

SENATE JOURNAL
Sixty-third General Assembly
STATE OF COLORADO
First Regular Session

Seventy-ninth Legislative Day

Thursday, March 29, 2001

Prayer By the chaplain, Pastor Shirley Riggs, United Methodist Church.

Call to Order By the President at 9:00 a.m.

Roll Call Present--Total, 35.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Taylor, reading of the Journal of Wednesday, March 28, 2001, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly printed: SB01-214;

Correctly rerevised: HB01-1167, 1166, 1287, 1286, 1256, 1238;

Correctly reengrossed: SB01-005, 042, 095, 113, 134, 149, 121, 202;

Correctly revised: HB01-1308, 1169,

Correctly engrossed: SB01-105, 157, 209, 168, 100, 016, 006, 052, SJR01-021.

COMMITTEE OF REFERENCE REPORTS

The committee recommends the following:

Government, Veterans and Military Relations, and Transportation After consideration on the merits, the committee recommends that **SB01-208** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation and be placed on the Consent Calendar.

Amend printed bill, page 17, strike lines 4 through 27 and substitute the following:

"SECTION 29. The introductory portion to 40-15-208 (2) (b), Colorado Revised Statutes, is amended to read:

40-15-208. High cost support mechanism - Colorado high cost administration fund - creation - purpose - operation. (2) (b) On or before December 1 of each year, the commission shall submit a written report to the ~~general assembly~~ COMMITTEES OF REFERENCE IN THE SENATE AND HOUSE OF REPRESENTATIVES THAT ARE ASSIGNED TO HEAR TELECOMMUNICATIONS ISSUES, in accordance with section 24-1-136, C.R.S., accounting for the operation of the high cost support mechanism during the preceding calendar year and containing the following information, at a minimum:"

Page 18, strike lines 1 through 19.

Government, Veterans and Military Relations, and Transportation After consideration on the merits, the committee recommends that **HJR01-1013** be referred to the Senate for final action.

MESSAGE FROM THE HOUSE

March 28, 2001

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1031, amended as printed in House Journal, March 27, page 960. HB01-1070, amended as printed in House Journal, March 27, page 960. HB01-1212, amended as printed in House Journal, March 27, page 961. HB01-1221, amended as printed in House Journal, March 27, page 961. HB01-1257, amended as printed in House Journal, March 27, page 961. HB01-1309, amended as printed in House Journal, March 27, pages 961-962.

The House has voted to recede from its position, dissolve the First Conference Committee on HB01-1040, and concur in Senate amendments, and has repassed the bill. The House requests return of the bill.

March 28, 2001

Mr. President:

In response to the request from the Senate, SB01-156 is returned herewith.

MESSAGE FROM THE REVISOR

We herewith transmit:

without comment, as amended, HB01-1031, 1070, 1212, 1221, 1257, and 1309.

INTRODUCTION OF RESOLUTION

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

SJR01-022

by Senator Chlouber; also Representative Snook--Concerning the reestablishment of economic parity.
Agriculture and Natural Resources

THIRD READING--FINAL PASSAGE OF BILLS

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

SB01-105

by Senator Hanna--Concerning reimbursement of the costs incurred by licensed educators in obtaining national credentialing.

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

YES	32	NO	3	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	N	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	N	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Chlouber, Fitz-Gerald, Gordon, Hernandez, Linkhart, Phillips, Tate, Tupa, Windels.

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SB01-157

by Senators Dyer (Durango) and Evans; also Representative Hoppe--Concerning the funding of Colorado water conservation board projects, and making appropriations in connection therewith.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Arnold, Cairns, Chlouber, Dennis, Epps, Gordon, Hagedorn, Hernandez, Hillman, Matsunaka, May, Musgrave, Phillips, Reeves, Taylor, Teck.

HB01-1308

by Representatives Cloer, Borodkin, Daniel, Groff, Hodge, Jahn, Jameson, Madden, Scott, Sinclair, Stafford, Tochtrop, Vigil, White, Williams S. and Witwer; also Senator Hernandez--Concerning the treatment of the remains of a fetal death.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Dyer (Arapahoe), Hagedorn, Lamborn, Linkhart, Nichol.

SB01-209

by Senators Windels, Phillips and McElhany; also Representatives Miller, Larson and Lawrence--Concerning the funding of capital construction projects at state-supported institutions of higher education.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

SB01-168

by Senator Hagedorn; also Representative Alexander--Concerning the requirement of the completion of level II alcohol treatment for persistent drunk drivers.

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

SB01-168

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

SB01-100

by Senator Gordon--Concerning the requirement for additional disclosures by persons making charitable solicitations, and, in connection therewith, prohibiting certain practices.

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	N	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Chlouber, Dyer (Arapahoe), Epps, Fitz-Gerald, Hanna, Nichol, Reeves, Tate, Tupa, Windels.

SB01-016

by Senator Reeves; also Representative Larson--Concerning certification by the Colorado peace officers standards and training board.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Arnold, Dyer (Arapahoe), Epps, Fitz-Gerald, Hernandez, Linkhart, Takis, Windels.

SB01-006

by Senators Dennis, Chlouber and Dyer (Durango); also Representatives Larson and Stengel--Concerning the creation of the habitat partnership program, and, in connection therewith, changing the duties of the habitat partnership council, habitat partnership committee, and director of the division of wildlife, and funding the habitat partnership cash fund.

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

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SB01-006

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Arnold, Cairns, Epps, Evans, Hanna, Hillman, Lamborn, Musgrave, Taylor.

SB01-052

by Senators Linkhart, Anderson, Hagedorn, Reeves, Taylor and Windels; also Representative Coleman-- Concerning changes to the children's basic health plan, and, in connection therewith, making changes in eligibility and enrollment for the plan and changing the administrative structure of the plan.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Hanna, Matsunaka, Pascoe.

HB01-1169

by Representatives Stafford, Cloer, Smith and Snook; also Senator Linkhart--Concerning the use of county block grant moneys for the Colorado works program for the purpose of investing in community resources.

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

YES	33	NO	2	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	N	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consent Granted to Conference Committee on **SB01-129**.

CONFERENCE COMMITTEE GRANTED FURTHER POWERS

SB01-129

by Senator Thiebaut; also Representative Dean--Concerning the financing of public schools.

SB01-129

Senator Thiebaut moved that the Senate Conferes on the First Conference Committee on **SB01-129** be given the powers to go beyond the scope of the differences between the two Houses.

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

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Governor's Appointments.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Nichol, the following Governor's Appointments were confirmed by a roll call vote:

COLORADO BOARD OF VETERANS AFFAIRS

for a term expiring June 30, 2004:

Ralph P. Bozella of Longmont, Colorado, to serve as a veteran and as an Unaffiliated, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

On motion of Senator Nichol, the following Governor's Appointments were confirmed by a roll call vote:

COLORADO STATE FAIR AUTHORITY
BOARD OF COMMISSIONERS

for terms expiring November 1, 2003:

Gary L. Yourtz of Englewood, Colorado, to serve as a representative of the Sixth Congressional District and as a Democrat, appointed;

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolution **SR01-011**.

CONSIDERATION OF RESOLUTIONS

SR01-011

by Senators Musgrave and Hillman--Concerning encouraging Colorado's Congressional Delegation to support funding of the U.S.D.A. Agricultural Research Service Station located in Akron.

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

SR01-011

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: Anderson, Andrews, Arnold, Cairns, Chlouber, Dennis, Dyer (Durango), Epps, Evans, Gordon, Hanna, Hernandez, Lamborn, Linkhart, Matsunaka, May, Nichol, Owen, Perlmutter, Phillips, Reeves, Taylor, Teck, Thiebaut, Tupa.

MESSAGE FROM THE HOUSE

March 29, 2001

Mr. President:

The House has adopted and returns herewith SJR01-020.

The House has voted to authorize the House conferees on the First Conference Committee on SB01-129 to consider matters not at issue between the two houses.

Committee of the Whole

On motion of Senator Hernandez, the Senate resolved itself into Committee of the Whole for consideration of General Orders--Second Reading of Bills. Senator Hernandez 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:

HB01-1132 by Representatives Scott, Witwer, Mitchell, Boyd, Groff, Mace, Madden, Paschall, Plant, Swenson and Veiga; also Senator Tupa--Concerning the annexation by a special statutory --district of unincorporated territory that is entirely surrounded by the district.

Laid over until Friday, March 30, 2001, retaining its place on the calendar.

HB01-1114 by Representative Groff; also Senator Tate--Concerning profiling in connection with law enforcement traffic stops.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, March 9, 2001, page 511.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, March 26, 2001, page 648.)

Amendment No. 3(L.051), by Senator Tate.

Amend the Judiciary Committee amendment, as printed in Senate Journal, March 9, page 511, after line 56, insert the following:

"Page 4, line 5, strike "THE POLICE" and substitute "PEACE OFFICERS";

strike line 10 and substitute the following:

"COLORADO PEACE OFFICERS RISK";

line 12, strike "LAW ENFORCEMENT" and substitute "PEACE";

line 13, after "THESE", insert "PEACE";

line 17, strike "LAW" and substitute "PEACE";

line 18, strike "ENFORCEMENT";

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HB01-1114

line 19, after "THOSE", insert "PEACE";

line 20, after "THOSE", insert "PEACE".

Page 5, line 3, after "THE", insert "PEACE";";

line 58 of the committee amendment, strike "Page 5,";

strike line 63 of the committee amendment and substitute the following:

"PROFILING";

line 22, strike "BY THE P.O.S.T. BOARD";

line 26, strike "CREATE" and substitute "CERTIFY".";

strike lines 65 and 66 of the committee amendment and substitute the following:

"Page 6, line 4, after "PROFILING.", insert "EACH PEACE OFFICER EMPLOYED BY SUCH LAW ENFORCEMENT AGENCY SHALL RECEIVE SUCH TRAINING."."

Amendment No. 4(L.050), by Senator Tate.

Amend the Judiciary Committee amendment, as printed in Senate Journal, March 9, page 511, strike lines 58 through 60 and substitute the following:

"Page 5, line 9, after the period, add "THE IDENTITY OF THE REPORTING PERSON AND THE REPORT OF ANY SUCH COMMENTS THAT CONSTITUTES A COMPLAINT SHALL INITIALLY BE KEPT CONFIDENTIAL BY THE RECEIVING LAW ENFORCEMENT AGENCY, TO THE EXTENT PERMITTED BY LAW. THE RECEIVING LAW ENFORCEMENT AGENCY SHALL BE PERMITTED TO OBTAIN SOME IDENTIFYING INFORMATION REGARDING THE COMPLAINT TO ALLOW INITIAL PROCESSING OF THE COMPLAINT. IF IT BECOMES NECESSARY FOR THE FURTHER PROCESSING OF THE COMPLAINT FOR THE COMPLAINANT TO DISCLOSE HIS OR HER IDENTITY, THE COMPLAINANT SHALL DO SO OR, AT THE OPTION OF THE RECEIVING LAW ENFORCEMENT AGENCY, THE COMPLAINT MAY BE DISMISSED.";"

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

(For further action, see Amendments to the Committee of the Whole and Roll Call vote on **HB01-1114**.)

SB01-127

by Senator Takis; also Representative Mitchell--Concerning the protection of local government public deposits in credit unions.

Amendment No. 1, Public Policy and Planning Committee Amendment.
(Printed in Senate Journal, February 19, 2001, pages 348-350.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, March 26, 2001, pages 645-646.)

Amendment No. 3(L.006), by Senator Takis.

Amend the committee amendment, as printed in Senate Journal, March 26, page 645, line 48, strike "after "UNION"," and substitute "before "THAT",";

strike line 49 and substitute the following:

"A COMMUNITY CHARTERED CREDIT UNION PURSUANT TO SECTION 11-30-101.7 THAT HAS ASSETS THAT DO NOT EXCEED THIRTY MILLION DOLLARS OR IS A";

line 52, strike "(6)," and substitute "(6)".

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- SB01-127** As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 1
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(For further action, see page 705 for Roll Call Vote on **SB01-127**.) 4
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- HB01-1074** by Representative Kester; also Senator Hillman--Concerning acceptance by the state of the Fort Lyon property conveyed by the federal government. 6
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Laid over until Friday, March 30, 2001, retaining its place on the calendar. 9
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- SB01-109** by Senators Hagedorn and Hernandez; also Representative Romanoff--Concerning motor vehicle insurance, and, in connection therewith, continuing the motorist insurance identification database program and the "Colorado Auto Accident Reparations Act". 11
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Amendment No. 1, Public Policy and Planning Committee Amendment. 14
(Printed in Senate Journal, February 9, 2001, page 248.) 15
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Amendment No. 2, Appropriation Committee Amendment. 17
(Printed in Senate Journal, March 26, 2001, page 661.) 18
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Amendment No. 3(L.004), by Senator Hagedorn. 20
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Amend the committee amendment, as printed in Senate Journal, March 26, page 661, strike lines 39 through 43 and substitute the following: 22
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"9, page 247, line 37, strike "one dollar." and substitute "~~one dollar~~ SEVENTY-FIVE CENTS."; 24
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line 44, strike "42-7-604; EXCEPT THAT ANY" and substitute "42-4-604."; 27
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strike lines 45 through 50;". 30
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 33
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- HB01-1319** by Representatives Marshall and Saliman; also Senators Takis and Reeves--Concerning health insurance for persons identified as high risk, and, in connection therewith, codifying the name of the existing state program for providing coverage to such persons as "CoverColorado", clarifying eligibility for the program, allowing health care coverage of dependents in the program, and creating an assessment to be paid by health benefit plan carriers authorized to conduct business in Colorado. 36
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Amendment No. 1, Business, Labor and Finance Committee Amendment. 43
(Printed in Senate Journal, March 27, 2001, page 665.) 44
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Amendment No. 2(L.019), by Senator Takis. 46
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Amend the Business, Labor, and Finance Committee amendment, as printed in Senate Journal, March 27, page 665, strike line 54 and substitute the following: 48
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"CONTRARY, AN INDIVIDUAL SHALL NOT LOSE ELIGIBILITY FOR THE PROGRAM SOLELY BECAUSE"; 52
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line 55, strike "IF". 55
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Amendment No. 3(L.020), by Senator Takis. 57
58
Amend reengrossed bill, page 5, strike line 26 and substitute the following: 59
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"from among individuals ~~eligible to be~~ WHO CURRENTLY ARE insured OR WHO HAVE BEEN insured under the ~~plan~~ PROGRAM as". 62
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 65
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- HB01-1174** by Representative Sanchez; also Senator Hagedorn--Concerning the promotion of affordable housing by local governments, and, in connection therewith, authorizing the establishment of affordable housing dwelling unit advisory boards by local governments. 68
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Laid over until Friday, March 30, 2001, retaining its place on the calendar. 71
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HB01-1274 by Representative Fairbank; also Senator Thiebaut--Concerning clarifications to the "Uniform Election Code of 1992".

Laid over until Friday, March 30, 2001, retaining its place on the calendar.

HB01-1364 by Representative Fairbank; also Senator Takis--Concerning the modification of statutory provisions affecting the administration of state income tax returns.

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

AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT

HB01-1114 by Representative Groff; also Senator Tate--Concerning profiling in connection with law enforcement traffic stops.

Senator Hillman moved to amend the Report of the Committee of the Whole to show that the following Hillman floor amendment, (L.053) to HB 01-1114, did pass.

Amend reengrossed bill, page 3, after line 22, insert the following:

"(4) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT ANY INFORMATION GATHERED PURSUANT TO THIS SECTION SHALL NOT BE USED TO INDICATE EVIDENCE OF PROFILING, AS THAT TERM IS DEFINED IN SECTION 24-31-309 (2), C.R.S., BASED SOLELY ON A DISPARITY BETWEEN THE PERCENTAGE OF COMPLAINTS FILED OR ARRESTS MADE AS A RESULT OF TRAFFIC STOPS AS THEY ARE DISTRIBUTED AMONG RACIAL, ETHNIC, AGE, OR GENDER GROUPS AND THE PERCENTAGE OF THE TOTAL POPULATION SERVED BY THE LAW ENFORCEMENT AGENCIES DESCRIBED IN THIS SECTION AS SUCH POPULATION IS DISTRIBUTED AMONG SUCH GROUPS.";

line 23, strike "(4)" and substitute "(5)".

Page 4, line 16, after "(d)", insert "(I)";

after line 21, insert the following:

"(II) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT ANY INFORMATION GATHERED PURSUANT TO SUBSECTION (4) OF THIS SECTION SHALL NOT BE USED TO INDICATE EVIDENCE OF PROFILING, AS THAT TERM IS DEFINED IN SUBSECTION (2) OF THIS SECTION, BASED SOLELY ON A DISPARITY BETWEEN THE PERCENTAGE OF COMPLAINTS FILED PURSUANT TO THIS SECTION AS THOSE COMPLAINTS ARE DISTRIBUTED AMONG RACIAL, ETHNIC, AGE, OR GENDER GROUPS AND THE PERCENTAGE OF THE TOTAL POPULATION SERVED BY ANY LAW ENFORCEMENT AGENCY AS SUCH POPULATION IS DISTRIBUTED AMONG SUCH GROUPS.".

The amendment was declared **lost** by the following roll call vote:

YES	16	NO	19	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	N
Andrews	Y	Fitz-Gerald	N	McElhany	N	Tate	N
Arnold	Y	Gordon	N	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	N	Nichol	N	Teck	Y
Chlouber	Y	Hanna	N	Owen	Y	Thiebaut	N
Dennis	Y	Hernandez	N	Pascoe	N	Tupa	N
Dyer, E.	N	Hillman	Y	Perlmutter	N	Windels	N
Dyer, F.	Y	Lamborn	Y	Phillips	N	Mr. President	N
Epps	Y	Linkhart	N	Reeves	N		

ROLL CALL VOTE ON HB01-1114

HB01-1114 by Representative Groff; also Senator Tate--Concerning profiling in connection with law enforcement traffic stops.

Senator Arnold requested a roll call vote on **HB01-1114**.

HB01-1114

YES	19	NO	16	EXCUSED	0	ABSENT	0
Anderson	N	Evans	N	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	N	Gordon	Y	Musgrave	N	Taylor	N
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	N
Chlouber	N	Hanna	Y	Owen	N	Thiebaut	Y
Dennis	N	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	N	Perlmutter	Y	Windels	Y
Dyer, F.	N	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	N	Linkhart	Y	Reeves	Y		

ROLL CALL VOTE ON SB01-127

SB01-127

by Senator Takis; also Representative Mitchell--Concerning the protection of local government public deposits in credit unions.

Senator Arnold requested a roll call vote on **SB01-127**.

YES	19	NO	16	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	N	May	Y	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	N	Gordon	Y	Musgrave	N	Taylor	N
Cairns	N	Hagedorn	Y	Nichol	N	Teck	N
Chlouber	N	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	N	Hernandez	Y	Pascoe	N	Tupa	Y
Dyer, E.	N	Hillman	N	Perlmutter	Y	Windels	Y
Dyer, F.	N	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

Passed on Second Reading: **HB01-1114** as amended, **SB01-127** as amended, **SB01-109** as amended, **HB01-1319** as amended, **HB01-1364**.
Laid over until Friday, March 30, 2001: **HB01-1132**, **HB01-1074**, **HB01-1174**, **HB01-1274**.

MESSAGE FROM THE GOVERNOR

March 27, 2001

To the Honorable
Senate
Sixty-third General Assembly
First Regular Session
Denver, CO 80203

Ladies and Gentlemen:

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

S.B. 01-021 – Concerning Disclosure Of Information Relating To The Regulation Of Lobbyists, And Making An Appropriation In Connection Therewith.

Approved March 27, 2001 at 4:12 p.m.

S.B. 01-151 – Concerning Cesar Chavez Day.

Approved March 27, 2001 at 5:03 p.m.

Sincerely,

(signed)
Bill Owens
Governor

Rec'd: 3/27/01
K. Goldman, Secretary

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March 28, 2001

To the Honorable
Senate
Sixty-third General Assembly
First Regular Session
Denver, CO 80203

Ladies and Gentlemen:

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

S.B. 01-020 – Concerning Identification Of Public Depository Accounts.

Approved March 28, 2001 at 11:20 a.m.

S.B. 01-044 – Concerning The Continuation Of An Augmentation Requirement For New Withdrawals Of Groundwater Affecting The San Luis Valley Confined Aquifer System.

Approved March 28, 2001 at 11:21 a.m.

S.B. 01-047 – Concerning A Requirement Certain Counseling Professions Report Child Abuse.

Approved March 28, 2001 at 11:21 a.m.

S.B.01-049 – Concerning Preschool Program Community Providers.

Approved March 28, 2001 at 11:22 a.m.

S.B. 01-055 – Concerning The Tax Status Of Certain Shipping Aids Used In The Movement Of Certain Products.

Approved March 28, 2001 at 11:23 a.m.

S.B. 01-071 – Concerning The Creation Of A Student Loan Guarantee Fund.

Approved March 28, 2001 at 11:24 a.m.

S.B. 01-076 – Concerning Public Disclosure Of School District Collective Bargaining Agreements.

Approved March 28, 2001 at 11:25 a.m.

S.B. 01-110 – Concerning Continuation Of The Workers' Compensation Classification Appeals Board.

Approved March 28, 2001 at 11:26 a.m.

S.B. 01-111 – Concerning The Continuation Of The Licensing Of Livestock Slaughterers, And, In Connection Therewith, Extending The Sunset Date From July 1, 2001, To July 1, 2010.

Approved March 28, 2001 at 11:27 a.m.

S.B. 01-112 – Concerning The Continuation Of The Licensing Of Public Live Stock Markets, And, In Connection Therewith, Extending The Sunset Date From July 1, 2001, To July 1, 2010.

Approved March 28, 2001 at 11:28 a.m.

S.B. 01-120 – Concerning The Definition Of "Significant Family Risk Factors" For Purposes Of The Colorado Preschool Program.

Approved March 28, 2001 at 11:38 a.m.

S.B. 01-128 – Concerning The Licensure Of Physician Assistants.

Approved March 28, 2001 at 11:29 a.m.

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S.B. 01-141 – Concerning Adoption Of An Interstate Compact Governing Emergency Management Assistance.

Approved March 28, 2001 at 11:30 a.m.

Sincerely,

(signed)
Bill Owens
Governor

Rec'd: 3/27/01
K. Goldman, Secretary

APPOINTMENTS TO CONFERENCE COMMITTEES

The President appointed Senators Hagedorn, Chairman, Dyer (Durango) and Hillman as Senate Conferees on the First Conference Committee on **HB01-1250**.

The President appointed Senators Hagedorn, Chairman, Hernandez and Anderson as Senate Conferees on the First Conference Committee on **HB01-1034**.

The President appointed Senators Reeves, Chairman, Tupa and Teck as Senate Conferees on the First Conference Committee on **HB01-1030**.

The President appointed Senators Nichol, Chairman, Takis and May as Senate Conferees on the First Conference Committee on **HB01-1124**.

Senate in Recess--Senate Reconvened.

MESSAGE FROM THE HOUSE

March 29, 2001

Mr. President:

The House has adopted the First Report of the First Conference Committee on SB01-129, and has repassed the bill as so amended. The bill is returned herewith.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Conference Committee Report **SB01-129**.

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON SB01-129

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 SB01-129, concerning the financing of public schools, and making an appropriation in connection therewith, 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, with the following changes:

Amend rerevised bill, page 2, strike lines 22 through 25 and substitute the following:

"SECTION 3. 22-28-104 (2) (d) (I), Colorado Revised Statutes, is amended, and the said 22-28-104 (2) (d) is further amended BY THE

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SB01-129

ADDITION OF THE FOLLOWING NEW SUBPARAGRAPHS, to read:

22-28-104. Establishment of public preschool programs. (2) In recognition of the fact that there are thousands of children in Colorado not presently being served who would benefit from the state preschool program, the number of children that may participate in the state preschool program shall be increased:

(d) (I) To not more than 8,850 in the 1998-99 budget year, and to not more than 9,050 in the 1999-2000 AND 2000-2001 budget year YEARS, AND TO NOT MORE THAN 10,050 IN THE 2001-02 BUDGET YEAR and budget years thereafter.

(III) FOR THE 2001-02 BUDGET YEAR,";

line 26, strike "THEREAFTER,";

line 27, strike "FIVE" and substitute "ONE THOUSAND".

Page 3, line 1, strike "HUNDRED";

line 6, strike "FIVE HUNDRED" and substitute "ONE THOUSAND";

line 9, strike "FIVE HUNDRED" and substitute "ONE THOUSAND";

after line 10, insert the following:

"(IV) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, INCREASING THE NUMBER OF CHILDREN THAT MAY PARTICIPATE IN THE STATE PRESCHOOL PROGRAM IS AN IMPORTANT ELEMENT OF EXPANDING THE AVAILABILITY OF PRESCHOOL AND KINDERGARTEN PROGRAMS AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION."

Page 5, strike lines 13 through 23 and substitute the following:

"(II) FOR THE 1995-96 BUDGET YEAR AND BUDGET YEARS THEREAFTER THROUGH THE 2000-01 BUDGET YEAR, THE GREATER OF:

(A) THE NUMBER OF DISTRICT PUPILS ELIGIBLE FOR FREE LUNCH;
OR

(B) THE NUMBER OF PUPILS CALCULATED IN ACCORDANCE WITH THE FOLLOWING FORMULA:

DISTRICT PERCENTAGE OF PUPILS ELIGIBLE FOR FREE LUNCH
X DISTRICT PUPIL ENROLLMENT

(III) FOR THE 2001-02 BUDGET YEAR AND BUDGET YEARS THEREAFTER, THE GREATER OF:

(A) THE NUMBER OF DISTRICT PUPILS ELIGIBLE FOR FREE LUNCH PLUS THE NUMBER OF DISTRICT PUPILS WHOSE DOMINANT LANGUAGE IS NOT ENGLISH; OR

(B) THE NUMBER OF PUPILS CALCULATED IN ACCORDANCE WITH THE FOLLOWING FORMULA:

(DISTRICT PERCENTAGE OF PUPILS ELIGIBLE FOR FREE LUNCH X DISTRICT PUPIL ENROLLMENT) + THE NUMBER OF DISTRICT PUPILS WHOSE DOMINANT LANGUAGE IS NOT ENGLISH".

Page 6, strike lines 15 through 20 and substitute the following:

"ENROLLMENT FOR THE PRECEDING BUDGET YEAR WHO WERE NOT ELIGIBLE FOR FREE LUNCH PURSUANT TO THE PROVISIONS OF THE FEDERAL "NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ., AND WHOSE DOMINANT LANGUAGE IS NOT ENGLISH, AS DEFINED IN SECTION

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22-24-103 (4), AND:

(A) WHOSE SCORES WERE NOT INCLUDED IN CALCULATING SCHOOL ACADEMIC PERFORMANCE GRADES AS PROVIDED IN SECTION 22-7-409 (1.2) (d) (I) (C); OR

(B) WHO TOOK AN ASSESSMENT ADMINISTERED PURSUANT TO SECTION 22-7-409 IN A LANGUAGE OTHER THAN ENGLISH."

Page 7, strike lines 15 through 17 and substitute the following:

"SECTION 5. The introductory portion to 22-54-104 (2) (a) (III.5) and 22-54-104 (2) (a) (III.6), (4), and (5) (f) (II), Colorado Revised Statutes, are amended, and the said 22-54-104 (2) (a) is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBPARAGRAPHS, to read:

22-54-104. District total program - repeal.
(2) (a) (III.5) Except as otherwise provided in this subsection (2), subsection (6) of this section, or section 22-54-104.3, a district's total program for the 1999-2000 budget year and AND 2000-01 budget years thereafter shall be the greater of the following:

(III.6) For the 2000-01 budget year, and budget years thereafter, the dollar amount set forth in sub-subparagraph (B) of subparagraph (III.5) of this paragraph (a) shall be increased by the percentage by which the statewide base per pupil funding for the budget year is increased over the statewide base per pupil funding set forth for the 1999-2000 budget year. Such amount shall be rounded to the nearest dollar.

(III.7) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (2), SUBSECTION (6) OF THIS SECTION, OR SECTION 22-54-104.3, A DISTRICT'S TOTAL PROGRAM FOR THE 2001-02 BUDGET YEAR AND BUDGET YEARS THEREAFTER SHALL BE THE GREATER OF THE FOLLOWING:

(A) (DISTRICT PER PUPIL FUNDING X DISTRICT FUNDED PUPIL COUNT) + DISTRICT AT-RISK FUNDING; OR

(B) \$5,100 X DISTRICT FUNDED PUPIL COUNT.

(III.8) FOR THE 2002-03 BUDGET YEAR AND BUDGET YEARS THEREAFTER, THE DOLLAR AMOUNT SET FORTH IN SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III.7) OF THIS PARAGRAPH (a) SHALL BE INCREASED BY THE PERCENTAGE BY WHICH THE STATEWIDE BASE PER PUPIL FUNDING FOR THE BUDGET YEAR IS INCREASED OVER THE STATEWIDE BASE PER PUPIL FUNDING SET FORTH FOR THE 2001-02 BUDGET YEAR. SUCH AMOUNT SHALL BE ROUNDED TO THE NEAREST DOLLAR.

(4) A district's".

Page 8, line 18, after "**declaration.**", insert "(1)";

line 22, strike "(II), TO INCLUDE" and substitute "(III), TO INCLUDE DISTRICT" and strike "ENGLISH" and substitute "ENGLISH, AS DEFINED IN SECTION 22-54-103 (1.5) (b) (IV), THE INCREASE IN THE AT-RISK FACTOR PURSUANT TO SECTION 22-54-104 (5) (f) (II) FOR DISTRICTS WHOSE PERCENTAGE OF AT-RISK PUPILS IS GREATER THAN THE STATEWIDE AVERAGE PERCENTAGE OF AT-RISK PUPILS AND WHOSE FUNDED PUPIL COUNT IS GREATER THAN FIFTY THOUSAND,";

line 26, strike "(3) (c) (I) and (3) (d)" and substitute "(3) (b) (I) AND (3) (c)";

line 27, strike "ACCOUNTABLE EDUCATION REFORM" and substitute "ACCOUNTABLE PROGRAMS TO MEET STATE ACADEMIC STANDARDS".

Page 9, after line 2, insert the following:

"(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE ENACTMENT OF THE DEFINITION OF "AT-RISK FUNDED

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PUPIL COUNT", AS DEFINED IN SECTION 22-54-103 (1), TO ALLOW UP TO THREE-YEAR AVERAGING OF THE NUMBER OF AT-RISK PUPILS, IS AN IMPORTANT ELEMENT OF ACCOUNTABLE EDUCATION REFORM AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION."

Page 12, strike lines 26 and 27.

Page 13, strike lines 1 through 8;

line 9, strike "(c)" and substitute "(b)";

line 11, strike "(d)" and substitute "(c)";

line 17, strike "SUBPARAGRAPH (I) OF";

after line 19, insert the following:

"(d) "MINIMUM CAPITAL RESERVE AMOUNT PER PUPIL" MEANS THE MINIMUM AMOUNT PER PUPIL REQUIRED TO BE BUDGETED BY EACH DISTRICT TO THE CAPITAL RESERVE FUND CREATED BY SECTION 22-45-103 (1) (c), A RISK MANAGEMENT FUND OR ACCOUNT, OR BOTH, PURSUANT TO SECTION 22-54-105 (2) (a) AND (2) (b), WITHOUT REGARD TO ANY EXCEPTION TO SAID MINIMUM BUDGETING REQUIREMENT PERMITTED PURSUANT TO SECTION 22-54-105 (2) (c)."

Page 15, line 3, strike "BUDGET YEARS" and substitute "EACH BUDGET YEAR";

strike lines 5 through 14 and substitute the following:

"AMOUNT EQUAL TO ONE HUNDRED THIRTY PERCENT OF THE MINIMUM CAPITAL RESERVE AMOUNT PER PUPIL.";

line 15, strike "ANY" and substitute "EACH";

strike lines 18 through 25 and substitute the following:

"THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY THE TOTAL NUMBER OF PUPILS EXPECTED TO BE ENROLLED IN ALL QUALIFIED CHARTER SCHOOLS IN THE STATE DURING THE NEXT BUDGET YEAR, AS DERIVED FROM REPORTS PROVIDED TO THE DEPARTMENT BY DISTRICTS PURSUANT TO SECTION 22-30.5-112 (1)."

Page 16, after line 27, insert the following:

"(7) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, PROVIDING FUNDING FOR CHARTER SCHOOL CAPITAL CONSTRUCTION FROM MONEYS IN THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION IS A PERMISSIBLE USE OF THE MONEYS IN THE STATE EDUCATION FUND SINCE THE MONEYS ARE BEING USED FOR PUBLIC SCHOOL BUILDING CAPITAL CONSTRUCTION AS AUTHORIZED BY SECTION 17 (4) (b) OF ARTICLE IX OF THE STATE CONSTITUTION."

Page 17, line 4, strike "BUDGET YEARS" and substitute "EACH BUDGET YEAR";

line 5, strike "22-54-123 (1) (f)," and substitute "22-54-124 (1) (f),";

line 10, strike "AN AMOUNT EQUAL TO" and substitute "THE TOTAL AMOUNT OF STATE EDUCATION FUND MONEYS DISTRIBUTED TO THE DISTRICT FOR THE SAME BUDGET YEAR PURSUANT TO SECTION 22-54-124 (3).";

strike lines 11 through 21.

Page 18, strike lines 20 through 27.

Strike page 19.

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Page 20, strike lines 1 through 23. 1
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Renumber succeeding sections accordingly. 4
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Page 20, line 27, strike "and" and substitute "and". 6
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Page 21, strike line 1 and substitute the following: 8
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"budget years thereafter,"; 10
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line 2, strike "YEAR,"; 12
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strike lines 7 through 12. 14
15
Reletter succeeding paragraphs accordingly. 16
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Page 21, line 13, strike "PARAGRAPH (b)" and substitute "PARAGRAPH 18
(a)"; 19
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line 20, after "TITLE.", insert "IT IS THE INTENT OF THE GENERAL 21
ASSEMBLY THAT EACH SCHOOL DISTRICT EXPEND SAID AMOUNT ON 22
ENGLISH LANGUAGE PROFICIENCY PROGRAMS THAT ARE EITHER TAUGHT 23
IN ENGLISH OR THAT ARE DESIGNED TO MOVE STUDENTS AS QUICKLY AS 24
POSSIBLE INTO PROGRAMS TAUGHT IN ENGLISH."; 25
26
line 21, strike "NINETY" and substitute "SEVENTY-FIVE". 27
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Page 22, line 5, strike "(b)" and substitute "(a)"; 29
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line 7, strike "(c)" and substitute "(b)"; 31
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line 13, after "TITLE.", insert "IT IS THE INTENT OF THE GENERAL 33
ASSEMBLY THAT EACH SCHOOL DISTRICT EXPEND SAID AT-RISK FUNDING 34
ON ENGLISH LANGUAGE PROFICIENCY PROGRAMS THAT ARE EITHER 35
TAUGHT IN ENGLISH OR THAT ARE DESIGNED TO MOVE STUDENTS AS 36
QUICKLY AS POSSIBLE INTO PROGRAMS TAUGHT IN ENGLISH."; 37
38
line 14, strike "NINETY" and substitute "SEVENTY-FIVE". 39
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Page 23, line 1, strike "(e)" and substitute "(d)"; 41
42
line 3, strike "(1)," and substitute "(1) (a),". 43
44
Page 26, after line 25, insert the following: 45
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"(6) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT, 47
FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, 48
ESTABLISHING A SCHOOL IMPROVEMENT GRANT PROGRAM TO PROVIDE 49
FUNDING TO PUBLIC SCHOOLS THAT RECEIVED AN ACADEMIC 50
PERFORMANCE GRADE OF "F" ON THE SCHOOL REPORT CARD PREPARED 51
PURSUANT TO THIS PART 6 FOR THE SCHOOL YEAR 2000-01 IS AN 52
IMPORTANT ELEMENT OF ACCOUNTABLE EDUCATION REFORM AND 53
THEREFORE MAY RECEIVE FUNDING FROM THE STATE EDUCATION FUND 54
CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION." 55
56
Renumber succeeding subsection accordingly. 57
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Page 32, line 4, strike "and" and substitute "and,". 59
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Page 35, line 15, strike "22-7-603.5" and substitute "22-7-603.5.". 61
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Page 36, after line 20, insert the following: 63
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"(d) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT, 65
FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, 66
THE CREATION OF A PROGRAM TO CONDUCT LONGITUDINAL ANALYSES TO 67
MEASURE STUDENTS' ACADEMIC PROGRESS FROM ONE SCHOOL YEAR TO 68
THE NEXT CONSTITUTES AN ACCOUNTABLE PROGRAM TO MEET STATE 69
ACADEMIC STANDARDS AND MAY THEREFORE RECEIVE FUNDING FROM THE 70
STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE 71
STATE CONSTITUTION." 72

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Page 37, after line 13, insert the following:

"(4) THE STATE BOARD MAY ADOPT RULES NECESSARY FOR IMPLEMENTATION AND ADMINISTRATION OF THIS SECTION INCLUDING, BUT NOT LIMITED TO, PROVISIONS TO UNIQUELY IDENTIFY INDIVIDUAL STUDENTS.";

strike lines 14 through 27.

Strike pages 38 through 45.

Page 46, strike lines 1 through 21.

Renumber succeeding sections accordingly.

Page 50, strike lines 19 through 27.

Page 51, strike lines 1 through 21.

Renumber succeeding sections accordingly.

Page 52, line 9, strike "REASONABLE SUSPICION" and substitute "PROBABLE CAUSE";

line 12, strike "ACT" and substitute "SECTION";

strike lines 21 through 27.

Strike pages 53 through 55.

Page 56, strike lines 1 through 25 and substitute the following:

"SECTION 31. Article 54 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-54-107.5. Authorization of additional local revenues for supplemental cost of living adjustment. (1) NOTWITHSTANDING ANY LAW TO THE CONTRARY, EFFECTIVE JULY 1, 2001, ANY DISTRICT THAT DESIRES TO RAISE AND EXPEND LOCAL PROPERTY TAX REVENUES IN EXCESS OF THE DISTRICT'S TOTAL PROGRAM, AS DETERMINED IN ACCORDANCE WITH SECTION 22-54-104, AND IN ADDITION TO ANY PROPERTY TAX REVENUES LEVIED PURSUANT TO SECTIONS 22-54-107 AND 22-54-108, MAY SUBMIT THE QUESTION OF WHETHER THE DISTRICT SHOULD BE AUTHORIZED TO RAISE AND EXPEND ADDITIONAL LOCAL PROPERTY TAX REVENUES, SUBJECT TO THE LIMITATIONS OF PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION, THEREBY AUTHORIZING AN ADDITIONAL LEVY IN EXCESS OF THE LEVY AUTHORIZED UNDER SECTIONS 22-54-106, 22-54-107, AND 22-54-108, TO PROVIDE A SUPPLEMENTAL COST OF LIVING ADJUSTMENT FOR THE DISTRICT FOR THE THEN CURRENT BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER. THE QUESTION AUTHORIZED BY THIS SUBSECTION (1) SHALL BE SUBMITTED AT AN ELECTION HELD IN ACCORDANCE WITH SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION AND TITLE 1, C.R.S.

(2) NOTWITHSTANDING ANY LAW TO THE CONTRARY, EFFECTIVE JULY 1, 2001, UPON PROPER SUBMITTAL TO A DISTRICT OF A VALID INITIATIVE PETITION, THE DISTRICT SHALL SUBMIT TO THE ELIGIBLE ELECTORS OF THE DISTRICT THE QUESTION OF WHETHER THE DISTRICT SHOULD BE AUTHORIZED TO RAISE AND EXPEND ADDITIONAL LOCAL PROPERTY TAX REVENUES IN EXCESS OF THE DISTRICT'S TOTAL PROGRAM, AS DETERMINED IN ACCORDANCE WITH SECTION 22-54-104, AND IN ADDITION TO ANY PROPERTY TAX REVENUES LEVIED PURSUANT TO SECTIONS 22-54-107 AND 22-54-108, SUBJECT TO THE LIMITATIONS OF PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION, THEREBY AUTHORIZING AN ADDITIONAL LEVY IN EXCESS OF THE LEVY AUTHORIZED UNDER SECTIONS 22-54-106, 22-54-107, AND 22-54-108, TO PROVIDE A SUPPLEMENTAL COST OF LIVING ADJUSTMENT FOR THE DISTRICT FOR THE THEN CURRENT BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER. THE QUESTION AUTHORIZED BY THIS SUBSECTION (2) SHALL BE SUBMITTED AT AN ELECTION HELD IN ACCORDANCE WITH SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION AND TITLE 1, C.R.S. AN INITIATIVE PETITION

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UNDER THIS SUBSECTION (2) SHALL BE SIGNED BY AT LEAST FIVE PERCENT OF THE ELIGIBLE ELECTORS IN THE DISTRICT AT THE TIME THE PETITION IS FILED.

(3) (a) THE MAXIMUM DOLLAR AMOUNT OF PROPERTY TAX REVENUE THAT A DISTRICT CAN GENERATE PURSUANT TO THIS SECTION FOR ANY GIVEN BUDGET YEAR SHALL NOT EXCEED THE DIFFERENCE BETWEEN WHAT WOULD BE THE DISTRICT'S TOTAL PROGRAM FOR THAT BUDGET YEAR IF CALCULATED USING THE DISTRICT'S ADJUSTED COST OF LIVING FACTOR FOR THAT BUDGET YEAR AND THE DISTRICT'S TOTAL PROGRAM FOR THAT BUDGET YEAR CALCULATED PURSUANT TO SECTION 22-54-104.

(b) FOR PURPOSES OF DETERMINING A DISTRICT'S TOTAL PROGRAM FOR A GIVEN BUDGET YEAR IF CALCULATED USING THE DISTRICT'S ADJUSTED COST OF LIVING FACTOR, "PER PUPIL FUNDING" UNDER SECTION 22-54-104 (2) (a) (IV) (D) SHALL BE CALCULATED USING THE SIZE FACTOR USED IN THE CALCULATION FOR THE PRIOR BUDGET YEAR OR THE SIZE FACTOR USED IN THE CALCULATION FOR THE APPLICABLE BUDGET YEAR, WHICHEVER IS LESS, THE COST OF LIVING FACTOR FOR THE PRIOR BUDGET YEAR, AND THE AT-RISK FACTOR CALCULATED FOR THE DISTRICT USING A BASE AT-RISK FACTOR OF ELEVEN AND ONE-HALF PERCENT.

(c) FOR PURPOSES OF THIS SUBSECTION (3), "ADJUSTED COST OF LIVING FACTOR" MEANS THE DISTRICT'S COST OF LIVING FACTOR DETERMINED BY DIVIDING THE DISTRICT'S COST OF LIVING AMOUNT BY THE LOWEST COST OF LIVING AMOUNT OF ALL DISTRICTS IN THE STATE FROM THE CURRENT COST OF LIVING STUDY, ROUNDED TO THE NEAREST ONE-THOUSANDTH OF ONE PERCENT.

(4) IF THE MAXIMUM DOLLAR AMOUNT OF PROPERTY TAX REVENUE ALLOWED FOR ANY GIVEN BUDGET YEAR PURSUANT TO PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION WILL NOT BE GENERATED BY THE LEVY OF THE TOTAL NUMBER OF MILLS LEVIED BY THE DISTRICT PURSUANT TO THIS SECTION FOR THE IMMEDIATELY PRECEDING BUDGET YEAR, THE TOTAL NUMBER OF MILLS LEVIED BY THE DISTRICT PURSUANT TO THIS SECTION SHALL NOT BE INCREASED UNLESS THE DISTRICT SUBMITS THE QUESTION OF THE INCREASE TO THE ELIGIBLE ELECTORS IN THE MANNER PROVIDED IN SUBSECTION (1) OF THIS SECTION OR UNLESS THE QUESTION OF THE INCREASE IS SUBMITTED TO THE ELIGIBLE ELECTORS BY INITIATIVE IN THE MANNER PROVIDED IN SUBSECTION (2) OF THIS SECTION.

(5) NOTWITHSTANDING THE PROVISIONS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION WHICH ALLOW DISTRICTS TO SEEK VOTER APPROVAL FOR SPENDING AND REVENUE INCREASES, THE PROVISIONS OF SUBSECTION (3) OF THIS SECTION SHALL LIMIT A DISTRICT'S AUTHORITY TO RAISE AND EXPEND LOCAL PROPERTY TAX REVENUES IN EXCESS OF THE DISTRICT'S TOTAL PROGRAM AS DETERMINED IN ACCORDANCE WITH SECTION 22-54-104.

SECTION 32. Article 54 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-54-123. National school lunch act - appropriation of state matching funds. FOR THE 2001-02 BUDGET YEAR AND BUDGET YEARS THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE BY SEPARATE LINE ITEM AN AMOUNT TO COMPLY WITH THE REQUIREMENTS FOR STATE MATCHING FUNDS UNDER THE "NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ. THE DEPARTMENT OF EDUCATION SHALL DEVELOP PROCEDURES TO ALLOCATE AND DISBURSE THE FUNDS AMONG PARTICIPATING SCHOOL DISTRICTS EACH YEAR IN AN EQUITABLE MANNER AS TO COMPLY WITH THE REQUIREMENTS OF SAID ACT. IN ANY PARTICIPATING SCHOOL DISTRICT THAT, PRIOR TO THE ENACTMENT OF THIS SECTION, SUBSIDIZED SCHOOL LUNCH SERVICE WITH MONEYS FROM THE SCHOOL DISTRICT'S GENERAL FUND, MONEYS RECEIVED BY SUCH SCHOOL DISTRICT PURSUANT TO THIS SECTION SHALL BE APPLIED IN ADDITION TO, AND NOT IN LIEU OF, THE AMOUNT OF THE SCHOOL DISTRICT'S SUBSIDY. ANY MONEYS RECEIVED PURSUANT TO THIS SECTION SHALL BE USED ONLY FOR THE PROVISION OF THE DISTRICT'S SCHOOL LUNCH PROGRAM.

SECTION 33. Article 7 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

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PART 8
SUMMER SCHOOL GRANT PROGRAM

22-7-801. Legislative declaration. THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, ESTABLISHING A SUMMER SCHOOL GRANT PROGRAM TO PROVIDE FUNDING TO SCHOOL DISTRICTS FOR THE OPERATION OF INTENSIVE LITERACY AND READING COMPREHENSION EDUCATION SERVICES TO FOURTH AND FIFTH GRADE STUDENTS WHO SCORED AT THE UNSATISFACTORY PROFICIENCY LEVEL ON THE COLORADO STATE ASSESSMENT PROGRAM READING ASSESSMENT ADMINISTERED PURSUANT TO SECTION 22-7-409 FOR THE PREVIOUS GRADE IS AN IMPORTANT ELEMENT OF ACCOUNTABLE EDUCATION REFORM AND CONSTITUTES AN ACCOUNTABLE PROGRAM TO MEET STATE ACADEMIC STANDARDS. THEREFORE, THE SUMMER SCHOOL GRANT PROGRAM ESTABLISHED BY THIS PART 8 MAY RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17(4) OF ARTICLE IX OF THE STATE CONSTITUTION.

22-7-802. Definitions. AS USED IN THIS PART 8, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 24-1-115, C.R.S.

(2) "ELIGIBLE STUDENT" MEANS A STUDENT WHO HAS:

(a) COMPLETED THE THIRD GRADE AND IS PREPARING TO ENTER THE FOURTH GRADE AND HAS SCORED AT THE UNSATISFACTORY PROFICIENCY LEVEL ON THE THIRD GRADE COLORADO STATE ASSESSMENT PROGRAM READING ASSESSMENT ADMINISTERED PURSUANT TO SECTION 22-7-409; OR

(b) COMPLETED THE FOURTH GRADE AND IS PREPARING TO ENTER THE FIFTH GRADE AND HAS SCORED AT THE UNSATISFACTORY PROFICIENCY LEVEL ON THE FOURTH GRADE COLORADO STATE ASSESSMENT PROGRAM READING ASSESSMENT ADMINISTERED PURSUANT TO SECTION 22-7-409.

(3) "GRANT PROGRAM" MEANS THE SUMMER SCHOOL GRANT PROGRAM CREATED PURSUANT TO SECTION 22-7-803.

(4) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION CREATED PURSUANT TO SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

22-7-803. Summer school grant program - created - application - rules. (1) THERE IS HEREBY CREATED IN THE DEPARTMENT THE SUMMER SCHOOL GRANT PROGRAM TO PROVIDE FUNDING TO SCHOOL DISTRICTS FOR THE OPERATION OF SUMMER SCHOOL READING PROGRAMS. THE SUMMER SCHOOL READING PROGRAMS SHALL BE DESIGNED TO PROVIDE INTENSIVE LITERACY AND READING COMPREHENSION EDUCATION SERVICES TO ELIGIBLE STUDENTS DURING THE SUMMER PRIOR TO BEGINNING FOURTH GRADE AND DURING THE SUMMER PRIOR TO BEGINNING FIFTH GRADE.

(2) TO PARTICIPATE IN THE PROGRAM, A SCHOOL DISTRICT SHALL FILE WITH THE DEPARTMENT AN APPLICATION IN A FORM SPECIFIED BY RULE OF THE STATE BOARD THAT DESCRIBES THE CURRICULUM THAT THE SCHOOL DISTRICT EXPECTS TO USE IN THE SUMMER SCHOOL READING PROGRAM AND THE NUMBER OF ELIGIBLE STUDENTS THAT THE SCHOOL DISTRICT ANTICIPATES WILL PARTICIPATE IN THE SUMMER SCHOOL READING PROGRAM.

(3) EACH SCHOOL DISTRICT THAT SUBMITS AN APPLICATION PURSUANT TO THIS SECTION SHALL RECEIVE A GRANT IN THE AMOUNT OF ONE HUNDRED DOLLARS FOR EACH ELIGIBLE STUDENT WHO IS ENROLLED IN THE SUMMER SCHOOL READING PROGRAM FOR EACH ACADEMIC YEAR. GRANTS SHALL BE PAID FROM THE SUMMER SCHOOL GRANT PROGRAM FUND CREATED IN SECTION 22-7-804.

(4) ON OR BEFORE SEPTEMBER 1, 2001, THE STATE BOARD SHALL

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PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., TO IMPLEMENT THE GRANT PROGRAM, INCLUDING BUT NOT LIMITED TO RULES SPECIFYING THE TIME FRAMES FOR SUBMITTING GRANT PROGRAM APPLICATIONS, THE FORM OF THE GRANT PROGRAM APPLICATION, AND THE TIME FRAMES FOR DISTRIBUTION OF THE GRANT MONEYS.

22-7-804. Summer school grant program fund - created.

(1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE SUMMER SCHOOL GRANT PROGRAM FUND, WHICH FUND SHALL BE MADE UP OF MONEYS APPROPRIATED THERETO FROM THE STATE GENERAL FUND OR FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, AS WELL AS ANY MONEYS RECEIVED BY THE DEPARTMENT PURSUANT TO SUBSECTION (2) OF THIS SECTION. THE MONEYS IN SAID FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS OF IMPLEMENTING AND ADMINISTERING THE GRANT PROGRAM.

(2) ANY BEQUESTS, GIFTS, AND GRANTS RECEIVED BY THE DEPARTMENT TO BE USED FOR THE GRANT PROGRAM SHALL BE CREDITED TO THE SUMMER SCHOOL GRANT PROGRAM FUND.

22-7-805. Reporting requirements.

(1) EACH SCHOOL DISTRICT THAT PARTICIPATES IN THE GRANT PROGRAM SHALL SUBMIT AN ANNUAL REPORT TO THE DEPARTMENT AFTER COMPLETION OF EACH ACADEMIC YEAR IN WHICH THE SCHOOL DISTRICT PARTICIPATES IN THE GRANT PROGRAM. EACH SCHOOL DISTRICT SHALL SUBMIT THE REPORT ON OR BEFORE OCTOBER 1 FOLLOWING THE COMPLETION OF AN ACADEMIC YEAR AND SHALL INCLUDE THE FOLLOWING INFORMATION:

(a) THE NUMBER OF ELIGIBLE STUDENTS ENROLLED IN THE SCHOOL DISTRICT DURING THE MOST RECENTLY COMPLETED ACADEMIC YEAR AND THE NUMBER OF ELIGIBLE STUDENTS WHO ENROLLED IN THE SUMMER SCHOOL READING PROGRAM;

(b) THE SUBSEQUENT PERFORMANCE LEVELS FOR READING AND WRITING, AS MEASURED BY ASSESSMENTS ADMINISTERED PURSUANT TO THE COLORADO STUDENT ASSESSMENT PROGRAM ESTABLISHED PURSUANT TO SECTION 22-7-409, OF ELIGIBLE STUDENTS WHO ENROLLED IN THE SUMMER SCHOOL READING PROGRAM; AND

(c) SUCH OTHER INFORMATION AS THE STATE BOARD MAY BY RULE REQUIRE TO ASSESS THE EFFECTIVENESS OF THE SUMMER SCHOOL READING PROGRAMS IMPLEMENTED BY THE SCHOOL DISTRICT AND THE GRANT PROGRAM."

Renumber succeeding sections accordingly.

Page 57, strike lines 1 through 14;

line 15, strike "appropriated,";

strike lines 21 through 27.

Page 58, strike lines 1 through 9.

Reletter succeeding paragraph accordingly.

Page 58, line 12, strike "five million two hundred forty-seven thousand six" and substitute "five million three hundred eight thousand nine hundred sixty-one dollars (\$5,308,961),";

line 13, strike "hundred seventy dollars (\$5,247,670),";

after line 16, insert the following:

"(c) In addition to any other appropriation, there is hereby appropriated, to the department of education, for the fiscal year beginning July 1, 2001, from the state education fund created in section 17 (4) of article IX of the state constitution, to the state public school fund created in section 22-54-114, Colorado Revised Statutes, for allocation to the school capital construction expenditures reserve created in section

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22-54-117, Colorado Revised Statutes, the sum of five million three hundred eight thousand nine hundred sixty-one dollars (\$5,308,961), and such sum, or so much thereof as may be necessary, is further appropriated to the department of education for the implementation of section 22-54-117, Colorado Revised Statutes.

(d) In addition to any other appropriation, there is hereby appropriated, to the department of education, for the fiscal year beginning July 1, 2001, the sum of two million four hundred seventy-two thousand six hundred forty-four dollars (\$2,472,644), or so much thereof as may be necessary, for the implementation of section 22-54-123, Colorado Revised Statutes. Said sum shall be from the state public school fund created in section 22-54-114, Colorado Revised Statutes.

(e) In addition to any other appropriation, there is hereby appropriated, to the department of education, for the fiscal year beginning July 1, 2001, the sum of nine hundred forty-five thousand eight hundred dollars (\$945,800), or so much thereof as may be necessary, for the implementation of part 8 of article 7 of title 22, Colorado Revised Statutes. Said sum shall be from the state education fund created in section 17 (4) of article IX of the state constitution.

(f) In addition to any other appropriation, there is hereby appropriated, to the department of education, for the fiscal year beginning July 1, 2001, the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, for the implementation of section 22-5-114, Colorado Revised Statutes. Said sum shall be from the state public school fund created in section 22-54-114, Colorado Revised Statutes.

(g) In addition to any other appropriation, there is hereby appropriated, to the department of education, for the fiscal year beginning July 1, 2001, the sum of three hundred eighty-eight thousand dollars (\$388,000), and 2.0 FTE, or so much thereof as may be necessary, for the implementation of section 22-7-603.5, Colorado Revised Statutes. Said sum shall be from the state education fund created in section 17 (4) of article IX of the state constitution.";

line 21, strike "twenty-six million" and substitute "nine million seven hundred fifteen thousand one hundred eighteen dollars (\$9,715,118). Of this amount, eight million eight hundred sixty-eight thousand four hundred eighty dollars (\$8,868,480) shall be from the state education fund created in section 17 (4) of article IX of the state constitution and eight hundred forty-six thousand six hundred thirty-eight dollars (\$846,638) shall be from the state public school fund created in section 22-54-114, Colorado Revised Statutes.";

strike lines 22 through 27.

Page 59, strike lines 1 through 6.

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

Amend rerevised bill, page 9, line 21, strike "THAT".

Page 10, line 9, strike "54";

line 16, strike "54";

strike lines 25 through 27 and substitute the following:

"SHALL APPROPRIATE FROM THE GENERAL FUND FOR TOTAL PROGRAM PURSUANT TO THE PROVISIONS OF THIS ARTICLE AN AMOUNT EQUAL TO THE MAINTENANCE OF EFFORT BASE PLUS:

(a) AN AMOUNT EQUAL TO FIVE AND NINETY-TWO ONE-HUNDREDTHS PERCENT OF THE MAINTENANCE OF EFFORT BASE IF SENATE BILL 01-119 IS ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY AND BECOMES LAW; OR

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(b) AN AMOUNT EQUAL TO FIVE AND EIGHTY ONE-HUNDREDTHS PERCENT OF THE MAINTENANCE OF EFFORT BASE IF SENATE BILL 01-119 IS NOT ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY AND DOES NOT BECOME LAW."

Strike page 11.

Page 12, strike lines 1 through 17.

Renumber succeeding sections accordingly.

Page 18, after line 19, insert the following:

"SECTION 12. Part 1 of article 3 of title 2, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

2-3-114. Use of state education fund moneys for school capital construction - audits - reports. (1) FOR THE 2001-02 SCHOOL DISTRICT BUDGET YEAR AND EACH SCHOOL DISTRICT BUDGET YEAR THEREAFTER, FOR THE PURPOSE OF DETERMINING THE AMOUNT OF STATE EDUCATION FUND MONEYS EXPENDED BY EACH SCHOOL DISTRICT IN THE STATE FOR CAPITAL CONSTRUCTION AND IDENTIFYING THE SCHOOLS AND PROJECTS ON WHICH SCHOOL DISTRICTS EXPENDED SUCH MONEYS, THE STATE AUDITOR SHALL ANNUALLY EXAMINE THE RECORDS OF EACH SCHOOL DISTRICT IN THE STATE THAT RECEIVED STATE EDUCATION FUND MONEYS FOR THE BUDGET YEAR:

(a) DIRECTLY FROM THE DEPARTMENT OF EDUCATION FOR CAPITAL CONSTRUCTION AID TO QUALIFIED CHARTER SCHOOLS, AS DEFINED IN SECTION 22-54-124 (1) (f), C.R.S., IN ACCORDANCE WITH SECTION 22-54-124 (4), C.R.S.; OR

(b) INDIRECTLY FROM THE SCHOOL CAPITAL CONSTRUCTION EXPENDITURES RESERVE CREATED IN SECTION 22-54-117 (1.5), C.R.S., IN ACCORDANCE WITH SECTION 22-54-117 (1.5) AND (1.7), C.R.S.

(2) NO LATER THAN FEBRUARY 1 OF EACH SCHOOL DISTRICT BUDGET YEAR COMMENCING ON OR AFTER JULY 1, 2002, THE STATE AUDITOR SHALL REPORT TO THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, THE LEGISLATIVE AUDIT COMMITTEE, AND THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY:

(a) THE TOTAL AMOUNT OF STATE EDUCATION FUND MONEYS THAT DISTRICTS THROUGHOUT THE STATE EXPENDED FOR CAPITAL CONSTRUCTION AND THE AMOUNT OF STATE EDUCATION FUND MONEYS THAT EACH DISTRICT EXPENDED FOR CAPITAL CONSTRUCTION DURING THE PRIOR BUDGET YEAR;

(b) THE TOTAL AMOUNT OF STATE EDUCATION FUND MONEYS THAT QUALIFIED CHARTER SCHOOLS THROUGHOUT THE STATE EXPENDED FOR CAPITAL CONSTRUCTION AND THE AMOUNT OF STATE EDUCATION FUND MONEYS THAT EACH QUALIFIED CHARTER SCHOOL THROUGHOUT THE STATE EXPENDED FOR CAPITAL CONSTRUCTION DURING THE PRIOR BUDGET YEAR;

(c) THE TOTAL AMOUNT OF STATE EDUCATION FUND MONEYS RECEIVED INDIRECTLY FROM THE SCHOOL CAPITAL CONSTRUCTION EXPENDITURES RESERVE BY DISTRICTS THROUGHOUT THE STATE AND BY EACH DISTRICT THAT WERE EXPENDED FOR CAPITAL CONSTRUCTION DURING THE PRIOR BUDGET YEAR;

(d) THE SCHOOLS AND PROJECTS ON WHICH STATE EDUCATION FUND MONEYS WERE EXPENDED;

(e) THE BALANCES OF ALL MONEYS AND ALL STATE EDUCATION FUND MONEYS IN THE SCHOOL CAPITAL CONSTRUCTION EXPENDITURES RESERVE AS OF THE IMMEDIATELY PRECEDING JANUARY 1; AND

(f) THE TOTAL PUPIL ENROLLMENT OF ALL SCHOOL DISTRICTS IN

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THE STATE IN WHICH STATE EDUCATION FUND MONEYS WERE EXPENDED FOR CAPITAL CONSTRUCTION DURING THE PRIOR BUDGET YEAR, THE PUPIL ENROLLMENT OF EACH SCHOOL DISTRICT IN WHICH STATE EDUCATION FUND MONEYS WERE EXPENDED FOR CAPITAL CONSTRUCTION DURING THE PRIOR BUDGET YEAR, AND THE PUPIL ENROLLMENT OF EACH SCHOOL IN THE STATE ON WHICH STATE EDUCATION FUND MONEYS WERE EXPENDED FOR CAPITAL CONSTRUCTION DURING THE PRIOR BUDGET YEAR.

SECTION 13. Article 42 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-42-104.5. Pro rata distribution of bond revenues to qualified charter schools. (1) ANY QUALIFIED CHARTER SCHOOL, AS DEFINED IN SECTION 22-54-124 (1) (f), THAT IS SIMILARLY SITUATED TO A NONCHARTER PUBLIC SCHOOL THAT WILL BE CONSTRUCTED, REPAIRED, OR OTHERWISE MAINTAINED OR IMPROVED BY AN EXPENDITURE OF A DISTRICT'S PROCEEDS OF BONDS TO BE ISSUED UPON THE APPROVAL OF A QUESTION OF CONTRACTING BONDED INDEBTEDNESS SUBMITTED TO THE ELIGIBLE ELECTORS OF THE DISTRICT ON OR AFTER JULY 1, 2001, SHALL RECEIVE A PORTION OF THE PROCEEDS OF SAID BONDS IN PROPORTION TO THE RATIO OF THE QUALIFIED CHARTER SCHOOL'S PUPIL ENROLLMENT AT GRADE LEVELS THAT ARE ALSO SERVED BY ONE OR MORE SIMILARLY SITUATED NONCHARTER PUBLIC SCHOOLS THAT WILL BE CONSTRUCTED, REPAIRED, OR OTHERWISE MAINTAINED OR IMPROVED BY THE DISTRICT'S EXPENDITURE OF BOND PROCEEDS TO THE TOTAL PUPIL ENROLLMENT OF ALL SCHOOLS IN THE DISTRICT THAT WILL BE CONSTRUCTED, REPAIRED, OR OTHERWISE MAINTAINED OR IMPROVED BY THE DISTRICT'S EXPENDITURE OF BOND PROCEEDS. ANY QUESTION OF CONTRACTING BONDED INDEBTEDNESS SUBMITTED TO THE ELIGIBLE ELECTORS OF A DISTRICT ON OR AFTER JULY 1, 2001, SHALL IDENTIFY ANY QUALIFIED CHARTER SCHOOL THAT WILL RECEIVE BOND PROCEEDS.

(2) FOR PURPOSES OF THIS SECTION, A QUALIFIED CHARTER SCHOOL IS SIMILARLY SITUATED TO A NONCHARTER PUBLIC SCHOOL IF:

(a) THE NONCHARTER PUBLIC SCHOOL IS IN THE DISTRICT THAT GRANTED THE QUALIFIED CHARTER SCHOOL'S CHARTER; AND

(b) THE QUALIFIED CHARTER SCHOOL AND THE NONCHARTER PUBLIC SCHOOL BOTH SERVE STUDENTS AT ONE OR MORE OF THE SAME GRADE LEVELS.

SECTION 14. 22-54-117, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-54-117. Contingency reserve - capital construction expenditures reserve. (1.7) (a) IN ADDITION TO ANY AMOUNT ANNUALLY APPROPRIATED BY THE GENERAL ASSEMBLY TO THE STATE PUBLIC SCHOOL FUND AS A CONTINGENCY RESERVE AND ANY AMOUNT APPROPRIATED FROM THE GENERAL FUND TO THE STATE PUBLIC SCHOOL FUND AS A SCHOOL CAPITAL CONSTRUCTION EXPENDITURES RESERVE IN ACCORDANCE WITH SECTION 24-75-201.1 (4) (b), C.R.S., AND SUBSECTION (1.5) OF THIS SECTION, FOR THE 2001-02 BUDGET YEAR AND BUDGET YEARS THEREAFTER, AN AMOUNT EQUAL TO THE AMOUNT APPROPRIATED FOR THE BUDGET YEAR FROM THE STATE EDUCATION FUND TO THE DEPARTMENT OF EDUCATION PURSUANT TO SECTION 22-54-124(4) SHALL BE APPROPRIATED FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION TO THE SCHOOL CAPITAL CONSTRUCTION EXPENDITURES RESERVE CREATED IN SAID SUBSECTION (1.5) TO BE USED ONLY AS PROVIDED IN SAID SUBSECTION (1.5).

(b) PURSUANT TO SECTION 17 (3) OF ARTICLE IX OF THE STATE CONSTITUTION, ANY MONEYS APPROPRIATED BY THE GENERAL ASSEMBLY FROM THE STATE EDUCATION FUND TO THE SCHOOL CAPITAL CONSTRUCTION EXPENDITURES RESERVE PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1.7) SHALL BE EXEMPT FROM:

(I) THE LIMITATION ON STATE FISCAL YEAR SPENDING SET FORTH IN SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION AND SECTION 24-77-103, C.R.S.; AND

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(II) THE LIMITATION ON LOCAL GOVERNMENT FISCAL YEAR SPENDING SET FORTH IN SECTION 20 (7) (b) OF ARTICLE X OF THE STATE CONSTITUTION."

Renumber succeeding sections accordingly.

Page 56, after line 25, insert the following:

"SECTION 37. Part 1 of article 30.5 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-30.5-112.5. Charter schools - transportation plans. IF A CHARTER SCHOOL'S CHARTER OR CONTRACT INCLUDES PROVISION OF TRANSPORTATION SERVICES BY THE SCHOOL DISTRICT, THE CHARTER SCHOOL AND THE SCHOOL DISTRICT SHALL COLLABORATE IN DEVELOPING A TRANSPORTATION PLAN TO USE SCHOOL DISTRICT EQUIPMENT TO TRANSPORT STUDENTS ENROLLED IN THE CHARTER SCHOOL TO AND FROM THE CHARTER SCHOOL AND THEIR HOMES AND TO AND FROM THE CHARTER SCHOOL AND ANY EXTRACURRICULAR ACTIVITIES. THE TRANSPORTATION PLAN MAY INCLUDE, BUT NEED NOT BE LIMITED TO, DEVELOPMENT OF BUS ROUTES AND PLANS FOR SHARING THE USE OF SCHOOL DISTRICT EQUIPMENT FOR THE BENEFIT OF STUDENTS ENROLLED IN CHARTER SCHOOLS OF THE SCHOOL DISTRICT AND STUDENTS ENROLLED IN OTHER SCHOOLS OF THE SCHOOL DISTRICT."

Renumber succeeding sections accordingly.

Page 59, before line 8, insert the following:

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SECTION 41. Appropriation - adjustments to the 2001 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriations act for the fiscal year beginning July 1, 2001, shall be adjusted as follows:

(a) The general fund appropriation to the department of human services, division of child welfare, for family and children's programs, is decreased by five million eight hundred fifty-three thousand two hundred fifty-five dollars (\$5,853,255).

(b) The cash funds exempt appropriation to the department of human services, division of child welfare, for family and children's programs, is increased by five million eight hundred fifty-three thousand two hundred fifty-five dollars (\$5,853,255). Said sum shall be from the family issues cash fund created in section 26-5.3-106, Colorado Revised Statutes.

SECTION 42. Appropriation - adjustments to the 2001 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriations act for the fiscal year beginning July 1, 2001, shall be adjusted as follows:

(a) The general fund appropriation to the department of education for the state share of districts' total program funding is increased by five million eight hundred fifty-three thousand two hundred fifty-five dollars (\$5,853,255).

(b) The cash funds exempt appropriation to the department of education for the state share of districts' total program funding is decreased by five million eight hundred fifty-three thousand two hundred fifty-five dollars (\$5,853,255). Said sum shall be from the state education fund created in section 17 (4) of article IX of the state constitution.

SECTION 43. Appropriation - adjustments to the 2001 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriations act for the fiscal year beginning July 1, 2001, shall be adjusted as follows:

(a) The general fund appropriation to the department of education for the state share of districts' total program funding is increased by eight million three hundred fifty-three thousand two hundred fifty-five dollars (\$8,353,255).

(b) The cash funds exempt appropriation to the department of education for the state share of districts' total program funding is decreased by eight million three hundred fifty-three thousand two hundred fifty-five dollars (\$8,353,255). Said sum shall be from the state education fund created in section 17 (4) of article IX of the state constitution.

SECTION 44. Effective date. (1) Except for sections 39, 40, 41, 42, and 43 of this act which shall take effect July 1, 2001, this act shall take effect upon passage; except that:

(a) Section 42 of this act shall take effect shall take effect only if Senate Bill 01-119 is not enacted at the first regular session of the sixty-third general assembly and does not become law; and

(b) Section 43 of this act shall take effect shall take effect only if Senate Bill 01-119 is enacted at the first regular session of the sixty-third general assembly and becomes law."

Renumber succeeding section accordingly.

Respectfully submitted,

Senate Committee:

House Committee:

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(signed) Senator Thiebaut (Chairman) (signed) Representative Dean (Chairman)
 (signed) Senator Matsunaka (signed) Representative Spence
 (signed) Senator Teck (signed) Representative Mace

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

SB01-129

by Senator Thiebaut; also Representative Dean--Concerning the financing of public schools, and making an appropriation in connection therewith.

On motion of Senator Thiebaut, the First Report of the First Conference Committee on **SB01-129** was adopted with the following roll call vote:

YES	31	NO	4	EXCUSED	0	ABSENT	0
Anderson	N	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	N
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	N	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	N	Reeves	Y		

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

YES	29	NO	6	EXCUSED	0	ABSENT	0
Anderson	N	Evans	N	May	N	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	N	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Chlouber, Gordon, Hernandez, Matsunaka, Pascoe, Perlmutter.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Thursday, March 29, 2001, was laid over until Friday, March 30, 2001, retaining its place on the calendar.

Consideration of Resolutions: **SJR01-013, SJR01-010.**

Consideration of Memorial: **SM01-001.**

Consideration of House Amendments to Senate Bills: **SB01-022, SB01-169, SB01-165, SB01-107, SB01-034, SB01-066, SB01-135, SB01-145, SB01-144, SB01-116.**

Consideration of House Adherence: **HJR01-1010.**

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **HB01-1064, 1226, 1281.**

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Friday, March 30, 2001.

Attest:

Karen Goldman
Secretary of the Senate

Approved:

Stan Matsunaka
President of the Senate