Carroll T., Kerr A.,
18 Liston, Looper, Merrifield, Middleton, Pommer,
19 Primavera, Solano, Stafford--Concerning licensure of
20 massage therapists, and making an appropriation therefor.

21
22 Amendment No. 1, Health & Human Services Report, dated
23 April 29, 2008, and placed in member's bill file; Report also printed in
24 House Journal, April 29, pages 1703-1718.

25
26 Amendment No. 2, Appropriations Report, dated May 1, 2008, and
27 placed in member's bill file; Report also printed in House Journal, May 1,
28 pages 1793-1794.

29
30 Amendment No. 3, by Representative McFadyen.

31
32 Amend the Health and Human Services Committee Report, dated April
33 29, 2008, page 10, after line 28, insert the following:

34
35 "(i) FAILED TO NOTIFY THE DIRECTOR, IN WRITING, OF THE ENTRY
36 OF A FINAL JUDGMENT BY A COURT OF COMPETENT JURISDICTION IN FAVOR
37 OF ANY PARTY AND AGAINST THE LICENSEE FOR MALPRACTICE OF
38 MASSAGE THERAPY OR ANY SETTLEMENT BY THE LICENSEE IN RESPONSE
39 TO CHARGES OR ALLEGATIONS OF MALPRACTICE OF MASSAGE THERAPY.
40 SUCH NOTICE SHALL BE GIVEN WITHIN NINETY DAYS AFTER THE ENTRY OF
41 THE JUDGMENT OR SETTLEMENT AND, IN THE CASE OF A JUDGMENT, SHALL
42 CONTAIN THE NAME OF THE COURT, THE CASE NUMBER, AND THE NAMES
43 OF ALL PARTIES TO THE ACTION."

44
45 Reletter succeeding paragraphs accordingly.

46
47 Page 11, line 11, after "REGISTRATION", insert "OF";

48
49 line 12, strike "OR ISSUE A LETTER OF ADMONITION TO".

50
51 As amended, ordered revised and placed on the Calendar for Third
52 Reading and Final Passage.

1 **SB08-239** by Senator(s) Bacon; also Representative(s) Jahn--
2 Concerning increasing from a class 4 felony to a class 3
3 felony the penalty for leaving the scene of an accident
4 involving death, and making an appropriation in
5 connection therewith.
6

7 Ordered revised and placed on the Calendar for Third Reading and Final
8 Passage.
9

10 **SB08-200** by Senator(s) Veiga; also Representative(s) Judd,
11 Borodkin, Carroll M., Carroll T., Casso, Ferrandino,
12 Frangas, Green, Kerr A., Levy, Madden, Marshall,
13 McGihon, Pommer, Todd--Concerning the expansion of
14 prohibitions against discrimination, and making an
15 appropriation therefor.
16

17 Amendment No. 1, by Representative Judd.
18

19 Amend reengrossed bill, page 23, line 26, strike "20" and substitute "23".
20

21 Amendment No. 2, by Representative Stephens.
22

23 Amend reengrossed bill, page 2, after line 1, insert the following:
24

25 **"SECTION 1. Legislative declaration.** The general assembly
26 hereby finds, determines, and declares that nothing in this act is intended
27 to impede or otherwise limit the protections contained in section 4 of
28 article II of the state constitution concerning the free exercise and
29 enjoyment of religious profession and worship."
30

31 Renumber succeeding sections accordingly.
32

33 Page 24, line 7, strike "17" and substitute "18".
34

35 Amendment No. 3, by Representative Weissmann.
36

37 Amend reengrossed bill, page 23, before line 1, insert the following:
38

39 **"SECTION 36.** Section 2 (1) (j) of House Bill 08-1375, as
40 enacted at the Second Regular Session of the Sixty-sixth General
41 Assembly, is amended to read:

42 **"SECTION 2. Appropriation.** (1) The sums in this section
43 hereinafter specified, or so much thereof as may be necessary for the
44 purpose, are hereby appropriated out of any moneys in the general fund,
45 the indicated cash funds, reappropriated funds, and federal funds, for the
46 payment of the ordinary operating costs of the executive, legislative, and
47 judicial departments of the state, and of its agencies and institutions, for
48 and during the fiscal year beginning July 1, 2008, and:
49

50 (j) No moneys appropriated by this act shall knowingly be paid to
51 any organization, business firm, person, agency, or club which places
52 restrictions on employment or membership based on sex, SEXUAL
53 ORIENTATION, race, age, marital status, creed, color, religion, national
54 origin, ancestry, or ~~physical handicap~~ DISABILITY."
55

56 Renumber succeeding sections accordingly.

1 Amendment No. 4, by Representative Looper.

2
3 Amend reengrossed bill, page 24, after line 2, insert the following:

4
5 **"SECTION 37. Severability.** If any provision of this act or the
6 application thereof to any person or circumstance is held invalid, such
7 invalidity shall not affect other provisions or applications of the act that
8 can be given effect without the invalid provision or application, and to
9 this end, the provisions of this act are declared to be severable."

10
11 Renumber succeeding sections accordingly.

12
13 Amendment No. 5, by Representative Stephens.

14
15 Amend reengrossed bill, page 8, line 8, after "24-34-601", insert "(1) and"
16 and, strike "is" and substitute "are";

17
18 strike line 11 and substitute the following:

19
20 "(1) As used in this part 6, "place of public accommodation" means any
21 place of business engaged in any sales to the public and any place
22 offering services, facilities, privileges, advantages, or accommodations
23 to the public, including but not limited to any business offering wholesale
24 or retail sales to the public; any place to eat, drink, sleep, or rest, or any
25 combination thereof; any sporting or recreational area and facility; any
26 public transportation facility; a barber shop, bathhouse, swimming pool,
27 bath, steam or massage parlor, gymnasium, or other establishment
28 conducted to serve the health, appearance, or physical condition of a
29 person; a campsite or trailer camp; a dispensary, clinic, hospital,
30 convalescent home, or other institution for the sick, ailing, aged, or
31 infirm; a mortuary, undertaking parlor, or cemetery; an educational
32 institution; or any public building, park, arena, theater, hall, auditorium,
33 museum, library, exhibit, or public facility of any kind whether indoor or
34 outdoor. "PLACE OF PUBLIC ACCOMMODATION" SHALL NOT INCLUDE A
35 CHURCH, SYNAGOGUE, MOSQUE, OR OTHER PLACE THAT IS PRINCIPALLY
36 USED FOR RELIGIOUS PURPOSES.

37
38 (2) It is a discriminatory practice and unlawful for a person,
39 directly or".

40
41 As amended, ordered revised and placed on the Calendar for Third
42 Reading and Final Passage.

43
44 **SB08-238** by Senator(s) Bacon; also Representative(s) King--
45 Concerning a prohibition on the reproduction of sexually
46 exploitative material in a criminal case.

47
48 Amendment No. 1, Judiciary Report, dated April 30, 2008, and placed in
49 member's bill file; Report also printed in House Journal, May 1,
50 page 1796.

51
52 As amended, ordered revised and placed on the Calendar for Third
53 Reading and Final Passage.

54
55

1 **SB08-228** by Senator(s) Schwartz, Bacon, Isgar, Shaffer; also
2 Representative(s) Curry, Scanlan--Concerning increased
3 public disclosure of the contents of a notice of intent to
4 conduct mining operations.
5

6 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
7 dated April 30, 2008, and placed in member's bill file; Report also printed
8 in House Journal, May 1, pages 1792.
9

10 Amendment No. 2, by Representative Fischer.
11

12 Amend the Agriculture, Livestock, & Natural Resources Committee
13 Report, dated April 30, 2008, page 1, line 1, strike "everything after";
14

15 line 2, strike ""IDENTITY"" and substitute ""IDENTITY OR OTHER"".
16

17 As amended, ordered revised and placed on the Calendar for Third
18 Reading and Final Passage.
19

20 **SB08-245** by Senator(s) Windels; also Representative(s) Buescher--
21 Concerning authorization for the direct payment by the
22 state treasurer of a scheduled payment on bonds issued by
23 a state-supported institution of higher education when the
24 institution will not be able to make the payment.
25

26 Ordered revised and placed on the Calendar for Third Reading and Final
27 Passage.
28

29 **SB08-224** by Senator(s) Harvey and Tapia; also Representative(s)
30 McFadyen--Concerning measures to ease the regulatory
31 burden of compliance with the "Elevator and Escalator
32 Certification Act".
33

34 Amendment No. Business Affairs & Labor Report, dated May 1, 2008,
35 and placed in member's bill file; Report also printed in House Journal,
36 May 1, pages 1802.
37

38 As amended, ordered revised and placed on the Calendar for Third
39 Reading and Final Passage.
40

41 A motion by Representative Carroll T that the Committee rise, report
42 progress and beg leave to sit again at 4:30 p.m., was adopted by
43 unanimous consent. (Special Orders continued on page 1816.)
44

45
46
47
48
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56

House reconvened.

57 The Committee of the Whole reported it had risen, reported progress and
58 would sit again at 4:30 p.m.

REPORTS OF COMMITTEE OF REFERENCE**HEALTH & HUMAN SERVICES**

After consideration on the merits, the Committee recommends the following:

SB08-230 be referred favorably to the Committee on Appropriations.

SB08-242 be referred to the Committee of the Whole with favorable recommendation.

RECALL OF SB08-123

Representative Madden moved for recall of **SB08-123** for purpose of reconsideration. The motion passed by unanimous consent. The bill was ordered recalled.

House in recess. House reconvened.

REPORTS OF COMMITTEE OF REFERENCE**APPROPRIATIONS**

After consideration on the merits, the Committee recommends the following:

SB08-133 be referred to the Committee of the Whole with favorable recommendation.

SB08-212 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 April 28, 2008, page 4, line 15, strike "TWELVE" and substitute "TWELVE,".

Page 5 of the committee report, after line 18, insert the following:

"(f) FOR THE 2008-09 BUDGET YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEYS TO THE DEPARTMENT OF EDUCATION FOR DISTRIBUTION TO LOCAL EDUCATION PROVIDERS WHO PARTICIPATE IN THE PILOT PROGRAM TO ASSIST THEM IN DEFRAYING THE COSTS INCURRED IN ADMINISTERING THE POSTSECONDARY AND WORKFORCE PLANNING, PREPARATION, AND READINESS ASSESSMENTS. THE STATE BOARD SHALL PROMULGATE RULES DESCRIBING THE PROCESS BY WHICH THE DEPARTMENT SHALL DISTRIBUTE THE MONEYS TO PARTICIPATING LOCAL EDUCATION PROVIDERS, ENSURING TO THE EXTENT PRACTICABLE THAT MONEYS ARE DISTRIBUTED TO LOCAL EDUCATION PROVIDERS IN AREAS THROUGHOUT THE STATE AND OF VARYING ENROLLMENT SIZE AND TAKING INTO ACCOUNT THE FISCAL NEEDS OF EACH PARTICIPATING LOCAL

1 EDUCATION PROVIDER AND WHETHER THE PARTICIPATING LOCAL
2 EDUCATION PROVIDER WAS ADMINISTERING POSTSECONDARY AND
3 WORKFORCE PLANNING, PREPARATION, OR READINESS ASSESSMENTS PRIOR
4 TO IMPLEMENTATION OF THE PILOT PROGRAM."

5
6 Page 7 of the committee report, line 25, after "WORKFORCE", insert
7 "READINESS".

8
9 Page 15 of the committee report, after line 27, add the following:

10
11 "Page 61, line 19, strike "three hundred";

12
13 strike line 20 and substitute the following:

14
15 "five hundred forty-two thousand four hundred fifty-three dollars
16 (\$542,453) and 5.0".

17
18 Page 62, after line 2, insert the following;

19
20 "(3) In addition to any other appropriation, there is hereby
21 appropriated, out of any moneys in the state education fund created in
22 section 17 (4) of article IX of the state constitution, not otherwise
23 appropriated, to the department of education, for the fiscal year beginning
24 July 1, 2008, the sum of two hundred fifty thousand dollars (\$250,000),
25 or so much thereof as may be necessary, for the implementation of the
26 postsecondary and workforce readiness assessments pilot program
27 pursuant to section 22-7-1007, Colorado Revised Statutes."."

28
29
30
31 **SB08-226** be amended as follows, and as so amended, be referred to
32 the Committee of the Whole with favorable
33 recommendation:

34
35 Amend the Agriculture, Livestock, & Natural Resources Committee
36 Report, dated April 30, 2008, page 4, line 17, strike "33-1-112,
37 33-10-111," and substitute "33-1-112";

38
39 line 26, strike "33-1-112, 33-10-111," and substitute "33-1-112".

40
41 Page 5, line 25, strike "EIGHT HUNDRED FIFTY" and substitute "FIVE
42 HUNDRED";

43
44 strike line 28 and substitute "33-10.5-108.";

45
46 line 30, strike "EIGHT HUNDRED FIFTY" and substitute "FIVE HUNDRED";

47
48 line 32, strike "33-10.5-108, FOR THE" and substitute "33-10.5-108.";

49
50 strike lines 33 and 34.

51
52 Page 6 of the committee report, strike lines 1 through 13;

53
54 after line 17, insert the following:

55
56 "Page 12, line 17, strike "SEVEN" and substitute "SIX";

1 line 22, strike "THREE MILLION TWO" and substitute "TWO MILLION
2 SEVEN";

3
4 line 25, strike "NINE" and substitute "FOUR".

5
6 Page 13, after line 17, insert the following:

7
8 "SECTION 6. 39-29-109 (1) (k) (V), Colorado Revised Statutes,
9 is amended to read:

10
11 **39-29-109. Severance tax trust fund - created - administration**
12 **- use of moneys - definitions - repeal.** (1) (k) (V) Subject to the
13 maintenance of a two-year reserve pursuant to sub-subparagraph (A) of
14 subparagraph (III) of paragraph (c) of this subsection (1), on or after July
15 1, 2008, the state treasurer shall deduct from the operational account of
16 the severance tax trust fund created in subparagraph (II) of paragraph (a)
17 of this subsection (1):

18
19 (A) ~~One million~~ FIVE HUNDRED THOUSAND dollars and transfer
20 such sum to the capital account of the species conservation trust fund
21 created in section 24-33-111 (2) (a), C.R.S.;

22
23 (B) ~~One million~~ FIVE HUNDRED THOUSAND dollars and transfer
24 such sum to the operations and maintenance account of the species
25 conservation trust fund created in section 24-33-111 (2) (a), C.R.S.". .".

26
27
28
29 **SB08-231** be referred to the Committee of the Whole with favorable
30 recommendation.

31
32
33 **SB08-230** be referred to the Committee of the Whole with favorable
34 recommendation.

35
36
37 **SB08-233** be amended as follows, and as so amended, be referred to
38 the Committee of the Whole with favorable
39 recommendation:

40
41 Amend reengrossed bill, page 12, after line 7, insert the following:

42
43 "SECTION 4. **Appropriation.** (1) In addition to any other
44 appropriation, there is hereby appropriated, out of any moneys in the
45 higher education federal mineral lease revenues fund created in section
46 23-19.9-102 (1) (a), Colorado Revised Statutes, not otherwise
47 appropriated, to the department of treasury, to make lease-purchase
48 payments at state-supported institutions of higher education, for the fiscal
49 year beginning July 1, 2008, the sum of ten million dollars (\$10,000,000)
50 cash funds, or so much thereof as may be necessary, for the
51 implementation of this act.

52
53 (2) In addition to any other capital construction appropriation,
54 there is hereby appropriated, to the department of higher education,
55 auraria higher education center, for the science building addition and
56 renovation, for the fiscal year beginning July 1, 2008, the sum of twenty-

1 two million two hundred twenty-seven thousand five hundred twenty-six
2 dollars (\$22,227,526) cash funds, or so much thereof as may be
3 necessary, for the implementation of this act. Said sum shall be from the
4 State Board of Community Colleges and Occupational Education, the
5 Trustees of Metropolitan State College, and the Regents of the University
6 of Colorado. Said sum shall remain available until the construction
7 project is complete or June 30, 2011, whichever comes first.
8

9 **SECTION 5. Supplemental appropriation.** Part IV (11) (A)
10 and the affected totals of section 3 of chapter 394, Session Laws of
11 Colorado 2006, as the said Part IV totals are amended by section 16 (6)
12 (b) of chapter 226, Session Laws of Colorado 2006, and as the said Part
13 IV (11) (A) and the affected totals are further amended by section 4 of
14 chapter 464 and as the totals are further amended by section 18 of chapter
15 466, Session Laws of Colorado 2007, are amended to read:
16

17 **Section 3. Capital Construction Appropriation.**
18

		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	CAPITOL CONSTRUCTION FUND	CAPITOL CONSTRUCTION FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
1	\$	\$	\$	\$	\$	\$	\$
2							
3							
4	(11) COLORADO SCHOOL OF MINES						
5	(A) Capital Construction						
6	Berthoud Hall Classroom	880,000				880,000	
7	Renovation	3,397,375					
8	Green Center Improvements			3,397,375			
9	Marquez Hall Petroleum	40,000,000				40,000,000 ^b	
10	Engineering Building	20,000,000				20,000,000 ^b	
11		6,904,652				6,904,652 ^a	
12	Recreation Center						
13		51,182,027					
14		31,182,027					
15	^a This amount shall be from exempt institutional sources. It meets the criteria in Section 24-75-303 (3) (a) (II), C.R.S., and is shown here for informational purposes only.						
16	Therefore, it shall not be accounted for in the State's Capital Construction Fund and the limitations on encumbrance timeliness and use of internal workforce do not apply.						
17	^b These amounts shall be from exempt institutional sources.						
18							
19	TOTALS PART IV						
20	(HIGHER EDUCATION)	\$279,384,681		\$56,498,838		\$222,885,843	
21		\$259,384,681				\$202,885,843	

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			CAPITOL CONSTRUCTION FUND	CAPITOL CONSTRUCTION FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
1	\$	\$	\$	\$	\$	\$	\$
2	GRAND TOTALS						
3	(CAPITAL CONSTRUCTION)	\$443,647,530		\$120,357,673	\$6,963,802	-\$289,909,967*	\$26,416,088
4		\$423,647,530				\$269,909,967 ^a	"

6 Renumber succeeding sections accordingly.

8 Page 12, line 8, before "This" insert "(1)";

10 strike line 9, and substitute the following:

12 "passage; except that:

14 (a) This act shall take effect only if Senate Bill 08-218 is";

16 line 11, strike "law." and substitute "law; and";

18 after line 11, insert the following:

20 " (b) Sections 4 and 5 of this act shall take effect only if House Joint Resolution 08-1042 passes at the second regular session of the Sixty-sixth General
21 Assembly and is signed by the governor." .

23 Page 1, line 103, strike "EDUCATION." and substitute "EDUCATION, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH." .

1 **SCR08-003** be referred to the Committee of the Whole with favorable
2 recommendation.
3
4

5 **MESSAGE FROM THE SENATE**
6

7 In response to the request of the House for the recall of SB08-123, the bill
8 is transmitted herewith.
9

10 **MESSAGE FROM THE GOVERNOR**
11

12
13 I certify I received the following on the 1st day of May, 2008, at
14 3:35 p.m. The original is on file in the records of the House of
15 Representatives of the General Assembly.
16

17 Marilyn Eddins,
18 Chief Clerk of the House

19 May 1, 2008
20

21 To the Honorable
22 House of Representatives
23 Sixty-sixth General Assembly
24 Second Regular Session
25 State Capitol
26 Denver, CO 80203
27

28 Ladies and Gentlemen:
29

30 I have the honor to inform you that I have approved and filed with
31 the Secretary of State the following Acts:
32

33 **HB08-1144** CONCERNING THE CONTINUATION OF THE "HEALTH CARE
34 CREDENTIALS UNIFORM APPLICATION ACT".
35

36 Approved May 1, 2008 at 1:19 PM.
37

38 **HB08-1226** CONCERNING THE ABILITY OF A CERTIFIED PUBLIC
39 ACCOUNTANT FROM ANOTHER STATE TO PRACTICE
40 ACCOUNTANCY IN COLORADO, AND MAKING AN
41 APPROPRIATION THEREFOR.
42

43 Approved May 1, 2008 at 1:22 PM.
44

45 **HB08-1309** CONCERNING CONTINUATION OF THE ASSESSMENTS
46 IMPOSED UPON HEALTH INSURANCE CARRIERS TO FUND
47 THE COVERCOLORADO PROGRAM, AND, IN CONNECTION
48 THEREWITH, ELIMINATING THE SUNSET OF THE
49 ASSESSMENT AND CREATING A TASK FORCE TO DEVELOP
50 A LONG-TERM FUNDING PLAN FOR THE PROGRAM.
51

52 Approved May 1, 2008 at 1:23 PM.
53

54 **HB08-1347** CONCERNING PROVISIONS WHEREBY A CITY AND
55 COUNTY MAY ENTER INTO AN INTERGOVERNMENTAL
56 AGREEMENT WITH A LAW ENFORCEMENT AGENCY OF

1 ANOTHER STATE FOR THE PERFORMANCE OF LAW
2 ENFORCEMENT DUTIES.

3
4 Approved May 1, 2008 at 1:24 PM.

5
6 **HB08-1348** CONCERNING THE AUTHORIZATION OF OFFICERS OF THE
7 FEDERAL PROTECTIVE SERVICE TO ACT AS PEACE
8 OFFICERS IN COLORADO.

9
10 Approved May 1, 2008 at 1:24 PM.

11
12 **HB08-1360** CONCERNING AUTHORIZING FIRE ARSON INVESTIGATORS
13 AS PEACE OFFICERS.

14
15 Approved May 1, 2008 at 1:26 PM.

16
17 Sincerely,
18 (signed)
19 Bill Ritter, Jr.
20 Governor

21 INTRODUCTION OF RESOLUTION

22
23 The following resolution was read by title and laid over one day under the
24 rules:

25
26 **HJR08-1043** by Representative(s) Jahn, Gallegos, Massey, Vaad; also
27 Senator(s) Gordon, Groff, McElhany--Concerning the
28 retention of officers and employees of the Second Regular
29 Session of the Sixty-sixth General Assembly.

30 RECONSIDERATION OF SB08-123

31
32 **SB08-123** by Senator(s) Sandoval; also Representative(s) Madden--
33 Concerning a program to provide additional funding for
34 school lunch programs, and making an appropriation
35 therefor.

36
37 Having voted on the prevailing side, Representative Madden moved for
38 reconsideration of the last House action (Third Reading vote, May 1, page
39 1781). As shown by the following recorded vote, more than a two-thirds
40 majority of those elected to the House voted in the affirmative and the
41 motion was declared **passed**.

42	YES	57	NO	04	EXCUSED	04	ABSENT	00
43	Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
44	Benefield	E	Garza-Hicks	Y	Marostica	N	Roberts	Y
45	Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
46	Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
47	Buescher	Y	Jahn	E	May	Y	Solano	Y
48	Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
49	Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
50	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
51	Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y

1	Curry	Y	King	E	Merrifield	Y	Summers	N
2	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
3	Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
4	Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
5	Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
6	Gallegos	Y	Looper	Y	Primavera	Y	White	N
7	Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
8							Speaker	Y

As shown by the following roll call vote, a majority of all members elected to the House voted in the affirmative, and Representative Madden was given permission to offer a Third Reading amendment:

	YES	60	NO	01	EXCUSED	04	ABSENT	00
15	Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
16	Benefield	E	Garza-Hicks	Y	Marostica	Y	Roberts	Y
17	Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
18	Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
19	Buescher	Y	Jahn	E	May	Y	Solano	Y
20	Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
21	Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
22	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
23	Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
24	Curry	Y	King	E	Merrifield	Y	Summers	Y
25	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
26	Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
27	Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
28	Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
29	Gallegos	Y	Looper	Y	Primavera	Y	White	Y
30	Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
31							Speaker	Y

Third Reading amendment No. 1, by Representative Madden.

Amend rerevised bill page 3, strike lines 18 through 27 and substitute the following:

"(a) GOOD NUTRITION IS AN ESSENTIAL COMPONENT TO STUDENT LEARNING AND PROMOTES SUCCESS FOR STUDENTS IN TODAY'S FAST-PACED ENVIRONMENT;

(b) BY INCREASING THE NUMBER OF STUDENTS WHO CAN RECEIVE A FREE, NUTRITIOUS LUNCH, THE SCHOOL LUNCH PROGRAM IS AN IMPORTANT COMPONENT OF AN ACCOUNTABLE PROGRAM TO MEET STATE ACADEMIC STANDARDS, AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION."

Page 4, strike lines 1 and 2.

The amendment was declared **passed** by the following roll call vote:

	YES	55	NO	06	EXCUSED	04	ABSENT	00
54	Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
55	Benefield	E	Garza-Hicks	Y	Marostica	N	Roberts	Y
56	Borodkin	Y	Green	Y	Marshall	Y	Rose	Y

1	Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
2	Buescher	Y	Jahn	E	May	Y	Solano	Y
3	Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
4	Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
5	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
6	Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
7	Curry	Y	King	E	Merrifield	Y	Summers	N
8	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
9	Fischer	Y	Lambert	N	Mitchell	Y	Todd	Y
10	Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
11	Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
12	Gallegos	Y	Looper	Y	Primavera	Y	White	N
13	Gardner B	Y	Lundberg	N	Rice	Y	Witwer	Y
14							Speaker	Y

15
16 The question being, "Shall the bill, as amended, pass?"

17 A roll call vote was taken. As shown by the following recorded vote, a
18 majority of those elected to the House voted in the affirmative, and the
19 bill, as amended, was declared **passed**.

21	YES	53	NO	08	EXCUSED	04	ABSENT	00
22	Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
23	Benefield	E	Garza-Hicks	Y	Marostica	N	Roberts	Y
24	Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
25	Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
26	Buescher	Y	Jahn	E	May	Y	Solano	Y
27	Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
28	Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
29	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
30	Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
31	Curry	Y	King	E	Merrifield	Y	Summers	N
32	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
33	Fischer	Y	Lambert	N	Mitchell	Y	Todd	Y
34	Frangas	Y	Levy	Y	Peniston	Y	Vaad	N
35	Gagliardi	Y	Liston	N	Pommer	Y	Weissmann	Y
36	Gallegos	Y	Looper	Y	Primavera	Y	White	N
37	Gardner B	Y	Lundberg	N	Rice	Y	Witwer	Y
38							Speaker	Y

39 Co-sponsors added: Representatives Frangas, McGihon, Scanlan.

40
41
42 On motion of Representative Curry, the House resolved itself into
43 Committee of the Whole for continuation of consideration of Special
44 Orders, and she returned to the Chair to act as Chairman.

48 SPECIAL ORDERS--SECOND READING OF BILLS

49 (Continued from page 1806)

50
51 **SB08-217** by Senator(s) Hagedorn, Johnson; also Representative(s)
52 McGihon and Massey, Roberts--Concerning the
53 framework for developing the centennial care choices
54 program to reform the health care system in Colorado, and
55 making an appropriation therefor.
56

1 Amendment No. 1, Health & Human Services Report, dated
2 April 28, 2008, and placed in member's bill file; Report also printed in
3 House Journal, April 29, pages 1678-1682.

4
5 Amendment No. 2, Appropriations Report, dated May 1, 2008, and
6 placed in member's bill file; Report also printed in House Journal, May 1,
7 pages 1799-1800.

8
9 Amendment No. 3, by Representative McGihon.
10 Amend the Health and Human Services Committee Report, dated April
11 28, 2008, page 4, line 19, strike "RECOMMENDATIONS" and substitute
12 "INFORMATION";

13
14 line 20, strike "MAY BE NEEDED" and substitute "WOULD BE REQUIRED
15 SHOULD THE GENERAL ASSEMBLY PROCEED";

16
17 line 26, strike "RECOMMENDATIONS" and substitute "INFORMATION";

18
19 line 27, before "RECOMMEND", insert "PROCEED WITH THE CENTENNIAL
20 CARE CHOICES PROGRAM AND WHETHER TO".

21
22 Amendment No. 4, by Representative McGihon.

23
24 Amend the Health and Human Services Committee Report, dated April
25 28, 2008, page 2, after line 22, insert the following:

26
27 "line 7, strike "HEALTHIER" and substitute "HEALTHY";".

28
29 Page 3 of the committee report, after line 3, insert the following:

30
31 "line 5, strike "VBPs;" and substitute "VBPs AND THE ESTIMATED
32 CONSUMER COST FOR EACH PARTICULAR COVERAGE OPTION;";".

33
34 Page 4 of the committee report, line 16, after "A", insert "DETAILED".

35
36 Amendment No. 5, by Representative McGihon.

37
38 Amend reengrossed bill, page 4, line 14, before "THE", insert "THE STATE
39 DEPARTMENT AND DIVISION SHALL BEGIN PREPARING THE REQUEST FOR
40 INFORMATION BY JULY 1, REGARDLESS OF WHETHER THE PANEL HAS BEEN
41 APPOINTED BY THAT DATE. IF THE GOVERNOR FAILS TO APPOINT THE
42 PANEL OF EXPERT ADVISORS BY JULY 1, 2008, THEN THE PRESIDENT OF THE
43 SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL BE
44 RESPONSIBLE FOR APPOINTING THE PANEL OF EXPERT ADVISORS AND
45 SHALL EACH APPOINT AT LEAST FIVE EXPERT ADVISORS MEETING THE
46 CRITERIA SPECIFIED IN THIS SUBPARAGRAPH (I) BY JULY 15, 2008.".

47
48 Amendment No. 6, by Representatives Gagliardi, Green, Primavera.

49
50 Amend reengrossed bill, page 4, line 11, after "PLANS," insert "PERSONS
51 WITH EXPERTISE IN DISABILITY ISSUES,".

52
53 Amendment No. 7, by Representative McGihon.

54
55 Amend reengrossed bill, page 4, line 12, before "CONSUMERS," insert
56 "PERSONS WITH EXPERTISE REGARDING LONG TERM CARE,".

1 Amendment No. 8, by Representative McGihon.

2
3 Amend reengrossed bill, page 6, line 1, after "PROFESSIONALS," insert
4 "INCLUDING, BUT NOT LIMITED TO, HOSPICE AND PALLIATIVE CARE
5 PROVIDERS,".

6
7 As amended, ordered revised and placed on the Calendar for Third
8 Reading and Final Passage.

9
10 **HCR08-1010** by Representative(s) Gardner B., Gardner C., Lundberg,
11 King, Stephens, Witwer; also Senator(s) Sandoval,
12 Mitchell S., Kester--Submitting to the registered electors
13 of the state of Colorado an amendment to article X of the
14 constitution of the state of Colorado, concerning the
15 creation of a state savings and trust fund, and, in
16 connection therewith, allowing the general assembly to
17 determine how to fund the trust fund, allowing the general
18 assembly, by a majority vote of the members of each
19 house, to authorize the transfer of moneys from the trust
20 fund to the general fund if state general fund
21 appropriations growth falls below a specified level,
22 allowing the general assembly, by a two-thirds vote of the
23 members of each house, to appropriate or transfer moneys
24 from the trust fund for any purpose, and requiring
25 replenishment of the trust fund under specified conditions
26 if the general assembly makes appropriations or transfers
27 from the trust fund.

28
29 Referred to the Committee on Finance.

30
31 **SB08-242** by Senator(s) Boyd, Mitchell S.; also Representative(s)
32 Benefield--Concerning inclusion of the first authorized
33 distributor of record in the chain of distribution for the
34 purpose of a prescription drug pedigree.

35
36 Ordered revised and placed on the Calendar for Third Reading and Final
37 Passage.

38
39 **SB08-133** by Senator(s) Shaffer; also Representative(s) Kerr A.--
40 Concerning financial incentives for persons to enter the
41 teaching profession, and, in connection therewith, creating
42 the teach Colorado grant initiative and making an
43 appropriation.

44
45 Ordered revised and placed on the Calendar for Third Reading and Final
46 Passage.

47
48 **SB08-212** by Senator(s) Romer and Penry, Boyd, Gibbs, Keller,
49 Mitchell S., Morse, Schwartz, Veiga, Bacon, Gordon,
50 Groff, Tapia, Tochtrop, Williams, Windels; also
51 Representative(s) Witwer and Scanlan, Benefield, Casso,
52 Hodge, Jahn, Kerr A., Marostica, Massey, May M.,
53 McFadyen, McNulty, Middleton, Mitchell V., Rice,
54 Summers, Todd--Concerning alignment of preschool to
55 postsecondary education, and making an appropriation in
56 connection therewith.

1 Amendment No. 1, Education Report, dated April 28, 2008, and placed
2 in member's bill file; Report also printed in House Journal, April 29,
3 pages 1666-1677.

4
5 Amendment No. 2, Appropriations Report, dated May 1, 2008, and placed
6 in member's bill file; Report also printed in House Journal, May 1,
7 pages 1807-1808.

8
9 Amendment No. 3, by Representative Scanlan.

10 Amend reengrossed bill, page 12, line 26, strike "JOINTLY".

11
12 Page 17, line 6, strike "22-7-1007;" and substitute "22-7-1008;".

13
14 Page 34, line 24, strike "COMPLETION OF THE TWELFTH GRADE." and
15 substitute "ATTAINING A HIGH SCHOOL DIPLOMA.".

16
17 Page 42, line 4, strike "THE COMPLETION OF TWELFTH" and substitute
18 "ATTAINING A HIGH SCHOOL DIPLOMA.";

19
20 strike line 5.

21
22 Page 48, line 23, strike "JOINTLY".

23
24 Page 50, line 11, strike "2009." and substitute "~~2009~~ 2010.".

25
26 Page 51, line 16, strike "JOINTLY".

27
28 Amendment No. 4, by Representative Rice.

29
30 Amend reengrossed bill, page 61, before line 15, insert the following:

31
32 "SECTION 13. 22-7-604 (3), Colorado Revised Statutes, is
33 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

34
35 **22-7-604. Academic performance - academic growth of**
36 **students - rating - designation and methodology. (3) CSAP**
37 **assessments. (e) (I) NOTWITHSTANDING ANY PROVISION OF THIS**
38 **SUBSECTION (3) TO THE CONTRARY, BEGINNING WITH THE SCORES**
39 **CALCULATED PURSUANT TO THIS SUBSECTION (3) USING THE RESULTS OF**
40 **ASSESSMENTS ADMINISTERED IN THE 2007-08 ACADEMIC YEAR, THE**
41 **DEPARTMENT SHALL IDENTIFY AND IMPLEMENT ALTERATIONS IN THE**
42 **CALCULATION METHOD, OR OTHER APPROPRIATE MEASURES, TO ENSURE**
43 **THAT, TO THE FULLEST EXTENT PRACTICABLE, A PUBLIC SCHOOL IS NOT**
44 **PENALIZED IN THE CALCULATION OF THE SCHOOL'S CSAP-AREA**
45 **STANDARDIZED, WEIGHTED TOTAL SCORE BY INADVERTENT ERRORS**
46 **COMMITTED IN THE ADMINISTRATION OF AN ASSESSMENT. THE STATE**
47 **BOARD SHALL PROMULGATE RULES AS NECESSARY FOR THE**
48 **IMPLEMENTATION OF THIS PARAGRAPH (e), INCLUDING DEFINING**
49 **INADVERTENT ERRORS IN THE ADMINISTRATION OF AN ASSESSMENT. THE**
50 **DECISION BY THE COMMISSIONER OF EDUCATION THAT AN ERROR IS OR IS**
51 **NOT INADVERTENT SHALL BE FINAL AND SHALL NOT BE APPEALABLE TO**
52 **THE STATE BOARD.**

53
54
55 (II) IF THE DEPARTMENT CANNOT CALCULATE A PUBLIC SCHOOL'S
56 CSAP-AREA STANDARDIZED, WEIGHTED TOTAL SCORE WITHOUT

PENALIZING THE PUBLIC SCHOOL FOR INADVERTENT ERRORS COMMITTED IN THE ADMINISTRATION OF AN ASSESSMENT, THE DEPARTMENT SHALL INCLUDE ON THE PUBLIC SCHOOL'S SCHOOL ACCOUNTABILITY REPORT A NOTATION SPECIFYING WHAT THE SCHOOL'S OVERALL ACADEMIC PERFORMANCE RATING WOULD HAVE BEEN HAD IT BEEN CALCULATED WITHOUT INCLUDING THE SCORES THAT RESULTED FROM THE MISADMINISTERED ASSESSMENT."

Renumber succeeding sections accordingly.

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

On motion of Representative Carroll T, the remainder of the Special Orders Calendar (**SB08-231, 230, SCR08-003, SB08-233**) was laid over until May 2, retaining place on Calendar.

AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT

Representative B. Gardner moved to amend the Report of the Committee of the Whole to reverse the action taken by the Committee in referring HCR08-1010 to the Finance Committee to show instead that HCR08-1010 was not referred to the Finance Committee and that **HCR08-1010** passed.

The amendment was declared **lost** by the following roll call vote:

YES	26	NO	36	EXCUSED	03	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	N	Riesberg	N
Benefield	N	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	N	Green	N	Marshall	N	Rose	Y
Bruce	Y	Hodge	N	Massey	Y	Scanlan	N
Buescher	N	Jahn	N	May	Y	Solano	N
Butcher	N	Judd	N	McFadyen	N	Sonnenberg	Y
Carroll M	E	Kefalas	N	McGihon	N	Soper	N
Carroll T	N	Kerr A	N	McKinley	E	Stafford	N
Casso	N	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	N	King	Y	Merrifield	N	Summers	Y
Ferrandino	N	Labuda	N	Middleton	N	Swalm	E
Fischer	N	Lambert	Y	Mitchell	Y	Todd	N
Frangas	Y	Levy	N	Peniston	N	Vaad	Y
Gagliardi	N	Liston	Y	Pommer	N	Weissmann	N
Gallegos	N	Looper	Y	Primavera	N	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	N

Representative B. Gardner moved to amend the Report of the Committee of the Whole to reverse the action taken by the Committee in not adopting the following B. Gardner amendment, to SB08-212, to show that said amendment passed, and that **SB08-212**, as amended, passed.

Amend the Education Committee Report, dated April 28, 2008, page 15, strike lines 25 through 27 and substitute the following:

"Strike page 55.

Page 56, strike lines 1 through 13."

The amendment was declared **lost** by the following roll call vote:

YES	27	NO	35	EXCUSED	03	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	N	Riesberg	N
Benefield	N	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	N	Green	N	Marshall	N	Rose	Y
Bruce	Y	Hodge	N	Massey	Y	Scanlan	N
Buescher	Y	Jahn	N	May	Y	Solano	N
Butcher	N	Judd	N	McFadyen	N	Sonnenberg	Y
Carroll M	E	Kefalas	N	McGihon	N	Soper	N
Carroll T	N	Kerr A	N	McKinley	E	Stafford	N
Casso	N	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	N	King	Y	Merrifield	N	Summers	Y
Ferrandino	N	Labuda	N	Middleton	N	Swalm	E
Fischer	N	Lambert	Y	Mitchell	Y	Todd	N
Frangas	N	Levy	N	Peniston	N	Vaad	Y
Gagliardi	N	Liston	Y	Pommer	N	Weissmann	N
Gallegos	N	Looper	Y	Primavera	N	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

Passed Second Reading: **SB08-210 amended, 234, 216, 219 amended, 239, 200 amended, 238 amended, 228 amended, 245, 224 amended, 217 amended, 242, 133, 212 amended.**

Lost on Second Reading: **HCR08-1012.**

Laid over until date indicated retaining place on Calendar: **SB08-231, 230, SCR08-003, SB08-233--May 2, 2008.**

Referred to Committee indicated: **HCR08-1010--Finance.**

The Chairman moved the adoption of the Committee of the Whole Report. As shown by the following roll call vote, a majority of those elected to the House voted in the affirmative, and the Report was **adopted.**

YES	62	NO	00	EXCUSED	03	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	Y	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	E	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y

1	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	E
2	Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
3	Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
4	Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
5	Gallegos	Y	Looper	Y	Primavera	Y	White	Y
6	Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
7							Speaker	Y

CONSIDERATION OF RESOLUTION

HJR08-1027 by Representative(s) Weissmann, Butcher, Casso, Frangas, Gallegos, Labuda, McKinley, McNulty, Merrifield; also Senator(s) Spence, Cadman, Kester, Kopp, Penry-- Concerning the creation of an interim committee to examine the feasibility of merging the departments that oversee education in Colorado.

(Printed and placed in member's file.)

On motion of Representative Weissmann, the resolution was **adopted** by the following roll call vote:

	YES	56	NO	06	EXCUSED	03	ABSENT	00
26	Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
27	Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
28	Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
29	Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
30	Buescher	Y	Jahn	Y	May	Y	Solano	Y
31	Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
32	Carroll M	E	Kefalas	Y	McGihon	N	Soper	Y
33	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
34	Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
35	Curry	Y	King	Y	Merrifield	Y	Summers	N
36	Ferrandino	Y	Labuda	Y	Middleton	N	Swalm	E
37	Fischer	Y	Lambert	Y	Mitchell	Y	Todd	N
38	Frangas	Y	Levy	Y	Peniston	N	Vaad	Y
39	Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
40	Gallegos	Y	Looper	Y	Primavera	Y	White	Y
41	Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
42							Speaker	Y

Co-sponsors added: Representatives Benefield, Green, Looper, Marostica, May, Rose, Speaker.

CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILL

HB08-1329 by Representative(s) Marshall; also Senator(s) Gordon-- Concerning procedures for updating voter registration lists as applied to registered electors deemed inactive in connection with mail ballot elections.

(Amended as printed in Senate Journal, April 22, pages 1086-1087.)

Representative Marshall moved that the House **not concur** in Senate amendments and that a Conference Committee be appointed with permission to go beyond the scope of the differences between the House and the Senate. The motion was declared **passed** by the following roll call vote:

YES	60	NO	02	EXCUSED	03	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	Y	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	N
Carroll M	E	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	E
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	N

The Speaker appointed Representatives Marshall, Chairman, Weissmann and Balmer as House conferees to the bill.

REPORT OF COMMITTEE OF REFERENCE

BUSINESS AFFAIRS & LABOR

After consideration on the merits, the Committee recommends the following:

SB08-011 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend reengrossed bill, page 3, line 13, strike "PROVIDED" and substitute "OFFERED".

Page 4, strike line 9 and substitute the following:

"DOLLARS AT NO ADDITIONAL COST TO THE INSURED.";

line 15, strike "WRITTEN";

line 23, after "ACCIDENT-RELATED", insert "TRAUMA CARE OR";

line 24, strike "(b) AND (c)" and substitute "(b), (c), AND (d)";

line 27, strike "HEALTH CARE".

Page 5, line 4, strike "THREE" and substitute "FIVE";

1 strike line 7;

2

3 line 8, strike "SUCH PROVIDERS" and substitute "CENTER IN THE
4 FOLLOWING PRIORITY, AS APPLICABLE:

5

6 (I) BENEFITS SHALL BE PAID FIRST TO LICENSED AMBULANCES OR
7 AIR AMBULANCES THAT PROVIDE TRAUMA CARE AT THE SCENE OF OR
8 IMMEDIATELY AFTER THE MOTOR VEHICLE ACCIDENT, INCLUDING
9 TRANSPORT TO OR FROM A TRAUMA CENTER.

10

11 (II) AFTER PAYMENTS TO PROVIDERS DESCRIBED IN
12 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), BENEFITS SHALL BE PAID
13 NEXT TO TRAUMA PHYSICIANS THAT PROVIDE TRAUMA CARE TO STABILIZE
14 OR PROVIDE THE FIRST EPISODE OF CARE TO THE INJURED PERSON.

15

16 (III) AFTER PAYMENTS TO PROVIDERS DESCRIBED IN
17 SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH (b), BENEFITS SHALL BE
18 PAID NEXT TO TRAUMA CENTERS DESIGNATED AS LEVEL IV OR V
19 PURSUANT TO SECTION 25-3.5-703 (4) THAT PROVIDE TRAUMA CARE TO
20 STABILIZE OR PROVIDE THE FIRST EPISODE OF CARE TO THE INJURED
21 PERSON.

22

23 (IV) AFTER PAYMENTS TO PROVIDERS DESCRIBED IN
24 SUBPARAGRAPHS (I), (II), AND (III) OF THIS PARAGRAPH (b), BENEFITS
25 SHALL BE PAID NEXT TO TRAUMA CENTERS DESIGNATED AS LEVEL I, II, OR
26 III OR AS A REGIONAL PEDIATRIC TRAUMA CENTER PURSUANT TO SECTION
27 25-3.5-703 (4) THAT PROVIDE TRAUMA CARE TO STABILIZE OR PROVIDE
28 THE FIRST EPISODE OF CARE TO THE INJURED PERSON.

29

30 (c) THE RESERVE SHALL BE HELD AND USED TO PAY CLAIMS OF
31 TRAUMA CARE PROVIDERS DESCRIBED IN THIS SUBSECTION (2)";

32

33 line 14, strike "(c)" and substitute "(d)" and, strike "10-16-642" and
34 substitute "10-4-642".

35

36 Page 6, after line 26, insert the following:

37

38 "(c) A PERSON THAT HAS OBTAINED A COMMERCIAL INSURANCE
39 POLICY. HOWEVER, NOTHING SHALL PRECLUDE SUCH PERSON FROM
40 PURCHASING MEDICAL PAYMENTS COVERAGE AS PART OF THE POLICY.".

41

42 Page 7, line 13, strike "10-4-902." and substitute "10-4-902, AND ALSO
43 INCLUDES AN OCCUPATIONAL THERAPIST AS DESCRIBED IN SECTION
44 6-1-707 (1) (c), C.R.S.";

45

46 line 16, after "PROVIDED", insert "BY A LICENSED HEALTH CARE
47 PROVIDER";

48

49 after line 18, insert the following:

50

51 "(f) "PROVIDER" MEANS A LICENSED HEALTH CARE PROVIDER,
52 LICENSED AIR AMBULANCE, LICENSED AMBULANCE, TRAUMA PHYSICIAN,
53 OR TRAUMA CENTER.".

54

55 Reletter succeeding paragraphs accordingly.

56

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The Speaker has signed: **SB08-076, 100, 134, 181.**

MESSAGE FROM THE SENATE

Upon reconsideration, the Senate has repassed and transmitted to the Revisor of Statutes:

HB08-1114 amended as printed in Senate Journal, May 1, 2008.

The Senate has granted permission to the First Conference Committee on SB08-205 to go beyond the scope of the difference between the two houses.

In response to the request of the House for a Conference Committee on HB08-1240, the President appoints Senators Sandoval- Chair, Takis, and Kopp as conferees on the First Conference Committee on HB08-1240.

MESSAGE FROM THE REVISOR

We herewith transmit:
Without comment, as amended, HB08-1114.

CONSIDERATION OF RESOLUTION

HJR08-1031 by Representative(s) Frangas, Fischer, Kefalas, Levy, Merrifield, Middleton; also Senator Sandoval--Concerning the creation of an interim committee to study health care for vulnerable populations.

(Printed and placed in member's files.)

Representative Frangas moved that the resolution be adopted.

Representative Frangas moved the following amendment:

Amendment No. 1, Appropriations Report, dated April 29, 2008, and placed in member's bill file; Report also printed in House Journal, April 29, pages 1663-1664.

The amendment was declared **passed** by **viva voce** vote.

Amendment No. 2, moved by Representative Frangas.

Amend the Appropriations Committee Report, dated April 29, 2008, page 1, strike lines 8 and 9 and substitute the following:

""(I) One member appointed by the President of the Senate and one member appointed by the Speaker of the House of Representatives, who shall".

The amendment was declared **passed** by **viva voce** vote.

On motion of Representative Frangas, the resolution as amended was **adopted** by **viva voce** vote.

Co-sponsors added: Representatives Butcher, Carroll T, Casso, Gallegos, Green, Hodge, Kerr J, Labuda, Marshall, McFadyen, McGihon, Primavera, Stafford, Todd, Speaker.

CONSENT GRANTED TO CONFERENCE COMMITTEE

Representative King moved that the First Conference Committee on **SB08-205** be granted permission to go beyond the scope of the difference between the House and the Senate. The motion was passed by the following roll call vote:

YES	62	NO	00	EXCUSED	03	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	Y	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	E	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	E
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

LAY OVER OF CALENDAR ITEMS

On motion of Representative Carroll T, the following items on the Calendar were laid over until May 2, retaining place on Calendar:

Consideration of Resolutions--**HJR08-1030, 1038, 1039, SJR08-010, HJR08-1040, 1041, SJR08-020, 027, 030, 039.**

Consideration of Memorial--**SJM08-001.**

Consideration of Senate Amendments--**HB08-1151, 1136, 1141, 1114, 1319, 1115, 1274, 1157, 1232, 1376, 1349, 1110, 1373, 1346, 1364, 1368, 1370, 1353, 1010, 1127, 1255, 1072, 1150, 1036, 1204, 1167.**

Consideration of Adherence--**SB08-019.**

Consideration of Governor's Partial Veto--**HB08-1375.**

1 On motion of Representative Carroll T, the House adjourned until
2 9:00 a.m., May 2, 2008.

3

4

5

6

7 Attest:

8 MARILYN EDDINS,

9 Chief Clerk

Approved:

ANDREW ROMANOFF,

Speaker

HOUSE JOURNAL
SIXTY-SIXTH GENERAL ASSEMBLY
STATE OF COLORADO
Second Regular Session

One hundred-fifteenth Legislative Day

Friday, May 2, 2008

1 Prayer by Father Tom Carzon, Holy Ghost Church, Denver.

2
3 The Speaker called the House to order at 9:00 a.m.

4
5 Pledge of Allegiance led by Christy Lundberg, Home Schooled,
6 Berthoud.

7
8 The roll was called with the following result:

9
10 Present--61.
11 Excused--Representatives Madden, McGihon, McKinley,
12 Pommer--4.
13 Present after roll call--Representatives Madden, McGihon,
14 Pommer.

15
16 The Speaker declared a quorum present.

17
18
19 On motion of Representative Stephens, the reading of the journal of
20 May 1, 2008, was declared dispensed with and approved as corrected by
21 the Chief Clerk.

22
23
24
25 **THIRD READING OF BILLS--FINAL PASSAGE**

26
27 The following bills were considered on Third Reading. The titles were
28 publicly read. Reading of the bill at length was dispensed with by
29 unanimous consent.

30
31 **SB08-210** by Senator(s) Shaffer; also Representative(s) Scanlan--
32 Concerning Colorado child care assistance program
33 provider reimbursement rates.

34
35 The question being "Shall the bill pass?".
36 A roll call vote was taken. As shown by the following recorded vote, a
37 majority of those elected to the House voted in the affirmative and the
38 bill was declared **passed**.

39
40

	YES	52	NO	12	EXCUSED	01	ABSENT	00
41	Balmer	Y	Gardner C	N	Madden	Y	Riesberg	Y
42	Benefield	Y	Garza-Hicks	N	Marostica	Y	Roberts	Y
43	Borodkin	Y	Green	Y	Marshall	Y	Rose	N

1	Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
2	Buescher	Y	Jahn	Y	May	Y	Solano	Y
3	Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	N
4	Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
5	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
6	Casso	Y	Kerr J	Y	McNulty	N	Stephens	Y
7	Curry	Y	King	Y	Merrifield	Y	Summers	Y
8	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	N
9	Fischer	Y	Lambert	N	Mitchell	Y	Todd	Y
10	Frangas	Y	Levy	Y	Peniston	Y	Vaad	N
11	Gagliardi	Y	Liston	N	Pommer	Y	Weissmann	Y
12	Gallegos	Y	Looper	Y	Primavera	Y	White	Y
13	Gardner B	Y	Lundberg	N	Rice	Y	Witwer	N
14							Speaker	Y

15 Co-sponsors added: Representatives Buescher, Green, Madden, McGihon,
16 Merrifield, Middleton, Solano, Stafford, Todd.

17
18 **SB08-234** by Senator(s) Bacon; also Representative(s) Kerr A.--
19 Concerning procedural matters related to substance abuse
20 treatment in criminal cases.

21
22 The question being "Shall the bill pass?".

23 A roll call vote was taken. As shown by the following recorded vote, a
24 majority of those elected to the House voted in the affirmative and the
25 bill was declared **passed**.

27	YES	63	NO	01	EXCUSED	01	ABSENT	00
28	Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
29	Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
30	Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
31	Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
32	Buescher	Y	Jahn	Y	May	Y	Solano	Y
33	Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
34	Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
35	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
36	Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
37	Curry	Y	King	Y	Merrifield	Y	Summers	Y
38	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
39	Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
40	Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
41	Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
42	Gallegos	Y	Looper	Y	Primavera	Y	White	Y
43	Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
44							Speaker	Y

45 Co-sponsors added: Representatives Carroll T, Casso, Green, McFadyen,
46 Summers, Todd, Speaker.

47
48
49 **SB08-216** by Senator(s) Morse, Keller, Johnson; also
50 Representative(s) White, Buescher, Pommer--Concerning
51 the county contribution for the cost of placement of
52 children in residential child care facilities, and making an
53 appropriation therefor.

54
55 The question being "Shall the bill pass?".

56 A roll call vote was taken. As shown by the following recorded vote, a

majority of those elected to the House voted in the affirmative and the bill was declared **passed**.

YES	63	NO	01	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsors added: Representatives Casso, Frangas, Green, Merrifield, Stafford, Todd.

SB08-219 by Senator(s) Romer, Groff, Morse, Tapia, Tochtrop; also Representative(s) McFadyen and Rice, Carroll T., Kerr A., Liston, Looper, Merrifield, Middleton, Pommer, Primavera, Solano, Stafford--Concerning registration of massage therapists, and making an appropriation therefor.

The question being "Shall the bill pass?".

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative and the bill was declared **passed**.

YES	36	NO	28	EXCUSED	01	ABSENT	00
Balmer	N	Gardner C	N	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	N	Roberts	N
Borodkin	Y	Green	Y	Marshall	Y	Rose	N
Bruce	N	Hodge	Y	Massey	N	Scanlan	Y
Buescher	Y	Jahn	Y	May	N	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	N
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	N	Kerr A	Y	McKinley	E	Stafford	N
Casso	N	Kerr J	N	McNulty	N	Stephens	N
Curry	N	King	N	Merrifield	Y	Summers	N
Ferrandino	Y	Labuda	N	Middleton	Y	Swalm	N
Fischer	Y	Lambert	N	Mitchell	N	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	N
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	N
Gallegos	Y	Looper	Y	Primavera	Y	White	N
Gardner B	N	Lundberg	N	Rice	Y	Witwer	N
						Speaker	Y

Representatives Stafford, Carroll T requested their names be removed as sponsors.

Co-sponsors added: Representatives Garza-Hicks, Green, Jahn, Levy, McGihon.

1 **SB08-239** by Senator(s) Bacon; also Representative(s) Jahn--
 2 Concerning increasing from a class 4 felony to a class 3
 3 felony the penalty for leaving the scene of an accident
 4 involving death, and making an appropriation in
 5 connection therewith.
 6

7 The question being "Shall the bill pass?".
 8 A roll call vote was taken. As shown by the following recorded vote, a
 9 majority of those elected to the House voted in the affirmative and the
 10 bill was declared **passed**.
 11

	YES	60	NO	04	EXCUSED	01	ABSENT	00
13	Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
14	Benefield	N	Garza-Hicks	Y	Marostica	Y	Roberts	Y
15	Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
16	Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
17	Buescher	Y	Jahn	Y	May	Y	Solano	Y
18	Butcher	Y	Judd	N	McFadyen	Y	Sonnenberg	Y
19	Carroll M	N	Kefalas	Y	McGihon	Y	Soper	Y
20	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
21	Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
22	Curry	Y	King	Y	Merrifield	Y	Summers	Y
23	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
24	Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
25	Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
26	Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
27	Gallegos	Y	Looper	Y	Primavera	Y	White	Y
28	Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
29							Speaker	Y

30 Co-sponsors added: Representatives Green, King, Mitchell, Stafford, Speaker.
 31

32 **SB08-200** by Senator(s) Veiga; also Representative(s) Judd,
 33 Borodkin, Carroll M., Carroll T., Casso, Ferrandino,
 34 Frangas, Green, Kerr A., Levy, Madden, Marshall,
 35 McGihon, Pommer, Todd--Concerning the expansion of
 36 prohibitions against discrimination, and making an
 37 appropriation therefor.
 38

39 The question being "Shall the bill pass?".
 40 A roll call vote was taken. As shown by the following recorded vote, a
 41 majority of those elected to the House voted in the affirmative and the
 42 bill was declared **passed**.
 43

	YES	38	NO	26	EXCUSED	01	ABSENT	00
45	Balmer	N	Gardner C	N	Madden	Y	Riesberg	Y
46	Benefield	Y	Garza-Hicks	N	Marostica	N	Roberts	N
47	Borodkin	Y	Green	Y	Marshall	Y	Rose	N
48	Bruce	N	Hodge	Y	Massey	N	Scanlan	Y
49	Buescher	Y	Jahn	Y	May	N	Solano	Y
50	Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	N
51	Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	N
52	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	N
53	Casso	Y	Kerr J	N	McNulty	N	Stephens	N
54	Curry	Y	King	N	Merrifield	Y	Summers	N
55	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	N
56	Fischer	Y	Lambert	N	Mitchell	N	Todd	Y

1	Frangas	Y	Levy	Y	Peniston	Y	Vaad	N
2	Gagliardi	Y	Liston	N	Pommer	Y	Weissmann	Y
3	Gallegos	Y	Looper	N	Primavera	Y	White	Y
4	Gardner B	N	Lundberg	N	Rice	Y	Witwer	N
5							Speaker	Y

6 Co-sponsors added: Representatives Fischer, Kefalas, Merrifield, Primavera,
7 Weissmann.

8
9 **SB08-238** by Senator(s) Bacon; also Representative(s) King--
10 Concerning a prohibition on the reproduction of sexually
11 exploitative material in a criminal case.

12
13 The question being "Shall the bill pass?"

14 A roll call vote was taken. As shown by the following recorded vote, a
15 majority of those elected to the House voted in the affirmative and the
16 bill was declared **passed**.

17								
18	YES	60	NO	04	EXCUSED	01	ABSENT	00
19	Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
20	Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
21	Borodkin	Y	Green	Y	Marshall	Y	Rose	N
22	Bruce	Y	Hodge	Y	Massey	Y	Scanlan	Y
23	Buescher	Y	Jahn	Y	May	Y	Solano	Y
24	Butcher	Y	Judd	N	McFadyen	Y	Sonnenberg	Y
25	Carroll M	Y	Kefalas	Y	McGihon	N	Soper	Y
26	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
27	Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
28	Curry	Y	King	Y	Merrifield	Y	Summers	Y
29	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
30	Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
31	Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
32	Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	N
33	Gallegos	Y	Looper	Y	Primavera	Y	White	Y
34	Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
35							Speaker	Y

36 Co-sponsors added: Representatives Buescher, Green, Stafford.

37
38 **SB08-228** by Senator(s) Schwartz, Bacon, Isgar, Shaffer; also
39 Representative(s) Curry, Scanlan--Concerning increased
40 public disclosure of the contents of a notice of intent to
41 conduct mining operations.

42
43 The question being "Shall the bill pass?"

44 A roll call vote was taken. As shown by the following recorded vote, a
45 majority of those elected to the House voted in the affirmative and the
46 bill was declared **passed**.

47								
48	YES	59	NO	05	EXCUSED	01	ABSENT	00
49	Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
50	Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
51	Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
52	Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
53	Buescher	Y	Jahn	Y	May	N	Solano	Y
54	Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
55	Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
56	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y

1	Casso	Y	Kerr J	N	McNulty	Y	Stephens	Y
2	Curry	Y	King	Y	Merrifield	Y	Summers	Y
3	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
4	Fischer	Y	Lambert	N	Mitchell	Y	Todd	Y
5	Frangas	Y	Levy	Y	Peniston	Y	Vaad	N
6	Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
7	Gallegos	Y	Looper	Y	Primavera	Y	White	Y
8	Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
9							Speaker	Y

10 Co-sponsors added: Representatives Buescher, Fischer, Gagliardi, Green,
11 Kefalas, Looper, McFadyen, Pommer, Solano, Stafford.

12
13 **SB08-245** by Senator(s) Windels; also Representative(s) Buescher--
14 Concerning authorization for the direct payment by the
15 state treasurer of a scheduled payment on bonds issued by
16 a state-supported institution of higher education when the
17 institution will not be able to make the payment.

18
19 The question being "Shall the bill pass?".

20 A roll call vote was taken. As shown by the following recorded vote, a
21 majority of those elected to the House voted in the affirmative and the
22 bill was declared **passed**.

24	YES	57	NO	07	EXCUSED	01	ABSENT	00
25	Balmer	Y	Gardner C	N	Madden	Y	Riesberg	Y
26	Benefield	Y	Garza-Hicks	N	Marostica	Y	Roberts	Y
27	Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
28	Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
29	Buescher	Y	Jahn	Y	May	Y	Solano	Y
30	Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	N
31	Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
32	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
33	Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
34	Curry	Y	King	Y	Merrifield	Y	Summers	Y
35	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
36	Fischer	Y	Lambert	N	Mitchell	Y	Todd	Y
37	Frangas	Y	Levy	Y	Peniston	Y	Vaad	N
38	Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
39	Gallegos	Y	Looper	Y	Primavera	Y	White	Y
40	Gardner B	Y	Lundberg	N	Rice	Y	Witwer	Y
41							Speaker	Y

42 Co-sponsors added: Representatives Green, Labuda, McFadyen.

43
44 **SB08-224** by Senator(s) Harvey and Tapia; also Representative(s)
45 McFadyen--Concerning measures to ease the regulatory
46 burden of compliance with the "Elevator and Escalator
47 Certification Act".

48
49 The question being "Shall the bill pass?".

50 A roll call vote was taken. As shown by the following recorded vote, a
51 majority of those elected to the House voted in the affirmative and the
52 bill was declared **passed**.

54	YES	63	NO	01	EXCUSED	01	ABSENT	00
55	Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
56	Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y

1	Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
2	Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
3	Buescher	Y	Jahn	Y	May	Y	Solano	Y
4	Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
5	Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
6	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
7	Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
8	Curry	Y	King	Y	Merrifield	Y	Summers	Y
9	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
10	Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
11	Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
12	Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
13	Gallegos	Y	Looper	Y	Primavera	Y	White	Y
14	Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
15							Speaker	Y

16 Co-sponsors added: Representatives Carroll T, Jahn, Kerr A, Merrifield, Rose,
17 Soper, Stafford.

18
19 **SB08-217** by Senator(s) Hagedorn, Johnson; also Representative(s)
20 McGihon and Massey, Roberts--Concerning the
21 framework for developing the centennial care choices
22 program to reform the health care system in Colorado, and
23 making an appropriation therefor.
24

25 As shown by the following roll call vote, a majority of all members
26 elected to the House voted in the affirmative, and Representative
27 McGihon was given permission to offer a Third Reading amendment:
28

29	YES	64	NO	00	EXCUSED	01	ABSENT	00
30	Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
31	Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
32	Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
33	Bruce	Y	Hodge	Y	Massey	Y	Scanlan	Y
34	Buescher	Y	Jahn	Y	May	Y	Solano	Y
35	Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
36	Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
37	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
38	Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
39	Curry	Y	King	Y	Merrifield	Y	Summers	Y
40	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
41	Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
42	Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
43	Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
44	Gallegos	Y	Looper	Y	Primavera	Y	White	Y
45	Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
46							Speaker	Y

47
48 **Third Reading amendment No. 1**, by Representative McGihon.

49 Amend revised bill, page 3, line 27, after "CARRIERS", insert "AND OTHER
51 INTERESTED PARTIES, INCLUDING THE STATE OF COLORADO,".

52
53 Page 6, line 15, strike "PARTIES" and substitute "PARTY".

54
55 The amendment was declared **passed** by the following roll call vote:
56

	YES	62	NO	02	EXCUSED	01	ABSENT	00
1								
2	Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
3	Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
4	Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
5	Bruce	Y	Hodge	Y	Massey	Y	Scanlan	Y
6	Buescher	Y	Jahn	Y	May	Y	Solano	Y
7	Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
8	Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
9	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
10	Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
11	Curry	Y	King	Y	Merrifield	Y	Summers	Y
12	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
13	Fischer	Y	Lambert	N	Mitchell	Y	Todd	Y
14	Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
15	Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
16	Gallegos	Y	Looper	Y	Primavera	Y	White	Y
17	Gardner B	Y	Lundberg	N	Rice	Y	Witwer	Y
18							Speaker	Y
19								

As shown by the following roll call vote, less than a majority of all members elected to the House voted in the affirmative, and Representative Green was denied permission to offer a Third Reading amendment:

	YES	31	NO	33	EXCUSED	01	ABSENT	00
25								
26	Balmer	N	Gardner C	N	Madden	Y	Riesberg	Y
27	Benefield	Y	Garza-Hicks	N	Marostica	N	Roberts	N
28	Borodkin	Y	Green	Y	Marshall	Y	Rose	N
29	Bruce	N	Hodge	Y	Massey	N	Scanlan	N
30	Buescher	N	Jahn	N	May	N	Solano	Y
31	Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	N
32	Carroll M	Y	Kefalas	Y	McGihon	N	Soper	N
33	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
34	Casso	Y	Kerr J	Y	McNulty	N	Stephens	N
35	Curry	N	King	N	Merrifield	Y	Summers	N
36	Ferrandino	N	Labuda	Y	Middleton	Y	Swalm	N
37	Fischer	Y	Lambert	N	Mitchell	N	Todd	Y
38	Frangas	Y	Levy	N	Peniston	Y	Vaad	N
39	Gagliardi	Y	Liston	N	Pommer	Y	Weissmann	Y
40	Gallegos	Y	Looper	N	Primavera	Y	White	N
41	Gardner B	N	Lundberg	N	Rice	N	Witwer	N
42							Speaker	Y
43								

The question being, "Shall the bill, as amended, pass?".

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative, and the bill, as amended, was declared **passed**.

	YES	42	NO	22	EXCUSED	01	ABSENT	00
48								
49	Balmer	N	Gardner C	N	Madden	Y	Riesberg	Y
50	Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
51	Borodkin	Y	Green	N	Marshall	N	Rose	Y
52	Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
53	Buescher	Y	Jahn	Y	May	Y	Solano	Y
54	Butcher	N	Judd	Y	McFadyen	N	Sonnenberg	N
55	Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
56	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y

1	Casso	N	Kerr J	N	McNulty	N	Stephens	N
2	Curry	Y	King	Y	Merrifield	N	Summers	N
3	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
4	Fischer	Y	Lambert	N	Mitchell	Y	Todd	Y
5	Frangas	Y	Levy	N	Peniston	Y	Vaad	N
6	Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	N
7	Gallegos	N	Looper	Y	Primavera	N	White	Y
8	Gardner B	Y	Lundberg	N	Rice	Y	Witwer	N
9							Speaker	Y

10 Co-sponsors added: Representatives Rice, Stafford.

11
12 **SB08-242** by Senator(s) Boyd, Mitchell S.; also Representative(s)
13 Benefield--Concerning inclusion of the first authorized
14 distributor of record in the chain of distribution for the
15 purpose of a prescription drug pedigree.

16
17 The question being "Shall the bill pass?".

18 A roll call vote was taken. As shown by the following recorded vote, a
19 majority of those elected to the House voted in the affirmative and the
20 bill was declared **passed**.

21								
22	YES	63	NO	01	EXCUSED	01	ABSENT	00
23	Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
24	Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
25	Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
26	Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
27	Buescher	Y	Jahn	Y	May	Y	Solano	Y
28	Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
29	Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
30	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
31	Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
32	Curry	Y	King	Y	Merrifield	Y	Summers	Y
33	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
34	Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
35	Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
36	Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
37	Gallegos	Y	Looper	Y	Primavera	Y	White	Y
38	Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
39							Speaker	Y

40 Co-sponsor added: Representative Green.

41
42 **SB08-133** by Senator(s) Shaffer; also Representative(s) Kerr A.--
43 Concerning financial incentives for persons to enter the
44 teaching profession, and, in connection therewith, creating
45 the teach Colorado grant initiative and making an
46 appropriation.

47
48 The question being "Shall the bill pass?".

49 A roll call vote was taken. As shown by the following recorded vote, a
50 majority of those elected to the House voted in the affirmative and the
51 bill was declared **passed**.

52								
53	YES	57	NO	07	EXCUSED	01	ABSENT	00
54	Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
55	Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
56	Borodkin	Y	Green	Y	Marshall	Y	Rose	Y

1	Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
2	Buescher	Y	Jahn	Y	May	Y	Solano	Y
3	Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
4	Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
5	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
6	Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
7	Curry	Y	King	Y	Merrifield	Y	Summers	Y
8	Ferrandino	Y	Labuda	N	Middleton	Y	Swalm	Y
9	Fischer	Y	Lambert	N	Mitchell	Y	Todd	Y
10	Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
11	Gagliardi	Y	Liston	N	Pommer	Y	Weissmann	N
12	Gallegos	Y	Looper	Y	Primavera	Y	White	N
13	Gardner B	Y	Lundberg	N	Rice	Y	Witwer	Y
14							Speaker	Y

15 Co-sponsors added: Representatives Carroll M, Carroll T, Casso, Ferrandino,
 16 Frangas, Hodge, Jahn, Madden, Massey, Merrifield, Middleton, Peniston, Rice,
 17 Stafford, Summers, Todd, Speaker.

18
 19 **SB08-212** by Senator(s) Romer and Penry, Boyd, Gibbs, Keller,
 20 Mitchell S., Morse, Schwartz, Veiga, Bacon, Gordon,
 21 Groff, Tapia, Tochtrop, Williams, Windels; also
 22 Representative(s) Witwer and Scanlan, Benefield, Casso,
 23 Hodge, Jahn, Kerr A., Marostica, Massey, May M.,
 24 McFadyen, McNulty, Middleton, Mitchell V., Rice,
 25 Summers, Todd--Concerning alignment of preschool to
 26 postsecondary education, and making an appropriation in
 27 connection therewith.

28
 29 As shown by the following roll call vote, a majority of all members
 30 elected to the House voted in the affirmative, and Representative Scanlan
 31 was given permission to offer a Third Reading amendment:

	YES	64	NO	00	EXCUSED	01	ABSENT	00
34	Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
35	Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
36	Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
37	Bruce	Y	Hodge	Y	Massey	Y	Scanlan	Y
38	Buescher	Y	Jahn	Y	May	Y	Solano	Y
39	Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
40	Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
41	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
42	Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
43	Curry	Y	King	Y	Merrifield	Y	Summers	Y
44	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
45	Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
46	Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
47	Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
48	Gallegos	Y	Looper	Y	Primavera	Y	White	Y
49	Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
50							Speaker	Y

51
 52 **Third Reading amendment No. 1**, by Representative Scanlan.

53
 54 Amend revised bill, page 28, line 7, after "POSTSECONDARY", insert "AND
 55 WORKFORCE".

1 Page 37, line 20, strike "WORKFORCE" and substitute "READINESS".

2
3 Page 50, line 5, strike "READINESS".

4
5 The amendment was declared **passed** by the following roll call vote:

	YES	64	NO	00	EXCUSED	01	ABSENT	00
8 Balmer	Y		Gardner C	Y	Madden	Y	Riesberg	Y
9 Benefield	Y		Garza-Hicks	Y	Marostica	Y	Roberts	Y
10 Borodkin	Y		Green	Y	Marshall	Y	Rose	Y
11 Bruce	Y		Hodge	Y	Massey	Y	Scanlan	Y
12 Buescher	Y		Jahn	Y	May	Y	Solano	Y
13 Butcher	Y		Judd	Y	McFadyen	Y	Sonnenberg	Y
14 Carroll M	Y		Kefalas	Y	McGihon	Y	Soper	Y
15 Carroll T	Y		Kerr A	Y	McKinley	E	Stafford	Y
16 Casso	Y		Kerr J	Y	McNulty	Y	Stephens	Y
17 Curry	Y		King	Y	Merrifield	Y	Summers	Y
18 Ferrandino	Y		Labuda	Y	Middleton	Y	Swalm	Y
19 Fischer	Y		Lambert	Y	Mitchell	Y	Todd	Y
20 Frangas	Y		Levy	Y	Peniston	Y	Vaad	Y
21 Gagliardi	Y		Liston	Y	Pommer	Y	Weissmann	Y
22 Gallegos	Y		Looper	Y	Primavera	Y	White	Y
23 Gardner B	Y		Lundberg	Y	Rice	Y	Witwer	Y
24							Speaker	Y

25
26 The question being, "Shall the bill, as amended, pass?".

27 A roll call vote was taken. As shown by the following recorded vote, a
28 majority of those elected to the House voted in the affirmative, and the
29 bill, as amended, was declared **passed**.

	YES	60	NO	04	EXCUSED	01	ABSENT	00
32 Balmer	Y		Gardner C	Y	Madden	Y	Riesberg	Y
33 Benefield	Y		Garza-Hicks	Y	Marostica	Y	Roberts	Y
34 Borodkin	Y		Green	Y	Marshall	Y	Rose	Y
35 Bruce	N		Hodge	Y	Massey	Y	Scanlan	Y
36 Buescher	Y		Jahn	Y	May	Y	Solano	N
37 Butcher	Y		Judd	Y	McFadyen	Y	Sonnenberg	Y
38 Carroll M	Y		Kefalas	Y	McGihon	N	Soper	Y
39 Carroll T	Y		Kerr A	Y	McKinley	E	Stafford	Y
40 Casso	Y		Kerr J	Y	McNulty	Y	Stephens	Y
41 Curry	Y		King	Y	Merrifield	Y	Summers	Y
42 Ferrandino	Y		Labuda	Y	Middleton	Y	Swalm	Y
43 Fischer	Y		Lambert	Y	Mitchell	Y	Todd	Y
44 Frangas	Y		Levy	Y	Peniston	Y	Vaad	Y
45 Gagliardi	Y		Liston	Y	Pommer	Y	Weissmann	N
46 Gallegos	Y		Looper	Y	Primavera	Y	White	Y
47 Gardner B	Y		Lundberg	Y	Rice	Y	Witwer	Y
48							Speaker	Y

49 Co-sponsors added: Representatives Carroll T, Ferrandino, Fischer, Kerr J,
50 King, Labuda, Looper, Peniston, Stephens, Speaker.

1 **CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILLS**

2
3 **HB08-1151** by Representative(s) Lambert, Carroll T., Liston, Balmer,
4 Gardner B., Gardner C., Garza-Hicks, Kerr J., King,
5 Looper, Lundberg, Marostica, McNulty, Roberts, Rose,
6 Sonnenberg, Stephens, Summers, Swalm, Todd, Vaad,
7 Witwer; also Senator(s) Schultheis, Harvey, Penry,
8 Cadman, Kopp, Renfroe--Concerning special license
9 plates that honor meritorious service, and, in connection
10 therewith, creating the boy scouts centennial special
11 license plate and authorizing military special license plates
12 for motor vehicles owned by trusts.

13
14 (Amended as printed in Senate Journal, April 23, page 1123.)

15
16 Representative Lambert moved that the House **concur** in Senate
17 amendments. The motion was declared **passed** by the following roll call
18 vote:

YES	62	NO	01	EXCUSED	02	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	E
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

37
38
39 The question being, "Shall the bill, as amended, pass?".

40 A roll call vote was taken. As shown by the following recorded vote, a
41 majority of those elected to the House voted in the affirmative, and the
42 bill, as amended, was declared **repassed**.

YES	57	NO	06	EXCUSED	02	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	N
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	E
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	N	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	N	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	N	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y

1	Frangas	Y	Levy	N	Peniston	Y	Vaad	Y
2	Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
3	Gallegos	Y	Looper	Y	Primavera	Y	White	Y
4	Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
5							Speaker	Y

6
7 **HB08-1136** by Representative(s) Summers, Gardner B., Looper; also
8 Senator(s) Boyd--Concerning verification that a motor
9 vehicle has not been stolen by using the Colorado motor
10 vehicle verification system.

11
12 (Amended as printed in Senate Journal, April 25, page 1165.)

13
14 Representative Summers moved that the House **concur** in Senate
15 amendments. The motion was declared **passed** by the following roll call
16 vote:

17								
18	YES	63	NO	00	EXCUSED	02	ABSENT	00
19	Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
20	Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
21	Borodkin	Y	Green	Y	Marshall	Y	Rose	E
22	Bruce	Y	Hodge	Y	Massey	Y	Scanlan	Y
23	Buescher	Y	Jahn	Y	May	Y	Solano	Y
24	Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
25	Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
26	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
27	Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
28	Curry	Y	King	Y	Merrifield	Y	Summers	Y
29	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
30	Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
31	Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
32	Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
33	Gallegos	Y	Looper	Y	Primavera	Y	White	Y
34	Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
35							Speaker	Y

36
37 The question being, "Shall the bill, as amended, pass?".
38 A roll call vote was taken. As shown by the following recorded vote, a
39 majority of those elected to the House voted in the affirmative, and the
40 bill, as amended, was declared **repassed**.

41								
42	YES	63	NO	00	EXCUSED	02	ABSENT	00
43	Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
44	Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
45	Borodkin	Y	Green	Y	Marshall	Y	Rose	E
46	Bruce	Y	Hodge	Y	Massey	Y	Scanlan	Y
47	Buescher	Y	Jahn	Y	May	Y	Solano	Y
48	Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
49	Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
50	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
51	Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
52	Curry	Y	King	Y	Merrifield	Y	Summers	Y
53	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
54	Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
55	Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
56	Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y

1	Gallegos	Y	Looper	Y	Primavera	Y	White	Y
2	Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
3							Speaker	Y

4 Co-sponsor added: Representative Frangas.

5
6
7 **HB08-1141** by Representative(s) Curry; also Senator(s) Bacon--
8 Concerning sufficient water supplies for land use
9 approval.

10
11 (Amended as printed in Senate Journal, April 28, page 1206.)

12
13 Representative Curry moved that the House **concur** in Senate
14 amendments. The motion was declared **passed** by the following roll call
15 vote:

17	YES	58	NO	05	EXCUSED	02	ABSENT	00
18	Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
19	Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
20	Borodkin	Y	Green	Y	Marshall	Y	Rose	E
21	Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
22	Buescher	Y	Jahn	Y	May	Y	Solano	Y
23	Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
24	Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
25	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
26	Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
27	Curry	Y	King	Y	Merrifield	Y	Summers	Y
28	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
29	Fischer	Y	Lambert	Y	Mitchell	N	Todd	Y
30	Frangas	N	Levy	Y	Peniston	Y	Vaad	N
31	Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	N
32	Gallegos	Y	Looper	Y	Primavera	Y	White	Y
33	Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
34							Speaker	Y

35
36 The question being, "Shall the bill, as amended, pass?".

37 A roll call vote was taken. As shown by the following recorded vote, a
38 majority of those elected to the House voted in the affirmative, and the
39 bill, as amended, was declared **repassed**.

41	YES	46	NO	17	EXCUSED	02	ABSENT	00
42	Balmer	N	Gardner C	N	Madden	Y	Riesberg	Y
43	Benefield	Y	Garza-Hicks	N	Marostica	Y	Roberts	Y
44	Borodkin	Y	Green	Y	Marshall	Y	Rose	E
45	Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
46	Buescher	Y	Jahn	Y	May	N	Solano	Y
47	Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	N
48	Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
49	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
50	Casso	Y	Kerr J	N	McNulty	N	Stephens	N
51	Curry	Y	King	Y	Merrifield	Y	Summers	N
52	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	N
53	Fischer	Y	Lambert	N	Mitchell	N	Todd	Y
54	Frangas	Y	Levy	Y	Peniston	Y	Vaad	N
55	Gagliardi	Y	Liston	N	Pommer	Y	Weissmann	Y
56	Gallegos	Y	Looper	Y	Primavera	Y	White	Y

1	Gardner B	N	Lundberg	N	Rice	Y	Witwer	Y
2							Speaker	Y

3 Co-sponsors added: Representatives Hodge, Jahn.

4
5 **HB08-1114** by Representative(s) White, Butcher, Kerr J., Liston,
6 Marostica, McFadyen, Stafford; also Senator(s) Isgar,
7 Brophy, Kester, McElhany, Mitchell S., Shaffer, Taylor,
8 Tochtrop--Concerning the reimbursement of nursing
9 facilities under the "Colorado Medical Assistance Act",
10 and, in connection therewith, amending the
11 reimbursement system for class I nursing facilities and
12 authorizing the department of health care policy and
13 financing to charge and collect a quality assurance fee
14 from certain class I nursing facilities, and making an
15 appropriation.

16
17 (Amended as printed in Senate Journal, April 28, pages 1206-1207.)

18
19 Representative White moved that the House **concur** in Senate
20 amendments. The motion was declared **passed** by the following roll call
21 vote:

23	YES	63	NO	01	EXCUSED	01	ABSENT	00
24	Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
25	Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
26	Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
27	Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
28	Buescher	Y	Jahn	Y	May	Y	Solano	Y
29	Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
30	Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
31	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
32	Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
33	Curry	Y	King	Y	Merrifield	Y	Summers	Y
34	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
35	Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
36	Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
37	Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
38	Gallegos	Y	Looper	Y	Primavera	Y	White	Y
39	Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
40							Speaker	Y

41
42 The question being, "Shall the bill, as amended, pass?".

43 A roll call vote was taken. As shown by the following recorded vote, a
44 majority of those elected to the House voted in the affirmative, and the
45 bill, as amended, was declared **repassed**.

47	YES	61	NO	03	EXCUSED	01	ABSENT	00
48	Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
49	Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
50	Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
51	Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
52	Buescher	Y	Jahn	Y	May	Y	Solano	Y
53	Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
54	Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
55	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
56	Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y

1	Curry	Y	King	Y	Merrifield	Y	Summers	Y
2	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
3	Fischer	Y	Lambert	N	Mitchell	Y	Todd	Y
4	Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
5	Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
6	Gallegos	Y	Looper	Y	Primavera	Y	White	Y
7	Gardner B	Y	Lundberg	N	Rice	Y	Witwer	Y
8							Speaker	Y

9 Co-sponsors added: Representatives Borodkin, Jahn, Labuda.

MESSAGE FROM THE SENATE

15 The Senate has adopted and transmits herewith: SJR08-040,

17 The Senate has adopted and returns herewith: HJR08-1018.

INTRODUCTION AND CONSIDERATION OF RESOLUTION

23 On motion of Representative Madden, the rules were suspended and the
24 following resolution was given immediate consideration.

26 **SJR08-040** by Senator(s) Bacon; also Representative(s) Fischer--
27 Concerning recognition of the 50th anniversary of the
28 National Center for Genetic Resources Preservation.

30 (Printed and placed in member's file).

32 On motion of Representative Fischer, the resolution was **adopted** by **viva**
33 **voce** vote.

35 Co-sponsors added: Representatives Borodkin, Butcher, Carroll M, Carroll T,
36 Curry, Ferrandino, Frangas, Gagliardi, Gallegos, Gardner C, Garza-Hicks,
37 Green, Hodge, Jahn, Judd, Kefalas, King, Labuda, Levy, Looper, Lundberg,
38 Madden, Marostica, Marshall, Massey, McFadyen, McGihon, Middleton,
39 Peniston, Pommer, Primavera, Riesberg, Scanlan, Soper, Stafford, Stephens,
40 Summers, Todd, Weissmann, White.

CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILLS (continued)

48 **HB08-1319** by Representative(s) Soper; also Senator(s) Kester--
49 Concerning factory-built structures, and, in connection
50 therewith, requiring every factory-built structure occupied
51 after a specified date to be certified by the division of
52 housing, specifying educational, testing, and liability
53 insurance coverage requirements for manufactured home,
54 mobile home, and factory-built residential structure
55 installers and installation inspectors, and making an
56 appropriation.

(Amended as printed in Senate Journal, April 28, page 1207.)

Representative Soper moved that the House **concur** in Senate amendments. The motion was declared **passed** by the following roll call vote:

YES	43	NO	21	EXCUSED	01	ABSENT	00
Balmer	N	Gardner C	N	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	N	Roberts	N
Borodkin	Y	Green	Y	Marshall	Y	Rose	N
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	N	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	N
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	N	McNulty	N	Stephens	N
Curry	Y	King	N	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	N
Fischer	Y	Lambert	N	Mitchell	N	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	N
Gagliardi	Y	Liston	N	Pommer	Y	Weissmann	N
Gallegos	Y	Looper	N	Primavera	Y	White	Y
Gardner B	Y	Lundberg	N	Rice	Y	Witwer	N
						Speaker	Y

The question being, "Shall the bill, as amended, pass?"

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative, and the bill, as amended, was declared **repassed**.

YES	40	NO	24	EXCUSED	01	ABSENT	00
Balmer	N	Gardner C	N	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	N	Roberts	N
Borodkin	Y	Green	Y	Marshall	Y	Rose	N
Bruce	N	Hodge	Y	Massey	N	Scanlan	Y
Buescher	N	Jahn	N	May	N	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	N
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	N	McNulty	N	Stephens	N
Curry	Y	King	N	Merrifield	Y	Summers	N
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	N
Fischer	Y	Lambert	N	Mitchell	N	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	N
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	N	Primavera	Y	White	Y
Gardner B	N	Lundberg	N	Rice	Y	Witwer	N
						Speaker	Y

HB08-1115 by Representative(s) Liston, Gardner B., Kerr J., King, Labuda, Looper, Marostica, Sonnenberg, Soper, Stephens, Todd, Vaad; also Senator(s) Renfroe--Concerning retaliation against a judge, and making an appropriation in connection therewith.

(Amended as printed in Senate Journal, April 28, page 1207.)

Representative Liston moved that the House **concur** in Senate amendments. The motion was declared **passed** by the following roll call vote:

YES	63	NO	01	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

The question being, "Shall the bill, as amended, pass?"

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative, and the bill, as amended, was declared **repassed**.

YES	60	NO	04	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	N	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	N	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	N
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsors added: Representatives Merrifield, Summers.

HB08-1274 by Representative(s) King; also Senator(s) Tupa--
Concerning the modification of the address confidentiality
program administered by the secretary of state, and
making an appropriation therefor.

(Amended as printed in Senate Journal, April 28, page 1208.)

Representative King moved that the House **concur** in Senate amendments. The motion was declared **passed** by the following roll call vote:

YES	62	NO	02	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	N
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

The question being, "Shall the bill, as amended, pass?"

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative, and the bill, as amended, was declared **repassed**.

YES	63	NO	01	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsors added: Representatives Summers, Todd, Speaker.

HB08-1157 by Representative(s) Roberts, Kefalas, Kerr A., Massey, Gardner B., Jahn, Kerr J., King, Labuda, Lundberg, Marostica, Mitchell V., Stafford, Stephens, Summers, Todd, Weissmann, Witwer; also Senator(s) Windels, Penry--Concerning the creation of a youth advisory council, and making an appropriation therefor.

(Amended as printed in Senate Journal, April 28, page 1208.)

Representative Roberts moved that the House **concur** in Senate amendments. The motion was declared **passed** by the following roll call vote:

YES	63	NO	01	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

The question being, "Shall the bill, as amended, pass?"

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative, and the bill, as amended, was declared **repassed**.

YES	61	NO	03	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	N
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	N	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsors added: Representatives Buescher, Gallegos, Madden, McGihon, Middleton, Speaker.

HB08-1232 by Representative(s) Stafford, Carroll T., Jahn, Kerr A., Marshall; also Senator(s) Bacon--Concerning the domestic violence offender management board, and, in connection therewith, continuing the domestic violence offender management board, and making an appropriation.

(Amended as printed in Senate Journal, April 28, page 1208.)

Representative Stafford moved that the House **concur** in Senate amendments. The motion was declared **passed** by the following roll call vote:

YES	62	NO	02	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	N
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

The question being, "Shall the bill, as amended, pass?"

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative, and the bill, as amended, was declared **repassed**.

YES	58	NO	06	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	N	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	N
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	N	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	N	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	N	Rice	Y	Witwer	Y
						Speaker	Y

HB08-1376 by Representative(s) Buescher, Pommer, White; also Senator(s) Keller, Morse, Johnson--Concerning transfers of moneys to the capital construction fund.

(Amended as printed in Senate Journal, April 28, pages 1208-1209.)

Representative Buescher moved that the House **concur** in Senate amendments. The motion was declared **passed** by the following roll call vote:

YES	63	NO	01	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

The question being, "Shall the bill, as amended, pass?"

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative, and the bill, as amended, was declared **repassed**.

YES	63	NO	01	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

HB08-1349 by Representative(s) Gagliardi; also Senator(s) Windels--
Concerning the modification of procedures for the
collection of property taxes in connection with tax
increment financing on the part of certain authorities
established by municipalities.

(Amended as printed in Senate Journal, April 28, page 1209.)

Representative Gagliardi moved that the House **concur** in Senate amendments. The motion was declared **passed** by the following roll call vote:

YES	62	NO	02	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	N
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

The question being, "Shall the bill, as amended, pass?"

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative, and the bill, as amended, was declared **repassed**.

YES	61	NO	03	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	N
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	N	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsor added: Representative Pommer.

HB08-1110 by Representative(s) Witwer, Curry, Lambert, Lundberg, Massey, McNulty, Mitchell V., Roberts, White; also Senator(s) Kopp, Gibbs, Harvey, Mitchell S., Renfro-- Concerning an income tax deduction for a landowner's direct costs incurred in performing wildfire mitigation measures.

(Amended as printed in Senate Journal, April 28, page 1209.)

Representative Witwer moved that the House **concur** in Senate amendments. The motion was declared **passed** by the following roll call vote:

YES	62	NO	02	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	N
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

The question being, "Shall the bill, as amended, pass?"

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative, and the bill, as amended, was declared **repassed**.

YES	61	NO	03	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	N	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	N
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsors added: Representatives Gardner C, King, Middleton.

HB08-1373 by Representative(s) Buescher, Pommer, White; also Senator(s) Keller, Morse, Johnson--Concerning the breast and cervical cancer prevention and treatment fund, and making an appropriation in connection therewith.

(Amended as printed in Senate Journal, April 28, page 1210.)

Representative Buescher moved that the House **concur** in Senate amendments. The motion was declared **passed** by the following roll call vote:

YES	58	NO	06	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	N	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	N	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	N
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	N	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	N	Rice	Y	Witwer	Y
						Speaker	Y

The question being, "Shall the bill, as amended, pass?"

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative, and the bill, as amended, was declared **repassed**.

YES	63	NO	01	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsors added: Representatives Kefalas, King, Madden, McGihon.

HB08-1346 by Representative(s) Curry; also Senator(s) Isgar--
Concerning the funding of Colorado water conservation
board projects, and making appropriations in connection
therewith.

(Amended as printed in Senate Journal, April 28, page 1207, and on
Third Reading, April 29, as printed in Senate Journal.)

Representative Curry moved that the House **concur** in Senate amendments. The motion was declared **passed** by the following roll call vote:

YES	63	NO	01	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

The question being, "Shall the bill, as amended, pass?"

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative, and the bill, as amended, was declared **repassed**.

YES	63	NO	01	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsors added: Representatives King, Scanlan.

HB08-1364 by Representative(s) Benefield and Massey, Casso, Ferrandino, Gagliardi, Gallegos, Kerr A., King, Labuda, Liston, Merrifield, Middleton, Peniston, Pommer, Scanlan, Solano, Stephens, Summers, Todd; also Senator(s) Windels, Schwartz, Tupa--Concerning interdepartmental data protocols.

(Amended as printed in Senate Journal, April 29, page 1237.)

Representative Massey moved that the House **concur** in Senate amendments. The motion was declared **passed** by the following roll call vote:

YES	63	NO	01	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

The question being, "Shall the bill, as amended, pass?"

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative, and the bill, as amended, was declared **repassed**.

YES	60	NO	04	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	N	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	N	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	N	Rice	Y	Witwer	Y
						Speaker	Y

HB08-1368 by Representative(s) Buescher, McKinley; also Senator(s) Brophy, Romer, Tupa--Concerning the taxation of property used to produce alternating current electricity from a renewable energy source.

(Amended as printed in Senate Journal, April 29, page 1238.)

Representative Buescher moved that the House **concur** in Senate amendments. The motion was declared **passed** by the following roll call vote:

YES	62	NO	02	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	N	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

The question being, "Shall the bill, as amended, pass?"

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative, and the bill, as amended, was declared **repassed**.

YES	63	NO	01	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsors added: Representatives Frangas, Gallegos, Merrifield, Summers.

HB08-1370 by Representative(s) Middleton; also Senator(s) Bacon--
Concerning increasing the level of services provided by
school counselors to students in public secondary schools,
and, in connection therewith, creating the counselor corps
grant program and making an appropriation.

(Amended as printed in Senate Journal, April 29, page 1238, and on
Third Reading, April 30.)

Representative Middleton moved that the House **concur** in Senate amendments. The motion was declared **passed** by the following roll call vote:

YES	50	NO	14	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	N	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	N	Roberts	N
Borodkin	Y	Green	Y	Marshall	Y	Rose	N
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	N	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	N
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	N	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	N
Fischer	Y	Lambert	N	Mitchell	N	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	N
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	N	Rice	Y	Witwer	N
						Speaker	Y

The question being, "Shall the bill, as amended, pass?"

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative, and the bill, as amended, was declared **repassed**.

YES	41	NO	23	EXCUSED	01	ABSENT	00
Balmer	N	Gardner C	N	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	N	Marostica	N	Roberts	N
Borodkin	Y	Green	Y	Marshall	Y	Rose	N
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	N	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	N
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	N	McNulty	N	Stephens	N
Curry	Y	King	N	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	N
Fischer	Y	Lambert	N	Mitchell	N	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	N
Gagliardi	Y	Liston	N	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	N	Primavera	Y	White	N
Gardner B	N	Lundberg	N	Rice	Y	Witwer	N
						Speaker	Y

Co-sponsors added: Representatives Borodkin, Kerr A, Speaker.

HB08-1353 by Representative(s) Madden, Buescher, Curry, Roberts; also Senator(s) Isgar, Penry--Concerning the implementation of additional requirements to verify the validity of a state income tax credit claimed by a taxpayer for donating a conservation easement in the state, requiring a post-enactment review of the implementation of this act, and making an appropriation in connection therewith.

(Amended as printed in Senate Journal, April 29, page 1238.)

Representative Madden moved that the House **concur** in Senate amendments. The motion was declared **passed** by the following roll call vote:

YES	61	NO	03	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	N	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	N	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

The question being, "Shall the bill, as amended, pass?"

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative, and the bill, as amended, was declared **repassed**.

YES	60	NO	04	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	N	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	N	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	N	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsor added: Representative King.

HB08-1127 by Representative(s) Liston; also Senator(s) Gibbs--
Concerning the income tax credit for taxpayers who hire
employees with developmental disabilities.

(Amended as printed in Senate Journal, April 29, page 1239.)

Representative Liston moved that the House **concur** in Senate amendments. The motion was declared **passed** by the following roll call vote:

YES	62	NO	02	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	N	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

The question being, "Shall the bill, as amended, pass?"

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative, and the bill, as amended, was declared **repassed**.

YES	60	NO	04	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	N	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	N	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	N
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsors added: Representatives Gardner B, Roberts.

HB08-1255 by Representative(s) Gardner C.; also Senator(s) Gibbs and Brophy--Concerning the teacher loan forgiveness pilot program, and, in connection therewith, expanding the operation of the program within rural school districts.

(Amended as printed in Senate Journal, April 29, page 1239.)

Representative Gardner C moved that the House **concur** in Senate amendments. The motion was declared **passed** by the following roll call vote:

YES	58	NO	06	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	N
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	N	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	N	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	N
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	N
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

The question being, "Shall the bill, as amended, pass?"

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative, and the bill, as amended, was declared **repassed**.

YES	61	NO	03	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	N
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	N
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsors added: Representatives Buescher, Gardner B, Looper.

HB08-1010 by Representative(s) McFadyen, Merrifield; also Senator(s) Takis--Concerning the fines imposed for violations involving motor vehicles, and making an appropriation in connection therewith.

(Amended as printed in Senate Journal, April 29, page 1238.)

Representative McFadyen moved that the House **concur** in Senate amendments. The motion was declared **passed** by the following roll call vote:

YES	61	NO	03	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	N	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	N	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

The question being, "Shall the bill, as amended, pass?"

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative, and the bill, as amended, was declared **repassed**.

YES	45	NO	19	EXCUSED	01	ABSENT	00
Balmer	N	Gardner C	N	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	N	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	N
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	N
Carroll M	Y	Kefalas	Y	McGihon	N	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	N
Casso	Y	Kerr J	N	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	N
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	N	Mitchell	N	Todd	Y
Frangas	N	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	N	Pommer	Y	Weissmann	N
Gallegos	Y	Looper	N	Primavera	Y	White	Y
Gardner B	N	Lundberg	N	Rice	Y	Witwer	N
						Speaker	Y

HB08-1072 by Representative(s) Soper, Pommer; also Senator(s) Williams--Concerning employment incentives for people with disabilities through a medicaid buy-in program, and making an appropriation therefor.

(Amended as printed in Senate Journal, April 29, pages 1239-1240.)

Representative Soper moved that the House **concur** in Senate amendments. The motion was declared **passed** by the following roll call vote:

YES	62	NO	02	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	N
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

The question being, "Shall the bill, as amended, pass?"

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative, and the bill, as amended, was declared **repassed**.

YES	54	NO	10	EXCUSED	01	ABSENT	00
Balmer	N	Gardner C	N	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	N
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	N
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	N	Stephens	N
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	N	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	N
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	N	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsors added: Representatives Butcher, Carroll M, Frangas, Garza-Hicks, Hodge.

HB08-1150 by Representative(s) Todd, Green, Stafford; also Senator(s) Williams, Tochtrop, Keller--Concerning a program for providing additional therapies to persons with disabilities who are eligible to receive medicaid.

(Amended as printed in Senate Journal, April 29, page 1241.)

Representative Todd moved that the House **concur** in Senate amendments. The motion was declared **passed** by the following roll call vote:

YES	60	NO	04	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	N
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	N
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	N
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

The question being, "Shall the bill, as amended, pass?"

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative, and the bill, as amended, was declared **repassed**.

YES	54	NO	10	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	N	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	N
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	N	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	N
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	N	Stephens	N
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	N	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	N	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	N
						Speaker	Y

Co-sponsors added: Representatives Carroll M, Frangas, Kerr A, Looper, Merrifield, Middleton.

HB08-1036 by Representative(s) McFadyen, Green, Levy, Marostica, McNulty, Merrifield, Rice, Sonnenberg, Swalm; also Senator(s) Williams, Takis, Gibbs--Concerning prevention of dangerous conditions on roadways.

(Amended as printed in Senate Journal, April 29, page 1241 and 1243.)

Representative McFadyen moved that the House **concur** in Senate amendments. The motion was declared **passed** by the following roll call vote:

YES	64	NO	00	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	Y	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

The question being, "Shall the bill, as amended, pass?"

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative, and the bill, as amended, was declared **repassed**.

YES	60	NO	04	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	N	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	Y	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	N	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	N
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	N	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsors added: Representatives Fischer, King.

HB08-1204 by Representative(s) Peniston; also Senator(s) Williams--
Concerning the provision of preschool through twelfth-grade educational services to students who receive educational services in facilities, and making an appropriation in connection therewith.

(Amended as printed in Senate Journal, April 29, pages 121241-1242.)

Representative Peniston moved that the House **concur** in Senate amendments. The motion was declared **passed** by the following roll call vote:

YES	63	NO	01	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

The question being, "Shall the bill, as amended, pass?"

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative, and the bill, as amended, was declared **repassed**.

YES	56	NO	08	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	N	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	N
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	N	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	N	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	N
Gagliardi	Y	Liston	N	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	N	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsors added: Representatives Carroll T, Summers.

HB08-1167 by Representative(s) Frangas; also Senator(s) Boyd-- Concerning specialized legal protections for certain members of vulnerable population groups, and, in connection therewith, prohibiting certain conduct with respect to the guaranteed issue of a medicare supplement policy for disabled persons, creating a working group to study health care issues for vulnerable populations, requiring certain retail establishments to provide toilet

facilities to customers who suffer from certain medical conditions, and requiring the conduct of developmental screenings and assessments for certain children receiving welfare services.

(Amended as printed in Senate Journal, April 29, page 1242.)

Representative Frangas moved that the House **concur** in Senate amendments. The motion was declared **passed** by the following roll call vote:

YES	62	NO	02	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	N
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

The question being, "Shall the bill, as amended, pass?"

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative, and the bill, as amended, was declared **repassed**.

YES	53	NO	11	EXCUSED	01	ABSENT	00
Balmer	N	Gardner C	N	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	N
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	N	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	N
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	N
Fischer	Y	Lambert	N	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	N
Gagliardi	Y	Liston	N	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	N	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsor added: Representative Labuda.

HB08-1388 by Representative(s) Pommer; also Senator(s) Windels--
Concerning the financing of public schools, and making
an appropriation therefor.

(Amended as printed in Senate Journal, April 29, page 1235-1236 and on
April 30, pages 1266-1271 and on Third Reading, May 1 as printed in
Senate Journal.)

Representative Pommer moved that the House **not concur** in Senate
amendments and that a Conference Committee be appointed with
permission to go beyond the scope of the differences between the House
and the Senate. The motion was declared **passed** by the following roll
call vote:

YES	59	NO	05	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	N	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	N
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	N	Rice	Y	Witwer	N
						Speaker	Y

The Speaker appointed Representatives Pommer, Chairman, Massey and
Merrifield as House conferees to the bill.

APPOINTMENTS TO CONFERENCE COMMITTEE

Pursuant to a request from the Senate, the Speaker appointed House
conferees to the First Conference Committees as follows:

SB08-218--Representatives Buescher, Chairman, Balmer and Curry.

CONSENT GRANTED TO CONFERENCE COMMITTEE

Representative Buescher moved that the First Conference Committee on
SB08-218 be granted permission to go beyond the scope of the difference
between the House and the Senate. The motion was passed by the
following roll call vote:

YES	63	NO	00	EXCUSED	02	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y

1	Bruce	Y	Hodge	Y	Massey	Y	Scanlan	Y
2	Buescher	Y	Jahn	Y	May	Y	Solano	Y
3	Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
4	Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
5	Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
6	Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
7	Curry	Y	King	Y	Merrifield	Y	Summers	Y
8	Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
9	Fischer	Y	Lambert	Y	Mitchell	Y	Todd	E
10	Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
11	Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
12	Gallegos	Y	Looper	Y	Primavera	Y	White	Y
13	Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
14							Speaker	Y

REPORTS OF COMMITTEES OF REFERENCE

FINANCE

After consideration on the merits, the Committee recommends the following:

HCR08-1010 be postponed indefinitely.

HJR08-1042 be amended as follows, and as so amended, be referred out for final action:

Amend printed joint resolution, page 2, strike lines 20 through 22 and substitute the following:

"raised through lease-purchase agreements to be paid from the revenues fund, the principal amount of money that the institution is to contribute to the project, and the total anticipated cost of the project:".

Page 3, line 1, strike "\$22,227,526" and substitute "\$0" and, strike "\$85,846,706" and substitute "\$63,619,180".

STATE, VETERANS, & MILITARY AFFAIRS

After consideration on the merits, the Committee recommends the following:

SB08-240 be postponed indefinitely.

MESSAGE FROM THE SENATE

The Senate has passed on Third Reading and returns herewith: HB08-1101, HB08-1374, HB08-1246.

1 The Senate has passed on Third Reading and transmitted to the Revisor
2 of Statutes:

3
4 HB08-1161 amended as printed in Senate Journal, April 30, 2008,
5 page 1272-1273,
6 HB08-1208 amended as printed in Senate Journal, April 30, 2008,
7 pages 1273-1274,
8 HB08-1380 amended as printed in Senate Journal, April 30, 2008,
9 page 1274,
10 HB08-1031 amended as printed in Senate Journal, April 30, 2008,
11 page 1274,
12 HB08-1021 amended as printed in Senate Journal, April 30, 2008,
13 page 1278,
14 HB08-1194 amended as printed in Senate Journal, April 30, 2008,
15 page 1279,
16 HB08-1013 amended as printed in Senate Journal, April 30, 2008,
17 page 1279,
18 HB08-1352 amended as printed in Senate Journal, April 30, 2008,
19 page 1279.
20
21

22 MESSAGE FROM THE REVISOR

23
24
25 We herewith transmit:
26 Without comment, as amended, HB08-1013, 1021, 1031, 1161, 1194,
27 1208, 1352, and 1380.
28

29
30 House in recess. House reconvened.
31

32 REPORT OF COMMITTEE OF REFERENCE

33 34 APPROPRIATIONS

35
36 After consideration on the merits, the Committee recommends the
37 following:
38

39
40 **SB08-011** be amended as follows, and as so amended, be referred to
41 the Committee of the Whole with favorable
42 recommendation:
43

44 Amend the Business Affairs and Labor Committee Report, dated May 1,
45 2008, strike lines 1 through 3 and substitute the following:
46

47 "Amend reengrossed bill, page 4, strike line 9 and substitute the
48 following:".
49

50 MESSAGE FROM THE SENATE

51
52
53 The Senate voted to concur in House amendments to SB08-033,
54 SB08-106, and repassed the bills as so amended
55
56

1 The Senate has granted permission to the First Conference Committee on
2 SB08-218 to go beyond the scope of the difference between the two
3 houses.

4
5 The Senate voted to recede from its position on SB08-090, requests that
6 the First Conference Committee on SB08-090 be dissolved, and voted
7 to concur with House amendments, and repassed the bill as amended.

8
9 In response to the request of the House for a Conference Committee on
10 HB08-1388, the President appoints Senators Windels- Chair, Tupa,
11 Penry as conferees on the First Conference Committee on HB08-1388.
12 The Senate has granted permission to the First Conference Committee to
13 go beyond the scope of the difference between the two houses.

14
15
16 In response to the request of the House for a Conference Committee on
17 HB08-1329, the President appoints Senators Gordon- Chair, Windels,
18 Cadman as conferees on the First Conference Committee on HB08-1329.

19
20
21
22 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
23 **on SB08-218**

24
25 This Report Amends the Rerevised Bill.

26
27 To the President of the Senate and the
28 Speaker of the House of Representatives:

29
30 Your first conference committee appointed on SB08-218,
31 concerning the allocation of federal mineral lease revenues, and, in
32 connection therewith, requiring federal mineral lease bonus payments to
33 be transferred to a new local government permanent fund and a new
34 higher education maintenance and reserve fund and specifying the
35 circumstances in which and purposes for which moneys in the funds may
36 be used, preserving existing allocations of federal mineral lease revenues
37 to the state public school fund and the Colorado water conservation board
38 construction fund and allowing a limited amount of growth in those
39 allocations, allocating remaining federal mineral lease revenues to
40 counties, municipalities, and school districts through federal mineral
41 lease-specific formula-based direct distributions and department of local
42 affairs grants and to the higher education maintenance and reserve fund
43 and a new higher education federal mineral lease revenues fund,
44 specifying the circumstances in which higher education maintenance and
45 reserve fund moneys may be expended for specified higher education
46 funding purposes, and making an appropriation, has met and reports that
47 it has agreed upon the following:

48
49 1. That the Senate accede to the House amendments made to the
50 bill, as the amendments appear in the rerevised bill, with the following
51 changes:

52

1 Amend rerevised bill, page 13, line 11, strike "GIVEN." and substitute
 2 "GIVEN, SUBJECT TO THE LIMITATION THAT THE FACTOR DESCRIBED IN
 3 SAID SUB-SUBPARAGRAPH (B) SHALL NOT BE WEIGHTED MORE THAN
 4 THIRTY-FIVE PERCENT.".

5
 6 2. That, under the authority granted the committee to consider
 7 matters not at issue between the two houses, the following amendment be
 8 recommended:

9
 10 Amend rerevised bill, page 21, after line 7, insert the following:

11
 12 "SECTION 3. 34-63-104 (1), Colorado Revised Statutes, is
 13 amended to read:

14
 15 **34-63-104. Special funds relating to oil shale lands.** (1) All
 16 moneys from sales, bonuses, royalties, leases, and rentals of RELATED TO
 17 OIL SHALE PRODUCTION ON oil shale lands received by the state pursuant
 18 to section 35 of the federal "Mineral Lands Leasing Act" of February 25,
 19 1920, as amended, shall be deposited by the state treasurer into a special
 20 fund for appropriation by the general assembly to state agencies, school
 21 districts, and political subdivisions of the state affected by the
 22 development and production of energy resources from oil shale lands
 23 primarily for use by such entities in planning for and providing facilities
 24 and services necessitated by such development and production and
 25 secondarily for other state purposes.".

26
 27 Renumber succeeding sections accordingly.

28
 29 Respectfully submitted,

30 Senate Committee:
 31 (signed)
 32 Gail Schwartz
 33 Josh Penry
 34 Jim Isgar

House Committee:
 (signed)
 David Balmer
 Bernie Buescher
 Kathleen Curry

35
 36
 37
 38 On motion of Representative Carroll T, **SB08-226** was added to the
 39 Special Orders Calendar on Friday, May 2, 2008.

40
 41
 42 On motion of Representative Butcher, the House resolved itself into
 43 Committee of the Whole for consideration of Special Orders and she was
 44 called to the Chair to act as Chairman.

45
 46
 47 **SPECIAL ORDERS--SECOND READING OF BILLS**

48
 49 The Committee of the Whole having risen, the Chairman reported the
 50 titles of the following bills had been read (reading at length had been
 51 dispensed with by unanimous consent), the bills considered and action
 52 taken thereon as follows:

53
 54 (Amendments to the committee amendment are to the printed committee
 55 report which was printed and placed in the members' bill file.)
 56

1 **SB08-231** by Senator(s) Veiga; also Representative(s) Vaad--
2 Concerning the transfer of work force development
3 responsibilities from the department of local affairs to the
4 department of labor and employment, and, in connection
5 therewith, making an appropriation.
6

7 Ordered revised and placed on the Calendar for Third Reading and Final
8 Passage.
9

10 **SB08-230** by Senator(s) Morse, Keller, Johnson, Hagedorn, Gordon,
11 Isgar, Kester, Mitchell S., Romer, Taylor, Veiga,
12 Williams, Windels; also Representative(s) Buescher,
13 Pommer, White, McGihon, Carroll T., Casso, Ferrandino,
14 Frangas, Hodge, Marostica, Marshall, Middleton, Soper,
15 Stafford, Todd--Concerning the authority of certain
16 hospital care providers as units of government under
17 medicaid.
18

19 Ordered revised and placed on the Calendar for Third Reading and Final
20 Passage.
21

22 **SB08-226** by Senator(s) Isgar; also Representative(s) Butcher and
23 McFadyen, Fischer, King--Concerning the prohibition of
24 aquatic nuisance species in Colorado, and making an
25 appropriation in connection therewith.
26

27 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
28 dated April 30, 2008, and placed in member's bill file; Report also printed
29 in House Journal, May 1, pages 1788-1792.
30

31 Amendment No. 2, by Representatives Buescher and McNulty.
32

33 Amend the Agriculture, Livestock, & Natural Resources Committee
34 Report, dated April 30, 2008, page 4, line 17, strike "33-1-112,
35 33-10-111," and substitute "33-1-112";
36

37 line 26, strike "33-1-112, 33-10-111," and substitute "33-1-112".
38

39 Page 5, line 25, strike "EIGHT HUNDRED FIFTY" and substitute "SIX
40 HUNDRED TWENTY-FIVE";
41

42 strike line 28 and substitute "33-10.5-108.";
43

44 line 30, strike "EIGHT HUNDRED FIFTY" and substitute "SIX HUNDRED
45 TWENTY-FIVE";
46

47 line 32, strike "33-10.5-108, FOR THE" and substitute "33-10.5-108.";
48

49 strike lines 33 and 34.
50

51 Page 6 of the committee report, strike lines 1 through 13;
52

53 after line 17, insert the following:
54

55 "Page 12, line 17, strike "SEVEN MILLION TWO HUNDRED SIX" and
56 substitute "FIVE MILLION NINE HUNDRED FIFTY-SIX";

1 line 22, strike "THREE MILLION TWO HUNDRED EIGHTY-NINE" and
2 substitute "TWO MILLION SIX HUNDRED SIXTY-FOUR";

3
4 line 25, strike "THREE MILLION NINE" and substitute "THREE MILLION TWO
5 HUNDRED NINETY-TWO";

6
7 line 26, strike "HUNDRED SEVENTEEN".

8
9 Page 13, after line 17, insert the following:

10
11 "SECTION 9. 39-29-109 (1) (k) (V), Colorado Revised Statutes,
12 is amended to read:

13
14 **39-29-109. Severance tax trust fund - created - administration**
15 **- use of moneys - definitions - repeal.** (1) (k) (V) Subject to the
16 maintenance of a two-year reserve pursuant to sub-subparagraph (A) of
17 subparagraph (III) of paragraph (c) of this subsection (1), on or after July
18 1, 2008, the state treasurer shall deduct from the operational account of
19 the severance tax trust fund created in subparagraph (II) of paragraph (a)
20 of this subsection (1):

21
22 (A) ~~One million~~ SIX HUNDRED TWENTY-FIVE THOUSAND dollars
23 and transfer such sum to the capital account of the species conservation
24 trust fund created in section 24-33-111 (2) (a), C.R.S.;

25
26 (B) ~~One million~~ SIX HUNDRED TWENTY-FIVE THOUSAND dollars
27 and transfer such sum to the operations and maintenance account of the
28 species conservation trust fund created in section 24-33-111 (2) (a),
29 C.R.S.".

30
31 Renumber succeeding sections accordingly.";

32
33 strike line 21 and substitute the following:

34
35 "Page 14, after line 23, insert the following:

36
37 "(3) Any moneys earmarked from the operational account of the
38 severance tax trust fund to the species conservation trust fund that have
39 been declined for purposes of funding the appropriations necessary for
40 the implementation of this act shall be used for mitigating the effects of
41 any aquatic nuisance species on any threatened and endangered species
42 protected by the species conservation trust fund."

43
44 strike lines 24 and 25.".

45
46 Amendment No. 3, by Representatives McNulty and Looper.

47
48 Amend the Agriculture, Livestock, and Natural Resource Committee
49 Report, page 1, after line 12, insert the following:

50
51 "line 11 of the reengrossed bill, strike "**divisions.**" and substitute
52 "**divisions - annual report.**".

53
54 Page 2 of the committee report, before line 1, insert the following:

55 "line 10 of the reengrossed bill, after "OFFICE," insert "THE WATER
56 CONSERVATION BOARD CREATED IN SECTION 37-60-102, C.R.S.";

1 after line 13 of the reengrossed bill, insert the following:

2
3 "(5) BEGINNING ON JANUARY 15, 2009, AND ON OR BEFORE
4 JANUARY 15 OF EACH YEAR THEREAFTER, THE DIVISIONS AND THE WATER
5 CONSERVATION BOARD CREATED IN SECTION 37-60-102, C.R.S., SHALL
6 MAKE AN ANNUAL REPORT OF THE EFFORTS IN ADDRESSING AQUATIC
7 NUISANCE SPECIES IN COLORADO FOR THE PRECEDING CALENDAR YEAR TO
8 THE JOINT HOUSE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCE
9 COMMITTEE AND THE SENATE AGRICULTURE, NATURAL RESOURCES, AND
10 ENERGY COMMITTEE, OR ITS SUCCESSOR COMMITTEE. EACH SUCH REPORT
11 SHALL SET FORTH A COMPLETE OPERATING AND FINANCIAL STATEMENT
12 COVERING THE AQUATIC NUISANCE SPECIES OPERATIONS OF THE DIVISIONS
13 DURING THE YEAR."."

14
15 Amendment No. 4, by Representative Butcher.

16
17 Amend the Agriculture, Livestock, & Natural Resources Committee
18 Report, dated April 30, 2008, page 3, line 20, strike "IS GUILTY OF A
19 MISDEMEANOR AND,";

20
21 line 21, strike "UPON CONVICTION,".

22
23 Amendment No. 5, by Representative McFadyen.

24
25 Amend the Agriculture, Livestock, and Natural Resources Committee
26 Report, dated April 30, 2008, page 3, line 26, strike "1" and substitute
27 "2".

28
29 Amendment No. 6, by Representative Buescher.

30
31 Amend reengrossed bill, page 14, after line 5, insert the following:

32
33 "**SECTION 10.** 33-10.5-108, Colorado Revised Statutes, as
34 enacted by Senate Bill 08-226, enacted at the Second Regular Session of
35 the Sixty-sixth General Assembly, is amended to read:

36
37 **33-10.5-108. Division of parks and outdoor recreation aquatic**
38 **nuisance species fund - creation - division of wildlife aquatic nuisance**
39 **species fund - creation.** (1) There is hereby created in the state treasury
40 the division of parks and outdoor recreation aquatic nuisance species
41 fund, which shall be administered by the division of parks and outdoor
42 recreation in the department of natural resources and shall consist of all
43 moneys transferred by the treasurer as specified in ~~section 39-29-109 (9)~~
44 ~~SECTIONS 33-1-112 AND 39-29-109.3~~ (2) (i), C.R.S. All moneys in the
45 fund are continuously appropriated to the division of parks and outdoor
46 recreation for the purpose of implementing the provisions of this article.
47 All moneys in the fund at the end of each fiscal year shall remain in the
48 fund and shall not revert to the general fund or any other fund.

49
50 (2) There is hereby created in the state treasury the division of
51 wildlife aquatic nuisance species fund, which shall be administered by the
52 division of wildlife in the department of natural resources and shall
53 consist of all moneys transferred by the treasurer as specified in ~~section~~
54 ~~39-29-109 (9)~~ ~~SECTIONS 33-1-112 AND 39-29-109.3~~ (2) (i), C.R.S. All
55 moneys in the fund are continuously appropriated to the division of
56 wildlife for the purpose of implementing the provisions of this article.

1 All moneys in the fund at the end of each fiscal year shall remain in the
2 fund and shall not revert to the general fund or any other fund.
3

4 **SECTION 11.** 39-29-109.3 (2), Colorado Revised Statutes, as
5 enacted by House Bill 08-1398, enacted at the Second Regular Session of
6 the Sixty-sixth General Assembly, is amended BY THE ADDITION OF
7 A NEW PARAGRAPH to read:
8

9 **39-29-109.3. Operational account of the severance tax trust**
10 **fund - repeal.** (2) Subject to the requirements of subsections (3) and (4)
11 of this section, if the general assembly chooses not to spend up to one
12 hundred percent of the moneys in the operational account as specified in
13 subsection (1) of this section, the state treasurer shall transfer the
14 following:
15

16 (i) FOR THE MITIGATION OF ACQUATIC NUISANCE SPECIES AS
17 SPECIFIED IN ARTICLE 10.5 OF TITLE 33, C.R.S.:
18

19 (I) (A) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2008,
20 FIVE MILLION NINE HUNDRED FIFTY-SIX THOUSAND SIX HUNDRED
21 THIRTY-SIX DOLLARS AS FOLLOWS: TWO MILLION SIX HUNDRED
22 SIXTY-FOUR THOUSAND THREE HUNDRED NINETY-TWO DOLLARS TO THE
23 DIVISION OF PARKS AND OUTDOOR RECREATION AQUATIC NUISANCE
24 SPECIES FUND CREATED IN SECTION 33-10.5-108 (1), C.R.S.; AND THREE
25 MILLION TWO HUNDRED NINETY-TWO THOUSAND TWO HUNDRED
26 FORTY-FOUR DOLLARS TO THE DIVISION OF WILDLIFE AQUATIC NUISANCE
27 SPECIES FUND CREATED IN SECTION 33-10.5-108 (2), C.R.S.
28

29 (B) THIS SUBPARAGRAPH (I) IS REPEALED, JULY 1, 2010.
30

31 (II) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2009, AND
32 EVERY STATE FISCAL YEAR THEREAFTER, FOUR MILLION SIX THOUSAND
33 FIVE DOLLARS AS FOLLOWS: TWO MILLION SEVEN HUNDRED ONE
34 THOUSAND FOUR HUNDRED SIXTY-ONE DOLLARS TO THE DIVISION OF
35 PARKS AND OUTDOOR RECREATION AQUATIC NUISANCE SPECIES FUND
36 CREATED IN SECTION 33-10.5-108 (1), C.R.S.; AND ONE MILLION THREE
37 HUNDRED FOUR THOUSAND FIVE HUNDRED FORTY-FOUR DOLLARS TO THE
38 DIVISION OF WILDLIFE AQUATIC NUISANCE SPECIES FUND CREATED IN
39 SECTION 33-10.5-108 (2), C.R.S.
40

41 **SECTION 12.** Section 39-29-109.3 (2) (d) (I) (A) and (2) (e) (I)
42 (A), Colorado Revised Statutes, as enacted by House Bill 08-1398 and
43 amended by Senate Bill 08-168, enacted at the Second Regular Session
44 of the Sixty-sixth General Assembly, are amended to read:
45

46 **39-29-109.3. Operational account of the severance tax trust**
47 **fund - repeal.** (2) Subject to the requirements of subsections (3) and (4)
48 of this section, if the general assembly chooses not to spend up to one
49 hundred percent of the moneys in the operational account as specified in
50 subsection (1) of this section, the state treasurer shall transfer the
51 following:
52

53 (d) To the capital account of the species conservation trust fund
54 created in section 24-33-111 (2) (a), C.R.S., the following amounts:
55

1 (I) (A) For the state fiscal year commencing July 1, 2008, eight
2 million ~~six hundred thirty-one~~ TWO HUNDRED FIFTY-SIX thousand nine
3 hundred and forty-three dollars.

4
5 (e) To the operation and maintenance account of the species
6 conservation trust fund created in section 24-33-111 (2) (a), C.R.S., the
7 following amounts:

8
9 (I) (A) For the state fiscal year commencing July 1, 2008, four
10 million ~~six hundred thirty-one~~ TWO HUNDRED FIFTY-SIX thousand nine
11 hundred forty-three dollars."

12
13 Renumber succeeding sections accordingly.

14
15 Page 14, after line 25, insert the following:

16
17 "SECTION 13. Effective date. (1) This act shall take effect
18 upon passage; except that:

19
20 (a) Sections 8 and 9 of this act shall not take effect if House Bill
21 08-1398 is enacted at the Second Regular Session of the Sixty-sixth
22 General Assembly and becomes law;

23
24 (b) Sections 10 and 11 of this act shall take effect only if House
25 Bill 08-1398 is enacted at the Second Regular Session of the Sixty-sixth
26 General Assembly and becomes law;

27
28 (c) Section 12 of this act shall take effect only if both House Bill
29 08-1398 and Senate Bill 08-168 are enacted at the Second Regular
30 Session of the Sixty-sixth General Assembly and both become law."

31
32 Renumber succeeding section accordingly.

33
34 As amended, ordered revised and placed on the Calendar for Third
35 Reading and Final Passage.

36
37 **SB08-233** by Senator(s) Windels and Williams; also
38 Representative(s) Riesberg and Marostica--Concerning the
39 authority of the state treasurer to enter into certain lease-
40 purchase agreements relating to state-supported
41 institutions of higher education.

42
43 Amendment No. 1, Finance Report, dated April 30, 2008, and placed in
44 member's bill file; Report also printed in House Journal, May 1,
45 pages 1794-179.

46
47 Amendment No. 2, Appropriations Report, dated May 1, 2008, and placed
48 in member's bill file; Report also printed in House Journal, May 1,
49 pages 1809-181.

50
51 Amendment No. 3, by Representative Marostica.

52
53 Amend the Appropriations Committee Report, dated May 1, 2008, page
54 1, line 11, after "(2)", insert "(a)";

55
56 after line 21, insert the following:

1 "(b) Notwithstanding the provisions of paragraph (a) of this
2 subsection (2), if any amount of the Auraria higher education center's
3 share of the costs for the science building addition and renovation are
4 included in the principal amount of a lease-purchase agreement entered
5 into pursuant to the provisions of section 23-1-106.3, Colorado Revised
6 Statutes, the appropriation made pursuant to paragraph (a) of this
7 subsection (2) shall be reduced by the same amount.".

8
9 Page 4, line 15, strike "passes" and substitute "is adopted".

10
11 Amendment No. 4, by Representative Marostica.

12
13 Amend the Finance Committee Report, dated April 30, 2008, page 1,
14 strike line 9, and substitute the following:

15
16 "RESOLUTION. A STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION
17 MAY EITHER CONTRIBUTE THE FULL AMOUNT OF ITS SHARE OF THE COST OF
18 THE PROJECT AT THE COMMENCEMENT OF THE PROJECT OR MAY HAVE ITS
19 SHARE OF THE COST OF THE PROJECT INCLUDED IN THE LEASE-PURCHASE
20 AGREEMENT.".

21
22 Amendment No. 5, by Representative Buescher.

23
24 Amend the Finance Committee Report, dated April 30, 2008, strike lines
25 1 through 4 and substitute the following:

26
27 "Amend reengrossed bill, page 4, strike lines 3 through 5 and substitute
28 the following:

29
30 "LISTING OF THE MAXIMUM AMOUNT OF PRINCIPAL TO BE RAISED THROUGH
31 LEASE-PURCHASE AGREEMENTS TO BE PAID FROM THE REVENUES FUND,
32 THE MINIMUM AMOUNT OF PRINCIPAL TO BE CONTRIBUTED BY THE
33 INSTITUTION, AND THE TOTAL ANTICIPATED COST OF THE PROJECT.".

34
35 As amended, ordered revised and placed on the Calendar for Third
36 Reading and Final Passage.

37
38 **SCR08-003** by Senator(s) Tapia, Shaffer, Mitchell S., Isgar, Groff,
39 Gordon, Bacon, Boyd, Keller, Morse, Romer, Williams;
40 also Representative(s) White, Kerr A., Roberts, Madden--
41 Submitting to the registered electors of the state of
42 Colorado an amendment to section 1 of article V of the
43 constitution of the state of Colorado, concerning
44 initiatives, and, in connection therewith, requiring the
45 number of signatures gathered on a proposed initiative
46 petition for state legislation to be equal to at least four
47 percent of the votes cast in the previous election for
48 governor; requiring the number of signatures gathered on
49 a proposed initiative petition for an amendment to the
50 constitution to be equal to at least six percent of the votes
51 cast in the previous election for governor; requiring a
52 minimum number of signatures for an initiative petition to
53 amend the state constitution to be gathered from residents
54 of each congressional district in the state; requiring an
55 initiative petition for an amendment to the constitution to
56 be filed with the secretary of state five months before an

election; and requiring a two-thirds vote of all members elected to each house of the general assembly to repeal or amend any law enacted by an initiative for a period of six years after the law becomes effective.

Laid over until May 5, retaining place on Calendar.

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

Passed Second Reading: **SB08-231, 230, 226 amended, 233 amended.**
Laid over until date indicated retaining place on Calendar: **SCR08-003--**
May 5, 2008.

The Chairman moved the adoption of the Committee of the Whole Report. As shown by the following roll call vote, a majority of those elected to the House voted in the affirmative, and the Report was **adopted**.

YES	63	NO	00	EXCUSED	02	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	Y	Hodge	Y	Massey	Y	Scanlan	E
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	E	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

CONSIDERATION OF RESOLUTION

SJR08-030 by Senator(s) Keller; also Representative(s) Jahn--
Concerning recognition of Seniors' Resource Center Day
in Colorado.

(Printed and placed in member's file.)

Representative Jahn moved that the resolution be adopted.

Amendment No. 1, moved by Representative Jahn.

Amend engrossed joint resolution, page 1, line 14, strike "2,450" and substitute "1,450".

1 The amendment was declared **passed** by **viva voce** vote.

2
3 On motion of Representative Jahn, the resolution as amended was
4 **adopted** by **viva voce** vote.

5
6 Co-sponsors added: Representatives Benefield, Borodkin, Buescher, Butcher,
7 Carroll M, Casso, Curry, Ferrandino, Fischer, Frangas, Gagliardi, Gallegos,
8 Garza-Hicks, Green, Hodge, Kefalas, Kerr A, Kerr J, King, Labuda, Levy,
9 Looper, Lundberg, Madden, Marostica, Marshall, Massey, McGihon,
10 Merrifield, Middleton, Pommer, Primavera, Rice, Riesberg, Soper, Stafford,
11 Stephens, Summers, Todd, Vaad, Weissmann, White, Witwer.

12
13
14
15 **REPORT OF COMMITTEE OF REFERENCE**

16
17 **HEALTH & HUMAN SERVICES**

18 After consideration on the merits, the Committee recommends the
19 following:

20
21 **SB08-225** be referred to the Committee of the Whole with favorable
22 recommendation.

23
24
25
26
27 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
28 **on HB08-1007**

29
30 This Report Amends the Rerevised Bill.

31
32 To the President of the Senate and the
33 Speaker of the House of Representatives:

34
35 Your first conference committee appointed on HB08-1007,
36 concerning the modification of statutory provisions enacted by the general
37 assembly during the 2006 legislative session that impose certain
38 requirements on private toll companies for the purpose of alleviating
39 consequences of those provisions that may affect real property, has met
40 and reports that it has agreed upon the following:

41
42 That the House accede to the Senate amendments made to the bill,
43 as the amendments appear in the rerevised bill, with the following
44 changes:

45
46 Amend rerevised bill, page 3, line 6, strike "IS VOID AND";

47
48 strike line 9 and substitute the following:

49
50 "ANY KIND WITHIN THE CORRIDOR OTHER THAN AS SPECIFIED IN SECTION
51 7-45-103. If a toll road or toll".

52
53 Page 5, line 11, strike "develop or" and substitute "~~develop or~~";

1 line 14, strike "AMENDED." and substitute "AMENDED, AND, ONLY IF SUCH
2 APPROVAL IS GRANTED, THE EXCLUSIVE RIGHT TO DEVELOP A TOLL ROAD
3 OR TOLL HIGHWAY WITHIN THE CORRIDOR."
4

5 Respectfully submitted,

6 House Committee:

7 (signed)

8 Marsha Looper

9 Dorothy B Butcher

10 Buffie McFadyen

Senate Committee:

(signed)

Abel Tapia

Bill Cadman

Suzanne Williams

11
12
13
14 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
15 **on HB08-1180**

16
17 This Report Amends the Reengrossed Bill.

18
19 To the President of the Senate and the
20 Speaker of the House of Representatives:

21
22 Your first conference committee appointed on HB08-1180,
23 concerning eligibility for unemployment insurance benefits for an
24 individual who leaves employment to accompany an active duty military
25 family member who has been transferred, has met and reports that it has
26 agreed upon the following:

27
28
29 That the Senate recede from its amendments made to the bill, as
30 the amendments appear in the rerevised bill, and that the following
31 amendment be substituted therefor:

32
33 Amend reengrossed bill, page 3, line 16, strike "2013." and substitute
34 "2018."
35

36 Respectfully submitted,

37 House Committee:

38 (signed)

39 Amy Stephens

40 Cheri Jahn

41 Paul Weissmann

Senate Committee:

(signed)

Brandon Shaffer

Lois Tochtrop

Mike Kopp

42
43
44 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
45 **on HB08-1314**

46
47 This Report Amends the Rerevised Bill.

48
49 To the President of the Senate and the
50 Speaker of the House of Representatives:

51
52 Your first conference committee appointed on HB08-1314,
53 concerning the use of moneys in the local government limited gaming
54 impact fund to provide gambling addiction counseling to Colorado
55 residents, and making an appropriation in connection therewith, has met
56 and reports that it has agreed upon the following:

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

4
 5 Amend rerevised bill, page 3, line 16, strike "ACCOUNT" and substitute
 6 "ACCOUNT, NOT TO EXCEED TEN PERCENT IN THE 2008-09 FISCAL YEAR
 7 AND FIVE PERCENT IN EACH FISCAL YEAR THEREAFTER,".

8
 9 2. That, under the authority granted the committee to consider
 10 matters not at issue between the two houses, the following amendments
 11 be recommended:

12
 13 Page 4, line 13, strike "GRANT." and substitute "GRANT OR COUNSELING
 14 SERVICES.";

15
 16 after line 16, insert the following:

17
 18 "(II) BY JANUARY 1, 2009, AND BY EACH JANUARY 1 THEREAFTER,
 19 THE DEPARTMENT OF HUMAN SERVICES SHALL SUBMIT A REPORT TO THE
 20 HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND HOUSE
 21 OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, REGARDING THE
 22 GRANT PROGRAM. THE REPORT SHALL DETAIL THE FOLLOWING
 23 INFORMATION FOR THE FISCAL YEAR IN WHICH THE REPORT IS SUBMITTED:

24
 25 (A) THE AMOUNT OF MONEYS ALLOCATED TO THE GAMBLING
 26 ADDICTION ACCOUNT PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF
 27 THIS SECTION;

28
 29 (B) THE NUMBER OF GRANT APPLICATIONS RECEIVED AND THE
 30 TOTAL AMOUNT OF GRANT MONEYS REQUESTED BY GRANT APPLICANTS;

31
 32 (C) THE TOTAL AMOUNT OF MONEYS IN THE GAMBLING ADDICTION
 33 ACCOUNT THAT WAS AWARDED AS GRANTS TO APPLICANTS; AND

34
 35 (D) THE ENTITIES OR PROGRAMS THAT RECEIVED GRANTS AND THE
 36 AMOUNT OF GRANT MONEYS EACH GRANT RECIPIENT RECEIVED.".

37
 38 Renumber succeeding subparagraph accordingly.

39
 40 Respectfully submitted,

41 House Committee:

42 (signed)

43 Dianne Primavera

44 Anne McGihon

45 Ellen Roberts

Senate Committee:

(signed)

Nancy Spence

Lois Tochtrop

Betty Boyd

46
 47
 48
 49 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
 50 **on HB08-1345**

51
 52 This Report Amends the Rerevised Bill.

53
 54 To the President of the Senate and the
 55 Speaker of the House of Representatives:

1 Your first conference committee appointed on HB08-1345,
2 concerning vacancies in elective offices, has met and reports that it has
3 agreed upon the following:

4
5 That the House accede to the Senate amendments made to the bill,
6 as the amendments appear in the rerevised bill, with the following
7 changes:

8
9 Amend rerevised bill, page 4, line 20, strike "FOURTEEN-DAY" and
10 substitute "THIRTY-DAY".

11
12 Respectfully submitted,

13 House Committee:

14 (signed)

15 Paul Weissmann

16 Dorothy B Butcher

17 Bob Gardner

Senate Committee:

(signed)

Abel Tapia

Brandon Shaffer

Bill Cadman

18
19
20
21 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
22 **on HB08-1358**

23
24 This Report Amends the Reengrossed Bill.

25
26 To the President of the Senate and the
27 Speaker of the House of Representatives:

28
29 Your first conference committee appointed on HB08-1358,
30 concerning sales tax relating to a group of parents and teachers of public
31 school students, has met and reports that it has agreed upon the following:

32
33 1. That the Senate recede from its amendments made to the bill,
34 as the amendments appear in the rerevised bill.

35
36 2. That, under the authority granted the committee to consider
37 matters not at issue between the two houses, the following amendments
38 be recommended:

39
40 Amend reengrossed bill, page 2, line 3, strike "amended" and substitute
41 "REPEALED AND REENACTED, WITH AMENDMENTS,";

42
43 strike lines 4 through 24.

44
45 Strike pages 3 through 5.

46
47 Page 6, strike lines 1 through 4 and substitute the following:

48
49 **"29-2-105. Contents of sales tax ordinances and proposals.**

50 (1) The sales tax ordinance or proposal of any incorporated town, city,
51 or county adopted pursuant to this article shall be imposed on the sale of
52 tangible personal property at retail or the furnishing of services, as
53 provided in paragraph (d) of this subsection (1). Any countywide or
54 incorporated town or city sales tax ordinance or proposal shall include the
55 following provisions:

1 (d) (I) A PROVISION THAT THE SALE OF TANGIBLE PERSONAL
2 PROPERTY AND SERVICES TAXABLE PURSUANT TO THIS ARTICLE SHALL BE
3 THE SAME AS THE SALE OF TANGIBLE PERSONAL PROPERTY AND SERVICES
4 TAXABLE PURSUANT TO SECTION 39-26-104, C.R.S., EXCEPT AS
5 OTHERWISE PROVIDED IN THIS PARAGRAPH (d). THE SALE OF TANGIBLE
6 PERSONAL PROPERTY AND SERVICES TAXABLE PURSUANT TO THIS ARTICLE
7 SHALL BE SUBJECT TO THE SAME SALES TAX EXEMPTIONS AS THOSE
8 SPECIFIED IN PART 7 OF ARTICLE 26 OF TITLE 39, C.R.S., EXCEPT THAT THE
9 SALE OF THE FOLLOWING MAY BE EXEMPTED FROM A TOWN, CITY, OR
10 COUNTY SALES TAX ONLY BY THE EXPRESS INCLUSION OF THE EXEMPTION
11 EITHER AT THE TIME OF ADOPTION OF THE INITIAL SALES TAX ORDINANCE
12 OR RESOLUTION OR BY AMENDMENT THERETO:

13
14 (A) THE EXEMPTION FOR SALES OF MACHINERY OR MACHINE TOOLS
15 SPECIFIED IN SECTION 39-26-709 (1), C.R.S.;

16
17 (B) THE EXEMPTION FOR SALES OF ELECTRICITY, COAL, WOOD,
18 GAS, FUEL OIL, OR COKE SPECIFIED IN SECTION 39-26-715 (1) (a) (II),
19 C.R.S.;

20
21 (C) THE EXEMPTION FOR SALES OF FOOD SPECIFIED IN SECTION
22 39-26-707 (1) (e), C.R.S.;

23
24 (D) THE EXEMPTION FOR VENDING MACHINE SALES OF FOOD
25 SPECIFIED IN SECTION 39-26-714 (2), C.R.S.;

26
27 (E) THE EXEMPTION FOR SALES BY A CHARITABLE ORGANIZATION
28 SPECIFIED IN SECTION 39-26-718 (1) (b), C.R.S.;

29
30 (F) THE EXEMPTION FOR SALES OF FARM EQUIPMENT AND FARM
31 EQUIPMENT UNDER LEASE OR CONTRACT SPECIFIED IN SECTION 39-26-716
32 (2) (b) AND (2) (c), C.R.S.;

33
34 (G) THE EXEMPTION FOR SALES OF LOW-EMITTING MOTOR
35 VEHICLES, POWER SOURCES, OR PARTS USED FOR CONVERTING SUCH
36 POWER SOURCES AS SPECIFIED IN SECTION 39-26-719 (1), C.R.S.;

37
38 (H) THE EXEMPTION FOR SALES OF PESTICIDES SPECIFIED IN
39 SECTION 39-26-716 (2) (e), C.R.S.; AND

40
41 (I) THE EXEMPTION FOR SALES BY AN ASSOCIATION OR
42 ORGANIZATION OF PARENTS AND TEACHERS OF PUBLIC SCHOOL STUDENTS
43 THAT IS A CHARITABLE ORGANIZATION AS SPECIFIED IN SECTION 39-26-718
44 (1) (c), C.R.S.

45
46 (II) IF A TOWN, CITY, OR COUNTY SALES TAX EXPRESSLY INCLUDES
47 ANY EXEMPTIONS SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (d)
48 BY AN AMENDMENT TO THE INITIAL SALES TAX ORDINANCE OR
49 RESOLUTION, SUCH AMENDMENT SHALL BE ADOPTED IN THE SAME MANNER
50 AS THE INITIAL ORDINANCE OR RESOLUTION.

51
52 (III) IN THE ABSENCE OF AN EXPRESS PROVISION FOR ANY
53 EXEMPTION SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (d), ALL
54 SALES TAX ORDINANCES AND RESOLUTIONS SHALL BE CONSTRUED AS
55 IMPOSING OR CONTINUING TO IMPOSE THE TOWN, CITY, OR COUNTY SALES
56 TAX ON SUCH ITEMS."

1 Page 6, strike lines 11 through 22.

2

3 Renumber succeeding sections accordingly.

4

5 Respectfully submitted,

6 House Committee:

7 (signed)

8 Joe Rice

9 Debbie Benefield

10 Jerry Sonnenberg

11

12

13

14 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
15 **on SB08-205**

16

17 This Report Amends the Rerevised Bill.

18

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

21

22 Your first conference committee appointed on SB08-205,
23 concerning judicial remedies when a law enforcement agency fails to
24 preserve evidence that is subject to a judicial order, has met and reports
25 that it has agreed upon the following:

26

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

30

31 Amend rerevised bill, page 3, line 9, strike "THE A SANCTION" and
32 substitute "A REMEDY";

33

34 line 10, strike "SANCTION" and substitute "REMEDY";

35

36 line 11, strike "SANCTION" and substitute "REMEDY", and strike "JUST"
37 and substitute "JUST, EQUITABLE,";

38

39 line 13, strike "SANCTION" and substitute "REMEDY".

40

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

44

45 Amend rerevised bill, page 2, line 18, strike "should" and substitute
46 "may";

47

48 strike lines 20 through 25.

49

50 Respectfully submitted,

51 Senate Committee:

52 (signed)

53 Ken Gordon

54 Shawn Mitchell

55 John P Morse

56

House Committee:

(signed)

Steven A King

Bernie Buescher

Cheri Jahn

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
on SB08-018**

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 SB08-018, concerning changes to the statutes related to higher education, and, in connection therewith, clarifying the roles of the department of higher education and the Colorado commission on higher education, consolidating provisions related to the private occupational school division, and repealing obsolete provisions, has met and reports that it has agreed upon the following:

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

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

Amend rerevised bill, page 24, after line 20, insert the following:

"SECTION 28. The introductory portion to 24-75-303 (3) (a) and 24-75-303 (3) (a) (I), Colorado Revised Statutes, are amended to read:

24-75-303. Appropriation for capital construction. (3) (a) No capital construction project for a state-supported institution of higher education that is estimated to require total expenditures exceeding ~~five hundred thousand~~ TWO MILLION dollars may be commenced unless:

(I) The project is to be constructed solely from cash funds held by the institution other than those funds specified in subparagraph (II) of this paragraph (a) and is to be operated and maintained from such cash funds or from state moneys appropriated for such purpose, or both, ~~and is authorized by legislative appropriation~~ AND THE PLAN FOR THE PROJECT HAS BEEN APPROVED BY THE COLORADO COMMISSION ON HIGHER EDUCATION PURSUANT TO SECTION 23-1-106 (10), C.R.S.; or".

Renumber succeeding sections accordingly.

Respectfully submitted,

Senate Committee:

(signed)

Sue Windels

Josh Penry

Bob Bacon

House Committee:

(signed)

Tom Massey

Michael Merrifield

Karen Middleton

MESSAGES FROM THE SENATE

The Senate has voted not to concur in House Amendments to SB08-183, and requests that a Conference Committee be appointed. The President appointed Senators Mitchell, Chair, Gordon and Bacon, as members of

1 the First Conference Committee on the part of the Senate. The bill is
2 transmitted herewith.

3
4 The Senate has adopted the First Report of the First Conference
5 Committee on HB08-1180 as printed in Senate Journal, April 25, 2008,
6 pages 1153-1154, and repassed the bill as amended. The bill is returned
7 herewith.

8
9 The Senate has adopted the First Report of the First Conference
10 Committee on SB08-208, as printed in Senate Journal, April 29, 2008,
11 pages 1249-1251, and repassed the bill as amended.

12
13 The Senate has adopted the First Report of the First Conference
14 Committee on HB08-1314, as printed in Senate Journal, May 1, 2008,
15 pages 1287-1288, and repassed the bill as amended. The bill is returned
16 herewith.

17
18 The Senate has adopted the First Report of the First Conference
19 Committee on HB08-1345, as printed in Senate Journal, April 23, 2008,
20 pages 1121-1122, and repassed the bill as amended. The bill is returned
21 herewith.

22
23 The Senate has adopted the First Report of the First Conference
24 Committee on HB08-1007, as printed in Senate Journal, May 2, 2008, and
25 repassed the bill as amended. The bill is returned herewith.

26
27 The Senate has adopted the First Report of the First Conference
28 Committee on HB08-1358, as printed in Senate Journal, May 2, 2008, and
29 repassed the bill as amended. The bill is returned herewith.

30
31
32 The Senate has passed on Third Reading and returns herewith:
33 HB08-1383, HB08-1392, HB08-1403, HB08-1365.

34
35 The Senate has passed on Third Reading and transmitted to the Revisor
36 of Statutes: SB08-098.

37
38 The Senate has passed on Third Reading and transmitted to the Revisor
39 of Statutes:

40 SB08-227 amended as printed in Senate Journal, May 1, 2008,
41 page 1289, and on Third Reading, May 2, 2008, as printed
42 in the Senate Journal,

43 HB08-1047 amended as printed in Senate Journal, April 30, 2008,
44 page 1279,

45 HB08-1267 amended as printed in Senate Journal, April 30, 2008,
46 page 1280,

47 HB08-1317 amended as printed in Senate Journal, April 30, 2008,
48 page 1280.

49 HB08-1168 amended as printed in Senate Journal, May 1, 2008,
50 pages 1296-1298,

51 HB08-1393 amended as printed in Senate Journal, May 1, 2008,
52 page 1299,

53 HB08-1385 amended as printed in Senate Journal, May 1, 2008,
54 pages 1299-1300,

55 HB08-1397 amended as printed in Senate Journal, May 1, 2008, page
56 1300,

1 HB08-1396 amended as printed in Senate Journal, May 1, 2008, page
2 1300,
3 HB08-1082 amended as printed in Senate Journal, May 1, 2008,
4 pages 1300-1301,
5 HB08-1344 amended as printed in Senate Journal, May 1, 2008,
6 pages 1301-1302,
7 HB08-1398 amended as printed in Senate Journal, May 1, 2008,
8 pages 1302-1303,
9 HB08-1325 amended as printed in Senate Journal, May 1, 2008, page
10 1303, and on Third Reading, May 2, 2008, as printed in
11 the Senate Journal.
12

13 MESSAGE FROM THE REVISOR

14
15
16 We herewith transmit:
17 Without comment, SB08-098.
18 Without comment, as amended, HB08-1047, 1082, 1168, 1267, 1317,
19 1325, 1344, 1385, 1393, 1396, 1397, and 1398.
20 Without comment, as amended, SB08-227.
21

22 APPOINTMENTS TO CONFERENCE COMMITTEE

23
24
25 Pursuant to a request from the Senate, the Speaker appointed House
26 conferees to the First Conference Committees as follows:

27
28 **SB08-183**--Representatives Todd, Chairman, Stafford and Gardner B.
29

30 MEMORANDUM

31 REPORT FROM THE HOUSE AND SENATE

32 COMMITTEES ON DELAYED BILLS

33
34
35 Pursuant to Joint Rule 23 (c), the House and Senate Committees on
36 Delayed Bills, acting jointly, extend the following deadline for House Bill
37 No. 08-1388, Concerning the Financing of Public Schools:

38
39 The Friday, March 14 deadline (the 66th legislative day) for final passage,
40 including any conference committee report, for any bill prescribing all or
41 a substantial portion of the total funding for public schools pursuant to the
42 "Public School Finance Act of 1994", article 54 of title 22, Colorado
43 Revised Statutes, as previously extended until Friday, April 25, 2008 (the
44 108th legislative day) and subsequently until Friday, May 2, 2008 (the
45 115th legislative day), is further extended until Monday, May 5, 2008 (the
46 118th legislative day).
47

48 This memorandum shall be printed in the journal of each house as is
49 required by said Joint Rule 23 (c).
50

51 (signed)	(signed)
52 Andrew Romanoff	Peter Groff
53 Alice Madden	Ken Gordon
54 Mike May	Andy McElhany

INTRODUCTION OF BILLS
First Reading

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

SB08-098 by Senator(s) Mitchell S.; also Representative(s) Gardner C.--Concerning the requirement of English language competency for high school graduation.
Committee on Education

SB08-227 by Senator(s) Romer, Bacon; also Representative(s) McFadyen--Concerning the membership of the board of governors of the Colorado state university system.
Committee on Education

LAY OVER OF CALENDAR ITEMS

On motion of Representative Balmer, the following items on the Calendar were laid over until May 5, retaining place on Calendar:

Consideration of Resolutions--**HJR08-1030, 1038, 1039, SJR08-010, HJR08-1040, 1041, SJR08-020, 027, 039, HJR08-1043.**

Consideration of Memorial--**SJM08-001.**

Consideration of Adherence--**SB08-019.**

Consideration of Governor's Partial Veto--**HB08-1375.**

On motion of Representative Balmer, the House adjourned until 10:00 a.m., May 5, 2008.

Approved:
ANDREW ROMANOFF,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk