

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

Ninety-eighth Legislative Day

Tuesday, April 17, 2001

Prayer By the chaplain, Sister Alicia Cuaron, Marycrest Franciscan, Executive Director of Centro Bienstar, San Jose.

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

Roll Call Present--Total, 32.
Absent/Excused--Evans, Lamborn, Taylor--Total, 3.
Present later--Evans, Lamborn, Taylor.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Cairns, reading of the Journal of Monday, April 16, 2001, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services To the Governor for signature on Thursday, April 12, 2001, at 2:25 pm:
SB 01-022, 027, 040, 054, 104, 107, 129, 135, 145, 150, 169.

Correctly printed: SJR01-026, 027, 028, SB01-221, 222, 223.

Correctly reengrossed: SB01-091.

Correctly engrossed: SJR01-025, SB01-032, 069, 072, 057, 096, 014.

Correctly revised: HB01-1370.

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 **SJR01-028**.

CONSIDERATION OF RESOLUTIONS

SJR01-028 by Senators Andrews and Perlmutter; also Representative Clapp--Concerning "Kids' Bicycle Helmet Week".

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	E	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
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: Anderson, Arnold, Cairns, Chlouber, Dyer (Arapahoe), Dyer (Durango), Entz, Epps, Fitz-Gerald, Gordon, Hagedorn, Hanna, Hernandez, Hillman, Lamborn, Linkhart, Matsunaka, May, McElhany, Musgrave, Nichol, Owen, Pascoe, Phillips, Reeves, Tate, Taylor, Teck, Thiebaut, Tupa, Windels.

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 General Orders--Second Reading of Bills Consent Calendar. The General Orders--Second Reading of Bills Consent Calendar (**HB01-1212, HB01-1223, HB01-1312, HB01-1378**) was laid over until Monday, April 23, 2001 retaining its place on the Calendar.

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 Calendar. The Governor's Appointments Calendar was laid over until Monday, April 23, 2001 retaining its place on the Calendar.

CONFERENCE COMMITTEE GRANTED FURTHER POWERS

HB01-1292 by Representatives Williams S., Bacon, Cloer, Tapia, Mace, Johnson, Groff, Grossman, Hefley and Weddig; also Senators Matsunaka, Evans and Windels--Concerning character education programs in school districts.

Senator Thiebaut moved that the Senate Conferes on the First Conference Committee on **HB01-1292** 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**.

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.

HB01-1074 by Representative Kester; also Senator Hillman--Concerning acceptance by the state of the Fort Lyon property conveyed by the federal government.

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
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz	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: Anderson, Andrews, Arnold, Cairns, Chlouber, Dyer (Durango), Epps, Evans, Gordon, Hagedorn, Hernandez, Lamborn, Matsunaka, May, Musgrave, Nichol, Perlmutter, Taylor, Teck, Thiebaut.

SB01-041 by Senators Windels, Linkhart and Hanna; also Representative Williams S.--Concerning a prohibition against wage discrimination among persons employed in equivalent employment.

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

YES	23	NO	12	EXCUSED	0	ABSENT	0
Anderson	N	Evans	Y	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	N	Gordon	Y	Musgrave	N	Taylor	Y
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	N
Chlouber	N	Hanna	Y	Owen	N	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	N	Perlmutter	Y	Windels	Y
Entz	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

SB01-041

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

Co-sponsors added: Gordon, Hagedorn, Hernandez, Pascoe, Phillips, Tate, Thiebaut, Tupa.

SB01-075

by Senator Tate; also Representatives Larson and Mace--Concerning expansion of the crime of ethnic intimidation, and, in connection therewith, changing the name of the crime to a hate crime and making an appropriation therefor.

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

YES	20	NO	15	EXCUSED	0	ABSENT	0
Anderson	N	Evans	N	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	N	Gordon	Y	Musgrave	N	Taylor	Y
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	N
Chlouber	N	Hanna	Y	Owen	N	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	N	Hillman	N	Perlmutter	Y	Windels	Y
Entz	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	N	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: Fitz-Gerald, Gordon, Hagedorn, Hernandez, Linkhart, Pascoe, Phillips, Takis, Thiebaut, Tupa, Windels.

SB01-163

by Senators Tupa and Windels; also Representative Bacon--Concerning the student teacher assistance program.

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

YES	21	NO	14	EXCUSED	0	ABSENT	0
Anderson	N	Evans	Y	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	N	Gordon	Y	Musgrave	N	Taylor	N
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	N
Chlouber	Y	Hanna	Y	Owen	N	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	N	Hillman	N	Perlmutter	Y	Windels	Y
Entz	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	N	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: Fitz-Gerald, Hanna, Pascoe, Phillips, Tate.

SB01-032

by Senator Linkhart; also Representative Alexander--Concerning criminal background checks.

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
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz	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), Hanna, Nichol, Takis, Tupa.

SB01-069

by Senator Hanna; also Representative White--Concerning tuition assistance for spouses of certain persons, and, in connection therewith, authorizing tuition assistance for the spouses of deceased or permanently disabled national guardsmen, law enforcement officers, and firefighters.

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

YES	24	NO	11	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	Tate	N
Arnold	N	Gordon	Y	Musgrave	N	Taylor	Y
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	N	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	N
Dyer, F.	N	Hillman	Y	Perlmutter	Y	Windels	Y
Entz	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	N	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: Gordon, Hernandez, Pascoe, Perlmutter, Phillips, Taylor, Windels.

SB01-072

by Senator Owen; also Representative Berry--Concerning the creation of employee incentive programs within state agencies to maximize state government efficiency.

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	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	N	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz	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: Evans, Fitz-Gerald, Matsunaka, May, Musgrave, Tate, Taylor, Teck, Tupa.

SB01-057

by Senator Entz; also Representative Stengel--Concerning the imposition of surcharges on certain outdoor recreation activities in order to fund rescue activities.

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
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz	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 (Durango), Fitz-Gerald, Gordon, Hernandez, Taylor, Tupa.

SB01-096

by Senator Linkhart; also Representative Boyd--Concerning the provision of health care to persons in the aid to the needy disabled program.

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

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SB01-096

YES	28	NO	7	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	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
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	N	Perlmutter	Y	Windels	Y
Entz	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 was declared **passed**.

Co-sponsors added: Gordon, Hanna, Hernandez, Pascoe, Tate, Tupa.

HB01-1370

by Representatives Saliman, Berry, Hefley and Young; also Senators Tate and Reeves-- Concerning parole of persons sentenced to the department of corrections.

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

YES	28	NO	7	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	N	Taylor	Y
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	N	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	N	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: Gordon, Matsunaka, Tupa.

SB01-014

by Senators Evans, Epps and Linkhart; also Representatives Alexander, Johnson and Tochtrop--Concerning regulatory oversight of foster care.

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
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz	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: Nichol, Perlmutter, Tupa.

Committee of the Whole

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

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SB01-206

by Senator Hernandez--Concerning recommendations of the senate committee on health, environment, children and families relating to the continuation of requirements for certain reports to the general assembly from executive agencies under article 6.5 of title 25 to article 15 of title 27, Colorado Revised Statutes, and, in connection therewith, repealing reporting requirements to the general assembly that are obsolete.

Amendment No. 1, Health, Environment, Children and Families Committee Amendment.
(Printed in Senate Journal, April 12, page 828-829.)

Amendment No. 2(L.003), by Senator Hernandez.

Amend the committee amendment, as printed in Senate Journal, April 12, page 829, line 21, strike "January 1 2001" and substitute "January 1, 2001, JULY 31";

strike line 22 and substitute the following:

"JULY 31, 2003, each area agency on aging shall submit a report FOR THE STATE FISCAL YEAR ENDING JUNE 30 to the";

strike lines 27 and 28 and substitute the following:

"(b) On or before ~~February 1, 2001~~, NOVEMBER 1 OF EACH YEAR UNTIL NOVEMBER 1, 2003, the state office shall compile the reports FOR THE PRIOR STATE FISCAL YEAR from the area agencies".

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

SB01-081

by Senator Phillips; also Representative Kester--Concerning local financing of school capital construction projects.

Laid over until Wednesday, April 18, 2001, retaining its place on the calendar.

SB01-098

by Senators Pascoe, Thiebaut and Matsunaka; also Representative King--Concerning school improvement.

(Amended in General Orders as printed in Senate Journal, April 12, pages 823

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

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

SB01-122

by Senator Matsunaka--Concerning the creation of a state performance-based budgeting pilot program.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, Senate Journal 12, 2001, pages 814-815.)

Amendment No. 2(L.002), by Senator Matsunaka.

Amend printed bill, page 7, line 7, strike "PERFORMANCE" and substitute "PERFORMANCE, INCLUDING ANY STATE EMPLOYEE PERFORMANCE PAY OR OTHER MONETARY INCENTIVES,".

Page 10, after line 1, insert the following:

"(e) PROMOTE AND IMPLEMENT PAY FOR PERFORMANCE AND OTHER MONETARY INCENTIVE PROGRAMS FOR STATE EMPLOYEES AS PART OF AN AGENCY PERFORMANCE-BASED BUDGETING PILOT PROGRAM ONLY;".

Reletter succeeding paragraphs accordingly.

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

SB01-063

by Senator Hagedorn; also Representative Stafford--Concerning the creation of the breast and cervical cancer prevention and treatment program, and making an appropriation therefor.

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SB01-063

Amendment No. 1, Health, Environment, Children and Families Committee Amendment.
(Printed in Senate Journal, February 19, 2001, pages 347-348.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 12, 2001, pages 815-816.)

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

SB01-089

by Senators Tupa, Fitz-Gerald, Hernandez and Windels; also Representatives Williams S., and Bacon--Concerning class sizes in kindergarten through twelfth grade public schools.

(Amended in General Orders as printed in Senate Journal, April 12, 2001, page 825.)

Amendment No. 5(L.018), by Senators Tupa and Thiebaut.

Amend the Appropriations Committee amendment, as printed in Senate Journal, April 9, page 787, after line 11, insert the following:

"Page 151, after line 47, insert the following:

"SECTION 2. Title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 32.5

Class Size Capitation Act of 2001

22-32.5-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "CLASS SIZE CAPITATION ACT OF 2001".

22-32.5-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CORE CLASS" MEANS A NON-ELECTIVE CLASS OFFERED IN A PUBLIC SCHOOL PROVIDING INSTRUCTION IN ONE OR MORE OF THE FIRST PRIORITY STATE MODEL CONTENT STANDARD AREAS OF READING, WRITING, MATHEMATICS, SCIENCE, HISTORY, OR GEOGRAPHY, AS DESCRIBED IN SECTION 22-7-406 (1) (a).

(2) "ELEMENTARY SCHOOL" MEANS A PUBLIC SCHOOL COMPRISED OF EITHER KINDERGARTEN THROUGH GRADE FIVE OR KINDERGARTEN THROUGH GRADE SIX, IF THE SCHOOL DISTRICT OFFERS KINDERGARTEN, OR GRADES ONE THROUGH FIVE OR GRADES ONE THROUGH SIX.

(3) "FULL REGULAR SCHOOL DAY" MEANS A SUBSTANTIAL MAJORITY OF THE INSTRUCTIONAL MINUTES PER SCHOOL DAY.

(4) "JUNIOR HIGH SCHOOL" MEANS A PUBLIC SECONDARY SCHOOL COMPRISED OF GRADES SEVEN THROUGH NINE.

(5) "MIDDLE SCHOOL" MEANS A PUBLIC SECONDARY SCHOOL COMPRISED OF GRADES SIX THROUGH EIGHT.

(6) "SENIOR HIGH SCHOOL" MEANS A PUBLIC SECONDARY SCHOOL COMPRISED OF EITHER GRADES NINE THROUGH TWELVE OR GRADES TEN THROUGH TWELVE.

(7) "TEACHER" MEANS A PERSON WHO IS LICENSED PURSUANT TO ARTICLE 60.5 OF THIS TITLE, OR AUTHORIZED BY A LETTER OF AUTHORIZATION ISSUED PURSUANT TO SECTION 22-60.5-111, TO TEACH AND IS PRIMARILY ENGAGED IN TEACHING DURING THE FULL REGULAR SCHOOL DAY.

22-32.5-103. Class size reduction. (1) THE NUMBER OF STUDENTS INCLUDED IN ANY SINGLE CORE CLASS TAUGHT AT A PUBLIC ELEMENTARY, MIDDLE, JUNIOR HIGH, OR HIGH SCHOOL SHALL NOT EXCEED THIRTY STUDENTS, UNLESS THE STATE BOARD OF EDUCATION HAS GRANTED A WAIVER OF THE PROVISIONS OF THIS SECTION PURSUANT TO SECTION 22-2-117.

(2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF

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SB01-089

THIS SECTION, THE PROVISIONS OF THIS SECTION SHALL NOT APPLY:

(a) TO CLASSES PRIMARILY TAUGHT BY MORE THAN ONE TEACHER AS PART OF A TEAM TEACHING STRATEGY OR A FLEXIBLE TEACHING STRATEGY THAT UTILIZES TWO OR MORE TEACHERS SHARING A CLASSROOM, OR A MULTI-GRADE CLASSROOM, OR OTHER FLEXIBLE STUDENT CONFIGURATIONS WITHIN A CLASSROOM;

(b) TO CLASSES IN WHICH A TEACHER'S AIDE OR PARAPROFESSIONAL ASSISTS FOR A FULL REGULAR SCHOOL DAY;

(c) IF CREATION OF AN ADDITIONAL CLASS WOULD CAUSE A CLASS TO HAVE FEWER THAN TEN STUDENTS AND THE CLASS EXCEEDING THE NUMBER OF STUDENTS SPECIFIED IN SUBSECTION (1) OF THIS SECTION HAS A TEACHER'S AIDE OR PARAPROFESSIONAL ASSISTING IN THE CLASSROOM FOR A FULL REGULAR SCHOOL DAY.

(3) EACH PUBLIC SCHOOL SHALL COMPLY WITH THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION BY OCTOBER 1, 2002, AND BY OCTOBER 1 OF EACH YEAR THEREAFTER. AFTER OCTOBER 1 OF ANY YEAR, A SCHOOL MAY BE OUT OF COMPLIANCE WITH SUBSECTION (1) OF THIS SECTION ONLY TO THE EXTENT NECESSARY TO ACCOMMODATE NEW STUDENTS WHO ENROLL AT THE SCHOOL AFTER OCTOBER 1."

Renumber succeeding sections accordingly."

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

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

SB01-154

by Senators Linkhart and Tate; also Representative Veiga--Concerning the expansion of employment nondiscrimination protections.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 12, 2001, page 820.)

Amendment No. 2(L.002), by Senator Musgrave.

Amend printed bill, page 3, line 7, strike "origin, or ancestry;" and substitute "origin, RELIGION, or ancestry OR BECAUSE THE PERSON CHOOSES TO DISPLAY A BIBLE, STAR OF DAVID, ISLAMIC CRESENT, OR OTHER RELIGIOUS SYMBOL ON THE PERSON'S DESK OR WORK AREA;"

line 15, strike "religion." and substitute "religion OR BECAUSE THE INDIVIDUAL CHOOSES TO DISPLAY A BIBLE, STAR OF DAVID, ISLAMIC CRESENT, OR OTHER RELIGIOUS SYMBOL ON THE INDIVIDUAL'S DESK OR WORK AREA.";

line 24, strike "origin, or ancestry" and substitute "origin, RELIGION, or ancestry OR BECAUSE THE INDIVIDUAL CHOOSES TO DISPLAY A BIBLE, STAR OF DAVID, ISLAMIC CRESENT, OR OTHER RELIGIOUS SYMBOL ON THE INDIVIDUAL'S DESK OR WORK AREA".

Page 4, line 2, strike "origin, or ancestry;" and substitute "origin, RELIGION, or ancestry OR BECAUSE THE PERSON CHOOSES TO DISPLAY A BIBLE, STAR OF DAVID, ISLAMIC CRESENT, OR OTHER RELIGIOUS SYMBOL ON THE PERSON'S DESK OR WORK AREA;"

line 15, strike "origin, or ancestry;" and substitute "origin, RELIGION, or ancestry OR BECAUSE THE PERSON CHOOSES TO DISPLAY A BIBLE, STAR OF DAVID, ISLAMIC CRESENT, OR OTHER RELIGIOUS SYMBOL ON THE PERSON'S DESK OR WORK AREA;"

line 23, strike "origin, or ancestry" and substitute "origin, RELIGION, or ancestry OR BECAUSE THE PERSON CHOOSES TO DISPLAY A BIBLE, STAR OF DAVID, ISLAMIC CRESENT, OR OTHER RELIGIOUS SYMBOL ON THE PERSON'S DESK OR WORK AREA".

Page 5, line 7, strike "origin, or ancestry" and substitute "origin, RELIGION, or ancestry OR BECAUSE THE PERSON CHOOSES TO DISPLAY A

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BIBLE, STAR OF DAVID, ISLAMIC CRESENT, OR OTHER RELIGIOUS SYMBOL ON THE PERSON'S DESK OR WORK AREA";

line 19, after "origin," insert "RELIGION,";

strike line 20, and substitute "ancestry OR BECAUSE THE PERSON CHOOSES TO DISPLAY A BIBLE, STAR OF DAVID, ISLAMIC CRESENT, OR OTHER RELIGIOUS SYMBOL ON THE PERSON'S DESK OR WORK AREA;";

line 26, strike "origin, or ancestry;" and substitute "origin, RELIGION, or ancestry OR BECAUSE THE PERSON CHOOSES TO DISPLAY A BIBLE, STAR OF DAVID, ISLAMIC CRESENT, OR OTHER RELIGIOUS SYMBOL ON THE PERSON'S DESK OR WORK AREA;" .

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

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, **SB01-164** was advanced on the General Orders calendar.

SB01-164

by Senator Hanna; also Representative Lawrence--Concerning the creation of a loan repayment program as an incentive to dental professionals to provide dental services to underserved populations, and making an appropriation therefor.

Amendment No. 1, Health, Environment, Children and Families Committee Amendment.
(Printed in Senate Journal, February 15, 2001, pages 299-300.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 12, 2001, pages 821-822.)

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

SB01-204

by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman-- Concerning state policies relating to the implementation of section 17 of article IX of the state constitution.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, March 6, 2001, pages 488-489.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, March 7, 2001, pages 498-499.)

Amendment No. 3(L.008), by Senator Reeves.

Amend the Appropriations Committee amendment, as printed in Senate Journal, March 7, page 499, strike line 3 and substitute the following:

"Journal, March 6, page 488, strike line 49 and substitute the following:

"Page 9, strike lines 26 and 27 and substitute the following:

"SOLVENCY OF THE FUND, FOR THE STATE FISCAL YEAR 2002-03 AND EACH STATE FISCAL" .

Strike pages 10 and 11.

Page12, strike lines 1 through 8."."

Amendment No. 4(L.005), by Senator Reeves.

Amend the Education Committee amendment, as printed in Senate Journal, March 6, page 488, line 60, strike "DEPARTMENT," and substitute "DEPARTMENT OF EDUCATION," .

As amended, laid over until Wednesday, April 18, 2001, retaining its place on the calendar.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the Second Reading--General Orders Calendar (**SB01-029, SB01-012, SB01-078, HB01-1371, HB01-1153, HB01-1260, HB01-1268**) of

Tuesday, April 17, 2001, was laid over until Wednesday, April 18, 2001, retaining its place on the calendar.

AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT

SB01-098

by Senators Pascoe, Thiebaut and Matsunaka; also Representative King--Concerning school improvement.

Senator Cairns moved to amend the Report of the Committee of the Whole to show that the following Cairns floor amendment, (L.024) to SB 01-089, did pass.

Amend printed bill, page 29, after line 13, insert the following:

"SECTION 17. Title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 54.5

Education Access Scholarship for our Youth - EASY Scholarships

22-54.5-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "EDUCATION ACCESS SCHOLARSHIPS FOR OUR YOUTH ACT".

22-54.5-102. Legislative declaration. THE GENERAL ASSEMBLY HEREBY FINDS THAT PROVIDING PARENTS WITH A GREATER NUMBER OF EDUCATION CHOICES FOR THEIR CHILDREN WILL IMPROVE THE QUALITY OF EDUCATION IN THE STATE. THE GENERAL ASSEMBLY FURTHER FINDS THAT NONPUBLIC SCHOOLS PROVIDE A QUALITY EDUCATION THAT IS COMPETITIVE WITH AND OFTEN SUPERIOR TO THAT PROVIDED BY PUBLIC SCHOOLS AND THAT USING PUBLIC SCHOLARSHIPS IN ASSISTING ALL PARENTS TO ENROLL THEIR CHILDREN IN ANY PUBLIC OR NONPUBLIC SCHOOL SERVES THE PUBLIC GOOD. THE GENERAL ASSEMBLY FURTHER FINDS THAT AN OVERALL GOAL OF FOSTERING THE EMPOWERMENT OF PARENTS AND TEACHERS WITHIN THE STATE'S SYSTEM OF PUBLIC EDUCATION WOULD YIELD WIDE-RANGING AND PROFOUND BENEFITS AS WELL AS INCREASE PARENTAL INVOLVEMENT IN THE EDUCATION OF THE STATE'S CHILDREN. THE GENERAL ASSEMBLY THEREFORE ADOPTS THIS ARTICLE AND SECTION 22-54-123 AS A MEASURE FOR EDUCATIONAL IMPROVEMENT AND AN OPPORTUNITY FOR QUALITY OF EDUCATION FOR ALL COLORADO STUDENTS.

22-54.5-103. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COMMISSIONER" MEANS THE COMMISSIONER OF EDUCATION APPOINTED PURSUANT TO SECTION 22-2-110.

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

(3) "EASY SCHOLARSHIP PROGRAM" MEANS THE EDUCATION ACCESS SCHOLARSHIPS FOR OUR YOUTH TUITION SCHOLARSHIP PROGRAM CREATED IN SECTION 22-54.5-104.

(4) "NONPUBLIC SCHOOL" MEANS ANY NONPUBLIC SCHOOL OPERATING IN THIS STATE. "NONPUBLIC SCHOOL" DOES NOT INCLUDE A CHARTER SCHOOL ESTABLISHED PURSUANT TO THE PROVISIONS OF ARTICLE 30.5 OF THIS TITLE.

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

22-54.5-104. EASY scholarship program - creation. (1) THERE IS HEREBY CREATED THE EDUCATION ACCESS SCHOLARSHIP FOR OUR YOUTH TUITION SCHOLARSHIP PROGRAM, ALSO KNOWN AS THE EASY SCHOLARSHIP PROGRAM, TO PROVIDE FUNDING FOR EACH STUDENT IN COLORADO TO ATTEND ANY PUBLIC OR NONPUBLIC SCHOOL OR NONPUBLIC, HOME-BASED EDUCATION PROGRAM. FUNDING FOR STUDENTS

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TO ATTEND NONPUBLIC SCHOOLS AND NONPUBLIC, HOME-BASED EDUCATION PROGRAMS SHALL BE PROVIDED IN ACCORDANCE WITH THIS ARTICLE. FUNDING FOR STUDENTS TO ATTEND PUBLIC SCHOOLS SHALL BE PROVIDED IN ACCORDANCE WITH ARTICLE 54 OF THIS TITLE.

(2) ON OR AFTER JULY 1, 2001, BUT PRIOR TO AUGUST 15, 2001, THE DEPARTMENT SHALL SUBMIT TO THE STATE BOARD A REPORT REGARDING THE IMPLEMENTATION OF THE EASY SCHOLARSHIP PROGRAM. IN ADDITION TO ANY OTHER INFORMATION PROVIDED BY THE DEPARTMENT, THE REPORT SHALL INCLUDE:

(a) THE ESTIMATED NUMBER OF STUDENTS WHO ARE EXPECTED TO PARTICIPATE IN THE EASY SCHOLARSHIP PROGRAM;

(b) AN ESTIMATE OF THE AMOUNT OF ADDITIONAL EDUCATION MONEYS REQUIRED BY THE PROVISIONS OF THIS ARTICLE;

(c) THE DEPARTMENT'S PLAN TO RECEIVE AND USE PUBLIC AND PRIVATE FUNDING FOR THE EASY SCHOLARSHIP PROGRAM AND THE DEPARTMENT'S PLAN FOR DISTRIBUTING THE FUNDING RECEIVED AMONG STUDENTS; AND

(d) EACH SCHOOL DISTRICT'S PLAN FOR PUBLICIZING TO STUDENTS THE PROVISIONS OF THE EASY SCHOLARSHIP PROGRAM.

22-54.5-105. EASY scholarship program - procedure. (1) ALL STUDENTS ENROLLED IN ANY ONE OF GRADES ONE THROUGH TWELVE OR IN KINDERGARTEN, IF KINDERGARTEN IS OFFERED, IN ANY PUBLIC OR NONPUBLIC SCHOOL SHALL BE ELIGIBLE TO PARTICIPATE IN THE EASY SCHOLARSHIP PROGRAM AS PROVIDED IN THIS ARTICLE AND IN SECTION 22-54-123.

(2) (a) PRIOR TO SEPTEMBER 15, 2001, AND PRIOR TO SEPTEMBER 15 OF EACH SUCCEEDING BUDGET YEAR, EACH PARENT OR GUARDIAN ENROLLING HIS OR HER CHILD IN A NONPUBLIC SCHOOL FOR THAT SCHOOL YEAR SHALL COMPLETE AND FILE WITH THE SCHOOL AS CUSTODIAN A FORM THAT SERVES AS AN APPLICATION TO RECEIVE A WARRANT PURSUANT TO THIS ARTICLE. THE FORM OF THE APPLICATION SHALL BE DETERMINED BY THE NONPUBLIC SCHOOL AND THE PARENT OR GUARDIAN SHALL PROVIDE, AT A MINIMUM, THE NAMES AND ADDRESSES OF SUCH PARENT OR GUARDIAN AND THE CHILD OR CHILDREN ENROLLING IN THE NONPUBLIC SCHOOL. THE COMPLETED FORMS SHALL BE KEPT ON FILE AT THE NONPUBLIC SCHOOL FOR AT LEAST ONE CALENDAR YEAR. THE FORM SHALL ALSO CONTAIN A STATEMENT OF DISCLOSURE THAT, AS PROVIDED IN STATE STATUTE, THE PARENT OR GUARDIAN MAY ENROLL HIS OR HER CHILD OR CHILDREN IN ANY PUBLIC SCHOOL, INCLUDING A CHARTER SCHOOL, THAT IS LOCATED WITHIN OR OUTSIDE OF HIS OR HER SCHOOL DISTRICT OF RESIDENCE OR ANY NONPUBLIC SCHOOL OR ANY NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM. THE FORM SHALL ALSO CONTAIN A BRIEF DESCRIPTION OF HOW THE CHILD MAY PARTICIPATE IN THE EASY SCHOLARSHIP PROGRAM PURSUANT TO THIS ARTICLE AND SECTION 22-54-123. THE FORM SHALL ALSO CONTAIN A STATEMENT THAT THE PARENT OR GUARDIAN, BY SIGNING, ACKNOWLEDGES THAT HE OR SHE HAS READ AND UNDERSTANDS THE DISCLOSURES CONTAINED ON THE FORM.

(b) PRIOR TO OCTOBER 1, 2001, AND PRIOR TO OCTOBER 1 OF EACH SUCCEEDING BUDGET YEAR, EACH NONPUBLIC SCHOOL SHALL COMPLETE AND FILE WITH THE DEPARTMENT A FORM, AS CUSTODIAN OF NAME, SPECIFIED BY RULE OF THE STATE BOARD, THAT SETS FORTH THE NAMES AND ADDRESSES OF THE STUDENTS AND THEIR PARENTS AND GUARDIANS WHO SEEK TO PARTICIPATE IN THE EASY SCHOLARSHIP PROGRAM FOR THAT SCHOOL YEAR AND HAVE ENROLLED IN THE NONPUBLIC SCHOOL. NO LATER THAN NOVEMBER 15 OF EACH BUDGET YEAR, THE DEPARTMENT SHALL ISSUE AND SEND TO EACH NONPUBLIC SCHOOL THAT SUBMITS A FORM PURSUANT TO THIS PARAGRAPH (b) A WARRANT FOR EACH ENROLLED STUDENT SPECIFIED IN THE FORM. THE WARRANTS SHALL BE ISSUED IN THE NAME OF THE RESPECTIVE STUDENT AND HIS OR HER PARENT OR GUARDIAN. THE NONPUBLIC SCHOOL SHALL BE THE CUSTODIAN OF THE WARRANTS. THE DEPARTMENT SHALL SEND SUCH WARRANTS IN THE ORDER THAT THE FORMS WERE RECEIVED FROM THE NONPUBLIC SCHOOLS. EACH NONPUBLIC SCHOOL MAY CHARGE UP TO

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FIVE DOLLARS FOR EACH WARRANT ISSUED PURSUANT TO THIS SECTION FOR ADMINISTRATIVE COSTS. A WARRANT ISSUED PURSUANT TO THIS SECTION SHALL BE REDEEMABLE AS PROVIDED IN SECTION 22-54.5-107(2).

22-54.5-106. EASY scholarship program - fund - creation - warrants - nonpublic schools. (1) THE COMMISSIONER IS AUTHORIZED TO SEEK PUBLIC AND PRIVATE MONEYS AND THE DEPARTMENT OF EDUCATION IS AUTHORIZED TO ACCEPT SUCH MONEYS FOR THE PURPOSES SET FORTH IN THIS ARTICLE. SUCH MONEYS SHALL BE DEPOSITED IN THE EASY SCHOLARSHIP PROGRAM FUND, WHICH FUND IS HEREBY CREATED, AND SUCH MONEYS SHALL BE EXPENDED BY THE DEPARTMENT, SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY. ANY MONEYS CREDITED TO THE FUND AND UNEXPENDED AT THE END OF ANY GIVEN FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND.

(2) (a) THE DEPARTMENT SHALL DISTRIBUTE ALL MONEYS RECEIVED PURSUANT TO THIS SECTION AMONG ALL STUDENTS ATTENDING NONPUBLIC SCHOOLS PURSUANT TO THIS ARTICLE. DISTRIBUTION OF MONEYS TO EACH STUDENT SHALL BE IN THE FORM OF A WARRANT DRAWN ON THE TREASURY. THE WARRANT SHALL BE SIGNED BY A PARENT OR LEGAL GUARDIAN OF SUCH STUDENT. THE NONPUBLIC SCHOOL SHALL BE THE CUSTODIAN OF THE WARRANTS. THE PARENTS OF STUDENTS ISSUED WARRANTS TO ATTEND NONPUBLIC SCHOOL MAY REDEEM THE WARRANTS THROUGH THE STATE TREASURER'S OFFICE FOR THE AMOUNT STATED ON THE FACE OF THE WARRANT.

(b) PRIOR TO JULY 1, 2012, THE VALUE OF THE WARRANT DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE THE ACTUAL PUBLISHED VALUE OF ANNUAL TUITION AT THE NONPUBLIC SCHOOL IN WHICH THE STUDENT ENROLLS OR THE CALCULATED VALUE SET FORTH IN SECTION 22-29-108, WHICHEVER IS LESS.

(c) ON AND AFTER JULY 1, 2012, THE VALUE OF THE WARRANT DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE THE ACTUAL PUBLISHED VALUE OF ANNUAL TUITION AT THE NONPUBLIC SCHOOL IN WHICH THE STUDENT ENROLLS OR THE AMOUNT OF THE STATE AVERAGE PER PUPIL OPERATING REVENUES, AS DEFINED IN SECTION 22-54-103 (12), WHICHEVER IS LESS.

(3) A NONPUBLIC SCHOOL SHALL NOT CHARGE ANY STUDENT RECEIVING EASY SCHOLARSHIP PROGRAM MONEYS TUITION IN AN AMOUNT THAT EXCEEDS THE PUBLISHED AMOUNT OF TUITION CHARGED TO OTHER STUDENTS ENROLLED IN THE NONPUBLIC SCHOOL.

(4) A NONPUBLIC SCHOOL THAT ENROLLS EASY SCHOLARSHIP PROGRAM STUDENTS MAY ACCEPT THE PARENT'S WARRANTS PURSUANT TO THIS ARTICLE AND SHALL NOT BE SUBJECT TO REGULATION BY ANY STATE AGENCY OR POLITICAL SUBDIVISION AS A RESULT OF ACCEPTING SAID MONEYS.

(5) THE DEPARTMENT MAY USE UP TO ONE-HALF OF ONE PERCENT OF THE TOTAL AMOUNT OF MONEYS ANNUALLY APPROPRIATED TO THE EASY SCHOLARSHIP PROGRAM FUND, OR FIVE HUNDRED THOUSAND DOLLARS, WHICHEVER IS LESS, TO OFFSET THE ADMINISTRATIVE COSTS INCURRED IN IMPLEMENTING THE EASY SCHOLARSHIP PROGRAM.

22-54.5-107. EASY scholarship program - nonpublic school tuition - calculated value - repeal. (1) PRIOR TO JULY 1, 2012, THE AMOUNT OF TUITION THAT IS REIMBURSED TO PARENT AND CHILD PURSUANT TO A WARRANT ISSUED UNDER THIS ARTICLE MAY BE CALCULATED ACCORDING TO THE FORMULA SET FORTH IN SUBSECTION (2) OF THIS SECTION. SUCH CALCULATION SHALL RELY ON THE 2001-02 SCHOOL YEAR AS THE BASE YEAR AND A BASE YEAR TUITION AMOUNT OF TWO THOUSAND FIVE HUNDRED DOLLARS.

(2) THE CALCULATED VALUE FOR TUITION THAT MAY BE PAID ON A WARRANT ISSUED PURSUANT TO THIS ARTICLE FOR ANY NONPUBLIC SCHOOL SHALL BE THE BASE YEAR TUITION AMOUNT INCREASED BY TEN PERCENT OF THE BASE YEAR TUITION AMOUNT FOR EACH SCHOOL YEAR AFTER THE BASE YEAR.

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(3) THIS SECTION IS REPEALED EFFECTIVE JULY 1, 2012.

22-54.5-108. EASY scholarship program - home-based educational program. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THE PARENT OR LEGAL GUARDIAN OF A STUDENT WHO ATTENDS A NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM PURSUANT TO SECTION 22-33-104.5 MAY RECEIVE A WARRANT FOR AN EASY SCHOLARSHIP SUBJECT TO THE FOLLOWING CONDITIONS:

(a) MONEYS RECEIVED UNDER THIS SECTION SHALL BE USED ONLY TO DEFRAY THE COST OF EDUCATIONAL MATERIALS;

(b) THE AMOUNT RECEIVED UNDER THIS SECTION SHALL BE NO MORE THAN ONE THOUSAND DOLLARS PER SCHOOL YEAR FOR EACH NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM, WITHOUT REGARD TO THE NUMBER OF STUDENTS ENROLLED IN THE PROGRAM;

(c) THE WARRANT ISSUED PURSUANT TO THIS SECTION REQUIRES THE SIGNATURE OF THE PARENT OR GUARDIAN WHO IS IN CHARGE AND IN CONTROL OF THE NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM TO BE VALID; AND

(d) THE WARRANT ISSUED PURSUANT TO THIS SECTION SHALL ONLY BE AVAILABLE UPON PRESENTATION TO THE DEPARTMENT OF ALL RELEVANT RECEIPTS FOR THE EXPENSES OF SUCH EDUCATIONAL MATERIALS INCURRED DURING THAT SCHOOL YEAR.

(2) (a) PRIOR TO OCTOBER 1, 2001, AND PRIOR TO OCTOBER 1 OF EACH SUCCEEDING APPLICABLE BUDGET YEAR, EACH NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM THAT SEEKS TO RECEIVE A WARRANT FOR AN EASY SCHOLARSHIP PURSUANT TO THIS SECTION SHALL COMPLETE AND FILE WITH THE DEPARTMENT:

(I) A FORM, SPECIFIED BY RULE OF THE STATE BOARD, THAT SETS FORTH THE NAME OF THE PARENT OR GUARDIAN WHO IS IN CHARGE AND IN CONTROL OF THE NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM FOR THAT SCHOOL YEAR; AND

(II) ALL RELEVANT RECEIPTS FOR EXPENSES DESCRIBED IN PARAGRAPH (d) OF SUBSECTION (1) OF THIS SECTION.

(b) NO LATER THAN NOVEMBER 15 OF EACH BUDGET YEAR, THE DEPARTMENT SHALL ISSUE AND SEND TO EACH NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM THAT SUBMITS A FORM AND RECEIPTS PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) A WARRANT ISSUED IN THE NAME OF THE PARENT OR GUARDIAN WHO IS IN CHARGE AND IN CONTROL OF THE NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM. THE DEPARTMENT SHALL SEND SUCH WARRANTS IN THE ORDER THAT THE FORMS WERE RECEIVED FROM THE NONPUBLIC HOME-BASED EDUCATIONAL PROGRAMS. DISTRIBUTION OF MONEYS TO EACH NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM PURSUANT TO THIS SECTION SHALL BE IN THE FORM OF A WARRANT DRAWN ON THE TREASURY. THE NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM MAY REDEEM THE WARRANT THROUGH THE STATE TREASURER'S OFFICE FOR THE AMOUNT STATED ON THE FACE OF THE WARRANT.

SECTION 18. Article 54 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-54-123. Public school students - EASY scholarship program. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, ON OR BEFORE THE SECOND MONDAY OF SEPTEMBER, 2001, AND ON OR BEFORE THE SECOND MONDAY OF SEPTEMBER OF EACH SUCCEEDING SCHOOL YEAR, EACH PARENT OR GUARDIAN SHALL ENROLL HIS OR HER CHILD AS A STUDENT IN A PUBLIC SCHOOL, A NONPUBLIC SCHOOL, AS DEFINED IN SECTION 22-54.5-103 (4), OR A NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM, AS DEFINED IN SECTION 22-33-104.5 (2) (a), TO RECEIVE FUNDING PURSUANT TO THIS SECTION OR ARTICLE 54.5 OF THIS TITLE.

(2) (a) PRIOR TO SEPTEMBER 15, 2001, AND PRIOR TO SEPTEMBER

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15 OF EACH SUCCEEDING BUDGET YEAR, EACH PARENT OR GUARDIAN ENROLLING HIS OR HER CHILD IN A PUBLIC SCHOOL FOR THAT SCHOOL YEAR SHALL COMPLETE AND FILE WITH THE SCHOOL A FORM THAT SERVES AS AN APPLICATION TO RECEIVE A WARRANT PURSUANT TO THIS SECTION. THE FORM OF THE APPLICATION SHALL BE DETERMINED BY THE SCHOOL DISTRICT AND THE PARENT OR GUARDIAN SHALL PROVIDE, AT A MINIMUM, THE NAMES AND ADDRESSES OF SUCH PARENT OR GUARDIAN AND THE CHILD OR CHILDREN ENROLLING IN THE PUBLIC SCHOOL. THE COMPLETED FORMS SHALL BE KEPT ON FILE AT THE PUBLIC SCHOOL FOR AT LEAST ONE CALENDAR YEAR. THE FORM SHALL ALSO CONTAIN A STATEMENT OF DISCLOSURE THAT, AS PROVIDED IN STATE STATUTE, THE PARENT OR GUARDIAN MAY ENROLL HIS OR HER CHILD OR CHILDREN IN ANY PUBLIC SCHOOL, INCLUDING A CHARTER SCHOOL, THAT IS LOCATED WITHIN OR OUTSIDE OF HIS OR HER SCHOOL DISTRICT OF RESIDENCE OR ANY NONPUBLIC SCHOOL OR ANY NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM. THE FORM SHALL ALSO CONTAIN A BRIEF DESCRIPTION OF HOW THE CHILD MAY PARTICIPATE IN THE EDUCATION ACCESS SCHOLARSHIPS FOR OUR YOUTH TUITION SCHOLARSHIP PROGRAM PURSUANT TO THIS SECTION AND ARTICLE 54.5 OF THIS TITLE. THE FORM SHALL ALSO CONTAIN A STATEMENT THAT THE PARENT OR GUARDIAN, BY SIGNING, ACKNOWLEDGES THAT HE OR SHE HAS READ AND UNDERSTANDS THE DISCLOSURES CONTAINED IN THE FORM.

(b) PRIOR TO OCTOBER 1, 2001, AND PRIOR TO OCTOBER 1 OF EACH SUCCEEDING BUDGET YEAR, EACH SCHOOL DISTRICT SHALL COMPLETE AND FILE WITH THE DEPARTMENT A FORM, SPECIFIED BY RULE OF THE STATE BOARD, THAT SETS FORTH THE NAMES AND ADDRESSES OF THE STUDENTS AND THEIR PARENTS AND GUARDIANS WHO ARE ENROLLING IN PUBLIC SCHOOLS OF THE SCHOOL DISTRICT FOR THAT BUDGET YEAR AND THE RESPECTIVE PUBLIC SCHOOL IN WHICH EACH STUDENT IS ENROLLED.

(c) NO LATER THAN NOVEMBER 15 OF EACH BUDGET YEAR, THE DEPARTMENT SHALL ISSUE AND SEND TO EACH SUCH PUBLIC SCHOOL A WARRANT FOR EACH STUDENT REPORTED AS ENROLLED IN THE PUBLIC SCHOOL. THE WARRANT SHALL BE ISSUED IN THE NAME OF THE PRINCIPAL OF THE SCHOOL AND THE STUDENT AND HIS OR HER PARENT OR GUARDIAN. THE DEPARTMENT SHALL SEND SUCH WARRANTS IN THE ORDER THAT THE FORMS WERE RECEIVED FROM THE SCHOOL DISTRICTS. EACH SCHOOL DISTRICT MAY WITHHOLD UP TO FIVE DOLLARS FROM EACH WARRANT ISSUED PURSUANT TO THIS SECTION FOR ADMINISTRATIVE COSTS.

(d) EACH WARRANT DESCRIBED IN PARAGRAPH (c) OF THIS SUBSECTION (2) SHALL BE IN THE AMOUNT OF THE STATE SHARE OF THE DISTRICT'S TOTAL PROGRAM, AS DETERMINED PURSUANT TO SECTION 22-54-104, DIVIDED BY THE NUMBER OF STUDENTS ENROLLED IN THE SCHOOL DISTRICT. EACH WARRANT SHALL BE CREDITED TO THE SCHOOL DISTRICT ONLY UPON SIGNATURE OF THE STUDENT AND THE STUDENT'S PARENT OR GUARDIAN, EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS SECTION. THE SCHOOL SHALL BE CUSTODIAN OF THE WARRANTS.

(3) FROM OCTOBER THROUGH MAY OF EACH BUDGET YEAR, BEGINNING WITH THE 2001-02 BUDGET YEAR, EACH SCHOOL DISTRICT SHALL PROVIDE MONTHLY TO THE DEPARTMENT A CERTIFICATION OF PUPIL ENROLLMENT AND A LISTING OF THOSE STUDENTS, ALONG WITH THEIR RESPECTIVE PARENTS AND GUARDIANS, WHO ARE EITHER IN ADDITION TO THE ENROLLMENT SET ON AUGUST 1 OF THAT BUDGET YEAR OR ARE NO LONGER ENROLLED IN THE PUBLIC SCHOOL. THE STATE BOARD SHALL ACCORDINGLY ADJUST ANY REMAINING MONTHLY PAYMENTS AS SET FORTH IN SECTION 22-54-115.

(4) IF A PARENT OR GUARDIAN DOES NOT SIGN THE WARRANT ISSUED PURSUANT TO THIS SECTION WITHIN THIRTY DAYS AFTER ISSUANCE, THE SCHOOL DISTRICT SHALL PROVIDE ADEQUATE NOTICE TO THE PARENT OR GUARDIAN OF HIS OR HER OBLIGATION TO SIGN SUCH WARRANT. IF THE PARENT OR GUARDIAN DOES NOT SIGN THE WARRANT WITHIN THIRTY DAYS AFTER RECEIVING SUCH NOTICE, THE WARRANT SHALL BECOME EFFECTIVE UPON THE SIGNATURE OF THE PRINCIPAL OF THE PUBLIC SCHOOL.

SECTION 19. 22-32-109 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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22-32-109. Board of education - specific duties - repeal. (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:

(dd) TO CARRY OUT ITS DUTIES PURSUANT TO THE "EDUCATION ACCESS SCHOLARSHIPS FOR OUR YOUTH ACT", ARTICLE 54.5 OF THIS TITLE, AND SECTION 22-54-123, INCLUDING PUBLICIZING TO STUDENTS AND PARENTS WITHIN THE SCHOOL DISTRICT HOW STUDENTS MAY PARTICIPATE IN THE PROGRAM CREATED BY SAID ACT."

Renumber succeeding section accordingly.

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

YES	12	NO	23	EXCUSED	0	ABSENT	0
Anderson	N	Evans	N	May	Y	Takis	N
Andrews	Y	Fitz-Gerald	N	McElhany	Y	Tate	N
Arnold	Y	Gordon	N	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	N	Nichol	N	Teck	Y
Chlouber	Y	Hanna	N	Owen	N	Thiebaut	N
Dyer, E.	N	Hernandez	N	Pascoe	N	Tupa	N
Dyer, F.	N	Hillman	Y	Perlmutter	N	Windels	N
Entz	N	Lamborn	Y	Phillips	N	Mr. President	N
Epps	Y	Linkhart	N	Reeves	N		

SB01-098

by Senators Pascoe, Thiebaut and Matsunaka; also Representative King--Concerning school improvement.

Senator Arnold moved to amend the Report of the Committee of the Whole to show that the following Andrews floor amendment, (L.029) to SB 01-098, did pass.

Amend printed bill, page 29, after line 13, insert the following:

"SECTION 17. 22-54-105 (1) (b), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

22-54-105. Instructional supplies and materials - capital reserve and insurance reserve - repeal. (1) (b) (III) (A) IN ADDITION TO THE AMOUNTS SPECIFIED IN SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH (b), THE AMOUNT BUDGETED IN THE 2001-02 BUDGET YEAR SHALL BE INCREASED BY THE AMOUNT DETERMINED BY MULTIPLYING TEN DOLLARS BY THE DISTRICT'S FUNDED PUPIL COUNT AS OF OCTOBER 1, 2001. THE ADDITIONAL AMOUNT BUDGETED PURSUANT TO THIS SUBPARAGRAPH (III) SHALL ONLY BE USED TO PURCHASE LIBRARY MATERIALS. THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, PURCHASING NEW AND UPDATED LIBRARY MATERIALS 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.

(B) EACH DISTRICT SHALL ADOPT AT A PUBLIC MEETING A PLAN ON THE USE OF THE ADDITIONAL MONEYS RECEIVED PURSUANT TO THIS SUBPARAGRAPH (III) INCLUDING WHICH SCHOOLS SHALL RECEIVE WHAT ADDITIONAL LIBRARY MATERIALS. THE PLAN SHALL REQUIRE THAT THE DISTRICT PASS ON TO ANY CHARTER SCHOOL THE AMOUNT BUDGETED PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III), FOR EACH STUDENT ENROLLED IN THE CHARTER SCHOOL ACCORDING TO THE FUNDED PUPIL COUNT.

(C) FOR THE 2001-02 BUDGET YEAR, DISTRICTS SHALL RECEIVE ADDITIONAL AMOUNTS OF MONEYS DETERMINED BY THE FORMULA SPECIFIED IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III). SUCH ADDITIONAL MONEYS SHALL ONLY BE USED PURSUANT TO THE PROVISIONS OF THIS SUBPARAGRAPH (III).

(D) THIS SUBPARAGRAPH (III) IS REPEALED, EFFECTIVE JULY 1, 2002."

Renumber succeeding section accordingly.

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

YES	12	NO	23	EXCUSED	0	ABSENT	0
Anderson	N	Evans	N	May	Y	Takis	N
Andrews	Y	Fitz-Gerald	N	McElhany	Y	Tate	N
Arnold	Y	Gordon	N	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	N	Nichol	N	Teck	Y
Chlouber	Y	Hanna	N	Owen	N	Thiebaut	N
Dyer, E.	N	Hernandez	N	Pascoe	N	Tupa	N
Dyer, F.	N	Hillman	Y	Perlmutter	N	Windels	N
Entz	Y	Lamborn	Y	Phillips	N	Mr. President	N
Epps	N	Linkhart	N	Reeves	N		

SB01-098

by Senators Pascoe, Thiebaut and Matsunaka; also Representative King--Concerning school improvement.

Senator Teck moved to amend the Report of the Committee of the Whole to show that the following Andrews floor amendment, (L.035) to SB 01-098, did pass.

Amend the Appropriations Committee amendment, as printed in Senate Journal, April 9, page 786, strike line 11 and substitute the following:

""SECTION 17. Article 2 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-2-122. Computer and software grant program. (1) THERE IS HEREBY CREATED IN THE DEPARTMENT THE COMPUTER AND SOFTWARE GRANT PROGRAM, REFERRED TO IN THIS SECTION AS THE "GRANT PROGRAM". UNDER THIS GRANT PROGRAM, ANY PUBLIC SCHOOL, INCLUDING A CHARTER SCHOOL AS DEFINED IN SECTION 22-30.5-104, MAY APPLY FOR GRANTS TO FUND PURCHASE OF NEW COMPUTERS AND SOFTWARE.

(2) (a) THE DEPARTMENT SHALL SOLICIT AND REVIEW APPLICATIONS FOR GRANTS PURSUANT TO THIS SECTION. GRANTS MAY BE FOR BETWEEN ONE AND THREE YEARS. EACH APPLICATION, AT A MINIMUM, SHALL DESCRIBE THE TYPE OF PROGRAM TO BE PROVIDED BY THE SCHOOL OR COLLABORATIVE GROUP OF SCHOOLS APPLYING JOINTLY TO ENHANCE THE COMPUTERS AND SOFTWARE AVAILABLE AT THE SCHOOL OR SCHOOLS, THE GOALS OF THE PROGRAM, AND THE MANNER IN WHICH THE SCHOOL OR COLLABORATIVE GROUP OF SCHOOLS WILL MEASURE THE ACHIEVEMENT OF SUCH GOALS. ANY SUCH GRANT SHALL BE USED TO SUPPLEMENT AND NOT SUPPLANT ANY MONEYS CURRENTLY BEING USED ON SUCH PROGRAMS.

(b) THE DEPARTMENT SHALL RECOMMEND TO THE STATE BOARD OF EDUCATION THOSE PUBLIC SCHOOLS THAT SHOULD RECEIVE GRANTS PURSUANT TO THIS SECTION AND THE DURATION AND AMOUNT OF EACH GRANT. THE DEPARTMENT SHALL ADOPT CRITERIA THROUGH RULE TO DETERMINE ELIGIBILITY FOR THE GRANT PROGRAM.

(c) THE DEPARTMENT SHALL ANNUALLY SUBMIT TO THE STATE BOARD OF EDUCATION FOR APPROVAL A LIST OF RECOMMENDED GRANT RECIPIENTS AND THE AMOUNT TO BE AWARDED TO EACH RECOMMENDED GRANT RECIPIENT BY A DATE SPECIFIED BY RULE OF THE STATE BOARD OF EDUCATION. IN SELECTING GRANT RECIPIENTS, THE DEPARTMENT, TO THE EXTENT POSSIBLE, SHALL ENSURE THAT GRANTS ARE AWARDED TO SCHOOLS IN A VARIETY OF GEOGRAPHIC AREAS OF THE STATE. THE STATE BOARD OF EDUCATION SHALL EITHER APPROVE OR DISAPPROVE THE ENTIRE LIST OF ENTITIES BY RESPONDING TO THE DEPARTMENT WITHIN FORTY DAYS. IF THE STATE BOARD OF EDUCATION HAS NOT RESPONDED TO THE DEPARTMENT WITHIN FORTY DAYS AFTER RECEIPT OF THE LIST, THE LIST SHALL BE DEEMED APPROVED. IF THE STATE BOARD OF EDUCATION DISAPPROVES A LIST, THE DEPARTMENT MAY SUBMIT A REPLACEMENT LIST WITHIN TWENTY DAYS AFTER SUCH DISAPPROVAL.

(d) IF A SCHOOL IS AWARDED A GRANT PURSUANT TO THIS SECTION FOR MORE THAN ONE YEAR, THE SCHOOL SHALL BE ELIGIBLE FOR MONEYS IN THE SECOND OR THIRD YEAR OF THE GRANT ONLY IF THE SCHOOL MEETS THE GOALS ESTABLISHED IN ITS APPLICATION.

(e) THE STATE BOARD OF EDUCATION SHALL PROMULGATE RULES FOR THE ADMINISTRATION OF THIS SECTION, INCLUDING BUT NOT LIMITED

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TO:

(I) APPLICATION PROCEDURES BY WHICH A SCHOOL MAY APPLY FOR GRANTS PURSUANT TO THIS SECTION; AND

(II) ANY CRITERIA, IN ADDITION TO THOSE SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (2), FOR SELECTING THOSE SCHOOLS THAT SHALL RECEIVE GRANTS AND THE CRITERIA FOR DETERMINING THE AMOUNT TO BE GRANTED TO THE SELECTED SCHOOLS.

SECTION 18. Appropriation - adjustments to the 2001 long";

after line 18, insert the following:

"(2) 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 five million dollars (\$5,000,000), or so much thereof as may be necessary, for the implementation of section 22-7-506, Colorado Revised Statutes. Said sum shall be from the state education fund created in section 17 (4) of article IX of the state constitution."

Renumber succeeding subsection accordingly.

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

YES	11	NO	24	EXCUSED	0	ABSENT	0
Anderson	N	Evans	N	May	Y	Takis	N
Andrews	Y	Fitz-Gerald	N	McElhany	Y	Tate	N
Arnold	Y	Gordon	N	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	N	Nichol	N	Teck	Y
Chlouber	Y	Hanna	N	Owen	N	Thiebaut	N
Dyer, E.	N	Hernandez	N	Pascoe	N	Tupa	N
Dyer, F.	N	Hillman	Y	Perlmutter	N	Windels	N
Entz	N	Lamborn	Y	Phillips	N	Mr. President	N
Epps	N	Linkhart	N	Reeves	N		

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by Senators Pascoe, Thiebaut and Matsunaka; also Representative King--Concerning school improvement.

Senator Musgrave moved to amend the Report of the Committee of the Whole to show that the following Musgrave floor amendment, (L.044) to SB 01-098, did pass.

Amend printed bill, page 29, after line 13, insert the following:

"SECTION 17. Part 4 of article 7 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-7-411. Twelfth grade testing - graduation requirement.

(1) BEGINNING IN THE SPRING SEMESTER OF 2002, THE DEPARTMENT SHALL ADMINISTER A STATEWIDE ASSESSMENT ADOPTED BY THE BOARD BASED UPON THE MODEL CONTENT STANDARDS TO ALL STUDENTS IN THE TWELFTH GRADE.

(2) (a) THE BOARD SHALL DETERMINE SATISFACTORY ACHIEVEMENT LEVEL ON THE ASSESSMENT ADMINISTERED TO PUPILS IN THE TWELFTH GRADE PURSUANT TO SUBSECTION (1) OF THIS SECTION.

(b) THE STATE BOARD SHALL PROMULGATE RULES TO PERMIT EXCEPTIONS TO THE RETENTION OF PUPILS IN TWELFTH GRADE PURSUANT TO PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION IN CASES THAT HAVE SPECIAL CIRCUMSTANCES.

(3) (a) IN NO CASE SHALL A SCHOOL DISTRICT PERMIT A PUPIL TO GRADUATE FROM THE TWELFTH GRADE UNLESS THE PUPIL IS ASSESSED AS PERFORMING AT THE SATISFACTORY ACHIEVEMENT LEVEL OR ABOVE AS DETERMINED BY THE STATE BOARD PURSUANT TO SUBSECTION (2) OF THIS SECTION.

(b) PARAGRAPH (a) OF THIS SUBSECTION (3) DOES NOT APPLY TO CHILDREN WITH DISABILITIES, AS DEFINED IN SECTION 22-20-103 (1.5),

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WHEN THE DISABILITY IS A SUBSTANTIAL CAUSE FOR A PUPIL'S INABILITY TO ACHIEVE AT A SATISFACTORY LEVEL.

(c) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (3), A SCHOOL DISTRICT MAY ALLOW A PUPIL TO GRADUATE FROM THE TWELFTH GRADE UNDER RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SUBSECTION (2) OF THIS SECTION."

Renumber succeeding section accordingly.

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

YES	14	NO	21	EXCUSED	0	ABSENT	0
Anderson	N	Evans	Y	May	Y	Takis	N
Andrews	Y	Fitz-Gerald	N	McElhany	Y	Tate	N
Arnold	Y	Gordon	N	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	N	Nichol	N	Teck	Y
Chlouber	Y	Hanna	N	Owen	N	Thiebaut	N
Dyer, E.	Y	Hernandez	N	Pascoe	N	Tupa	N
Dyer, F.	N	Hillman	Y	Perlmutter	N	Windels	N
Entz	N	Lamborn	Y	Phillips	N	Mr. President	N
Epps	Y	Linkhart	N	Reeves	N		

SB01-098

by Senators Pascoe, Thiebaut and Matsunaka; also Representative King--Concerning school improvement.

Senator Hillman moved to amend the Report of the Committee of the Whole to show that the following Hillman floor amendment, (L.046) to SB 01-098, did pass.

Amend printed bill, page 29, after line 13, insert the following:

"**SECTION 17.** Article 2 of Title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-2-122. Department of education - funding for new and updated textbooks - purchase and distribution of new and updated textbooks - repeal. (1) THE GENERAL ASSEMBLY SHALL APPROPRIATE AN AMOUNT DETERMINED BY MULTIPLYING TWENTY DOLLARS BY EACH DISTRICT'S FUNDED PUPIL COUNT AS OF OCTOBER 1, 2001, TO THE DEPARTMENT. THE AMOUNT BUDGETED PURSUANT TO THIS SUBSECTION (1) SHALL ONLY BE USED BY THE DEPARTMENT TO PURCHASE NEW AND UPDATED TEXTBOOKS. THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, PURCHASING NEW AND UPDATED TEXTBOOKS IS AN IMPORTANT ELEMENT OF ACCOUNTABLE EDUCATION REFORM AND THEREFORE QUALIFIES FOR FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

(2) FOR THE 2001-02 BUDGET YEAR, THE DEPARTMENT SHALL RECEIVE ADDITIONAL AMOUNTS OF MONEYS DETERMINED BY THE FORMULA SPECIFIED IN SUBSECTION (1) OF THIS SECTION. SUCH ADDITIONAL MONEYS SHALL ONLY BE USED PURSUANT TO THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION.

(3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2002."

Renumber succeeding section accordingly.

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

YES	12	NO	23	EXCUSED	0	ABSENT	0
Anderson	N	Evans	Y	May	Y	Takis	N
Andrews	Y	Fitz-Gerald	N	McElhany	Y	Tate	N
Arnold	Y	Gordon	N	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	N	Nichol	N	Teck	Y
Chlouber	Y	Hanna	N	Owen	N	Thiebaut	N
Dyer, E.	N	Hernandez	N	Pascoe	N	Tupa	N
Dyer, F.	N	Hillman	Y	Perlmutter	N	Windels	N
Entz	N	Lamborn	Y	Phillips	N	Mr. President	N
Epps	N	Linkhart	N	Reeves	N		

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by Senators Pascoe, Thiebaut and Matsunaka; also Representative King--Concerning school improvement.

Senator Andrews moved to amend the Report of the Committee of the Whole to show that the following Andrews floor amendment, (L.040) to SB 01-098, did pass.

Amend printed bill, page 29, after line 13, insert the following:

"SECTION 17. Article 32 of Title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

CHILDREN'S PUBLIC SCHOOL INTERNET PROTECTION

22-32-201. Short title. THIS PART 2 SHALL BE KNOWN AND MAY BE CITED AS THE "CHILDREN'S PUBLIC SCHOOL INTERNET PROTECTION ACT".

22-32-202. Legislative declaration. THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT USE OF THE INTERNET IN THE PUBLIC SCHOOLS OF THE STATE PROVIDES AN EXTRAORDINARY, UNIQUE, AND UNPARALLELED EDUCATIONAL RESOURCE. THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT REASONABLE MEASURES MUST BE ADOPTED AND IMPLEMENTED TO PROTECT THE CHILDREN WHO USE SUCH INTERNET SERVICES IN PUBLIC SCHOOLS FROM ACCESS TO MATERIAL THAT IS HARMFUL TO THEIR BENEFICIAL DEVELOPMENT AS RESPONSIBLE ADULTS AND CITIZENS. IT IS THE INTENT OF THE GENERAL ASSEMBLY BY ENACTING THIS PART 2 THAT PUBLIC SCHOOLS BE REQUIRED TO ADOPT AND ENFORCE REASONABLE POLICIES OF INTERNET SAFETY THAT WILL PROTECT CHILDREN FROM ACCESS TO HARMFUL MATERIAL.

22-32-203. Definitions. AS USED IN THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ACCESS TO THE INTERNET" MEANS, WITH REFERENCE TO A PARTICULAR COMPUTER, THAT THE COMPUTER IS EQUIPPED WITH A MODEM OR IS CONNECTED TO A COMPUTER NETWORK THAT PROVIDES ACCESS TO THE INTERNET.

(2) "COMPUTER" INCLUDES ANY HARDWARE, SOFTWARE, OR OTHER TECHNOLOGY ATTACHED OR CONNECTED TO, INSTALLED IN, OR OTHERWISE USED IN CONNECTION WITH A COMPUTER.

(3) "HARMFUL TO MINORS" MEANS ANY PICTURE, IMAGE, GRAPHIC IMAGE FILE, OR OTHER VISUAL DEPICTION THAT:

(a) TAKEN AS A WHOLE AND WITH RESPECT TO MINORS, APPEALS TO A PRURIENT INTEREST IN NUDITY, SEX, OR EXCRETION;

(b) DEPICTS, DESCRIBES, OR REPRESENTS, IN A PATENTLY OFFENSIVE WAY WITH RESPECT TO WHAT IS SUITABLE FOR MINORS, AN ACTUAL OR SIMULATED SEXUAL ACT OR SEXUAL CONTACT, ACTUAL OR SIMULATED NORMAL OR PERVERTED SEXUAL ACTS, OR A LEWDEXHIBITION OF THE GENITALS;

(c) TAKEN AS A WHOLE, LACKS SERIOUS LITERARY, ARTISTIC, POLITICAL, OR SCIENTIFIC VALUE AS TO MINORS; OR

(d) DEPICTS GRAPHIC ACTS OF VIOLENCE.

(4) "MINOR" MEANS ANY PERSON YOUNGER THAN EIGHTEEN YEARS OF AGE.

(5) "SCHOOL DISTRICT" MEANS ANY PUBLIC SCHOOL DISTRICT ORGANIZED UNDER THE LAWS OF COLORADO, EXCEPT A JUNIOR COLLEGE DISTRICT.

(6) "SEXUAL ACT" OR "SEXUAL CONTACT" SHALL HAVE THE SAME MEANINGS AS SET FORTH IN 18 U.S.C. SEC. 2246 (2) AND (3).

(7) "TECHNOLOGY PROTECTION MEASURE" MEANS A SPECIFIC

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TECHNOLOGY, INCLUDING WITHOUT LIMITATION, COMPUTER SOFTWARE THAT BLOCKS OR FILTERS INTERNET ACCESS TO VISUAL DEPICTIONS THAT ARE:

- (a) OBSCENE, AS DEFINED IN SECTION 18-7-101 (2), C.R.S.;
 - (b) CHILD PORNOGRAPHY, AS DEFINED IN 18 U.S.C. SEC. 2256 (8);
- OR
- (c) HARMFUL TO MINORS.

22-32-204. Adoption and enforcement of policy of internet safety for minors including technology protection measures - public schools. (1) NO LATER THAN DECEMBER 31, 2001, THE BOARD OF EDUCATION OF A SCHOOL DISTRICT SHALL ADOPT AND IMPLEMENT A POLICY OF INTERNET SAFETY FOR MINORS THAT INCLUDES THE OPERATION OF A TECHNOLOGY PROTECTION MEASURE FOR EACH COMPUTER OPERATED BY THE SCHOOL DISTRICT THAT ALLOWS FOR ACCESS TO THE INTERNET BY A MINOR.

(2) AFTER THE ADOPTION AND IMPLEMENTATION OF THE POLICY OF INTERNET SAFETY REQUIRED BY SUBSECTION (1) OF THIS SECTION, THE BOARD OF EDUCATION OF EACH SCHOOL DISTRICT SHALL CONTINUE TO ENFORCE THE POLICY AND THE OPERATION OF THE TECHNOLOGY PROTECTION MEASURE FOR EACH COMPUTER OPERATED BY THE SCHOOL DISTRICT THAT ALLOWS FOR ACCESS TO THE INTERNET BY A MINOR.

22-32-205. No restrictions on blocking access to the internet of other material. NOTHING IN THIS PART 2 SHALL BE CONSTRUED AS PROHIBITING A LOCAL BOARD OF EDUCATION OR AN ELEMENTARY OR SECONDARY SCHOOL FROM BLOCKING ACCESS TO THE INTERNET ON COMPUTERS OWNED OR OPERATED BY THAT BOARD OR SCHOOL TO MATERIAL OTHER THAN THE MATERIAL FOR WHICH A TECHNOLOGY PROTECTION MEASURE IS EXPLICITLY REQUIRED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS PART 2.

22-32-206. No effect on library maintained by postsecondary educational institution - no requirement of additional action for public libraries already in compliance. (1) NOTHING IN THIS PART 2 SHALL BE CONSTRUED TO APPLY TO ANY LIBRARY FACILITY MAINTAINED BY ANY POSTSECONDARY EDUCATIONAL INSTITUTION. FOR PURPOSES OF THIS SUBSECTION (1), "POSTSECONDARY" SHALL HAVE THE SAME MEANING AS IS PROVIDED IN SECTION 23-1-119 (4), C.R.S.

(2) NOTHING IN THIS PART 2 SHALL BE CONSTRUED TO REQUIRE ANY ADDITIONAL ACTION ON THE PART OF ANY SCHOOL DISTRICT THAT IS ALREADY IN COMPLIANCE WITH THE REQUIREMENTS OF THIS PART 2 AS OF JULY 1, 2001.

SECTION 18. 22-2-117 (1) (b) (II) and (1) (b) (III), Colorado Revised Statutes, are amended, and the said 22-2-117 (1) (b) is further amended, BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

22-2-117. Additional power - state board - waiver of requirements - rules. (1) (b) The state board shall not waive any of the requirements specified in any of the following statutory provisions:

(II) The "Exceptional Children's Educational Act", article 20 of this title; or

(III) Any provision of part 6 of article 7 of this title pertaining to the data necessary for school report cards; CARDS; AND

(IV) THE "CHILDREN'S PUBLIC SCHOOL INTERNET PROTECTION ACT", PART 2 OF ARTICLE 32 OF THIS TITLE.

SECTION 19. 22-30.5-104 (6), Colorado Revised Statutes, is amended to read:

22-30.5-104. Charter school - requirements - authority. (6) Pursuant to contract, a charter school may operate free from specified

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school district policies and state regulations; EXCEPT THAT A CHARTER SCHOOL SHALL NOT, BY CONTRACT OR OTHERWISE, OPERATE FREE OF THE REQUIREMENTS CONTAINED IN THE "CHILDREN'S PUBLIC SCHOOL INTERNET PROTECTION ACT", PART 2 OF ARTICLE 32 OF THIS TITLE. Pursuant to contract, a local board of education may waive locally imposed school district requirements, without seeking approval of the state board. The state board may waive state statutory requirements or rules promulgated by the state board; except that the state board may not waive any statute or rule relating to the assessments required to be administered pursuant to section 22-7-409, ~~OR ANY STATUTE OR RULE~~ necessary to prepare the school report cards pursuant to part 6 of article 7 of this title, ~~OR ANY STATUTE OR RULE RELATING TO THE "CHILDREN'S PUBLIC SCHOOL INTERNET PROTECTION ACT", PART 2 OF ARTICLE 32 OF THIS TITLE.~~ Upon request of the charter applicant, the state board and the local board of education shall provide summaries of such regulations and policies to use in preparing a charter school application. The department of education shall prepare the summary of state regulations within existing appropriations. Any waiver of state or local school district regulations made pursuant to this subsection (6) shall be for the term of the charter for which the waiver is made; except that a waiver of state statutes or regulations by the state board shall be subject to review every two years and may be revoked if the waiver is deemed no longer necessary by the state board.

SECTION 20. 24-90-404 (2) (c), Colorado Revised Statutes, is amended to read:

24-90-404. Qualifications. (2) In order to obtain grant moneys under this part 4, and as a condition of the receipt of moneys under said part, each eligible participant shall agree to:

(c) In the case of a school library that provides one or more public access computers:

(I) Equip each such computer with software that will limit the ability of minors to gain computer access to material that is obscene, ~~OR~~ illegal, OR HARMFUL TO MINORS, AS DEFINED IN SECTION 22-32-203 (3);

(II) Purchase internet connectivity from an internet service provider that provides filter services to limit the computer access of minors to material that is obscene, ~~OR~~ illegal, OR HARMFUL TO MINORS, AS DEFINED IN SECTION 22-32-203 (3); or

(III) Develop and implement a policy, publicly adopted by the board of education of the school district that maintains such library, that ~~establishes and enforces measures to restrict minors from obtaining computer information that is obscene or illegal~~ SATISFIES THE REQUIREMENTS OF SECTION 22-32-204, C.R.S." .

Renumber succeeding section accordingly.

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

YES	12	NO	23	EXCUSED	0	ABSENT	0
Anderson	N	Evans	N	May	Y	Takis	N
Andrews	Y	Fitz-Gerald	N	McElhany	Y	Tate	N
Arnold	Y	Gordon	N	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	N	Nichol	N	Teck	Y
Chlouber	Y	Hanna	N	Owen	N	Thiebaut	N
Dyer, E.	N	Hernandez	N	Pascoe	N	Tupa	N
Dyer, F.	Y	Hillman	Y	Perlmutter	N	Windels	N
Entz	N	Lamborn	Y	Phillips	N	Mr. President	N
Epps	N	Linkhart	N	Reeves	N		

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by Senators Pascoe, Thiebaut and Matsunaka; also Representative King--Concerning school improvement.

Senator Andrews moved to amend the Report of the Committee of the Whole to show that the following Andrews floor amendment, (L.028) to SB 01-098, did pass.

Amend printed bill, page 29, after line 13, insert the following:

SB01-098

"SECTION 17. 22-54-105 (1) (b), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

22-54-105. Instructional supplies and materials - capital reserve and insurance reserve - repeal. (1) (b) (III) (A) IN ADDITION TO THE AMOUNTS SPECIFIED IN SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH (b), THE AMOUNT BUDGETED IN THE 2001-02 BUDGET YEAR SHALL BE INCREASED BY THE AMOUNT DETERMINED BY MULTIPLYING TWENTY DOLLARS BY THE DISTRICT'S FUNDED PUPIL COUNT FOR STUDENTS ENROLLED IN GRADES NINE THROUGH TWELVE AS OF OCTOBER 1, 2001. THE ADDITIONAL AMOUNT BUDGETED PURSUANT TO THIS SUBPARAGRAPH (III) SHALL ONLY BE USED TO PURCHASE RESEARCH MATERIALS. THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, PURCHASING NEW AND UPDATED RESEARCH MATERIALS 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.

(B) EACH DISTRICT SHALL ADOPT AT A PUBLIC MEETING A PLAN ON THE USE OF THE ADDITIONAL MONEYS RECEIVED PURSUANT TO THIS SUBPARAGRAPH (III) INCLUDING WHICH SCHOOLS SHALL RECEIVE WHAT ADDITIONAL RESEARCH MATERIALS. THE PLAN SHALL REQUIRE THAT THE DISTRICT PASS ON TO ANY CHARTER SCHOOL THE AMOUNT BUDGETED PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III), FOR EACH STUDENT ENROLLED IN THE CHARTER SCHOOL FOR GRADES NINE THROUGH TWELVE ACCORDING TO THE FUNDED PUPIL COUNT.

(C) FOR THE 2001-02 BUDGET YEAR, DISTRICTS SHALL RECEIVE ADDITIONAL AMOUNTS OF MONEYS DETERMINED BY THE FORMULA SPECIFIED IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III). SUCH ADDITIONAL MONEYS SHALL ONLY BE USED PURSUANT TO THE PROVISIONS OF THIS SUBPARAGRAPH (III).

(D) THIS SUBPARAGRAPH (III) IS REPEALED, EFFECTIVE JULY 1, 2002."

Renumber succeeding section accordingly.

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

YES	12	NO	23	EXCUSED	0	ABSENT	0
Anderson	N	Evans	N	May	Y	Takis	N
Andrews	Y	Fitz-Gerald	N	McElhany	Y	Tate	N
Arnold	Y	Gordon	N	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	N	Nichol	N	Teck	Y
Chlouber	Y	Hanna	N	Owen	N	Thiebaut	N
Dyer, E.	N	Hernandez	N	Pascoe	N	Tupa	N
Dyer, F.	Y	Hillman	Y	Perlmutter	N	Windels	N
Entz	N	Lamborn	Y	Phillips	N	Mr. President	N
Epps	N	Linkhart	N	Reeves	N		

SB01-098

by Senators Pascoe, Thiebaut and Matsunaka; also Representative King--Concerning school improvement.

Senator Andrews moved to amend the Report of the Committee of the Whole to show that the following Andrews floor amendment, (L.033) to SB 01-098, did pass.

Amend the Appropriations Committee amendment, as printed in Senate Journal, April 9, page 786, strike line 11 and substitute the following:

"SECTION 17. Article 24 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-24-107. English language proficiency grant program. (1) THERE IS HEREBY CREATED IN THE DEPARTMENT THE ENGLISH LANGUAGE PROFICIENCY GRANT PROGRAM, REFERRED TO IN THIS SECTION AS THE "GRANT PROGRAM". UNDER THIS GRANT PROGRAM, ANY PUBLIC SCHOOL, INCLUDING A CHARTER SCHOOL AS DEFINED IN SECTION 22-30.5-104, MAY APPLY FOR GRANTS TO FUND INTENSIVE ENGLISH LANGUAGE PROFICIENCY PROGRAMS FOR PUPILS WHO MEET THE CRITERIA OF SECTION 22-24-103 (4)

SB01-098

(a) OR (b), REFERRED TO IN THIS SECTION AS "ELIGIBLE PUPILS".

(2) (a) THE DEPARTMENT SHALL SOLICIT AND REVIEW APPLICATIONS FOR GRANTS PURSUANT TO THIS SECTION. GRANTS MAY BE FOR BETWEEN ONE AND THREE YEARS. EACH APPLICATION, AT A MINIMUM, SHALL DESCRIBE THE TYPE OF PROGRAM TO BE PROVIDED BY THE SCHOOL OR COLLABORATIVE GROUP OF SCHOOLS APPLYING JOINTLY TO ENHANCE THE ENGLISH PROFICIENCY OF ELIGIBLE PUPILS, THE GOALS OF THE PROGRAM, AND THE MANNER IN WHICH THE SCHOOL OR COLLABORATIVE GROUP OF SCHOOLS WILL MEASURE THE ACHIEVEMENT OF SUCH GOALS. ANY SUCH GRANT SHALL BE USED TO SUPPLEMENT AND NOT SUPPLANT ANY MONEYS CURRENTLY BEING USED ON SUCH PROGRAMS.

(b) THE DEPARTMENT SHALL RECOMMEND TO THE STATE BOARD OF EDUCATION THOSE PUBLIC SCHOOLS THAT SHOULD RECEIVE GRANTS PURSUANT TO THIS SECTION AND THE DURATION AND AMOUNT OF EACH GRANT. IN SELECTING THE RECOMMENDED SCHOOLS, THE DEPARTMENT, AT A MINIMUM, SHALL TAKE INTO ACCOUNT THE FOLLOWING CRITERIA:

(I) THE NUMBER OF ELIGIBLE PUPILS ENROLLED AT THE SCHOOL OR COLLABORATIVE GROUP OF SCHOOLS APPLYING JOINTLY;

(II) WHETHER THE PROPOSED PROGRAM IS BASED ON A RESEARCH MODEL THAT HAS BEEN PROVEN TO BE SUCCESSFUL IN OTHER PUBLIC OR CHARTER SCHOOLS IN THE NATION; AND

(III) THE PER-PUPIL COST OF THE PROGRAM.

(c) THE DEPARTMENT ANNUALLY SHALL SUBMIT TO THE STATE BOARD OF EDUCATION FOR APPROVAL A LIST OF RECOMMENDED GRANT RECIPIENTS AND THE AMOUNT TO BE AWARDED TO EACH RECOMMENDED GRANT RECIPIENT BY A DATE SPECIFIED BY RULE OF THE STATE BOARD OF EDUCATION. IN SELECTING GRANT RECIPIENTS, THE DEPARTMENT, TO THE EXTENT POSSIBLE, SHALL ENSURE THAT GRANTS ARE AWARDED TO SCHOOLS IN A VARIETY OF GEOGRAPHIC AREAS OF THE STATE. THE STATE BOARD OF EDUCATION SHALL EITHER APPROVE OR DISAPPROVE THE ENTIRE LIST OF ENTITIES BY RESPONDING TO THE DEPARTMENT WITHIN FORTY DAYS. IF THE STATE BOARD OF EDUCATION HAS NOT RESPONDED TO THE DEPARTMENT WITHIN FORTY DAYS AFTER RECEIPT OF THE LIST, THE LIST SHALL BE DEEMED APPROVED. IF THE STATE BOARD OF EDUCATION DISAPPROVES A LIST, THE DEPARTMENT MAY SUBMIT A REPLACEMENT LIST WITHIN TWENTY DAYS AFTER SUCH DISAPPROVAL.

(d) IF A SCHOOL IS AWARDED A GRANT PURSUANT TO THIS SECTION FOR MORE THAN ONE YEAR, THE SCHOOL SHALL BE ELIGIBLE FOR MONEYS IN THE SECOND OR THIRD YEAR OF THE GRANT ONLY IF THE SCHOOL MEETS THE GOALS ESTABLISHED IN ITS APPLICATION.

(e) THE STATE BOARD OF EDUCATION SHALL PROMULGATE RULES FOR THE ADMINISTRATION OF THIS SECTION, INCLUDING BUT NOT LIMITED TO:

(I) APPLICATION PROCEDURES BY WHICH A SCHOOL MAY APPLY FOR GRANTS PURSUANT TO THIS SECTION;

(II) ANY CRITERIA, IN ADDITION TO THOSE SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (2), FOR SELECTING THOSE SCHOOLS THAT SHALL RECEIVE GRANTS AND THE CRITERIA FOR DETERMINING THE AMOUNT TO BE GRANTED TO THE SELECTED SCHOOLS; AND

(III) PROCEDURES FOR REVIEWING THE SUCCESS OF THE ENGLISH LANGUAGE PROFICIENCY PROGRAMS OPERATED BY SCHOOLS THAT RECEIVE GRANTS PURSUANT TO THIS SECTION.

SECTION 18. Appropriation - adjustments to the 2001 long";

after line 18, insert the following:

"(2) 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 ten million dollars (\$10,000,000), or so much

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SB01-098

thereof as may be necessary, for the implementation of section 22-7-506, Colorado Revised Statutes. Said sum shall be from the state education fund created in section 17 (4) of article IX of the state constitution."

Renumber succeeding subsection accordingly.

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

YES	15	NO	20	EXCUSED	0	ABSENT	0
Anderson	N	Evans	Y	May	Y	Takis	N
Andrews	Y	Fitz-Gerald	N	McElhany	Y	Tate	N
Arnold	Y	Gordon	N	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	N	Nichol	N	Teck	N
Chlouber	Y	Hanna	N	Owen	N	Thiebaut	N
Dyer, E.	N	Hernandez	N	Pascoe	N	Tupa	N
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	N
Entz	Y	Lamborn	Y	Phillips	N	Mr. President	N
Epps	Y	Linkhart	N	Reeves	N		

SB01-089

by Senators Tupa, Fitz-Gerald, Hernandez and Windels; also Representatives Williams S., and Bacon--Concerning class sizes in kindergarten through twelfth grade public schools.

Senator Andrews moved to amend the Report of the Committee of the Whole to show that the following Andrews floor amendment, (L.011) to SB 01-089, did pass.

Amend the Education Committee amendment, as printed in Senate Journal, February 1, page 151, after line 47, insert the following:

"SECTION 2. Title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 32.5

Class Size Capitation Act of 2001

22-32.5-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "CLASS SIZE CAPITATION ACT OF 2001".

22-32.5-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CORE CLASS" MEANS A NON-ELECTIVE CLASS OFFERED IN A PUBLIC SCHOOL PROVIDING INSTRUCTION IN ONE OR MORE OF THE FIRST PRIORITY STATE MODEL CONTENT STANDARD AREAS OF READING, WRITING, MATHEMATICS, SCIENCE, HISTORY, OR GEOGRAPHY, AS DESCRIBED IN SECTION 22-7-406 (1) (a).

(2) "ELEMENTARY SCHOOL" MEANS A PUBLIC SCHOOL COMPRISED OF EITHER KINDERGARTEN THROUGH GRADE FIVE OR KINDERGARTEN THROUGH GRADE SIX, IF THE SCHOOL DISTRICT OFFERS KINDERGARTEN, OR GRADES ONE THROUGH FIVE OR GRADES ONE THROUGH SIX.

(3) "FULL REGULAR SCHOOL DAY" MEANS A SUBSTANTIAL MAJORITY OF THE INSTRUCTIONAL MINUTES PER SCHOOL DAY.

(4) "TEACHER" MEANS A PERSON WHO IS LICENSED PURSUANT TO ARTICLE 60.5 OF THIS TITLE, OR AUTHORIZED BY A LETTER OF AUTHORIZATION ISSUED PURSUANT TO SECTION 22-60.5-111, TO TEACH AND IS PRIMARILY ENGAGED IN TEACHING DURING THE FULL REGULAR SCHOOL DAY.

22-32.5-103. Class size reduction. (1) THE NUMBER OF STUDENTS INCLUDED IN ANY SINGLE CORE CLASS FOR KINDERGARTEN THROUGH GRADE THREE TAUGHT AT A PUBLIC ELEMENTARY SCHOOL SHALL NOT EXCEED TWENTY-THREE STUDENTS, UNLESS THE STATE BOARD OF EDUCATION HAS GRANTED A WAIVER OF THE PROVISIONS OF THIS SECTION PURSUANT TO SECTION 22-2-117.

(2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION, THE PROVISIONS OF THIS SECTION SHALL NOT APPLY:

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SB01-089

(a) TO CLASSES PRIMARILY TAUGHT BY MORE THAN ONE TEACHER AS PART OF A TEAM TEACHING STRATEGY OR A FLEXIBLE TEACHING STRATEGY THAT UTILIZES TWO OR MORE TEACHERS SHARING A CLASSROOM, OR A MULTI-GRADE CLASSROOM, OR OTHER FLEXIBLE STUDENT CONFIGURATIONS WITHIN A CLASSROOM;

(b) TO CLASSES IN WHICH A TEACHER'S AIDE OR PARAPROFESSIONAL ASSISTS FOR A FULL REGULAR SCHOOL DAY;

(c) IF CREATION OF AN ADDITIONAL CLASS WOULD CAUSE A CLASS TO HAVE FEWER THAN TEN STUDENTS AND THE CLASS EXCEEDING THE NUMBER OF STUDENTS SPECIFIED IN SUBSECTION (1) OF THIS SECTION HAS A TEACHER'S AIDE OR PARAPROFESSIONAL ASSISTING IN THE CLASSROOM FOR A FULL REGULAR SCHOOL DAY.

(3) EACH PUBLIC SCHOOL SHALL COMPLY WITH THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION BY OCTOBER 1, 2002, AND BY OCTOBER 1 OF EACH YEAR THEREAFTER. AFTER OCTOBER 1 OF ANY YEAR, A SCHOOL MAY BE OUT OF COMPLIANCE WITH SUBSECTION (1) OF THIS SECTION ONLY TO THE EXTENT NECESSARY TO ACCOMMODATE NEW STUDENTS WHO ENROLL AT THE SCHOOL AFTER OCTOBER 1."

Renumber succeeding section numbers accordingly.

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

YES	8	NO	27	EXCUSED	0	ABSENT	0
Anderson	N	Evans	N	May	Y	Takis	N
Andrews	Y	Fitz-Gerald	N	McElhany	Y	Tate	N
Arnold	Y	Gordon	N	Musgrave	Y	Taylor	N
Cairns	Y	Hagedorn	N	Nichol	N	Teck	N
Chlouber	Y	Hanna	N	Owen	N	Thiebaut	N
Dyer, E.	N	Hernandez	N	Pascoe	N	Tupa	N
Dyer, F.	N	Hillman	N	Perlmutter	N	Windels	N
Entz	N	Lamborn	N	Phillips	N	Mr. President	N
Epps	Y	Linkhart	N	Reeves	N		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Nichol, 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: **SB01-206** as amended, **SB01-098** as amended, **SB01-122** as amended, **SB01-063** as amended, **SB01-089** as amended, **SB01-154** as amended, **SB01-164** as amended.

Laid over until Wednesday, April 18, 2001: **SB01-081**, **SB01-204** as amended, **SB01-029**, **SB01-012**, **SB01-078**, **HB01-1371**, **HB01-1153**, **HB01-1260**, **HB01-1268**.

MESSAGE FROM THE HOUSE

April 17, 2001

Mr. President:

The House has adopted and transmits herewith HJR01-1025, as printed in House Journal, April 3, pages 1090-1091.

April 17, 2001

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1373.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1130, amended as printed in House Journal, April 12, pages 1201-1202. HB01-1374, amended as printed in House Journal, April 12, pages 1203-1205.

HB01-1282, amended as printed in House Journal, April 12, page 1203.	1
HB01-1106, amended as printed in House Journal, April 12, page 1203.	2
HB01-1155, amended as printed in House Journal, April 12, page 1203.	3
HB01-1081, amended as printed in House Journal, April 12, page 1205.	4
HB01-1086, amended as printed in House Journal, April 12, pages 1205-1207.	5
HB01-1205, amended as printed in House Journal, April 12, page 1207.	6
HB01-1234, amended as printed in House Journal, April 16, page 1226.	7
HB01-1271, amended as printed in House Journal, April 16, page 1226.	8
HB01-1334, amended as printed in House Journal, April 16, page 1227.	9
HB01-1269, amended as printed in House Journal, April 16, page 1227.	10
HB01-1022, amended as printed in House Journal, April 16, pages 1227-1228.	11
HB01-1157, amended as printed in House Journal, April 16, page 1228.	12
HB01-1263, amended as printed in House Journal, April 16, pages 1230-1231.	13
HB01-1298, amended as printed in House Journal, April 16, page 1228.	14
HB01-1102, amended as printed in House Journal, April 16, page 1228.	15
HB01-1184, amended as printed in House Journal, April 16, pages 1228-1229.	16
HB01-1195, amended as printed in House Journal, April 16, page 1229.	17
HB01-1344, amended as printed in House Journal, April 16, page 1229.	18
HB01-1353, amended as printed in House Journal, April 16, page 1229.	19
HB01-1365, amended as printed in House Journal, April 16, page 1230.	20
HB01-1372, amended as printed in House Journal, April 16, page 1230.	21
SB01-077, amended as printed in House Journal, April 16, page 1230.	22

MESSAGE FROM THE GOVERNOR

April 12, 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. 01-108 – Concerning Implementation Of Recommendations Of The Committee On Legal Services In Connection With Legislative Review Of Rules And Regulations Of State Agencies.

Approved April 12, 2001 at 3:40 p.m.

S.B. 01-114 – Concerning Income Eligibility Requirements Of The AIDS Drug Assistance Program.

Approved April 12, 2001 at 3:55 p.m.

S.B. 01-130 – Concerning Reclassification Of Counties For Purposes Of Fixing Certain County Fees.

Approved April 12, 2001 at 3:53 p.m.

S.B. 01-156 – Concerning Authorization For Manufactures Of Spirituous Liquors To Engage In Certain Business Practices, And, In Connection Therewith, Authorizing Tastings And The Serving And Selling Of Spirituous Liquors That Are Manufactured On The Premises And Authorizing The Serving And Selling Of Food, General Merchandise, Alcohol Beverages, And Nonalcohol Beverages.

Approved April 12, 2001 at 3:51 p.m.

Sincerely,

(signed)
 Bill Owens
 Governor

Rec'd: 4/16/01
 Karen Goldman, Secretary

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SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **HB01-1238**.

The President has signed: **HJR01-1013** and **1026**.

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 Tuesday, April 17, 2001, was laid over until Wednesday, April 18, 2001, retaining its place on the calendar.

Consideration of Resolutions: **SJR01-010, SJR01-023, SJR01-024, HJR01-1021, SJR01-026, SJR01-027**.

Consideration of Memorials: **SM01-001, HJM01-1001, SJM01-001**.

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

Consideration of Governors Appointments

Colorado Tourism Office

State Housing Board

Board of Directors of the Colorado Compensation Insurance Authority

Securities Board

Special Funds Board for Workers Compensation Self Insurers

Wildlife Commission

Board of Assessment Appeals

State Agricultural Commission

Colorado Water Conservation Board

Air Quality Control Commission

Consideration of Conference Committee Reports: **HB01-1250, HB01-1124, HB01-1187, HB01-1034**.

TRIBUTES--A POINT OF INTEREST

Honoring Trond Nystad by Senator Evans

Honoring Sanna Virtanen by Senator Evans

Honoring William Wittusen by Senator Evans

Honoring Pietro Brogginini by Senator Evans

Honoring Karin Camenisch by Senator Evans

Honoring Irene Eder by Senator Evans

Honoring Joern Frohs by Senator Evans

Honoring Jack Gervais by Senator Evans

Honoring Todd Greenwood by Senator Evans

Honoring Hakon Johansen by Senator Evans

Honoring Niina Karvonen by Senator Evans

Honoring Dylan Prosser by Senator Evans

Honoring Mike Savoie by Senator Evans

Honoring Suzi Smith by Senator Evans

Honoring August Teague by Senator Evans

Honoring Beau Terhaar by Senator Evans

Honoring Wolf Wallendorf by Senator Evans

Honoring Knut Nystad by Senator Evans

Honoring Kyrill Kretzschmar by Senator Evans

Honoring Katie Bertram by Senator Evans

Honoring Craig Tyler by Senator Evans

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Honoring Julia Delich by Senator Evans	1
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Honoring Nico Eppeland by Senator Evans	3
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Honoring Christina Guptill by Senator Evans	5
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Honoring Cecilie Hagen Larsen by Senator Evans	7
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Honoring Barbara Knor by Senator Evans	9
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Honoring Kristin Kreizel by Senator Evans	11
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Honoring Christina Metzger by Senator Evans	13
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Honoring Philipp Putzer by Senator Evans	15
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Honoring Martina Sailer by Senator Evans	17
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Honoring Joe Sipe by Senator Evans	19
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Honoring Jayme Smithers by Senator Evans	21
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Honoring Kurt Smitz by Senator Evans	23
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Honoring Christian Hutter by Senator Evans	25
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Honoring Shad Forsythe by Senator Evans	27
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Honoring Jim Weltie by Senator Epps	29
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Honoring Terrie Burke by Senator Epps	31
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Honoring Jared Thomas by Senator Arnold	33
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Honoring Daniel Alletto by Senators Evans and Arnold	35
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Honoring Nicholas Buike by Senators Cairns and Arnold	37
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Honoring Daniel Carlson by Senators Pascoe and Arnold	39
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Honoring Mark Christner by Senators Pasco and Arnold	41
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Honoring Andrew Cole by Senators J. F. Dyer and Arnold	43
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Honoring Jeremy Denison by Senators Andrews and Arnold	45
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Honoring Nicholas Dittrich by Senators Perlmutter and Arnold	47
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Honoring David Douglas by Senators J. F. Dyer and Arnold	49
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Honoring Christopher Fauble by Senators Perlmutter and Arnold	51
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Honoring Milan Fillmore by Senators Cairns and Arnold	53
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Honoring Bryan Jones by Senators J. F. Dyer and Arnold	55
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Honoring Mitchell Keller by Senators Cairns and Arnold	57
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Honoring Wade Kenawell by Senators Fitz-Gerald and Arnold	59
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Honoring David Knight by Senators Windels and Arnold	61
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Honoring Liron Kopinsky by Senators Tate and Arnold	63
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Honoring Christopher LeCrone by Senators Nichol and Arnold	65
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Honoring Brian Lewis by Senators Takis and Arnold	67
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Honoring Jeremiah Lilly by Senators Evans and Arnold	69
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Honoring Derald Miller by Senators Evans and Arnold	71
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Honoring Gable Moffitt by Senators Nichol and Arnold	1
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Honoring Johnathan Near by Senators J. F. Dyer and Arnold	3
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Honoring Timothy Paulsen by Senators Fitz-Gerald and Arnold	5
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Honoring Philip Pinson by Senators J. F. Dyer and Arnold	7
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Honoring Brandon Pitcher by Senators Windels and Arnold	9
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Honoring Timothy Reidy by Senators J. F. Dyer and Arnold	11
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Honoring Eric Reitze by Senators Fitz-Gerald and Arnold	13
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Honoring Donald Schmidt by Senators Anderson and Arnold	15
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Honoring Todd Selchert by Senators Fitz-Gerald and Arnold	17
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Honoring Michael Stagg by Senators Windels and Arnold	19
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Honoring Nathan Trenholme by Senators Evans and Arnold	21
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Honoring John Uhl by Senators Evans and Arnold	23
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Honoring Jake Ballard by Senator Phillips and Representative Plant	25
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Honoring Derek Belohrad by Senator Phillips and Representative Plant	27
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Honoring Ryan Belohrad by Senator Phillips and Representative Plant	29
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Honoring Jonathan Birnie by Senator Phillips and Representative Plant	31
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Honoring Robert Christian by Senator Phillips and Representative Plant	33
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Honoring Chris Cleary by Senator Phillips and Representative Plant	35
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Honoring Cass Cousins by Senator Phillips and Representative Plant	37
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Honoring Cody Delozier by Senator Phillips and Representative Plant	39
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Honoring Tyler Gatlin by Senator Phillips and Representative Plant	41
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Honoring Garrett Hanson by Senator Phillips and Representative Plant	43
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Honoring Ryan Katapski by Senator Phillips and Representative Plant	45
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Honoring David Kirsch by Senator Phillips and Representative Plant	47
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Honoring Sam Meints by by Senator Phillips and Representative Plant	49
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Honoring Joe Paolilli by Senator Phillips and Representative Plant	51
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Honoring Mike Powell by Senator Phillips and Representative Plant	53
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Honoring Tyler Sanner by Senator Phillips and Representative Plant	55
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Honoring Dylan Tyrrell by Senator Phillips and Representative Plant	57
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Honoring Kevin Curry by Senator Evans	59
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Honoring Jeremy Monahan by Senator Evans	61
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Honoring Mike Polete by Senator Evans	63
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James Van Horne by Senator Evans	65
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Honoring Kyle Curry by Senator Evans	67
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Honoring Bud Bliss by Senator Musgrave	69
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Honoring Veronica Lucas by Senator Musgrave	71
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Honoring Otis Chartier by Senator Musgrave

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Honoring Brian Schoenecker by Senator Musgrave

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Honoring Antonio Gonzalez by Senator Epps

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Honoring Andrew Lewis by Senator Epps

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Honoring Michael Harding by Senator Epps

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On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Wednesday, April 18, 2001.

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Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate