

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

One hundred-twentieth Legislative Day Wednesday, May 9, 2001

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

Roll Call Present--Total, 34.
 Absent/Excused--Hanna--Total, 1.
 Present later--Hanna.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Dyer (Durango), reading of the Journal of Tuesday, May 8, 2001 was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly rerevised: HB01-1097, 1388, 1398, 1368, 1397, 1404, 1396, 1195.

Correctly revised: HJR01-1034, HB01-1199, 1377, 1403, 1406, 1408, 1409, 1401, 1387, 1390, 1242, 1131, 1262, 1394, 1240, 1386, 1405, 1389, 1352.

Correctly engrossed: SJR01-018, SJM01-003.

Correctly enrolled: SB01-040, 108, 114, 129, 130, 132, 156.

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 Reports.

SENATE RECEDES ON SB01-142

SB01-142 by Senator McElhany; also Representative Romanoff--Concerning the standard of evidence necessary for certain applicants to establish their social security numbers with the department of revenue.

Senator McElhany moved that the Conference Committee on **SB01-142** be dissolved, and that the Senate Conferees be discharged. The motion was adopted by the following roll call vote:

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		

Senator McElhany moved that the Senate concur in House amendments to **SB01-142**, as printed in House Journal, May 1, 2001, pages 1492-1493. The motion was **passed** by the following roll call vote:

SB01-142

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		

The question being "Shall the bill, as amended, 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, as amended, was declared **repassed**.

Co-sponsors added: Cairns, May, Reeves, Tate, Teck.

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.

HB01-1345 by Representatives Hoppe, Miller, Snook, Rippy and Webster; also Senator Dyer (Durango)--Concerning the creation of the mineral and energy reclamation trust fund for the purpose of repairing damage to land following the extraction of certain elements.

Laid over until later in the day, May 9, 2001.

HB01-1199 by Representatives Johnson, Tochtrop, Witwer, Alexander, Fritz, Hefley, Lee, Romanoff and Sinclair; also Senators Reeves, Epps, Evans and Hanna--Concerning medical assistance reforms, and making an appropriation in connection therewith.

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	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	N	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 members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsor added: Windels.

HB01-1377 by Representative Williams T.; also Senator Tate--Concerning probate matters.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB01-1377

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	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	N	Perlmutter	Y	Windels	Y
Entz	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

HB01-1403

by Representative Dean; also Senator Teck--Concerning the continued payment of expenses related to the disbursement of all forms of moneys received by the treasury.

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	Y	May	Y	Takis	N
Andrews	Y	Fitz-Gerald	N	McElhany	N	Tate	N
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	N	Teck	Y
Chlouber	Y	Hanna	Y	Owen	N	Thiebaut	Y
Dyer, E.	Y	Hernandez	N	Pascoe	Y	Tupa	Y
Dyer, F.	N	Hillman	N	Perlmutter	N	Windels	Y
Entz	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	N	Linkhart	N	Reeves	N		

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

HB01-1406

by Representative Lawrence; also Senators Thiebaut and Matsunaka--Concerning the university of southern Colorado goal planning process.

A majority of those elected to the Senate having voted in the affirmative, Senator Thiebaut was given permission to offer a Third Reading Amendment.

Third Reading Amendment, by Senator Thiebaut.

Amend revised bill, page 5, line 3, after "COMMITTEE", insert "OR TASK FORCE";

line 4, strike "THE COMMITTEE DEEMS" and substitute "DEEMED".

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

The question being "Shall the bill, as amended, 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	N	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 members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **passed**.

Co-sponsors added: Chlouber.

HB01-1408

by Representatives Lawrence, Larson and Miller; also Senators Phillips and Windels-- Concerning a supplemental appropriation for specified department of human services, division of youth corrections, department of education, school for the deaf and blind, and department of higher education, Colorado historical society capital construction projects.

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

HB01-1409

by Representatives Lawrence, Larson and Miller; also Senators Phillips, Windels and McElhany--Concerning the authorization of the executive director of the department of personnel to purchase, on behalf of the state, property located at 1570 Grant Street, Denver, Colorado, and making an appropriation in connection therewith.

Laid over until later in the day, May 9, 2001.

HB01-1401

by Representatives Saliman, Berry, Grossman, Lawrence and Tapia; also Senators Anderson, Owen, Reeves and Tate--Concerning participation in the comprehensive primary and preventive care grant program.

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

Co-sponsors added: Hagedorn, Hernandez, Perlmutter, Takis, Windels.

HB01-1387

by Representative Snook; also Senator Entz--Concerning measures designed to mitigate hazards originating from solid waste, and, in connection therewith, making an appropriation.

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

HB01-1390

by Representatives Romanoff, Fairbank, Grossman, Mitchell and Sinclair; also Senator McElhany--Concerning the enforcement of the reporting requirements under the "Fair Campaign Practices Act".

A majority of those elected to the Senate having voted in the affirmative, Senator Cairns was given permission to offer a Third Reading Amendment.

Third Reading Amendment, by Senator Cairns.

Amend revised bill, page 2, line 4, strike "The" and substitute "EXCEPT AS PROVIDED IN PARAGRAPH (a.5) OF THIS SUBSECTION (4), the";

line 5, strike "ten FIFTY" and substitute "ten".

Page 3, after line 8, insert the following:

"(a.5) THE FINE IMPOSED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4) SHALL BE INCREASED TO FIFTY DOLLARS PER DAY COMMENCING WITH THE THIRD SUCH STATEMENT OR INFORMATION THAT IS NOT FILED ON THE DAY DUE AND FOR EACH SUBSEQUENT LATE-FILED STATEMENT OR INFORMATION."

A majority of members elected to the Senate having voted in the negative, the amendment was declared **lost**.

A majority of those elected to the Senate having voted in the affirmative, Senator Fitz-Gerald was given permission to offer a Third Reading Amendment.

Third Reading Amendment, by Senator Fitz-Gerald.

Amend revised bill, page 4, strike lines 13 through 22 and substitute the following:

"**SECTION 2.** 1-45-108 (2.3), Colorado Revised Statutes, is amended to read:

1-45-108. Disclosure. (2.3) (a) A candidate committee, political committee, issue committee, or political party that utilizes the electronic filing system described in section 1-45-109 (6) to file reports with the secretary of state shall have two additional days after each due date prescribed in paragraph (a) of subsection (2) of this section in which to file such reports.

(b) PARAGRAPH (a) OF THIS SUBSECTION (2.3) IS REPEALED, EFFECTIVE JANUARY 1, 2007."

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

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	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	N
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	N
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	N	Windels	Y
Entz	N	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

HB01-1242

by Representative Mitchell; also Senator Gordon--Concerning substantive changes for strengthening of the criminal laws.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB01-1242

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	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	N
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 members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Arnold, Dyer (Arapahoe), May.

HB01-1131

by Representatives Spence, Alexander, Cadman, Clapp, Coleman, Dean, Decker, Fritz, Hefley, Johnson, Kester, King, Larson, Marshall, Mitchell, Nunez, Rippy, Tochtrop, Weddig, White, Williams S., Williams T. and Witwer; also Senator Anderson--Concerning changes to the terminology describing information on school performance, and, in connection therewith, changing the name of school report cards to school accountability reports, replacing letter grades with descriptive measurements, and applying the same descriptive measurements for school improvement to all schools.

Laid over until later in the day, May 9, 2001.

HB01-1262

by Representative Spence; also Senator Anderson--Concerning the implementation of section 17 of article IX of the state constitution.

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

Co-sponsor added: Reeves.

HB01-1394

by Representatives Sinclair, Marshall; also Senator Matsunaka--Concerning the authority of the commissioner of insurance to established component rating credit insurance, and making an appropriation therefor.

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

YES	29	NO	6	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	Y	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

HB01-1240

by Representative Hoppe; also Senator Entz--Concerning the creation of the water resources legislation review committee.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB01-1240

YES	32	NO	3	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	N
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	Y	Thiebaut	N
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 members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Andrews, Arnold, Cairns, Dyer (Arapahoe), Dyer (Durango), Fitz-Gerald, Hanna, Lamborn, Musgrave, Perlmutter, Taylor, Teck.

HB01-1386

by Representative Fritz; also Senator Matsunaka--Concerning the exemption of voter-approved marketing and promotion taxes levied by a local marketing district from the statutory six and ninety one-hundredths percent sales or use tax limit.

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	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	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	N	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Taylor, Teck.

HB01-1405

by Representatives White, Kester and Larson; also Senators Chlouber and Fitz-Gerald--Concerning the creation of a telemarketing no-call list for telephone subscribers.

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

YES	31	NO	4	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	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	Y	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Arnold, Dyer (Arapahoe), Epps, Hagedorn, Hanna, Hernandez, Linkhart, Nichol, Phillips, Reeves, Tate, Taylor, Teck, Tupa, Windels.

IMMEDIATE RECONSIDERATION OF HB01-1405

HB01-1405

by Representatives White, Kester and Larson; also Senators Chlouber and Fitz-Gerald--Concerning the creation of a telemarketing no-call list for telephone subscribers.

Having voted on the prevailing side, Senator Chlouber moved for immediate consideration of **HB01-1405**.

Immediate reconsideration was denied by the following roll call vote:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB01-1405

YES	4	NO	31	EXCUSED	0	ABSENT	0
Anderson	N	Evans	N	May	N	Takis	N
Andrews	Y	Fitz-Gerald	N	McElhany	Y	Tate	N
Arnold	N	Gordon	N	Musgrave	N	Taylor	N
Cairns	Y	Hagedorn	N	Nichol	N	Teck	N
Chlouber	N	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	Y	Phillips	N	Mr. President	N
Epps	N	Linkhart	N	Reeves	N		

THIRD READING--FINAL PASSAGE OF BILLS
(Continued)

HB01-1389

by Representative Plant; also Senator Fitz-Gerald--Concerning creation of an interest-free loan program for charter schools to alleviate cash flow management problems.

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

YES	11	NO	21	EXCUSED	0	ABSENT	3
Anderson	N	Evans	A	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	N	Gordon	Y	Musgrave	N	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	N	Teck	N
Chlouber	Y	Hanna	N	Owen	N	Thiebaut	N
Dyer, E.	N	Hernandez	N	Pascoe	A	Tupa	Y
Dyer, F.	N	Hillman	N	Perlmutter	A	Windels	Y
Entz	N	Lamborn	N	Phillips	N	Mr. President	N
Epps	N	Linkhart	N	Reeves	Y		

A majority of members elected to the Senate having voted in the negative, the bill was declared **lost**.

HB01-1352

by Representatives Rhodes, Lee, Paschall and White; also Senator Anderson--Concerning the timing of the release of information concerning the results of student assessments.

Laid over until later in the day, May 9, 2001.

NOTICE OF INTENT FOR RECONSIDERATION OF HB01-1389

HB01-1389

by Representative Plant; also Senator Fitz-Gerald--Concerning creation of an interest-free loan program for charter schools to alleviate cash flow management problems.

Having voted on the prevailing side, Senator Matsunaka gave notice of intent to reconsider **HB01-1389**. The Senate chose not to act on the reconsideration.

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB01-140**

THIS REPORT AMENDS THE
REENGROSSED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on SB01-140, concerning small claims court, has met and reports that it has agreed upon the following:

1. That the House recede from its amendments made to the bill, as said amendments appear in the rerevised bill, and that the following amendments be substituted therefor:

Amend reengrossed bill, page 3, line 12, strike "five thousand" and substitute "~~five thousand~~ SEVEN THOUSAND FIVE HUNDRED";

SB01-140

line 16, strike "five thousand" and substitute "~~five thousand~~ SEVEN THOUSAND FIVE HUNDRED";

line 20, strike "five thousand" and substitute "~~five thousand~~ SEVEN THOUSAND FIVE HUNDRED";

line 22, strike "FIVE THOUSAND" and substitute "SEVEN THOUSAND FIVE HUNDRED";

line 25, strike "five thousand" and substitute "~~five thousand~~ SEVEN THOUSAND FIVE HUNDRED".

Page 10, line 10, strike "FIVE thousand" and substitute "~~thousand~~ SEVEN THOUSAND FIVE HUNDRED";

line 12, strike "TWENTY-NINE" and substitute "TWENTY-THREE";

line 13, strike "TWENTY-FIVE" and substitute "FIFTEEN".

Page 11, line 7, strike "FIVETHOUSAND" and substitute "SEVEN THOUSAND FIVE HUNDRED";

line 9, strike "THIRTY" and substitute "TWENTY".

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

Amend reengrossed bill, page 11, after line 9, insert the following:

"SECTION 11. 13-6-104 (1) and (2), Colorado Revised Statutes, are amended to read:

13-6-104. Original civil jurisdiction. (1) On and after January 1, 1991, the county court shall have concurrent original jurisdiction with the district court in civil actions, suits, and proceedings in which the debt, damage, or value of the personal property claimed does not exceed ~~ten~~ FIFTEEN thousand dollars, including by way of further example, and not limitation, jurisdiction to hear and determine actions in tort and assess damages therein not to exceed ~~ten~~ FIFTEEN thousand dollars. The county court shall also have jurisdiction of counterclaims in all such actions when the counterclaim does not exceed ~~ten~~ FIFTEEN thousand dollars.

(2) The county court shall have concurrent original jurisdiction with the district court in actions to foreclose liens pursuant to article 20 of title 38, C.R.S., and in cases of forcible entry, forcible detainer, or unlawful detainer, except when such cases involve the boundary or title to real property and except as provided in section 13-40-109. Judgment in the county court for rent, damages on account of unlawful detention, damages for injury to property, and damages incurred under article 20 of title 38, C.R.S., under this subsection (2) shall not exceed a total of ~~ten~~ FIFTEEN thousand dollars, exclusive of costs and attorney fees, nor shall the county court on and after January 1, 1991, have jurisdiction if the monthly rental value of the property exceeds ~~ten~~ FIFTEEN thousand dollars.

SECTION 12. 13-32-101 (1)(c)(I), Colorado Revised Statutes, is amended to read:

13-32-101. Docket fees in civil actions - support registry fund created - repeal. (1) At the time of first appearance in all civil actions and special proceedings in all courts of record, except in the supreme court and the court of appeals, and except in the probate proceedings in the district court or probate court of the city and county of Denver, and except as provided in subsection (2) of this section and in sections 13-32-103 and 13-32-104, there shall be paid in advance the total docket fees, as follows:

(c) (I) Except as provided in subparagraph (II) of this paragraph (c), on and after July 1, 1992, by each plaintiff, petitioner, third-party plaintiff, and party filing a cross claim or counterclaim, when a money

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-140

judgment sought is ~~ten~~ FIFTEEN thousand dollars or less and such action is commenced in a court of record of appropriate limited jurisdiction, a fee in the amount of thirty dollars and, by each defendant, respondent, third-party defendant, or other party in such court not filing a cross claim or counterclaim, a fee in the amount of twenty-six dollars.

SECTION 13. 13-40-109, Colorado Revised Statutes, is amended to read:

13-40-109. Jurisdiction of courts. The district courts in their respective districts and county courts in their respective counties have jurisdiction of all cases of forcible entry, forcible detainer, or unlawful detainer arising under this article, and the person entitled to the possession of any premises may recover possession thereof by action brought in any of said courts in the manner provided in this article. On and after January 1, 1991, in all actions brought before county courts under section 13-40-104 (1) (f) to (1) (i), where the allegations of the complaint are put in issue by a verified answer and in actions in which the verified answer alleges a monthly rental value of the property in excess of ~~ten~~ FIFTEEN thousand dollars, the county court, upon the filing of said answer, shall suspend all proceedings therein and certify said cause and transmit the papers therein to the district court of the same county. Causes so certified by the county court shall be proceeded within the courts to which they have been so certified in all respects as if originally begun in the court to which they have been certified. On and after January 1, 1991, the jurisdiction of the county court to enter judgment for rent, or damages, or both and to render judgment on a counterclaim in forcible entry and detainer shall be limited to a total of ~~ten~~ FIFTEEN thousand dollars in favor of either party, exclusive of costs and attorney fees."

Renumber succeeding sections accordingly.

Respectfully submitted,

Senate Committee: House Committee:
(signed) (signed)
Senator Matsunaka, Chairman Representative Johnson, Chairman
(signed) (signed)
Senator Gordon Representative Smith
(signed) (signed)
Senator Dyer (Arapahoe) Representative Madden

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON SB01-100

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 SB01-100, concerning the requirement for additional disclosures by persons making charitable solicitations, and, in connection therewith, prohibiting certain practices and making an appropriation therefor, has met and reports that it has agreed upon the following:

- 1. That the Senate accede to the House amendments made to the bill, as the amendments appear in the rerevised bill.
2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendments

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-100

be recommended:

Amend rerevised bill, page 2, line 4, strike "THE FOLLOWING NEW SUBSECTIONS," and substitute "A NEW SUBSECTION,".

Page 3, strike lines 9 through 23.

Page 12, strike lines 17 and 18 and substitute the following:

"STATE OR OF THE UNITED STATES, OR HAS BEEN ENJOINED WITHIN THE IMMEDIATELY PRECEDING FIVE YEARS UNDER THE LAWS OF THIS OR ANY OTHER STATE OR OF THE UNITED STATES FROM ENGAGING IN DECEPTIVE CONDUCT RELATING TO CHARITABLE SOLICITATIONS.".

Page 19, strike lines 17 and 18 and substitute the following:

"OR ANY OTHER STATE OR OF THE UNITED STATES, OR HAS BEEN ENJOINED WITHIN THE IMMEDIATELY PRECEDING FIVE YEARS UNDER THE LAWS OF THIS OR ANY OTHER STATE OR OF THE UNITED STATES FROM ENGAGING IN DECEPTIVE CONDUCT RELATING TO CHARITABLE SOLICITATIONS.".

Page 22, line 16, strike "THE FOLLOWING NEW PARAGRAPHS," and substitute "A NEW PARAGRAPH,";

strike line 27.

Page 23, strike line 1;

line 2, strike "(h)" and substitute "(g)".

Page 24, strike lines 25 through 27.

Page 25, strike lines 1 through 23 and substitute the following:

"6-16-111. Violations. (1.5) A PERSON COMMITS CHARITABLE FRAUD IF HE OR SHE, IN THE COURSE OF OR IN FURTHERANCE OF A SOLICITATION, MISREPRESENTS TO, MISLEADS, MAKES FALSE STATEMENTS TO, OR USES A NAME OTHER THAN THE SOLICITOR'S LEGAL NAME IN COMMUNICATING WITH A PERSON BEING SOLICITED IN ANY MANNER THAT WOULD LEAD A REASONABLE PERSON TO BELIEVE THAT:

(a) IF THE PERSON BEING SOLICITED MAKES A CONTRIBUTION, HE OR SHE WILL RECEIVE SPECIAL BENEFITS OR FAVORABLE TREATMENT FROM A POLICE, SHERIFF, PATROL, FIREFIGHTING, OR OTHER LAW ENFORCEMENT AGENCY OR DEPARTMENT OF GOVERNMENT; OR

(b) IF THE PERSON BEING SOLICITED FAILS TO MAKE A CONTRIBUTION, HE OR SHE WILL RECEIVE UNFAVORABLE TREATMENT FROM A POLICE, SHERIFF, PATROL, FIREFIGHTING, OR OTHER LAW ENFORCEMENT AGENCY OR DEPARTMENT OF GOVERNMENT.";

line 26, strike "PARAGRAPH (b) OR (c) OF".

Respectfully submitted,

Senate Committee:

(signed)
Senator Gordon, Chairman

House Committee:

(signed)
Representative Stengel, Chairman

(signed)
Senator Windels

(signed)
Representative Kester

(signed)
Senator Dyer (Arapahoe)

(signed)
Representative Bacon

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB01-088**

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 SB01-088,
concerning criminal history record checks on behalf of entities engaged
in care for vulnerable persons, has met and reports that it has agreed upon
the following:

That the House recede from its amendment made to the bill, as
said amendment appears in the rerevised bill, and that the following
amendment be substituted therefor:

Amend rerevised bill, page 3, line 19, strike "SIXTY-FIVE" and substitute
"SIXTY".

Respectfully submitted,

Senate Committee:	House Committee:
(signed)	(signed)
Senator Tupa, Chairman	Representative Mitchell, Chairman
(signed)	(signed)
Senator Windels	Representative Rhodes
(signed)	(signed)
Senator Epps	Representative Hodges

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 Reports.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

HB01-1298 by Representative Berry; also Senator Tate--Concerning creation of a statewide common
course numbering system for the transfer of course credits among state-supported
institutions of higher education.

Senator Tate moved for the adoption of the First Report of the First Conference
Committee on **HB01-1298**, as printed in Senate Journal, May 1, 2001, pages 1097-1098.
The motion was **adopted** by the following roll call vote:

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		

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

HB01-1298

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, as amended, was declared **repassed**.

Co-sponsors added: May, Tupa, Windels.

HB01-1264

by Representative Stafford; also Senator Hagedorn--Concerning child support obligations, and making an appropriation in connection therewith.

Senator Hagedorn moved for the adoption of the First Report of the First Conference Committee on **HB01-1264**, as printed in Senate Journal, April 30, 2001, pages 1079-1080. The motion was **adopted** by the following roll call vote:

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		

The question being "Shall the bill, as amended, 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, as amended, was declared **repassed**.

HB01-1269

by Representative Chavez; also Senator Epps--Concerning punishment of criminal gang activities, and making an appropriation in connection therewith.

Senator Epps moved for the adoption of the First Report of the First Conference Committee on **HB01-1269**, as printed in Senate Journal, May 8, 2001, pages 1308-1309. The motion was **adopted** by the following roll call vote:

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		

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

HB01-1269

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, as amended, was declared **repassed**.

Co-sponsors added: Arnold, Cairns, May, Nichol, Teck.

HB01-1184

by Representative Veiga; also Senator Perlmutter--Concerning domestic violence, and making an appropriation therefor.

Senator Perlmutter moved for the adoption of the First Report of the First Conference Committee on **HB01-1184**, as printed in Senate Journal, May 1, 2001, pages 1100-1101. The motion was **adopted** by the following roll call vote:

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		

The question being "Shall the bill, as amended, 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	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.	N	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, as amended, was declared **repassed**.

Co-sponsors added: Dyer (Durango), Epps, Fitz-Gerald, Hagedorn, Hanna, Hernandez, Nichol, Phillips, Reeves, Tate, Tupa, Windels.

SB01-140

by Senator Matsunaka; also Representative Johnson--Concerning small claims court.

Senator Matsunaka moved for the adoption of the First Report of the First Conference Committee on **SB01-140**, as printed in Senate Journal, May 9, 2001, pages 1342-1344. The motion was **adopted** by the following roll call vote:

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		

SB01-140

The question being "Shall the bill, as amended, 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, as amended, was declared **repassed**.

SB01-100

by Senator Gordon; also Representative Stengel--Concerning the requirement for additional disclosures by persons making charitable solicitations, and, in connection therewith, prohibiting certain practices and making an appropriation therefor.

Senator Gordon moved for the adoption of the First Report of the First Conference Committee on **SB01-100**, as printed in Senate Journal, May 9, 2001, pages 1344-1345. The motion was **adopted** by the following roll call vote:

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		

The question being "Shall the bill, as amended, 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, as amended, was declared **repassed**.

Co-sponsors added: Dyer (Arapahoe), Dyer (Durnago), Epps, McElhany, Perlmutter, Windels.

SB01-088

by Senators Tupa, Linkhart, Arnold, Hernandez and Nichol; also Representatives Mitchell, Alexander, Hefley and Lee--Concerning criminal history record checks on behalf of entities engaged in care for vulnerable persons.

Senator Tupa moved for the adoption of the First Report of the First Conference Committee on **SB01-088**, as printed in Senate Journal, May 9, 2001, pages 1346. The motion was **adopted** by the following roll call vote:

SB01-088

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		

The question being "Shall the bill, as amended, 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, as amended, was declared **repassed**.

Co-sponsors added: Arnold, Entz, Epps, Windels.

MESSAGE FROM THE HOUSE

May 9, 2001

Mr. President:

The House has postponed indefinitely SB01-067. The bill is returned herewith.

The House has passed on Third Reading and returns herewith SB01-216,231,234,235,233.

The House has passed on Third Reading and transmitted to the Revisor of Statutes;

SB01-214, amended as printed in House Journal, May 8, pages 1710-1711.

SB01-210, amended as printed in House Journal, May 8, page 1711.

SB01-229, amended as printed in House Journal, May 7, page 1677, and on May 8, pages 1715-1716, and on Third Reading as printed in House Journal, May 9, pages 1761-1763.

SB01-157, amended as printed in House Journal, May 1, pages 1498-1499, and on May 8, page 1715.

SB01-240, amended as printed in House Journal, May 8, page 1755.

The House has adopted the First Report of the First Conference Committee on SB01-118, as printed in House Journal, May 4, pages 1619-1620, and has repassed the bill as so amended. The bill is returned herewith.

The House has voted to reject the Conference Committee Report on SB01-219, and adhere to its position. 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 Memorials **SJM01-002, HJM01-1001**.

CONSIDERATION OF MEMORIALS

SJM01-002 by Senator Thiebaut; also Representative Grossman--Memorializing former Minnesota Governor Harold Stassen.

On motion of Senator Thiebaut, the memorial was read at length and adopted by the following roll call vote:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SJM01-002

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		

Co-sponsors added: The present roll call of the Senate.

HJM01-1001

by Representatives Williams T. and Webster; also Senator Owen--Memorializing former Representative Kenneth W. Monfort

On motion of Senator Owen, the memorial was adopted by the following roll call vote:

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		

Co-sponsors added: The present roll call of the Senate.

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 Resolutions.

CONSIDERATION OF RESOLUTIONS

HJR 01-1046

by Representatives Romanoff, Alexander, Boyd, Cloer, Fritz, Groff, Jameson, Johnson, Kester, Larson, Lawrence, Mace, Madden, Rippy, Sanchez, Sinclair, Stafford, Tapia, Vigil, Weddig, White, Williams T. and Witwer; also Senators Dyer (Durango), Fitz-Gerald and Taylor--Concerning the creation of a task force to study affordable housing solutions for Colorado.

On motion of Senator Dyer (Durango), the resolution was adopted by the following roll call vote:

YES	28	NO	7	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	N	Gordon	Y	Musgrave	N	Taylor	Y
Cairns	N	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	N	Perlmutter	Y	Windels	Y
Entz	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

Co-sponsor added: Epps, Hagedorn, Hanna, Hernandez, Linkhart, Nichol, Perlmutter, Reeves, Tate, Windels.

SR01-020

by Senator Tate and Thiebaut--Concerning encouragement of a study of the death penalty.

Laid over until later in the day, May 9, 2001.

SR01-017

by Senator Lamborn--Concerning Pregnancy and Infant Loss Remembrance Day.

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

SR01-017

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		

Co-sponsors added: Anderson, Andrews, Arnold, Cairns, Chlouber, Dyer (Arapahoe), Dyer (Durango), Entz, Epps, Evans, Fitz-Gerald, Gordon, Hagedorn, Hanna, Hernandez, Hillman, Linkhart, Matsunaka, May, McElhany, Musgrave, Nichol, Owen, Pascoe, Perlmutter, Phillips, Reeves, Takis, 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, **HJR01-1027** and **HJR01-1038** were advanced on the Consideration of Resolutions calendar.

HJR01-1027

by Representatives Hefley, Mitchell, Alexander, Chavez, Clapp, Decker, Fritz, Groff, Jahn, Lee, Madden, Nunez, Romanoff, Smith, Snook, Spence and Veiga; also Senators Gordon, Dyer (Arapahoe), Hernandez, Hillman, Linkhart and Windels--Concerning creation of an interim committee to study the criminal sentencing statutes.

On motion of Senator Gordon, the resolution was adopted by the following roll call vote;

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		

Co-sponsors added: Arnold, Entz, Fitz-Gerald, Hagedorn, Hanna, Musgrave, Nichol, Reeves, Tate, Tupa.

HJR01-1038

by Representative Cloer; also Senator Epps--Concerning health care for the working uninsured.

On motion of Senator Epps, the resolution was adopted by the following roll call vote:

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		

Co-sponsors added: Fitz-Gerald, Hanna, Nichol, Teck, Tupa.

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB01-118**

THIS REPORT AMENDS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-118

Your first conference committee appointed on SB01-118, concerning the regulation of direct-entry midwives, and, in connection therewith, continuing the regulation of direct-entry midwives by the division of registrations in the department of regulatory agencies, has met and reports that it has agreed upon the following:

That the Senate accede to the House amendments made to the bill, as said amendments appear in the rerevised bill, with the following changes:

Amend rerevised bill, page 3, strike line 20 and substitute "**SECTION 4.**".

Page 4, line 10, strike "has ALL OF THE FOLLOWING:" and substitute "has:";

line 11, strike "(I)" and strike "in a home setting," and substitute "~~in a home setting,~~";

line 12, strike "apprenticeship providing" and substitute "~~apprenticeship providing~~";

line 14, strike "births." and substitute "births;"

strike lines 15 through 17 and substitute the following:

~~"(e) Following completion of the education, training, and experience enumerated in paragraphs (a) to (d) of this subsection (5);"~~

strike line 18 and substitute "~~supervised participation~~ PARTICIPATED as ~~the primary~~ A birth attendant, including";

line 20, strike "births. and" and substitute "births; and";

strike line 21.

Respectfully submitted,

Senate Committee:
(signed)
Senator Hernandez, Chairman

House Committee:
(signed)
Representative Clapp, Chairman

(signed)
Senator Hagedorn

(signed)
Representative Stafford

(signed)
Senator Epps

(signed)
Representative Mace

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 Reports.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

SB01-118

by Senators Hernandez, Epps and Hagedorn; also Representative Mace--Concerning the regulation of direct-entry midwives, and, in connection therewith, continuing the regulation of direct-entry midwives by the division of registrations in the department of regulatory agencies.(Amended as printed in House Journal, March 29, page 983.)

Senator Hernandez moved for the adoption of the First Report of the First Conference Committee on **SB01-118**, as printed in Senate Journal, May 9, 2001, pages1352-1353. The motion was **adopted** by the following roll call vote:

SB01-118

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		

The question being "Shall the bill, as amended, 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, as amended, was declared **repassed**.

Co-sponsor added: Owen.

SENATE RECEDES ON SB01-219

SB01-219

by Senator Hernandez; also Representative White--Concerning restrictions on bail bonding agents.

Senator Hernandez moved that the Conference Committee on **SB01-219** be dissolved, and that the Senate Conferees be discharged. The motion was adopted by the following roll call vote:

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		

Senator Hernandez moved that the Senate concur in House amendments to **SB01-219**, as printed in House Journal, May 3, 2001, page 1553. The motion was **passed** by the following roll call vote:

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		

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-219

YES	33	NO	2	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	N	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	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, as amended, was declared **repassed**.

Senate in Recess--Senate Reconvened.

MESSAGE FROM THE HOUSE

May 9, 2001

Mr. President:

In response to the request from the Senate, SB01-142 is returned herewith.

The House has adopted and returns herewith SJR01-023.

The House has adopted and transmits herewith HJR01-1055, as printed in House Journal, May 9. Pursuant to the resolution, the Speaker has appointed Representatives Sinclair, chairman, Fairbank, and Miller.

The House has voted to concur in the Senate amendments to HB01-1344, 1022, 1234, 1383, 1381, 1375, 1400, 1357, 1359, 1354, 1397, and has repassed the bills as so amended.

MESSAGE FROM THE REVISOR

We herewith transmit:

without comment, as amended, SB01-214, 210, 229, 157, and 240.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

HJR01-1055 by Representatives Spradley, Dean and Grossman; also Senators Thiebaut, Matsunaka and Andrews--Concerning the appointment of a joint committee to notify the governor that the First Regular Session of the Sixty-third General Assembly is about to adjourn Sine Die.

Laid over until later in the day, May 9, 2001.

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON HB01-1097

 THIS REPORT AMENDS THE
 REENGROSSED BILL

To the President of the Senate and the Speaker of the House of Representatives:

Your first conference committee appointed on HB01-1097, concerning creation of the "Certified Capital Company Act", and, in connection therewith, making an appropriation, has met and reports that it has agreed upon the following:

HB01-1097

That the Senate recede from its amendments made to the bill, as said amendments appear in the rerevised bill, and that the following amendments be substituted therefor:

Amend reengrossed bill, page 3, line 15, after "(1)", insert "(a)";

line 17, strike "(a)" and substitute "(I)";

line 19, strike "TEN" and substitute "FIFTEEN";

line 20, after "OTHER", insert "VOTING";

line 23, strike "(b)" and substitute "(II)" and, strike "TEN" and substitute "FIFTEEN";

line 24, after "OTHER", insert "VOTING".

Page 4, line 4, strike "(c)" and substitute "(III)";

line 7, strike "(d)" and substitute "(IV)";

line 9, strike "(e)" and substitute "(V)";

after line 12, insert the following:

"(b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (1), AN INVESTMENT BY A CERTIFIED INVESTOR IN A CERTIFIED CAPITAL COMPANY PURSUANT TO AN ALLOCATION OF PREMIUM TAX CREDITS IN ACCORDANCE WITH SECTION 10-3.5-106 SHALL NOT CAUSE SUCH CERTIFIED CAPITAL COMPANY TO BECOME AN AFFILIATE OF SUCH CERTIFIED INVESTOR.";

line 27, strike "BUSINESSES," and substitute "BUSINESSES OR QUALIFIED RURAL BUSINESSES,".

Page 5, after line 4, insert the following:

"(6) "DESIGNATED RURAL COUNTY" MEANS ANY COUNTY, BUT NOT ANY CITY AND COUNTY, IN THIS STATE THAT, AS OF THE EFFECTIVE DATE OF THIS ARTICLE, HAS A POPULATION OF NOT MORE THAN ONE HUNDRED FIFTY THOUSAND PEOPLE AND, IF THE COUNTY'S POPULATION EXCEEDS TWENTY THOUSAND PEOPLE, THAT HAS A GROWTH RATE THAT DOES NOT EXCEED THE STATEWIDE AVERAGE FOR THE PERIOD 1990-2000 BY MORE THAN TWENTY-FIVE PERCENT AS DEFINED IN THE TWO MOST RECENT DECENNIAL CENSUSES.

(7) "DISTRESSED URBAN COMMUNITY" MEANS ANY COUNTY OR PORTION OF A COUNTY IN THIS STATE AS DEFINED BY THE OFFICE.".

Renumber succeeding subsections accordingly.

Page 5, line 13, after "SHALL", insert "INDICATE WHETHER THE PREMIUM TAX CREDIT ALLOCATION CLAIM IS FOR AN ALLOCATION OF PREMIUM TAX CREDITS PURSUANT TO SECTION 10-3.5-106 (2) (a) (I), (2) (a) (II), (2) (b) (I), OR (2) (b) (II), AND SHALL".

Page 6, line 3, strike "ACCOUNTANTS, LAWYERS, OR" and substitute "ACCOUNTANTS OR LAWYERS.";

strike line 4.

Page 7, line 14, after "BUSINESS", insert "OR QUALIFIED RURAL BUSINESS";

line 19, strike "WARRANTS." and substitute "WARRANTS; EXCEPT THAT WITH RESPECT TO ALL CERTIFIED CAPITAL INVESTED PURSUANT TO AN ALLOCATION OF TAX CREDITS PURSUANT TO SECTION 10-3.5-106 (2) (a) (I) OR (2) (b) (I), THE INVESTMENT SHALL BE MADE IN A QUALIFIED RURAL BUSINESS.";

before line 20, insert the following:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB01-1097

"(15) "QUALIFIED RURAL BUSINESS" MEANS A QUALIFIED BUSINESS THAT HAS ITS PRINCIPAL BUSINESS OPERATIONS IN A DESIGNATED RURAL COUNTY."

Renumber succeeding subsection accordingly.

Page 8, line 17, after "OF", insert "MONEY MANAGEMENT" and, strike "INDUSTRY." and substitute "INDUSTRY; EXCEPT THAT AN APPLICANT THAT SEEKS TO BE CERTIFIED WITH RESPECT TO PREMIUM TAX CREDITS TO BE ALLOCATED PURSUANT TO SECTION 10-3.5-106 (2) (a) (I) OR (2) (b) (I) NEED ONLY HAVE AT LEAST TWO PRINCIPALS OR AT LEAST TWO PERSONS EMPLOYED TO MANAGE THE FUNDS WHO EACH HAVE AT LEAST TWO YEARS OF EXPERIENCE IN EITHER THE VENTURE CAPITAL OR INVESTMENT BANKING INDUSTRY."

Page 9, line 22, after the period, add "THE CERTIFICATION ISSUED BY THE OFFICE SHALL INDICATE WHETHER THE CERTIFICATION IS APPLICABLE ONLY TO CREDITS TO BE ALLOCATED PURSUANT TO SECTION 10-3.5-106 (2) (a) (I) OR (2) (b) (I).";

strike lines 25 through 27 and substitute the following:

"(I) BENEFICIALLY OWN, WHETHER THROUGH RIGHTS, OPTIONS, CONVERTIBLE INTERESTS, OR OTHERWISE, FIFTEEN PERCENT OR MORE OF THE VOTING SECURITIES OR OTHER VOTING OWNERSHIP INTERESTS OF A CERTIFIED CAPITAL COMPANY;"

Page 11, strike line 16 and substitute the following:

"FORWARD FOR UP TO TEN YEARS FROM THE DATE ON WHICH THE CREDIT MAY FIRST BE UTILIZED."

Page 12, line 11, strike "(1)." and substitute "(1); EXCEPT THAT A CERTIFIED CAPITAL COMPANY WHOSE CERTIFICATION IS APPLICABLE ONLY TO CREDITS TO BE ALLOCATED PURSUANT TO SECTION 10-3.5-106 (2) (a) (I) OR (2) (b) (I) SHALL NOT FILE PREMIUM TAX CREDIT ALLOCATION CLAIMS IN EXCESS OF THE MAXIMUM AMOUNT OF CERTIFIED CAPITAL FOR WHICH PREMIUM TAX CREDITS MAY BE ALLOWED PURSUANT TO SUCH SECTION 10-3.5-106 (2) (a) (I) OR (2) (b) (I) AT THE TIME OF FILING.";

strike lines 12 through 16 and substitute the following:

"(2) (a) WITH REGARD TO INVESTMENTS TO BE MADE IN CERTIFIED CAPITAL COMPANIES NO EARLIER THAN JANUARY 31, 2002, BUT PRIOR TO JANUARY 31, 2004:

(I) TWENTY-FIVE MILLION DOLLARS OF CERTIFIED CAPITAL FOR WHICH PREMIUM TAX CREDITS ARE ALLOWED SHALL BE ALLOCATED TO CERTIFIED INVESTORS IN CERTIFIED CAPITAL COMPANIES IN THE ORDER IN WHICH PREMIUM TAX CREDIT ALLOCATION CLAIMS THAT REQUEST AN ALLOCATION OF PREMIUM TAX CREDITS UNDER THIS SUBPARAGRAPH (I) ARE FILED WITH THE OFFICE BY CERTIFIED CAPITAL COMPANIES ON BEHALF OF THEIR CERTIFIED INVESTORS; AND

(II) AFTER ALL TWENTY-FIVE MILLION DOLLARS HAVE BEEN ALLOCATED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), SEVENTY-FIVE MILLION DOLLARS OF CERTIFIED CAPITAL FOR WHICH PREMIUM TAX CREDITS ARE ALLOWED SHALL BE ALLOCATED TO CERTIFIED INVESTORS IN CERTIFIED CAPITAL COMPANIES IN THE ORDER IN WHICH PREMIUM TAX CREDIT ALLOCATION CLAIMS THAT REQUEST AN ALLOCATION OF PREMIUM TAX CREDITS UNDER THIS SUBPARAGRAPH (II) ARE FILED WITH THE OFFICE BY CERTIFIED CAPITAL COMPANIES ON BEHALF OF THEIR CERTIFIED INVESTORS.

(b) WITH REGARD TO INVESTMENTS TO BE MADE IN CERTIFIED CAPITAL COMPANIES AFTER JANUARY 31, 2004:

(I) TWENTY-FIVE MILLION DOLLARS OF CERTIFIED CAPITAL FOR WHICH PREMIUM TAX CREDITS ARE ALLOWED SHALL BE ALLOCATED TO CERTIFIED INVESTORS IN CERTIFIED CAPITAL COMPANIES IN THE ORDER IN WHICH PREMIUM TAX CREDIT ALLOCATION CLAIMS THAT REQUEST AN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB01-1097

ALLOCATION OF PREMIUM TAX CREDITS UNDER THIS SUBPARAGRAPH (I) ARE FILED WITH THE OFFICE BY CERTIFIED CAPITAL COMPANIES ON BEHALF OF THEIR CERTIFIED INVESTORS; AND

(II) AFTER ALL TWENTY-FIVE MILLION DOLLARS HAVE BEEN ALLOCATED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), SEVENTY-FIVE MILLION DOLLARS OF CERTIFIED CAPITAL FOR WHICH PREMIUM TAX CREDITS ARE ALLOWED SHALL BE ALLOCATED TO CERTIFIED INVESTORS IN CERTIFIED CAPITAL COMPANIES IN THE ORDER IN WHICH PREMIUM TAX CREDIT ALLOCATION CLAIMS THAT REQUEST AN ALLOCATION OF PREMIUM TAX CREDITS UNDER THIS SUBPARAGRAPH (II) ARE FILED WITH THE OFFICE BY CERTIFIED CAPITAL COMPANIES ON BEHALF OF THEIR CERTIFIED INVESTORS.";

line 18, after "CLAIMS", insert "SEEKING AN ALLOCATION OF PREMIUM TAX CREDITS PURSUANT TO THE SAME SUBPARAGRAPH OF THE SAME PARAGRAPH OF SUBSECTION (2) OF THIS SECTION";

line 22, strike "SUBSECTION (1) OF THIS SECTION" and substitute "SUCH PARTICULAR SUBPARAGRAPH";

line 23, after "ALLOWED", insert "UNDER SUCH PARTICULAR SUBPARAGRAPH";

line 27, strike "SUBSECTION (1) OF THIS SECTION" and substitute "SUCH PARTICULAR SUBPARAGRAPH".

Page 13, line 1, after "CLAIM", insert "UNDER SUCH PARTICULAR SUBPARAGRAPH";

line 2, after "CLAIMS", insert "SEEKING AN ALLOCATION OF PREMIUM TAX CREDITS PURSUANT TO THE SAME SUBPARAGRAPH OF THE SAME PARAGRAPH OF SUBSECTION (2) OF THIS SECTION";

line 18, after "COMPANIES", insert "THAT FILED PREMIUM TAX CREDIT ALLOCATION CLAIMS UNDER THE SAME SUBPARAGRAPH UNDER WHICH THE FORFEITED CREDITS WERE ALLOCATED".

Page 14, line 3, strike "FILING." and substitute the following:

"FILING; EXCEPT THAT A CERTIFIED INVESTOR THAT FILES A PREMIUM TAX CREDIT ALLOCATION CLAIM FOR AN INVESTMENT IN A CERTIFIED CAPITAL COMPANY WHOSE CERTIFICATION IS APPLICABLE ONLY TO CREDITS TO BE ALLOCATED PURSUANT TO SECTION 10-3.5-106 (2) (a) (I) OR (2) (b) (I) SHALL NOT FILE, ON AN AGGREGATE BASIS WITH ITS AFFILIATES, PREMIUM TAX CREDIT ALLOCATION CLAIMS IN EXCESS OF THE MAXIMUM AMOUNT OF CERTIFIED CAPITAL FOR WHICH PREMIUM TAX CREDITS MAY BE ALLOWED PURSUANT TO SUCH SECTIONS AT THE TIME OF FILING.

(7) UNLESS ITS CERTIFICATION INDICATES OTHERWISE, A CERTIFIED CAPITAL COMPANY MAY FILE PREMIUM TAX CREDIT ALLOCATION CLAIMS ON BEHALF OF ITS CERTIFIED INVESTORS PURSUANT TO EITHER OR BOTH OF THE SUBPARAGRAPHS OF PARAGRAPHS (a) AND (b) OF SUBSECTION (2) OF THIS SECTION. IF THE CERTIFIED INVESTORS OF A CERTIFIED CAPITAL COMPANY ARE ALLOCATED PREMIUM TAX CREDITS PURSUANT TO BOTH SUBPARAGRAPHS OF PARAGRAPHS (a) AND (b) OF SUBSECTION (2) OF THIS SECTION, THE REQUIREMENTS OF THIS ACT SHALL APPLY TO THE CERTIFIED CAPITAL INVESTED PURSUANT TO EACH SUCH ALLOCATION ON A SEPARATE AND INDEPENDENT BASIS.";

line 23, strike "INVESTS IN A" and substitute "HAS RAISED CERTIFIED CAPITAL PURSUANT TO AN ALLOCATION UNDER SECTION 10-3.5-106 (2) (a) (II) OR (2) (b) (II) SHALL BE DEEMED TO HAVE INVESTED TWO DOLLARS FOR EVERY DOLLAR ACTUALLY INVESTED IN A QUALIFIED RURAL BUSINESS OR QUALIFIED BUSINESS THAT HAS ITS PRINCIPAL BUSINESS OPERATIONS LOCATED IN A DISTRESSED URBAN COMMUNITY FROM CERTIFIED CAPITAL RAISED UNDER SUCH SECTION.";

strike lines 24 through 27.

Page 15, line 1, strike "INVESTED.";

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB01-1097

line 5, after "QUALIFIED BUSINESS", insert "OR QUALIFIED RURAL BUSINESS";	1 2 3 4
line 7, after "BUSINESS", insert "OR QUALIFIED RURAL BUSINESS, AS APPLICABLE,";	5 6 7
line 11, after "QUALIFIED BUSINESS", insert "OR QUALIFIED RURAL BUSINESS, AS APPLICABLE,";	8 9 10
line 15, strike "BUSINESS." and substitute "BUSINESS OR QUALIFIED RURAL BUSINESS.";	11 12 13
line 19, strike "BUSINESS." and substitute "BUSINESS OR QUALIFIED RURAL BUSINESS, AS APPLICABLE.";	14 15 16
line 22, after "BUSINESS", insert "OR QUALIFIED RURAL BUSINESS, AS APPLICABLE,";	17 18 19
line 27, strike "BUSINESS." and substitute "BUSINESS OR QUALIFIED RURAL BUSINESS, AS APPLICABLE.".	20 21 22
Page 16, line 3, strike "(9)," and substitute "(11) OR (15), AS APPLICABLE,";	23 24 25
line 4, after "BUSINESS", insert "OR QUALIFIED RURAL BUSINESS, AS APPLICABLE,";	26 27 28
line 5, strike "OFFICE" and substitute "COLORADO ECONOMIC DEVELOPMENT COMMISSION".	29 30 31
Page 17, line 6, after "SHALL", insert "PROVIDE THE OFFICE WITH A COPY OF ALL DOCUMENTS RELATING TO EACH CERTIFIED INVESTOR'S INVESTMENT OF CERTIFIED CAPITAL, AND SHALL".	32 33 34 35
Page 18, after line 10, insert the following:	36 37
"(e) DURING EACH CALENDAR YEAR FROM 2003 TO 2010, THE OFFICE SHALL HOLD A MEETING IN EACH OF FIVE COUNTIES THAT HAVE POPULATIONS OF NO MORE THAN ONE HUNDRED FIFTY THOUSAND PERSONS AT WHICH A REPRESENTATIVE FROM EACH CERTIFIED CAPITAL COMPANY SHALL BE PRESENT TO REVIEW BUSINESS PLANS FROM QUALIFIED BUSINESSES HEADQUARTERED IN THOSE COUNTIES."	38 39 40 41 42 43 44
Page 19, line 15, strike "FIFTEEN" and substitute "TEN";	45 46
line 22, strike "FIFTEEN" and substitute "TEN";	47 48
line 25, strike "TWENTY-FIVE" and substitute "THIRTY";	49 50
line 27, strike "FIFTEEN" and substitute "TEN".	51 52
Page 20, line 7, after "TO", insert "ONE-HALF OF".	53 54
Page 21, after line 10, insert the following:	55 56
"(d) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES SHALL DIRECT EACH CERTIFIED CAPITAL COMPANY THAT REPORTS TO THE DIVISION PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (3) TO TRANSFER TO ONE OR MORE APPROVED COMMUNITY MENTAL HEALTH CLINICS OR APPROVED COMMUNITY MENTAL HEALTH CENTERS, AS DEFINED IN SECTION 27-1-201, C.R.S., AN AMOUNT OF MONEY EQUAL TO ONE-HALF OF THE AMOUNT IDENTIFIED IN SUCH REPORT TO BE USED SOLELY FOR THE PURPOSES IDENTIFIED IN SECTIONS 27-1-203 AND 27-1-204 (5), C.R.S., TAKING INTO ACCOUNT THE STANDARDS CONTAINED IN SECTION 27-1-205, C.R.S."	57 58 59 60 61 62 63 64 65 66 67
Page 22, line 6, strike "MAY" and substitute "SHALL".	68 69
Page 26, after line 4, insert the following:	70 71
"(4) BY JANUARY 1, 2004, THE OFFICE SHALL SUBMIT A REPORT TO	72

HB01-1097

THE GENERAL ASSEMBLY REGARDING THE EFFECTS OF THE IMPLEMENTATION OF ARTICLE 3.5 OF TITLE 10, C.R.S.";

strike lines 26 and 27.

Page 27, strike lines 1 through 14, and substitute the following:

"SECTION 4. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of insurance cash fund created in section 10-1-103, Colorado Revised Statutes, not otherwise appropriated, to the governor - lieutenant governor - state planning and budgeting, for allocation to the office of economic development, for the fiscal year beginning July 1, 2001, the sum of eighty-four thousand one hundred sixty-eight dollars (\$84,168) and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of insurance cash fund created in section 10-1-103, Colorado Revised Statutes, not otherwise appropriated, to the governor - lieutenant governor - state planning and budgeting, for allocation to the office of the governor, for the provision of legal services, for the fiscal year beginning July 1, 2001, the sum of two thousand two hundred thirty-two dollars (\$2,232), or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated, to the department of law, for the fiscal year beginning July 1, 2001, the sum of two thousand two hundred thirty-two dollars (\$2,232), or so much thereof as may be necessary, for the provision of legal services to the office of economic development related to the implementation of this act. Such sum shall be from cash funds exempt received from the office of the governor out of the appropriation made in subsection (2) of this section."

Respectfully submitted,

House Committee:

(signed)
Representative Dean, Chairman

(signed)
Representative Chavez

(signed)
Representative Hoppe

Senate Committee:

(signed)
Senator Matsunaka, Chairman

(signed)
Senator Linkhart

(signed)
Senator Teck

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB01-1396**

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 HB01-1396, concerning measures to improve the availability of employer-sponsored health insurance for employers with fewer than fifty employees, has met and reports that it has agreed upon the following:

That the House accede to Senate amendments made to the bill, as said amendments appear in the rerevised bill, with the following changes:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB01-1396

Amend rerevised bill, page 3, line 12, strike "taxable" and substitute "~~taxable~~ GROSS";

line 15, strike "taxable" and substitute "~~taxable~~ GROSS".

Respectfully submitted,

House Committee:

Senate Committee:

(signed)
Representative Spradley, Chairman

(signed)
Senator Hagedorn, Chairman

(signed)
Representative T. Williams

(signed)
Senator Takis

(signed)
Representative Tapia

(signed)
Senator Taylor

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **HB01-1239, 1343, 1370, 1378.**

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 House Amendments to Senate Bills.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB01-214

by Senator Dyer (Durango); also Representative Hoppe--Concerning the application of state air quality standards to the use of prescribed fire for management activities within the state, and making an appropriation therefor.

Senator Dyer (Durango) moved that the Senate concur in House amendments to **SB01-214**, as printed in House Journal, May 8, 2001, page 1710-1711. The motion was **passed** by the following roll call vote:

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		

The question being "Shall the bill, as amended, 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, as amended, was declared **repassed**.

Co-sponsor added: Taylor.

SB01-210

by Senator Arnold; also Representative Mitchell--Concerning penalties for the offense of failure to register as a sex offender.

Senator Arnold moved that the Senate concur in House amendments to **SB01-210**, as printed in House Journal, May 8, 2001, page 1711. The motion was **passed** by the following roll call vote:

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		

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

YES	33	NO	2	EXCUSED	0	ABSENT	0
Anderson	Y	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	Y	Thiebaut	N
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, as amended, was declared **repassed**.

Co-sponsor added: May.

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.

Senator Dyer (Durango) moved that the Senate concur in House amendments to **SB01-157**, as printed in House Journal, May 1, 2001, pages 1498-1499 and May 8, 2001, page 1715. The motion was **passed** by the following roll call vote:

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		

The question being "Shall the bill, as amended, 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, as amended, was declared **repassed**.

SB01-157 Co-sponsors added: Chlouber, Entz.

SB01-240 by Senator Thiebaut; also Representative Smith--Concerning article 9 of the uniform commercial code, and, in connection therewith, amending the duties of the secretary of state and the central information board.

Senator Thiebaut moved that the Senate concur in House amendments to **SB01-240**, as printed in House Journal, May 8, 2001, page 1755. The motion was **passed** by the following roll call vote:

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		

The question being "Shall the bill, as amended, 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, as amended, was declared **repassed**.

SB01-229 by Senators Anderson and Perlmutter; also Representatives Witwer and Daniel-- Concerning the use of performance contracts for state-supported institutions of higher education.

Senator Anderson moved that the Senate concur in House amendments to **SB01-229**, as printed in House Journal, May 7, 2001, page 1677, May 8, 2001, pages 1715-1716 and May 9, 2001, pages 1761-1762. The motion was **passed** by the following roll call vote:

YES	33	NO	2	EXCUSED	0	ABSENT	0
Anderson	Y	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	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	N		

The question being "Shall the bill, as amended, 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	N
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		

SB01-229

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

Co-sponsors added: Andrews, Cairns, Matsunaka, May, McElhany, Musgrave, Owen, Teck.

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 House Amendments to Senate Resolution **SJR01-030**.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE RESOLUTIONS

SJR01-030

by Senator Matsunaka; also Representative Daniel--Concerning honoring Colorado teachers.

Senator Matsunaka moved that the Senate concur in House amendments to **SJR01-030**, as printed in House Journal, May 8, 2001, page 1694. The motion was **passed** by the following roll call vote:

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		

The question being "Shall the resolution, as amended, be adopted?", 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 resolution, as amended, was declared **readopted**.

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 Reports **HB01-1097**, **HB01-1396**.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

HB01-1097

by Representative Dean; also Senator Matsunaka--Concerning creation of the "Certified Capital Company Act", and, in connection therewith, making an appropriation.

Senator Thiebaut moved for the adoption of the First Report of the First Conference Committee on **HB01-1097**, as printed in Senate Journal, May 9, 2001, pages 1355-1360. The motion was **adopted** by the following roll call vote:

HB01-1097

YES	19	NO	16	EXCUSED	0	ABSENT	0
Anderson	N	Evans	N	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	Y
Dyer, F.	N	Hillman	N	Perlmutter	N	Windels	Y
Entz	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	N	Linkhart	Y	Reeves	N		

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

YES	18	NO	17	EXCUSED	0	ABSENT	0
Anderson	N	Evans	N	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	N	Perlmutter	N	Windels	Y
Entz	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	N	Linkhart	Y	Reeves	N		

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

Co-sponsors added: Hernandez, Linkhart.

IMMEDIATE CONSIDERATION OF HB01-1097

HB01-1097

by Representative Dean; also Senator Matsunaka--Concerning creation of the "Certified Capital Company Act", and, in connection therewith, making an appropriation.

Having voted on the prevailing side, Senator Linkhart moved for immediate reconsideration on **HB01-1097**. The motion was declared **lost** by the following roll call vote:

YES	15	NO	20	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	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	N	Hanna	N	Owen	Y	Thiebaut	N
Dyer, E.	N	Hernandez	N	Pascoe	N	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	N	Windels	N
Entz	N	Lamborn	Y	Phillips	N	Mr. President	N
Epps	Y	Linkhart	N	Reeves	Y		

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS
(Continuation)

HB01-1396

by Representative Spradley; also Senator Hagedorn--Concerning measures to improve the availability of employer-sponsored health insurance for employers with fewer than fifty employees.

Senator Hagedorn moved for the adoption of the First Report of the First Conference Committee on **HB01-1396**, as printed in Senate Journal, May 9, 2001, pages 1360-1361. The motion was **adopted** by the following roll call vote:

HB01-1396

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		

The question being "Shall the bill, as amended, 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, as amended, was declared **repassed**.

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 Third Reading--Final Passage of Bills.

THIRD READING--FINAL PASSAGE OF BILLS

On Third Reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent.

HB01-1409

by Representatives Lawrence, Larson and Miller; also Senators Phillips, Windels and McElhany--Concerning the authorization of the executive director of the department of personnel to purchase, on behalf of the state, property located at 1570 Grant Street, Denver, Colorado, and making an appropriation in connection therewith.

A majority of those elected to the Senate having voted in the affirmative, Senator Phillips was given permission to offer a Third Reading Amendment.

Third Reading Amendment, by Senator Phillips.

Amend revised bill, page 9, line 4, strike "Part VI (9)(B) and Part VII (2)(B)" and substitute "Part II (2) and Part XIV (3)";

strike lines 7 through 13.

Strike pages 10 through 13 and substitute the following:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57

HB01-1409

A majority of members elected to the Senate having voted in the affirmative, the amendment was declared **adopted**.

The question being "Shall the bill, as amended, 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 members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **passed**.

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB01-204**

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 SB01-204, concerning state policies relating to the implementation of section 17 of article IX of the state constitution, has met and reports that it has agreed upon the following:

1. That the Senate accede to the House amendments made to the bill, as the amendments appear in the rerevised bill.

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

Amend rerevised bill, page 4, strike lines 9 through 20 and substitute the following:

"(a) SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, WHICH WAS APPROVED BY THE REGISTERED ELECTORS OF THIS STATE AT THE 2000 GENERAL ELECTION, REQUIRES THE GENERAL ASSEMBLY TO INCREASE FUNDING FOR PRESCHOOL THROUGH TWELFTH GRADE PUBLIC EDUCATION AND FOR CATEGORICAL PROGRAMS.

(b) SPECIFICALLY, SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION REQUIRES:

(I) A SPECIFIED PERCENTAGE OF STATE INCOME TAX REVENUES COLLECTED ON INCOME EARNED ON OR AFTER DECEMBER 28, 2000, TO BE DIVERTED TO A NEWLY CREATED STATE EDUCATION FUND FROM WHICH MONEYS MAY BE APPROPRIATED ONLY FOR SPECIFIED EDUCATION-RELATED PURPOSES;

(II) THE GENERAL ASSEMBLY TO ANNUALLY INCREASE THE STATEWIDE BASE PER PUPIL FUNDING FOR PUBLIC EDUCATION FROM PRESCHOOL THROUGH THE TWELFTH GRADE AND TOTAL STATE FUNDING FOR ALL CATEGORICAL PROGRAMS BY AT LEAST THE RATE OF INFLATION PLUS ONE PERCENTAGE POINT FOR STATE FISCAL YEARS 2001-02 THROUGH 2010-11, AND BY AT LEAST THE RATE OF INFLATION FOR STATE FISCAL YEAR 2011-2012 AND EACH SUCCEEDING STATE FISCAL YEAR; AND

(III) THE GENERAL ASSEMBLY TO ANNUALLY INCREASE THE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-204

GENERAL FUND APPROPRIATION FOR TOTAL PROGRAM EDUCATION FUNDING UNDER THE "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF THIS TITLE, OR ANY SUCCESSOR ACT, FOR EACH STATE FISCAL YEAR FROM 2001-02 THROUGH 2010-11 BY AT LEAST FIVE PERCENT OVER THE AMOUNT OF THE PRIOR YEAR'S GENERAL FUND APPROPRIATION FOR TOTAL PROGRAM EDUCATION FUNDING, UNLESS COLORADO PERSONAL INCOME GROWS LESS THAN FOUR AND ONE-HALF PERCENT BETWEEN THE TWO CALENDAR YEARS PRECEDING THE STATE FISCAL YEAR IN WHICH AN APPROPRIATION IS MADE.

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

(a) IT IS THE DUTY AND INTENT OF THE GENERAL ASSEMBLY TO COMPLY WITH THE REQUIREMENTS OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION.

(b) IT IS WITHIN THE LEGISLATIVE PREROGATIVE OF THE GENERAL ASSEMBLY TO ENACT LEGISLATION TO IMPLEMENT SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION THAT WILL ENSURE COMPLIANCE WITH THE REQUIREMENTS OF SAID SECTION 17 OF ARTICLE IX AND FACILITATE ITS OPERATION.

(c) IN ENACTING LEGISLATION TO IMPLEMENT SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION:

(I) THE GENERAL ASSEMBLY HAS ATTEMPTED TO INTERPRET THE PROVISIONS OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION IN A MANNER THAT GIVES ITS WORDS THEIR NATURAL AND OBVIOUS SIGNIFICANCE.

(II) THE GENERAL ASSEMBLY HAS ATTEMPTED TO ASCERTAIN THE INTENT OF THE PROPONENTS WHO INITIATED SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION AND THE VOTERS WHO ADOPTED IT AND TO APPLY OTHER GENERALLY ACCEPTED RULES OF CONSTITUTIONAL CONSTRUCTION WHERE THE MEANING OF SAID SECTION 17 OF ARTICLE IX IS UNCERTAIN.

(3) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

(a) BECAUSE THE AMOUNT OF FUNDING PROVIDED FOR THE PRIOR STATE FISCAL YEAR PLAYS A SIGNIFICANT ROLE IN THE CALCULATION OF THE MINIMUM AMOUNT OF THE INCREASE IN STATE APPROPRIATIONS FOR EDUCATION REQUIRED FOR EACH STATE FISCAL YEAR BY SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE AMOUNT OF MONEY THAT THE STATE WILL BE REQUIRED TO SPEND FOR EDUCATION FUNDING FOR EACH STATE FISCAL YEAR WILL INCREASE DRAMATICALLY OVER TIME DUE TO A COMPOUNDING EFFECT.

(b) SINCE SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION DOES NOT CREATE ANY NEW TAX, INCREASE THE RATE OF ANY EXISTING TAX, OR OTHERWISE INCREASE THE AMOUNT OF REVENUES THAT WILL BE COLLECTED BY THE STATE, SOME OF THE INCREASES IN STATE EDUCATION FUNDING THAT SAID SECTION 17 OF ARTICLE IX REQUIRES WILL AFFECT THE AMOUNT OF MONEY AVAILABLE TO FUND OTHER STATE PROGRAMS AND SERVICES.

(c) IN ENACTING LEGISLATION TO IMPLEMENT SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, IT IS THE DUTY, INTENT, AND LEGISLATIVE PREROGATIVE OF THE GENERAL ASSEMBLY TO MITIGATE ANY ADVERSE IMPACT THAT THE STATE EDUCATION FUNDING REQUIREMENTS OF SAID SECTION 17 OF ARTICLE IX MAY HAVE ON THE FINANCIAL CONDITION OF THE STATE AND OTHER STATE PROGRAMS AND SERVICES BY ENSURING THAT MONEYS ARE CREDITED TO THE STATE EDUCATION FUND, INVESTED WHILE IN THE FUND, AND EXPENDED FROM THE FUND IN A MANNER THAT WILL ENSURE THAT THE FUND REMAINS VIABLE AND THAT FUND MONEYS WILL ALWAYS BE AVAILABLE TO MEET A SIGNIFICANT PORTION OF THE LONG-TERM STATE EDUCATION FUNDING REQUIREMENTS OF SAID SECTION 17 OF ARTICLE IX.

(d) THIS ARTICLE REFLECTS THE CONSIDERED JUDGMENT OF THE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-204

GENERAL ASSEMBLY REGARDING THE MEANING AND IMPLEMENTATION OF THE PROVISIONS OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION."

Strike page 5.

Page 6, strike lines 1 through 12.

Page 7, strike lines 10 through 16.

Renumber succeeding subsections accordingly.

Page 7, line 23, strike "FUNDING PROVIDED BY THE STATE" and substitute "STATE FUNDING";

strike line 27.

Strike pages 8 and 9.

Page 10, strike lines 1 through 23.

Renumber succeeding C.R.S. sections accordingly.

Page 10, strike line 25 and substitute the following:

"estimates - legislative declaration. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) SECTION 17 (4) (a) OF ARTICLE IX OF THE STATE CONSTITUTION REQUIRES THAT A PORTION OF STATE INCOME TAX REVENUES BE DEPOSITED IN THE NEWLY CREATED STATE EDUCATION FUND.

(b) SECTION 17 (4) (b) OF ARTICLE IX OF THE STATE CONSTITUTION AUTHORIZES THE GENERAL ASSEMBLY TO ANNUALLY APPROPRIATE MONEYS FROM THE STATE EDUCATION FUND TO COMPLY WITH THE REQUIRED INCREASE IN FUNDING FOR PRESCHOOL THROUGH TWELFTH GRADE PUBLIC EDUCATION AND FOR CATEGORICAL PROGRAMS.

(c) IN ORDER TO ENSURE THE AVAILABILITY OF MONEYS IN THE STATE EDUCATION FUND TO COMPLY WITH THE INCREASE IN FUNDING FOR PRESCHOOL THROUGH TWELFTH GRADE PUBLIC EDUCATION AND FOR CATEGORICAL PROGRAMS, THE GENERAL ASSEMBLY MUST PRESERVE THE FUND, FOSTER ITS GROWTH, AND PROTECT ITS SOLVENCY.

(d) TO PRESERVE THE FUND, FOSTER ITS GROWTH, AND PROTECT ITS SOLVENCY, THE GENERAL ASSEMBLY MUST RESTRICT APPROPRIATIONS FROM THE FUND AND MAKE AN ANNUAL DETERMINATION OF THE MAXIMUM AMOUNT THAT MAY BE APPROPRIATED FROM THE FUND BASED ON ANALYSES PREPARED ON A REGULAR BASIS.

(2) (a) BY MARCH 1, 2002, AND BY MARCH 1 OF EACH YEAR".

Page 11, line 8, strike "(2)" and substitute "(3)";

line 12, strike "22-55-106 AND 22-55-107" and substitute "22-55-105 AND 22-55-106";

line 16, strike "22-55-106 AND 22-55-107" and substitute "22-55-105 AND 22-55-106";

line 23, strike "22-55-105" and substitute "22-55-104";

line 24, strike "22-55-106 AND 22-55-107" and substitute "22-55-105 AND 22-55-106".

Page 12, strike lines 5 and 6 and substitute the following:

"NEXT STATE FISCAL YEAR FOR PROGRAMS THAT MAY BE AUTHORIZED BY LAW AND THAT ARE CONSISTENT WITH SECTION 17 (4) (b) OF ARTICLE IX OF THE STATE CONSTITUTION.";

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-204

line 11, strike "(2)" and substitute "(3)".

Page 13, line 2, strike "22-55-106" and substitute "22-55-105";

line 3, strike "22-55-107" and substitute "22-55-106";

line 6, strike "22-55-106" and substitute "22-55-105";

line 7, strike "22-55-107" and substitute "22-55-106";

line 12, strike "22-55-106" and substitute "22-55-105";

line 13, strike "22-55-107" and substitute "22-55-106";

line 19, strike "(2)" and substitute "(3)";

strike lines 21 and 22 and substitute the following:

"NEXT STATE FISCAL YEAR FOR PROGRAMS THAT MAY BE AUTHORIZED BY LAW AND THAT ARE CONSISTENT WITH SECTION 17 (4) (b) OF ARTICLE IX OF THE STATE CONSTITUTION."

Page 15, strike line 5 and substitute the following:

"(2) THE";

strike line 25 and substitute the following:

"(2) THE".

Respectfully submitted,

Senate Committee:

House Committee:

(signed)
Senator Reeves, Chairman

(signed)
Representative Young, Chairman

(signed)
Senator Tate

(signed)
Representative Berry

(signed)
Senator Owen

(signed)
Representative Saliman

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB01-113**

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 SB01-113, concerning regulation of physical therapists, and, in connection therewith, continuing the regulation of physical therapists by the director of the division of registrations in the department of regulatory agencies, has met and reports that it has agreed upon the following:

That the Senate accede to the House amendments made to the bill, as said amendments appear in the rerevised bill, with the following changes:

Amend rerevised bill, page 9, strike lines 3 through 6, and substitute the following:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-113

~~"limit of liability per year for all claims of one hundred fifty thousand dollars with a top limit of liability for all claims during the year of three hundred thousand dollars~~ AN AMOUNT FOR EACH CLAIM OF AT LEAST ONE HUNDRED THOUSAND DOLLARS MULTIPLIED BY THE NUMBER OF PERSONS LICENSED TO PRACTICE PHYSICAL THERAPY EMPLOYED BY THE CORPORATION. THE POLICY SHALL PROVIDE FOR AN AGGREGATE TOP LIMIT OF LIABILITY PER YEAR FOR ALL CLAIMS OF THREE HUNDRED THOUSAND DOLLARS ALSO MULTIPLIED BY THE NUMBER OF PERSONS LICENSED TO PRACTICE PHYSICAL THERAPY EMPLOYED BY THE CORPORATION, BUT NO FIRM SHALL BE REQUIRED TO CARRY INSURANCE IN EXCESS OF THREE HUNDRED THOUSAND DOLLARS FOR EACH CLAIM WITH AN AGGREGATE TOP LIMIT OF LIABILITY FOR ALL CLAIMS DURING THE YEAR OF NINE HUNDRED THOUSAND DOLLARS."

Respectfully submitted,

Senate Committee:

House Committee:

(signed)
Senator Hernandez, Chairman

(signed)
Representative Clapp, Chairman

(signed)
Senator Hagedorn

(signed)
Representative Cloer

(signed)
Senator Epps

(signed)
Representative Sanchez

MESSAGE FROM THE HOUSE

May 9, 2001

Mr. President:

The House has postponed indefinitely SB01-063, 105. The bills are returned herewith.

The House has voted not to concur in the Senate amendments to HB01-1406 and requests that a conference committee be appointed. The Speaker has appointed Representatives Lawrence, chairman, Spence, and Daniel as House conferees on the First Conference Committee on HB01-1406. The House has granted authorization to go beyond the scope of the differences. The bill is transmitted herewith.

The House has voted, under joint rule 7, to demand a report from the Conference Committee on HB01-1225 be made by 8:00 p.m., May 9, 2001.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

HJR01-1054 by Representatives Alexander, Chavez, Mace and Rhodes; also Senators Thiebaut, Matsunaka and Andrews--Concerning the retention of officers and employees of the First Regular Session of the Sixty-third General Assembly.

Laid over until later in the day, May 9, 2001.

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 Reports.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-204

Senator Reeves moved for the adoption of the First Report of the First Conference Committee on **SB01-204**, as printed in Senate Journal, May 9, 2001, pages 1372-1375 . The motion was **adopted** by the following roll call vote:

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		

The question being "Shall the bill, as amended, 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, as amended, was declared **repassed**.

MESSAGE FROM THE HOUSE

May 9, 2001
Mr. President:

The House has adopted the First Report of the First Conference Committee on SB01-204, as printed in House Journal, May 9, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on HB01-1269, as printed in House Journal, May 8, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB01-1298, as printed in House Journal, May 9, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB01-1264, as printed in House Journal, May 9, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB01-1184, as printed in House Journal, May 9, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on SB01-089, as printed in House Journal, May 9, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on SB01-113, as printed in House Journal, May 9, and has repassed the bill as so amended. The bill is returned herewith.

The House has voted to recede from its position, dissolve the First Conference Committee on HB01-1406, and concur in Senate amendments, and has repassed the bill. The House requests return of the bill.

The House has voted to recede from its position, dissolve the First Conference Committee on HB01-1086, and concur in Senate amendments, and has repassed the bill. The House requests return of the bill.

The House has adopted and transmits herewith HJR01-1054, as printed in House Journal, May 7, pages 1670-1671.

The House has adopted and returns herewith SJM01-003.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

SB01-113

by Senators Hernandez, Evans, Hagedorn and Hanna; also Representative Clapp-- Concerning regulation of physical therapists, and, in connection therewith, continuing the regulation of physical therapists by the director of the division of registrations in the department of regulatory agencies.

Senator Hernandez moved for the adoption of the First Report of the First Conference Committee on **SB01-113**, as printed in Senate Journal, May 9, 2001, pages 1375-1376. The motion was **adopted** by the following roll call vote:

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		

The question being "Shall the bill, as amended, 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, as amended, was declared **repassed**.

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 Resolutions.

CONSIDERATION OF RESOLUTIONS

HJR01-1055

by Representatives Spradley, Dean and Grossman; also Senators Thiebaut, Matsunaka and Andrews--Concerning the appointment of a joint committee to notify the Governor that the First Regular Session of the Sixty-third General Assembly is about to Sine Die.

Senator Thiebaut moved to suspend Senate rule 30(e), for immediate consideration of **HJR01-1055**.

A majority of those elected to the Senate having voted in the affirmative, immediate consideration was granted.

On motion of Senator Thiebaut, the resolution was **adopted** by the following roll call vote:

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		

HJR01-1055 The President appointed Senators Dyer (Durango), Entz, and Tate to the committee to notify the Governor.

HJR01-1054 by Representatives Alexander, Chavez, Mace and Rhodes; also Senators Thiebaut, Matsunaka and Andrews--Concerning the retention of officers and employees of the First Regular Session of the Sixty-third General Assembly.

Senator Thiebaut moved to suspend Senate rule 30(e), for immediate consideration of **HJR01-1054**.

A majority of those elected to the Senate having voted in the affirmative, immediate consideration was granted.

On motion of Senator Thiebaut, the resolution was **adopted** by the following roll call vote:

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		

SR01-021 by Senator Thiebaut, Matsunaka and Andrews--Concerning recognition of the Senate staff and Legislative Services staff for their hard work during the First Regular Session of the Sixty-third General Assembly.

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

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		

Co-sponsors added: The present roll call of the Senate.

Senator Thiebaut move to suspend Senate rule 36 (d)(1)(A) and (1)(B), for preparation of a Governor's Appointments Consent Calendar.

A majority of those elected to the Senate having voted in the affirmative, Senate rule 36 (d)(1)(A) and (1)(B) was suspended.

**CONSIDERATION OF GOVERNOR'S APPOINTMENTS--
CONSENT CALENDAR**

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

BOARD OF DIRECTORS OF THE COLORADO COMPENSATION
INSURANCE AUTHORITY

for a term expiring January 1, 2002:

Diedra A. Garcia of Lakewood, Colorado, to fill the vacancy occasioned by the resignation of Roberto E. Zendejas, and to serve as an employer whose liability is insured by the Colorado Compensation Insurance Authority, appointed;

for a term expiring January 1, 2005:

John F. Kent of Englewood, Colorado, to serve as a representative of employers, appointed, and;

for terms expiring January 1, 2006:

Glen L. Schelhaas of Longmont, Colorado, to serve as an employee of an employer whose liability is insured by the Colorado Compensation Insurance Authority, reappointed;

James E. Scholl of Holyoke, Colorado, to serve as an employer whose liability is insured by the Colorado Compensation Insurance Authority, 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
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		

SECURITIES BOARD

for terms expiring July 1, 2003:

Steven W. Palamar of Telluride, Colorado, to serve as a public member and as a Republican, appointed.

Mashenka Lundberg of Denver, Colorado, to fill the vacancy occasioned by resignation of

Paul E. Washington and to serve as a licensed attorney conversant in securities law and as a Republican, 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
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		

SPECIAL FUNDS BOARD FOR WORKERS' COMPENSATION SELF INSURERS

for a term expiring July 1, 2003:

Terry Michael Lee of Castle Rock, Colorado, to fill the vacancy occasioned by the resignation of Marc T. Gallegos and to serve as a member with knowledge of risk management and as a Republican, appointed.

for a term expiring July 1, 2004:

Elda M. de la Pena of Longmont, Colorado, to serve as an employee of a self-insured employer 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
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		

WILDLIFE COMMISSION

effective March 1, 2001 for terms expiring March 1, 2005:

Bernard L. Black, Jr. of Denver, Colorado, to serve as a sportsman from Wildlife District 5 and as an Unaffiliated, reappointed;

Brad W. Phelps of Parlin, Colorado, to serve as a livestock producer from Wildlife District 2 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
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		

BOARD OF ASSESSMENT APPEALS

for terms expiring July 1, 2001:

Karen E. Hart of Kiowa, Colorado, to serve as a public employee experienced in property evaluation and taxation, reappointed;

Mark R. Linne of Bailey, Colorado, to serve as a public employee experienced in property evaluation and taxation and as a Republican, appointed;

Debra Baumbach of Littleton, Colorado, to serve as a public employee, experienced in residential appraisals and as an Unaffiliated, reappointed;

Joseph R. Shaw of Highlands Ranch, Colorado, to serve as a public employee experienced in property evaluation and taxation and as a Republican, 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
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		

STATE AGRICULTURAL COMMISSION

for terms expiring March 1, 2005:

Max L. Harper of Yuma, Colorado, to serve as a Democrat from the Second Agricultural District, reappointed;

Kelly Ann Spitzer of Wiley, Colorado, to serve as a Republican from the Third Agricultural District, reappointed;

Glen P. Murray of Henderson, Colorado, to serve as a Democrat from the First Agricultural District, reappointed;

Bradley Allen Rock of Wray, Colorado, to serve as a Republican from the Second Agricultural District, reappointed.

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		

COLORADO WATER CONSERVATION BOARD

for terms expiring February 12, 2004:

David Hilary Smith of Meeker, Colorado, to serve as a member from the Yampa-White drainage basin and as a Republican, reappointed;

Gregory K. Hoskin of Grand Junction, Colorado, to serve as a member from the main Colorado drainage basin and as a Democrat, appointed;

Carolyn L. McIntosh of Denver, Colorado, to serve as a member from the City and County of Denver familiar with its water problems 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
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		

AIR QUALITY CONTROL COMMISSION

for terms expiring January 31, 2004:

Robert Eugene Brady, Jr. of Lakewood, Colorado, to serve as a member with industrial experience and as a Republican, reappointed;

Stephanie A. Foote of Denver, Colorado, to serve a member with technical experience and as a Republican, reappointed;

Suzzane R. Griffin of Mead, Colorado, to serve as a member with private sector experience 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
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		

COLORADO RACING COMMISSION

for a term expiring July 1, 2004:

Larry Dean Huls of Arvada, Colorado, to serve as a member previously engaged in the racing industry and as an Unaffiliated from the Second Congressional District, 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
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		

READ-TO-ACHIEVE BOARD

for terms expiring July 1, 2002:

Darlene H. Medina of Alamosa, Colorado, to serve as a third-grade teacher in a rural elementary school and as a Democrat, appointed;

John R. Youngquist of Denver, Colorado, to serve as a principal of an elementary school and as a Democrat, appointed

Sheryl Lynn Weitzel of Greeley, Colorado, to fill the vacancy occasioned by the withdrawal of Shirley Ann Squier and to serve as a principal of a rural elementary school and as an Unaffiliated, appointed;

for terms expiring July 1, 2003:

Karen M. Brown of Pueblo West, Colorado, to serve as a member with knowledge of the best practices in reading and reading instruction and as an Unaffiliated, appointed;

Karen J. Durica of Littleton, Colorado, to serve as a member with knowledge of and experience in public education in elementary grades and as a Republican, appointed;

Laura "Gail" Coleman of Lakewood, Colorado, to serve as a third-grade elementary school teacher and as a Republican, 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
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		

COLORADO HEALTH FACILITIES AUTHORITY

for a term expiring June 30, 2004:

Tucker H. Adams of Colorado Springs, Colorado, to serve as a Republican, reappointed.

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		

COLORADO HOUSING AND FINANCE AUTHORITY
BOARD OF DIRECTORS

for terms effective July 1, 2001 and expiring July 1, 2005:

Jesse L. Thomas of Denver, Colorado, to serve as a member of the public, appointed;

Joseph B. Blake of Denver, Colorado, to serve as a member experienced in real estate transactions, reappointed;

Jo Ellen Davidson of Littleton, Colorado, to serve as a member of the public, reappointed;

Michele Dressel of Glenwood Springs, Colorado, to serve as a member experienced in mortgage banking, reappointed;

Joseph A. Garcia of Colorado Springs, Colorado, to serve as a member of the public, 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
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		

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB01-089**

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 SB01-089,
concerning class sizes in kindergarten through twelfth grade public
schools, has met and reports that it has agreed upon the following:

That the House accede to the Senate amendments made to the
bill, as said amendments appear in the rerevised bill, with the
following changes:

Amend rerevised bill, page 2, strike lines 10 through 12 and substitute
the following:

"ENROLLED IN A CLASS."

Page 3, line 1, after "SCHOOL.", add "FOR THE 2001-02 SCHOOL YEAR,
THE CLASS SIZE DATA SHALL ONLY BE COLLECTED AND REPORTED FOR
CLASSES IN THE FIRST PRIORITY STATE MODEL CONTENT STANDARD
AREAS, AS DESCRIBED IN SECTION 22-7-406 (1) (a). FOR THE 2002-03
SCHOOL YEAR, AND EACH YEAR THEREAFTER, THE DATA SHALL BE
COLLECTED AND REPORTED FOR EACH CLASS IN THE FIRST AND SECOND
PRIORITY STATE MODEL CONTENT STANDARD AREAS, AS DESCRIBED IN
SECTION 22-7-406 (1) (a).";

line 6, after "SIZE", insert "IN FIRST PRIORITY STATE MODEL CONTENT
STANDARD AREA CLASSES, AS DESCRIBED IN SECTION 22-7-406 (1) (a)."

Respectfully submitted,

Senate Committee:

(signed)
Senator Tupa, Chairman

House Committee:

(signed)
Representative Stengel,
Chairman

(signed)
Senator Fitz-Gerald

(signed)
Representative Hefley

(signed)
Senator Teck

(signed)
Representative S. Williams

Senate in Recess--Senate Reconvened.

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 Governors'
Appointments.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

Appointments On motion of Senator Fitz-Gerald, the following Governor's appointments were confirmed by a roll call vote.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

for a term expiring the Monday preceding the second Tuesday of January, 2005:

The Honorable Edward James Dyer of Durango, Colorado to serve as a Democrat, appointed.

YES	34	NO	0	EXCUSED	1	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.	*	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		

Abstaining (*) from voting under Senate Rule 17(c)--Senator Dyer (Durango).

MESSAGE FROM THE HOUSE

May 9, 2001

Mr. President:

The House has voted to concur in the Senate amendments to HB01-1263, 1134, 1195, 1377, 1387, 1242, 1394, 1240, and has repassed the bills as so amended.

May 9, 2001

Mr. President:

The House has adopted and returns herewith SJM01-002.

The House has voted to authorize the House conferees on the First Conference Committee on SB01-098 to consider matters not at issue between the two houses.

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 Reports **SB01-089**.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

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 school, and making an appropriation therefor.

Senator Tupa moved for the adoption of the First Report of the First Conference Committee on **SB01-089**, as printed in Senate Journal, May 9, 2001, pages 1384. The motion was **adopted** by the following roll call vote:

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		

SB01-089

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

YES	25	NO	10	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	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	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, as amended, was declared **repassed**.

CONFERENCE COMMITTEE GRANTED FURTHER POWERS

SB01-098

by Senator Pascoe, Matsunaka and Thiebaut; also Representative King--Concerning school improvement, and making an appropriation therefor.

Senator Pascoe moved that the Senate Conferees on the First Conference Committee on **SB01-098** 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 declared **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 Resolution **HJR01-1035**.

CONSIDERATION OF RESOLUTIONS

HJR01-1035

by Representative Dean; also Senators Matsunaka and Windels--Concerning Peace Officers' Memorial Day and Police Week.

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

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		

Co-sponsors added: The present roll call of the Senate.

MESSAGE FROM THE HOUSE

May 9, 2001

Mr. President:

The House has adopted and returns herewith SJR01-018.

The House has adopted the First Report of the First Conference Committee on HB01-1097, as printed in House Journal, May 9, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB01-1396, as printed in House Journal, May 9, and has repassed the bill as amended

The House has voted to concur in the Senate amendments to HB01-1402, 1390, 1262,1409, and has repassed the bills as so amended.

FIRST MINORITY REPORT OF FIRST CONFERENCE COMMITTEE ON HB01-1225

THIS REPORT AMENDS THE
REENGROSSED BILL

To the President of the Senate and the Speaker of the House of Representatives:

Your first conference committee appointed on HB01-1225, concerning growth management in Colorado, and making an appropriation therefor, has met, and a minority thereof reports that it has agreed upon the following:

That the Senate recede from its amendments made to the bill, as said amendments appear in the rerevised bill, and that the following amendments be substituted therefor:

Amend reengrossed bill, page 9, strike lines 11 through 16 and substitute the following:

"(d) "CRITICAL AND SENSITIVE AREA" MEANS AN AREA OF ENVIRONMENTAL SIGNIFICANCE, INCLUDING WITHOUT LIMITATION, WETLANDS, RIPARIAN AREAS, AQUATIC ECOSYSTEMS, AND OTHER LANDS OR WATER BODIES THAT PROVIDE PROTECTION TO OR HABITAT FOR WILDLIFE, PLANT LIFE, AND OTHER NATURAL RESOURCES, OR ARE THEMSELVES NATURAL RESOURCES REQUIRING IDENTIFICATION AND PROTECTION FROM, OR MITIGATION OF, INAPPROPRIATE OR EXCESSIVE DEVELOPMENT, ALL AS DETERMINED BY THE LOCAL PLANNING JURISDICTION OR REGIONAL PLANNING COMMISSION WHERE APPLICABLE."

Page 10, line 19, after "ENTITY", insert "OR PUBLIC UTILITY";

strike lines 25 through 28.

Page 11, strike lines 1 through 3.

Reletter succeeding paragraphs accordingly.

Page 13, strike lines 8 through 11 and substitute the following:

"(z) "URBANIZED LAND" MEANS THOSE LAND AREAS THAT ARE ALREADY CHARACTERIZED BY URBAN GROWTH AND THAT GENERALLY HAVE ADEQUATE EXISTING URBAN SERVICES.

(aa) "URBANIZING LAND" MEANS ANY LAND WITHIN AN URBAN SERVICE AREA THAT IS NOT URBANIZED LAND."

Page 14, strike lines 8 through 16 and substitute the following:

"(a) EACH COUNTY THE POPULATION OF WHICH IS TWENTY-FIVE THOUSAND OR MORE;

(b) EACH COUNTY THE POPULATION OF WHICH IS FOURTEEN THOUSAND EIGHT HUNDRED OR MORE AND THAT HAS EXPERIENCED AN INCREASE IN POPULATION DURING ANY FIVE-YEAR PERIOD ENDING IN 2000 OR ANY SUBSEQUENT YEAR;

(c) EACH COUNTY THE POPULATION OF WHICH IS BETWEEN TEN THOUSAND AND FOURTEEN THOUSAND EIGHT HUNDRED AND THAT HAS EXPERIENCED AN INCREASE IN POPULATION OR BUILDING PERMITS APPROVED OF TEN PERCENT OR MORE DURING ANY FIVE-YEAR PERIOD

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB01-1225

ENDING IN 2000 OR ANY SUBSEQUENT YEAR;

(d) EACH COUNTY THAT IS A MEMBER OF THE DENVER REGIONAL COUNCIL OF GOVERNMENTS AS CONSTITUTED ON JANUARY 1, 2001; AND".

Reletter succeeding paragraph accordingly.

Page 14, line 18, strike "PARAGRAPH (a) OR (b)" and substitute "PARAGRAPHS (a) TO (d)".

Page 15, line 5, strike "EVERY COUNTY OR" and substitute "EACH COUNTY";

strike lines 7 through 10 and substitute the following:

"24-63-105. Preemption. (1) SUBJECT TO THE PROVISIONS OF 24-63-106, THE PROVISIONS OF THIS";

strike lines 26 through 28.

Page 16, strike lines 1 through 12 and substitute the following:

"24-63-107. Effect of article - public utilities. (1) IN CONNECTION WITH PUBLIC UTILITIES, NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS ENHANCING OR DIMINISHING:

(a) THE POWER AND AUTHORITY OF THE PUBLIC UTILITIES COMMISSION. THE PUBLIC UTILITIES COMMISSION AND PUBLIC UTILITIES SHALL TAKE INTO CONSIDERATION AND, WHEN FEASIBLE, FOSTER COMPLIANCE WITH THE MASTER PLANS OF LOCAL PLANNING JURISDICTIONS ADOPTED UNDER THIS ARTICLE.

(b) THE RIGHTS AND PROCEDURES WITH RESPECT TO THE POWER OF A PUBLIC UTILITY TO ACQUIRE PROPERTY AND RIGHT-OF-WAY BY EMINENT DOMAIN TO SERVE PUBLIC NEED IN THE MOST ECONOMICAL AND EXPEDIENT MANNER.";

strike lines 13 through 28.

Strike pages 17 through 32.

Page 33, strike lines 1 through 4 and substitute the following:

"PART 2 LOCAL PLANNING REQUIREMENT

24-63-201. Planning commission. THE GOVERNING BODY OF EACH PLANNING JURISDICTION THAT HAS NOT PREVIOUSLY ESTABLISHED A PLANNING COMMISSION SHALL DESIGNATE AND ESTABLISH A PLANNING COMMISSION ON OR BEFORE JANUARY 1, 2002. THE PLANNING COMMISSION OF EACH PLANNING JURISDICTION THAT IS A COUNTY SHALL BE ESTABLISHED AND SHALL CONDUCT ITS BUSINESS IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 28 OF TITLE 30, C.R.S., EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE.

24-63-202. Master plans required - procedures. (1) (a) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, THE PLANNING COMMISSION OF EACH PLANNING JURISDICTION, IN ACCORDANCE WITH A SCHEDULE ESTABLISHED BY THE GOVERNING BODY OF SUCH JURISDICTION CONSISTENT WITH THE REQUIREMENTS OF THIS SECTION, SHALL SUBMIT TO THE GOVERNING BODY A MASTER PLAN THAT SATISFIES THE REQUIREMENTS OF THIS ARTICLE. THE GOVERNING BODY SHALL REVIEW AND CONSIDER THE PLAN SUBMITTED BY THE PLANNING COMMISSION AND SHALL ACCEPT OR MODIFY THE PLAN SUBMITTED AS THE GOVERNING BODY DEEMS APPROPRIATE IN THE EXERCISE OF ITS DISCRETION. THE GOVERNING BODY OF EACH JURISDICTION SHALL ADOPT, BY ORDINANCE OR RESOLUTION, A MASTER PLAN CONSISTENT WITH THE TERMS OF THIS PART 2 ON OR BEFORE THE DATES SPECIFIED IN THIS PARAGRAPH (a) AND SHALL REVIEW AND, IF NECESSARY, UPDATE AND AMEND THE MASTER PLAN AT LEAST ONCE EVERY FIVE YEARS THEREAFTER. AS LONG AS IT OTHERWISE COMPLIES WITH THE DATES SPECIFIED IN THIS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB01-1225

PARAGRAPH (a), A PLANNING JURISDICTION MAY ADOPT A MASTER PLAN IN STAGES:

(I) EACH PLANNING JURISDICTION THAT IS A COUNTY THAT HAD A POPULATION OF TWENTY THOUSAND OR MORE AS OF JANUARY 1, 2001, AS DETERMINED BY THE DEPARTMENT, SHALL ADOPT A MASTER PLAN NOT LATER THAN JULY 1, 2003.

(II) EACH PLANNING JURISDICTION THAT IS A COUNTY THAT HAD A POPULATION OF BETWEEN FIVE THOUSAND AND NINETEEN THOUSAND NINE HUNDRED NINETY-NINE AS OF JANUARY 1, 2001, AS DETERMINED BY THE DEPARTMENT, SHALL ADOPT A MASTER PLAN NOT LATER THAN JULY 1, 2004.

(III) EACH PLANNING JURISDICTION THAT IS A COUNTY THAT HAD A POPULATION OF FOUR THOUSAND NINE HUNDRED NINETY-NINE OR FEWER AS OF JANUARY 1, 2001, AS DETERMINED BY THE DEPARTMENT, SHALL ADOPT A MASTER PLAN NOT LATER THAN JULY 1, 2006.

(IV) EACH PLANNING JURISDICTION THAT IS A MUNICIPALITY SHALL ADOPT ITS MASTER PLAN BY THE DATE SPECIFIED IN THIS PARAGRAPH (a) FOR THE COUNTY IN WHICH IT IS LOCATED.

(V) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A MUNICIPALITY THAT HAD A POPULATION OF ONE THOUSAND OR LESS AS OF JANUARY 1, 2001, SHALL ADOPT A MASTER PLAN NOT LATER THAN JULY 1, 2006; EXCEPT THAT, AFTER JULY 1, 2004, ANY SUCH MUNICIPALITY SHALL ADOPT A MASTER PLAN PRIOR TO APPROVING ANY DEVELOPMENT THAT IS PROJECTED BY THE DEPARTMENT TO CAUSE THE POPULATION IN THE JURISDICTION TO EXCEED ONE THOUSAND.

(b) ANY PLANNING JURISDICTION MAY VOLUNTARILY ELECT TO ADOPT ITS MASTER PLAN EARLIER THAN IS REQUIRED UNDER THE PERIODS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1).

(2) ANY PLANNING JURISDICTION THAT HAS PREVIOUSLY ADOPTED A MASTER PLAN MAY CONTINUE TO OPERATE UNDER ANY PROVISION OF SUCH A PLAN THAT IS IN CONFORMITY WITH THE REQUIREMENTS OF THIS ARTICLE AND SHALL CONFORM SUCH PLAN THROUGH AMENDMENT TO THE TERMS. A MASTER PLAN MAY INCORPORATE BY REFERENCE SEPARATE PLANS AS LONG AS SUCH PLANS OTHERWISE COMPLY WITH THE PROVISIONS OF THIS ARTICLE.

(3) NO PLANNING JURISDICTION THAT HAS ADOPTED A MASTER PLAN UNDER TITLE 29, 30, OR 31, C.R.S., OR PURSUANT TO MUNICIPAL HOME RULE AUTHORITY, AS OF JULY 1, 2001, AND THAT FURTHER COMPLIES WITH THE TERMS OF PARAGRAPH (d) OF THIS SUBSECTION (3), SHALL BE REQUIRED TO ADOPT A NEW OR DIFFERENT MASTER PLAN PURSUANT TO THIS ARTICLE, WHERE SUCH ADOPTED MASTER PLAN SATISFIES THE FOLLOWING REQUIREMENTS TO THE EXTENT APPLICABLE:

(a) THE PLANNING JURISDICTION HAS ADOPTED A MASTER PLAN OR A COMPREHENSIVE PLAN DELINEATING URBANIZED AREAS AND GROWTH BOUNDARIES THAT ARE ADJACENT TO OR CONTIGUOUS WITH THE BOUNDARIES OF THE EXISTING URBANIZED AREAS AND THAT ARE NOT IN CONFLICT WITH THE DESIGNATED URBANIZED AREAS AND GROWTH BOUNDARIES OF THE ADJACENT JURISDICTIONS, AND THAT HAS DESIGNATED NONURBANIZED AREAS THE PRIMARY PURPOSE OF WHICH IS TO PROTECT NATURAL LAND, LOW-INTENSITY LAND USES, AND RURAL OR HISTORICAL CHARACTER AND TO PROVIDE FOR SEPARATION BETWEEN COMMUNITIES.

(b) A PLANNING JURISDICTION THAT IS A COUNTY HAS COORDINATED ITS MASTER PLAN OR COMPREHENSIVE PLAN WITH A MAJORITY OF THE MUNICIPALITIES WITHIN ITS TERRITORY. A PLANNING JURISDICTION THAT IS A MUNICIPALITY HAS COORDINATED ITS COMPREHENSIVE OR MASTER PLAN WITH THOSE OF THE ADJACENT LOCAL JURISDICTIONS, WHICH COORDINATION MAY BE ACCOMPLISHED THROUGH JOINT ADOPTION OF PLANS, INTERGOVERNMENTAL AGREEMENT, OR OTHER FORMAL ACTION INDICATING MUTUAL AND BINDING CONSENT.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB01-1225

(c) ON OR BEFORE JULY 1, 2003, THE PLANNING JURISDICTION HAS ADOPTED AMENDMENTS TO THE MASTER PLAN SUCH THAT THE MASTER PLAN INCLUDES PROVISIONS THAT ADDRESS EACH OF THE ELEMENTS REQUIRED TO BE INCLUDED IN SUCH PLAN PURSUANT TO SECTION 24-63-203 (2) (a) TO (2) (e) AND (2) (g) TO (2) (j).

(d) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, ANY MASTER OR COMPREHENSIVE PLAN OF A PLANNING JURISDICTION THAT SATISFIES THE REQUIREMENTS OF THIS SUBSECTION (3) SHALL BE CONSIDERED TO BE CONSISTENT WITH THIS ARTICLE FOR ALL PURPOSES AND SHALL NOT BE REQUIRED TO BE ADOPTED, READOPTED, OR AMENDED AS MAY OTHERWISE BE REQUIRED UNDER THE TERMS OF THIS ARTICLE.

(e) ANY PLANNING JURISDICTION THAT HAS A MASTER OR COMPREHENSIVE PLAN THAT SATISFIES THE REQUIREMENTS OF THIS SUBSECTION (3) SHALL, TO THE EXTENT IT HAS NOT DONE SO ALREADY, CONFORM ITS LAND USE REGULATIONS TO SUCH PLAN NO LATER THAN JULY 1, 2003. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, SUCH CONFORMED REGULATIONS SHALL BE CONSIDERED TO BE CONSISTENT WITH THIS ARTICLE FOR ALL PURPOSES AND SHALL NOT BE REQUIRED TO BE ADOPTED, READOPTED, OR AMENDED AS MAY OTHERWISE BE REQUIRED UNDER THE PROVISIONS OF THIS ARTICLE.

(4) EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-68-102.5 (2), PRIOR TO APPROVAL OF THE MASTER PLAN REQUIRED BY THIS ARTICLE, EACH DEVELOPMENT APPLICATION SHALL BE PROCESSED IN ACCORDANCE WITH THE PLANNING JURISDICTION'S EXISTING MASTER PLAN, IF ANY, AND ITS EXISTING LAND DEVELOPMENT REGULATIONS. PRIOR TO APPROVAL OF ANY SUBSEQUENT AMENDMENT TO A MASTER PLAN, EACH DEVELOPMENT APPLICATION SHALL BE PROCESSED IN ACCORDANCE WITH A PLANNING JURISDICTION'S EXISTING MASTER PLAN AND THEN EXISTING LAND DEVELOPMENT REGULATIONS.

(5) EACH PLANNING JURISDICTION SHALL ADOPT REGULATIONS GOVERNING ADOPTION OF ITS MASTER PLAN AND ANY AMENDMENTS TO THE PLAN THAT ARE CONSISTENT WITH THIS ARTICLE. SUCH REGULATIONS SHALL INCLUDE PROCEDURES PURSUANT TO WHICH THE PLANNING JURISDICTION MAY INITIATE PROCEEDINGS TO AMEND THE MASTER PLAN AND PURSUANT TO WHICH A LANDOWNER OR PARTY WHO HAS A CONTRACT TO PURCHASE PROPERTY MAY REQUEST AN AMENDMENT TO THE MASTER PLAN AS IT RELATES TO THE PROPERTY OWNED OR UNDER CONTRACT. ANY SUCH REQUEST MAY BE MADE SEPARATELY OR IN CONJUNCTION WITH A DEVELOPMENT APPLICATION. THE REGULATIONS REQUIRED BY THIS SUBSECTION (5) SHALL BE DESIGNED TO ENCOURAGE PUBLIC PARTICIPATION IN THE PLANNING PROCESS, PROVIDE FOR NO LESS THAN THREE PUBLIC HEARINGS OF THE PLANNING COMMISSION PRIOR TO ITS FINAL RECOMMENDATION WITH RESPECT TO ADOPTION OR AMENDMENT OF THE MASTER PLAN, NO LESS THAN ONE PUBLIC HEARING OF THE GOVERNING BODY OF THE PLANNING JURISDICTION PRIOR TO ITS ADOPTION OF THE MASTER PLAN OR ANY AMENDMENT TO THE PLAN, AND OTHERWISE BE CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE, THE PROVISIONS OF ARTICLE 28 OF TITLE 30, C.R.S., IN THE CASE OF A COUNTY, AND THE PROVISIONS OF ARTICLE 23 OF TITLE 31, C.R.S., IN THE CASE OF A MUNICIPALITY. ANY PUBLIC HEARING BEFORE THE PLANNING COMMISSION AND THE GOVERNING BODY MAY BE CONTINUED FROM TIME TO TIME, AND THE PLANNING COMMISSION AND GOVERNING BODY SHALL ACCEPT AND CONSIDER ORAL AND WRITTEN PUBLIC COMMENTS AT SUCH HEARINGS. FOLLOWING ANY REQUIRED PUBLIC HEARING, THE GOVERNING BODY MAY APPROVE, MODIFY AND APPROVE, OR REJECT THE MASTER PLAN OR ANY AMENDMENT TO THE MASTER PLAN.

(6) AT THE COMMENCEMENT OF ANY PROCEEDING TO CREATE A MASTER PLAN AS REQUIRED BY THIS ARTICLE, OR TO AMEND A PREEXISTING MASTER PLAN TO COMPLY WITH THIS ARTICLE, THE GOVERNING BODY OF THE PLANNING JURISDICTION SHALL SEND BY REGULAR MAIL TO EACH NEIGHBORING COMMUNITY AND TO EACH LANDOWNER, AT THE LANDOWNER'S LAST-KNOWN MAILING ADDRESS, A NOTICE APPRIZING THE NEIGHBORING COMMUNITY AND LANDOWNER OF THE COMMENCEMENT OF THE PROCEEDINGS. THE GOVERNING BODY SHALL ALSO PUBLISH GENERAL PUBLIC NOTICE IN THE JURISDICTION IN A MANNER REASONABLY SUFFICIENT TO NOTIFY THE PUBLIC THAT THE PROCEEDINGS ARE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB01-1225

COMMENCING AND OF THE TIME AND PLACE OF THE FIRST PUBLIC HEARING. SUCH MAILED NOTICE MAY BE INCLUDED IN ANY OTHER MAILING REGULARLY SENT BY THE GOVERNING BODY TO THE LANDOWNER OR MAY BE COORDINATED WITH ANY OTHER GOVERNING BODY REGULARLY PROVIDING MAILED NOTICES SUCH AS, WITHOUT LIMITATION, MAILINGS RELATED TO PROPERTY TAX ASSESSMENT OR UTILITY BILLING. FOR ALL PUBLIC MEETINGS THEREAFTER, AND FOR ANY AMENDMENTS OR UPDATES TO THE MASTER PLAN, GENERAL PUBLIC NOTICE SHALL BE PUBLISHED IN THE JURISDICTION IN ANY MANNER REASONABLY SUFFICIENT TO NOTIFY THE PUBLIC OF THE PROCEEDINGS, INCLUDING THE TIME AND PLACE OF ANY PUBLIC HEARINGS. IN ADDITION, FOR ANY PROPOSED AMENDMENT TO THE MASTER PLAN OR ANY ACTION AFFECTING SPECIFICALLY IDENTIFIED PARCELS OF PROPERTY, NOTICE SHALL BE PROVIDED TO THOSE PERSONS WHO WOULD BE ENTITLED TO NOTICE OF A REZONING OF THE AFFECTED PROPERTY UNDER THE APPLICABLE DEVELOPMENT REGULATIONS OF THE PLANNING JURISDICTION. FOR ANY SUBSEQUENT AMENDMENT TO THE MASTER PLAN, NOTICE SHALL BE AS PROVIDED IN SECTION 30-28-106 (1), C.R.S., IN THE CASE OF A COUNTY, AND SECTION 31-23-206 (1), C.R.S., IN THE CASE OF A MUNICIPALITY.

(7) ANY PLANNING JURISDICTION OR PERSON WHO WISHES TO RECEIVE NOTICE OF ANY HEARING SCHEDULED BY THE PLANNING COMMISSION OR GOVERNING BODY OF A PLANNING JURISDICTION PURSUANT TO SUBSECTION (6) OF THIS SECTION SHALL REQUEST SUCH NOTIFICATION IN WRITING TO THE CLERK AND RECORDER OF EACH SUCH PLANNING JURISDICTION. THE REQUEST SHALL IDENTIFY THE HEARING OR HEARINGS FOR WHICH THE NOTICE IS REQUESTED. NOTICE MAY BE PROVIDED FOR ALL HEARINGS OR ONLY FOR HEARINGS WHERE CERTAIN SPECIFIED MATTERS MAY BE DISCUSSED. IN RESPONSE TO THE WRITTEN REQUEST, THE CLERK SHALL PROVIDE REASONABLE ADVANCE NOTICE OF ALL HEARINGS. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, AN UNINTENTIONAL FAILURE ON THE PART OF THE PLANNING JURISDICTION TO PROVIDE ADVANCE NOTICE SHALL NOT NULLIFY ACTION TAKEN AT A HEARING FOR WHICH OTHERWISE PROPER NOTICE WAS PROVIDED IN CONFORMITY WITH THE REQUIREMENTS OF SUBSECTION (5) OR (6) OF THIS SECTION.

(8) THE MASTER PLAN MAY BE AMENDED AT ANY TIME UPON THE APPROVAL OF NOT LESS THAN TWO-THIRDS OF THE MEMBERS OF THE GOVERNING BODY PRESENT, SUBJECT TO ANY APPLICABLE REQUIREMENTS SPECIFIED IN SUBSECTIONS (4) TO (9) OF THIS SECTION. ALL AMENDMENTS TO THE MASTER PLAN SHALL BE BY ORDINANCE OR RESOLUTION.

(9) NOT LESS THAN ONE YEAR AFTER THE GOVERNING BODY OF A PLANNING JURISDICTION HAS ADOPTED OR AMENDED A MASTER PLAN IN ACCORDANCE WITH THE TERMS OF THIS ARTICLE, THE GOVERNING BODY SHALL IMPLEMENT ITS MASTER PLAN THROUGH LAND DEVELOPMENT REGULATIONS AND PROGRAMS. IN ADDITION, AFTER THE MASTER PLAN HAS BEEN APPROVED, THE GOVERNING BODY SHALL NOT ADOPT ANY LAND DEVELOPMENT REGULATIONS OR MAKE ANY DECISION WITH RESPECT TO A DEVELOPMENT APPLICATION OR ITS CAPITAL BUDGET AND CAPITAL EXPENDITURES THAT IS INCONSISTENT WITH THE TERMS OF THE MASTER PLAN UNLESS THE MASTER PLAN IS AMENDED TO PERMIT SUCH ACTION AT THE TIME THE LAND DEVELOPMENT REGULATIONS ARE ADOPTED OR THE DECISION IS MADE. EACH PLANNING JURISDICTION SHALL ENSURE THAT ITS CAPITAL BUDGET IS COMPATIBLE WITH ITS MASTER PLAN.

(10) ADOPTION AND APPROVAL OF A MASTER PLAN IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION SHALL NOT ITSELF CONSTITUTE A REZONING OF ANY PROPERTY WITHIN THE PLANNING JURISDICTION.

(11) EACH PLANNING JURISDICTION SHALL PERIODICALLY REVIEW AND, IF NECESSARY, UPDATE ITS MASTER PLAN NOT LESS OFTEN THAN EVERY FIVE YEARS.

(12) A PLANNING JURISDICTION MAY APPLY TO THE OFFICE OF SMART GROWTH CREATED IN SECTION 24-32-3203 (1) (a) FOR A GRANT OUT OF THE COLORADO HERITAGE COMMUNITIES FUND CREATED IN SECTION 24-32-3207 FOR ASSISTANCE IN PREPARING A MASTER PLAN SATISFYING THE REQUIREMENTS OF THIS ARTICLE.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB01-1225

24-63-203. Preparation and content of plan. (1) IN PREPARING THE MASTER PLAN, THE PLANNING JURISDICTION MAY PERFORM OR ARRANGE FOR SUPPORTING STUDIES THAT ARE RELEVANT TO THE ELEMENTS CONTAINED IN THE PLAN. IN UNDERTAKING THESE STUDIES, THE PLANNING COMMISSION MAY USE STUDIES CONDUCTED BY ANY AGENCY OR DEPARTMENT OF THE FEDERAL GOVERNMENT OR ANY AGENCY OR DEPARTMENT OF THE STATE OF COLORADO OR ANY OTHER STUDY CONDUCTED IN ACCORDANCE WITH AN ESTABLISHED METHODOLOGY WITHIN THE ACADEMIC DISCIPLINE TO WHICH SUCH STUDY IS RELATED. ALL REQUIRED AND OPTIONAL ELEMENTS CONTAINED WITHIN THE MASTER PLAN SHALL BE BASED ON THE SAME ECONOMIC, DEMOGRAPHIC, AND RELATED ASSUMPTIONS AND DATA DEVELOPED BY OR FOR THE PLANNING JURISDICTION. A PLANNING JURISDICTION'S PROJECTIONS FOR ITS POPULATION GROWTH AND PROJECTIONS OF NEW JOBS WITHIN THE PLANNING JURISDICTION SHALL NOT BE LOWER THAN ANY SUCH PROJECTIONS USED BY THE PLANNING JURISDICTION IN CONNECTION WITH THE ISSUANCE OF ANY BONDS OR IN ANY APPLICATION FOR FUNDING OR OTHER SUBMISSION MADE BY THE PLANNING JURISDICTION TO ANY FEDERAL OR STATE AGENCY.

(2) THE PURPOSE OF THE MASTER PLAN IS TO PROVIDE A COORDINATED PHYSICAL DESIGN FOR DEVELOPMENT AREAS AND TO DIRECT THE COORDINATED, EFFICIENT, AND ORDERLY DEVELOPMENT OF THE PLANNING JURISDICTION AND ITS ENVIRONS THAT WILL, BASED ON AN ANALYSIS OF PRESENT AND FUTURE NEEDS, PREVENT SPRAWL AND BEST PROMOTE THE PUBLIC HEALTH, SAFETY, ECONOMIC DEVELOPMENT, AND WELFARE OF THE PLANNING JURISDICTION. EACH ELEMENT AND STRATEGY SHALL HAVE PLANNING HORIZONS OF SIX YEARS AND TWENTY YEARS AND SHALL IDENTIFY APPROPRIATE PLANS TO BE IMPLEMENTED FOR EACH HORIZON. A MASTER PLAN SHALL INCLUDE THE FOLLOWING REQUIRED ELEMENTS:

(a) A LAND USE ELEMENT PURSUANT TO WHICH THE PLANNING JURISDICTION SHALL DESIGNATE USES AND RANGES OF DENSITY FOR ALL THE LAND LOCATED WITHIN THE JURISDICTION. SUCH USES MAY INCLUDE, WITHOUT LIMITATION, PUBLIC, PRIVATE, RESIDENTIAL, COMMERCIAL, INDUSTRIAL, NATURALLY PRODUCTIVE, CONSERVATION AND OPEN SPACE, AND RECREATIONAL LAND USES.

(b) A WATER AND WASTE WATER ELEMENT THAT SHALL SHOW THE GENERAL LOCATION AND EXTENT OF AN ADEQUATE AND SUITABLE SUPPLY OF WATER FOR THE PLANNING JURISDICTION. THE JURISDICTION SHALL DETERMINE HOW AN ADEQUATE AND SUITABLE SUPPLY OF WATER SHALL BE PROVIDED TO MEET THE JURISDICTION'S NEEDS AND HOW WASTE WATER FROM THE JURISDICTION SHALL BE EFFECTIVELY HANDLED. THE JURISDICTION SHALL CONSULT WITH THE ENTITIES THAT SUPPLY WATER FOR USE WITHIN THE JURISDICTION TO ENSURE COORDINATION WITH RESPECT TO WATER SUPPLY AND FACILITY PLANNING. THE JURISDICTION SHALL IDENTIFY WATER SUPPLIES AND FACILITIES SUFFICIENT TO MEET THE NEEDS WITHIN THE JURISDICTION AND IDENTIFY POLICIES AND STRATEGIES TO ENSURE AN EFFICIENT USE OF WATER WITHIN THE JURISDICTION. NOTHING IN THIS PARAGRAPH (b) SHALL BE CONSTRUED TO SUPERSEDE, ABROGATE, OR OTHERWISE IMPAIR THE ALLOCATION OF WATER PURSUANT TO THE STATE CONSTITUTION OR LAW, THE RIGHT TO BENEFICIALLY USE WATER PURSUANT TO DECREES, CONTRACTS, OR OTHER WATER AGREEMENTS, OR THE OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, OR USE OF ANY WATER FACILITY.

(c) A HOUSING ELEMENT DESIGNED TO ADDRESS HOUSING NEEDS IN THE LOCAL PLANNING JURISDICTION THAT MAY ARISE AS A RESULT OF NEW EMPLOYMENT IN THE JURISDICTION. THE LOCAL PLANNING JURISDICTION SHALL ASSESS THE AGE, STRUCTURAL VALUE, AND OCCUPANCY CHARACTERISTICS OF THE LOCAL PLANNING JURISDICTION'S HOUSING STOCK. IT SHALL IDENTIFY POLICIES AND PROGRAMS THAT SHALL PROMOTE THE DEVELOPMENT OF HOUSING FOR THE HOLDERS OF NEW JOBS IN THE LOCAL PLANNING JURISDICTION AND THEIR FAMILIES. IT SHALL IDENTIFY POLICIES AND PROGRAMS THAT PROMOTE THE AVAILABILITY OF LAND FOR THE DEVELOPMENT OR REDEVELOPMENT OF HOUSING, INCLUDING LOW- AND MODERATE-INCOME HOUSING. IT SHALL ALSO IDENTIFY POLICIES AND PROGRAMS TO MAINTAIN OR REHABILITATE THE LOCAL PLANNING JURISDICTION'S EXISTING HOUSING STOCK AS MAY BE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB01-1225

APPROPRIATE. SUCH HOUSING NEEDS MAY BE SATISFIED BY EXISTING HOUSING STOCK OR BY LAND PLANNED AND ZONED FOR RESIDENTIAL USE WITHIN THE LOCAL PLANNING JURISDICTION OR WITHIN OTHER LOCAL PLANNING JURISDICTIONS PURSUANT TO AN INTERGOVERNMENTAL AGREEMENT. THE JURISDICTION SHALL ALSO IDENTIFY OBJECTIVES, POLICIES, AND STRATEGIES TO ENCOURAGE A RANGE OF HOUSING TYPES, PRICES, AND RENT LEVELS TO MEET THE NEEDS OF PERSONS OF DIFFERENT AGES AND INCOMES, INCLUDING LOW AND MODERATE INCOMES. THE JURISDICTION SHALL DEFINE STRATEGIES TO ENSURE THAT HOLDERS OF NEW JOBS IN THE LOCAL PLANNING JURISDICTION WILL BE ABLE TO SECURE HOUSING THAT IS AFFORDABLE, APPROPRIATE, AND WITHIN REASONABLE DISTANCES OF THEIR PLACES OF EMPLOYMENT. SUCH POLICIES MAY INCLUDE, WITHOUT LIMITATION, AN EXPEDITED PERMITTING PROCESS, REDUCTION OR WAIVER OF LOCAL DEVELOPMENT FEES, DEDICATION OF FINANCIAL RESOURCES, INCENTIVES FOR EMPLOYER ASSISTED HOUSING, INCLUSIONARY ZONING, AND ANY OTHER INCENTIVE DEEMED APPROPRIATE BY THE LOCAL PLANNING JURISDICTION.

(d) AN ESSENTIAL URBAN SERVICES, INFRASTRUCTURE, AND CAPITAL FACILITIES ELEMENT CONSISTING OF:

(I) AN INVENTORY OF EXISTING INFRASTRUCTURE AND CAPITAL FACILITIES SHOWING THE LOCATION AND CAPACITIES OF SUCH INFRASTRUCTURE, CAPITAL FACILITIES, AND URBAN SERVICES AS DEFINED BY THIS ARTICLE;

(II) A FORECAST OF THE FUTURE NEEDS FOR SUCH URBAN SERVICES, INFRASTRUCTURE, AND CAPITAL FACILITIES;

(III) THE PROPOSED LOCATIONS AND CAPACITIES OF NEW URBAN SERVICES, INFRASTRUCTURE, AND CAPITAL FACILITIES NECESSARY TO SUPPORT URBAN GROWTH WITHIN THE PLANNING JURISDICTION; AND

(IV) ANY EXPANSION, UPGRADE, OR RECONSTRUCTION OF EXISTING URBAN SERVICES, INFRASTRUCTURE, AND CAPITAL FACILITIES NECESSARY TO SUPPORT BOTH EXISTING DEVELOPMENT AND PROJECTED URBAN GROWTH WITHIN THE PLANNING JURISDICTION.

(e) A TRANSPORTATION ELEMENT PURSUANT TO WHICH THE PLANNING JURISDICTION SHALL IDENTIFY APPROPRIATE AND DESIRABLE PATTERNS FOR THE GENERAL LOCATION, CHARACTER, AND EXTENT OF THE CHANNELS, ROUTES, AND TERMINALS FOR TRANSPORTATION FACILITIES IN THE JURISDICTION. THE JURISDICTION SHALL CONSIDER THE EXISTING TRANSPORTATION NETWORK AND THE EXISTING AND FUTURE NEEDS OF CURRENT AND ANTICIPATED RESIDENTS, BUSINESSES, AND OTHER ENTITIES IN THE JURISDICTION, INCLUDING THE NEED FOR MULTI-MODAL, BALANCED TRANSPORTATION OPTIONS.

(f) (I) A NEIGHBORING COMMUNITIES ELEMENT DESIGNED TO FOSTER COOPERATION WITH OTHER LOCAL GOVERNMENTS. THE PLANNING JURISDICTION SHALL IDENTIFY ALL NEIGHBORING COMMUNITIES AFFECTED BY THE MASTER PLAN OR ANY TERRITORY OF WHICH IS INCLUDED IN THE JURISDICTION'S URBAN SERVICE AREA. UNLESS ALREADY ADDRESSED IN A REGIONAL PLAN CREATED PURSUANT TO THIS ARTICLE, IN ITS NEIGHBORING COMMUNITIES ELEMENT, THE JURISDICTION SHALL ADDRESS, AT A MINIMUM, THE FOLLOWING MATTERS:

(A) EXISTING AGREEMENTS, POLICIES, OR PROGRAMS DESIGNED TO ADDRESS THE EXTERNAL IMPACTS OF DEVELOPMENT WITHIN THE JURISDICTION;

(B) ADDITIONAL AGREEMENTS, POLICIES, OR PROGRAMS THAT COULD ALLEVIATE THE EXTERNAL IMPACTS OF DEVELOPMENT WITHIN THE JURISDICTION. SUCH AGREEMENTS, POLICIES, OR PROGRAMS MAY INCLUDE, WITHOUT LIMITATION, INTERGOVERNMENTAL AGREEMENTS PURSUANT TO SECTION 29-1-203 OR 29-20-105, C.R.S., AND MAY PROVIDE FOR REVENUE SHARING BETWEEN THE JURISDICTION AND ONE OR MORE NEIGHBORING COMMUNITIES; AND

(C) APPROPRIATE BUFFER ZONES TO MAINTAIN OPEN SPACE AND PRESERVE THE UNIQUE CHARACTER AND IDENTITY OF THE NEIGHBORING

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB01-1225

COMMUNITIES.

(II) IN ORDER TO ELIMINATE CONFLICTS AND INCONSISTENCIES AMONG THE URBAN SERVICE AREAS OF PLANNING JURISDICTIONS, AND UNLESS ALREADY ADDRESSED IN A REGIONAL COOPERATION AGREEMENT ENTERED INTO PURSUANT TO THIS ARTICLE, EACH URBAN SERVICE AREA OF ANY PLANNING JURISDICTION DESIGNATED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS ARTICLE SHALL BE COORDINATED WITH THE URBAN SERVICE AREA OF ANY OTHER PLANNING JURISDICTION THAT IS WITHIN THREE MILES OR LESS OF ITS OWN URBAN SERVICE AREA.

(g) AN OPEN SPACE AND AGRICULTURAL LAND ELEMENT PURSUANT TO WHICH THE PLANNING JURISDICTION SHALL DETERMINE THE APPROPRIATE STRATEGY FOR THE PROTECTION OF NATURALLY PRODUCTIVE AND CONSERVATION AND OPEN SPACE LAND WITHIN THE JURISDICTION. THE JURISDICTION SHALL IDENTIFY THE NATURALLY PRODUCTIVE LAND WITHIN ITS GEOGRAPHIC AREA AS WELL AS THE PROJECTED NEEDS FOR, AND PLANNED LOCATIONS OF, CONSERVATION AND OPEN SPACE SUCH AS PARKS, FOREST LAND, WILDLIFE AREAS, SCENIC AREAS, TRAILS, AND PUBLIC RECREATION AREAS WITHIN AND OUTSIDE URBAN SERVICE AREAS.

(h) AN ENVIRONMENTAL QUALITY ELEMENT PURSUANT TO WHICH THE PLANNING JURISDICTION SHALL ADDRESS COMPLIANCE WITH BOTH APPLICABLE STATE AND FEDERAL ENVIRONMENTAL LAWS AND LOCALLY DETERMINED GOALS, OBJECTIVES, PRINCIPLES, POLICIES, AND STANDARDS DESIGNED TO PRESERVE AND PROTECT THE ENVIRONMENT FROM THE ADVERSE EFFECTS OF DEVELOPMENT CONSISTENT WITH THE JURISDICTIONAL AUTHORITY OF LOCAL GOVERNMENTS. THE JURISDICTION SHALL CONSIDER AIR QUALITY, INCLUDING POLLUTION CONTROL; WATER QUALITY; CRITICAL AND SENSITIVE AREAS; AND ANY OTHER AREAS WITHIN THE JURISDICTION OF THE LOCAL GOVERNMENT IN NEED OF SPECIAL PROTECTION AS IDENTIFIED IN THE COMPREHENSIVE PLAN OF THE LOCAL GOVERNMENT.

(i) AN URBAN GROWTH ELEMENT;

(j) A MINERAL PRESERVATION ELEMENT THAT SHALL SHOW HOW THE PLANNING JURISDICTION INTENDS TO COMPLY WITH PART 3 OF ARTICLE 1 OF TITLE 34, C.R.S., AND THAT SHALL ALSO SHOW, ON THE MASTER PLAN MAP REQUIRED BY SUBSECTION (5) OF THIS SECTION, AREAS OF OIL AND GAS ACTIVITY AS DEFINED BY THE OIL AND GAS CONSERVATION COMMISSION OF THE STATE OF COLORADO CREATED IN SECTION 34-60-104 (1), C.R.S.; AND

(k) A PROGRAM FOR THE IMPLEMENTATION OF THE MASTER PLAN.

(3) A MASTER PLAN MAY INCLUDE ANY OF THE FOLLOWING OPTIONAL ELEMENTS IF APPLICABLE AND CONSISTENT WITH THE REQUIRED ELEMENTS:

(a) IN THE CASE OF A PLANNING JURISDICTION THAT IS A COUNTY, ANY OF THE ELEMENTS SET FORTH IN SECTION 30-28-106 (3), C.R.S., THAT IS NOT ONE OF THE REQUIRED ELEMENTS SET FORTH IN SUBSECTION (2) OF THIS SECTION;

(b) IN THE CASE OF A PLANNING JURISDICTION THAT IS A MUNICIPALITY, ANY OF THE ELEMENTS SET FORTH IN SECTION 31-23-206 (1), C.R.S., THAT IS NOT ONE OF THE REQUIRED ELEMENTS SET FORTH IN SUBSECTION (2) OF THIS SECTION;

(c) AN ECONOMIC DEVELOPMENT ELEMENT THAT ASSESSES THE PLANNING JURISDICTION'S STRENGTHS AND WEAKNESSES WITH RESPECT TO ATTRACTING AND RETAINING BUSINESS AND INDUSTRY. THIS ELEMENT SHALL DEFINE THE JURISDICTION'S ROLE IN ENCOURAGING JOB RETENTION AND GROWTH, ECONOMIC PROSPERITY, AND THE STIMULATION OF PRIVATE INVESTMENT WITHIN THE JURISDICTION, INCLUDING THE AVAILABILITY OF ADEQUATE HOUSING FOR EMPLOYEES OF EXISTING AND POTENTIAL FUTURE BUSINESSES, INDUSTRIES, AND INSTITUTIONS WITHIN ITS JURISDICTION, IN ADDITION TO THE JURISDICTION'S ROLE IN ENCOURAGING ADEQUATE TRANSPORTATION FACILITIES AND INFRASTRUCTURE AFFECTING THE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB01-1225

JURISDICTION.

(d) A HUMAN SERVICES ELEMENT THAT SHALL COORDINATE PROGRAMS OF HUMAN SERVICES PROVIDERS, WHETHER THE PROVIDERS CONSIST OF THE LOCAL GOVERNMENT, OTHER GOVERNMENT AGENCIES, OR NONPROFIT OR FOR-PROFIT ORGANIZATIONS. THIS ELEMENT SHALL ALSO DETERMINE THE ROLES, IF ANY, IN ADDITION TO COORDINATION, THAT THE PLANNING JURISDICTION MAY ASSUME IN RELATION TO THE PROVISION OF HUMAN SERVICES WITHIN THE PLANNING JURISDICTION.

(e) A COMMUNITY DESIGN ELEMENT TO ESTABLISH A BASIS FOR THE PLANNING JURISDICTION TO MAKE DECISIONS ABOUT COMMUNITY APPEARANCE AND CHARACTER BY DEFINING ITS GOALS AND POLICIES AND BY ESTABLISHING URBAN DESIGN STANDARDS AND DESCRIBING DESIGN PRINCIPLES OR GUIDELINES THAT WILL CONTRIBUTE TO A DESIRED OVERALL IMAGE OR SERIES OF IMAGES OF THE COMMUNITY;

(f) AN HISTORIC PRESERVATION ELEMENT;

(g) SUBPLANS FOR SPECIAL PLANNING DISTRICTS AND SMALL AREAS WITHIN THE PLANNING JURISDICTION, INCLUDING, WITHOUT LIMITATION, NEIGHBORHOOD PLANS, TRANSIT-ORIENTED DEVELOPMENT PLANS, AND REDEVELOPMENT AREA PLANS;

(h) ANY OTHER ELEMENT THAT THE PLANNING JURISDICTION DEEMS APPROPRIATE FOR INCLUSION IN THE MASTER PLAN, IN THE EXERCISE OF ITS JURISDICTION, TO FURTHER THE PURPOSES OF THIS ARTICLE.

(4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EACH ELEMENT OF A MASTER PLAN THAT IS ADOPTED OR AMENDED BY A PLANNING JURISDICTION ON OR AFTER JULY 1, 2001, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 24-63-202 SHALL BE CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE.

(5) THE MASTER PLAN SHALL INCLUDE ONE OR MORE MASTER PLAN MAPS AT A SUITABLE SCALE REPRESENTING A GENERALIZED COMPOSITE OF PROPOSALS AND RECOMMENDATIONS CONTAINED IN ALL REQUIRED AND OPTIONAL ELEMENTS.

(6) SUBJECT TO THE OTHER REQUIREMENTS OF THIS SECTION, A PLANNING JURISDICTION MAY ENTER INTO AN AGREEMENT WITH ONE OR MORE OTHER PLANNING JURISDICTIONS OR OTHER LOCAL GOVERNMENTS TO JOINTLY PREPARE EITHER A LOCAL MASTER PLAN OR AN ELEMENT OF A LOCAL MASTER PLAN THAT WILL INCLUDE THE LAND AREA INCLUDED IN THEIR RESPECTIVE JURISDICTIONS WITH THE COSTS FOR THE PREPARATION OF SUCH A PLAN OR PLAN ELEMENT TO BE SHARED BY THE PARTICIPATING PLANNING JURISDICTIONS AND LOCAL GOVERNMENTS IN SUCH MANNER AS PROVIDED IN THE AGREEMENT. IN ADDITION, PLANNING JURISDICTIONS MAY APPLY TO THE OFFICE OF SMART GROWTH CREATED IN SECTION 24-32-3203 (1) (a) FOR A GRANT OUT OF THE COLORADO HERITAGE COMMUNITIES FUND CREATED IN SECTION 24-32-3207 TO ASSIST IN DEFRAYING THE COSTS OF PREPARING JOINT PLANS OR JOINT ELEMENTS OF LOCAL MASTER PLANS PURSUANT TO THIS SUBSECTION (6).

24-63-204. Geographic scope of master plan. (1) THE MASTER PLAN OF A PLANNING JURISDICTION THAT IS A COUNTY SHALL INCLUDE ALL UNINCORPORATED AREAS WITHIN THE COUNTY OR THE CITY AND COUNTY.

(2) THE MASTER PLAN OF A PLANNING JURISDICTION THAT IS A MUNICIPALITY SHALL INCLUDE ALL AREAS WITHIN THE INCORPORATED LIMITS OF THE MUNICIPALITY AND MAY INCLUDE AREAS OUTSIDE OF THE INCORPORATED AREAS OF THE MUNICIPALITY:

(a) TO WHICH THE MUNICIPALITY PROVIDES ANY URBAN SERVICES OR IS LIKELY TO PROVIDE URBAN SERVICES WITHIN THE TWENTY-YEAR PLANNING PERIOD; AND

(b) THAT ARE WITHIN AREAS THAT ARE LIKELY TO BE ANNEXED BY THE MUNICIPALITY WITHIN THE TWENTY-YEAR PLANNING PERIOD.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB01-1225

2 4 - 6 3 - 2 0 5 . I n t e r g o v e r n m e n t a l
cooperation. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY
 INTERGOVERNMENTAL AGREEMENT CONCERNING LAND USE PLANNING OR
 REGULATION OR REVENUE SHARING TO WHICH A LOCAL GOVERNMENT IS
 A PARTY MAY BE MADE MUTUALLY BINDING AND ENFORCEABLE FOR A
 PERIOD NOT TO EXCEED TWENTY YEARS. ANY SUCH INTERGOVERNMENTAL
 AGREEMENT MAY BE RENEWED OR EXTENDED FOR SUCCESSIVE PERIODS.
 NOTHING IN THIS ARTICLE SHALL EFFECT THE ENFORCEABILITY OR
 VALIDITY OF ANY INTERGOVERNMENTAL AGREEMENT ENTERED INTO PRIOR
 TO JULY 1, 2001.

24-63-206. Moratoria. (1) THE GENERAL ASSEMBLY HEREBY
 FINDS AND DECLARES THAT THE APPLICATION OF MORATORIA TO
 DEVELOPMENT APPLICATIONS SHOULD BE DISCOURAGED EXCEPT ON A
 LIMITED BASIS.

(2) A PLANNING JURISDICTION MAY ADOPT MORATORIA ON
 DEVELOPMENT APPLICATIONS ONLY UNDER THE FOLLOWING
 CIRCUMSTANCES:

(a) WHERE PENDING APPLICATIONS ARE CONSIDERED BY THE
 JURISDICTION TO CONSTITUTE AN IMMINENT THREAT TO THE HEALTH OR
 SAFETY OF ITS CITIZENS;

(b) FOR A PERIOD NOT TO EXCEED NINE MONTHS DURING
 CONSIDERATION OF AN INITIAL MASTER PLAN IF THE JURISDICTION
 DETERMINES THAT PENDING APPLICATIONS ARE POTENTIALLY
 INCONSISTENT WITH EITHER THE PLAN OR THE AMENDMENT TO THE PLAN
 UNDER CONSIDERATION; OR

(c) FOR A PERIOD NOT TO EXCEED SIX MONTHS DURING
 CONSIDERATION OF AN AMENDMENT TO THE JURISDICTION'S MASTER PLAN
 IF THE JURISDICTION DETERMINES THAT PENDING APPLICATIONS ARE
 POTENTIALLY INCONSISTENT WITH EITHER THE PLAN OR THE AMENDMENT
 TO THE PLAN UNDER CONSIDERATION.

(3) NOTWITHSTANDING ANY PROVISION IN THIS SECTION, NO
 MORATORIUM SHALL BE IMPOSED BY A PLANNING JURISDICTION ON THE
 FOLLOWING TYPES OF APPLICATIONS:

(a) A BUILDING PERMIT APPROVED AS OF THE TIME ANY SUCH
 MORATORIUM IS IMPOSED;

(b) A FINAL PLAT APPROVED AS OF THE TIME ANY SUCH
 MORATORIUM IS IMPOSED; OR

(c) ANY OTHER APPLICATION FOR WHICH ONLY MINISTERIAL
 ACTION REMAINS AS OF THE TIME ANY SUCH MORATORIUM IS IMPOSED.

24-63-207. Growth restrictions. A PLANNING JURISDICTION
 SHALL NOT IMPOSE ANY RESTRICTION OR LIMITATION UPON ITS RATE OF
 HOUSING CONSTRUCTION THAT IS LESS THAN EITHER THE RATE OF
 POPULATION GROWTH OR THE RATE OF JOB GROWTH USED IN ITS MASTER
 PLAN EXCEPT AS NECESSARY TO AVOID AN IMMINENT THREAT TO THE
 HEALTH OR SAFETY OF ITS RESIDENTS."

Page 33, strike lines 5 through 28.

Strike pages 34 through 40.

Page 41, strike line 1 and substitute the following:

"PART 3
 (Reserved)".

Page 44, strike lines 7 through 28.

Strike pages 45 through 51.

Page 52, strike lines 1 through 7 and substitute the following:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB01-1225

"PART 5
(Reserved)

PART 6
(Reserved)";

line 8, strike "PART 6" and substitute "PART 7";

line 10, strike "**24-63-601. Judicial review.**" and substitute "**24-63-701. Judicial review.** (1)";

strike lines 15 and 16 and substitute the following:

"(2) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO INTERFERE WITH THE RIGHTS AND PROCEDURES GOVERNING THE LOCATION, CONSTRUCTION, OR IMPROVEMENT OF MAJOR ELECTRICAL OR NATURAL GAS FACILITIES AS SPECIFIED IN SECTION 29-20-108, C.R.S.

24-63-702. Dispute resolution. (1) DISPUTES INVOLVING ANY COMPREHENSIVE PLAN ADOPTED PURSUANT TO THIS";

line 26, strike "PART 6" and substitute "PART 7".

Page 53, line 4, strike "PART 6" and substitute "PART 7";

line 12, strike "PART 6" and substitute "PART 7";

line 16, strike "PART 6" and substitute "PART 7";

strike lines 23 through 28.

Page 54, strike lines 1 through 11.

Renumber succeeding sections accordingly.

Page 55, strike lines 18 and 19.

Respectfully submitted,

House Members:

Senate Member:

(signed)
Representative Stengel

(signed)
Senator Entz

(signed)
Representative Dean

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 **HB01-1225**.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

HB01-1225

by Representative Stengel; also Senator Perlmutter--Concerning growth management in Colorado, and making an appropriation therefor.

Senator Perlmutter moved that the Senate **adhere** to its position of **HB01-1225**.

On a substitute motion, Senator Entz moved the Senate adopt the First Minority Report of the First Conference Committee on **HB01-1225**. The motion was declared **lost** by the following vote:

HB01-1225

YES	17	NO	18	EXCUSED	0	ABSENT	0
Anderson	Y	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	Y	Thiebaut	N
Dyer, E.	N	Hernandez	N	Pascoe	N	Tupa	N
Dyer, F.	Y	Hillman	Y	Perlmutter	N	Windels	N
Entz	Y	Lamborn	Y	Phillips	N	Mr. President	N
Epps	Y	Linkhart	N	Reeves	N		

Senator Perlmutter renewed his motion to **adhere** to the Senate position on **HB01-1225**. The motion was declared **adopted** by the following roll call vote:

YES	18	NO	17	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	N
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	N	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	N	Linkhart	Y	Reeves	Y		

MESSAGE FROM THE HOUSE

May 9, 2001

Mr. President:

The House has adopted the First Report of the First Conference Committee on SB01-082, as printed in House Journal, May 9, and has repassed the bill as so amended. The bill is returned herewith.

May 9, 2001

Mr. President:

The House has adopted the First Report of the First Conference Committee on SB01-098, as printed in House Journal, May 9, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted and transmits herewith HJR01-1056, as printed in House Journal, May 9. Pursuant to the resolution, the Speaker has appointed Representatives Sinclair, chairman, Fairbank, and Miller. (For corrected message, please see Addendum.)

SECOND REPORT OF FIRST CONFERENCE COMMITTEE ON SB01-098

THIS REPORT AMENDS THE
REENGROSSED BILL
AND IS A CORRECTED REPORT

To the President of the Senate and the Speaker of the House of Representatives:

Your first conference committee appointed on SB01-098, concerning school improvement, and making an appropriation therefor, has met and reports that it has agreed upon the following:

1. That the House recede from its amendments made to the bill, as said amendments appear in the rerevised bill.

SB01-098

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

Amend reengrossed bill, page 3, strike line 2 and substitute the following:

"SECTION 1. 22-7-601 (1) (e), (1) (f), and (2), Colorado Revised Statutes, are";

strike line 4 and substitute the following:

"22-7-601. Legislative declaration. (1) The general assembly hereby finds that:

(e) Giving each public school ~~a report card grading~~ AN ACCOUNTABILITY REPORT ON its performance and improvement in academic achievement will assist the general assembly, parents, and taxpayers in identifying those public schools that are providing students with an opportunity for a quality education; and

(f) By requiring annual ~~school report cards~~ ACCOUNTABILITY REPORTS, the general assembly, parents, and taxpayers will be able to monitor the progress that schools make toward providing students with an opportunity for a quality education in a safe learning environment.

(2) The general assembly";

line 21, strike "year." and substitute "year AND FOR THE CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAMINATIONS REQUIRED BY SECTION 22-7-409 (1.5).".

Page 4, line 13, strike "report cards" and substitute "~~report cards~~ ACCOUNTABILITY REPORTS";

after line 14, insert the following:

"SECTION 3. 22-7-603 (1), Colorado Revised Statutes, is amended to read:

22-7-603. State data reporting system. (1) The department shall develop and implement a comprehensive data collection and reporting system for collecting and reporting performance indicators from each public school. On or before September 1, 2000, the department shall contract out for the development of the state data reporting system. The department shall award the contract based upon a competitive bid; except that the provisions of the "Procurement Code", articles 101 to 112 of title 24, C.R.S., shall not apply to this contract. The state data reporting system shall be designed to collect, through electronic transfer where possible, all student and public school performance data required to ascertain the degree to which public schools and school districts are meeting state performance standards and shall be capable of producing data for decision-making and for the comprehensive annual ~~report cards~~ SCHOOL ACCOUNTABILITY REPORTS on public school and district performance pursuant to sections 22-7-604 and 22-7-605. The state data reporting system shall be designed to protect the privacy of individual students and individually identifying data. In addition, the state data reporting system shall be designed to include all the information and data elements needed for measuring student and school performance, including fiscal, student, program, personnel, facility, community, evaluation, and other relevant data and shall allow for the analysis of the relationship between school district and public school expenditures and effectiveness. Data elements collected and provided by the department, school districts, and individual public schools shall be compatible. The state data reporting system shall be managed and administered by the department. Each school district that has a unique information management system shall assure that compatibility exists between its unique system and the data elements of the state data reporting system so that all data required to be input into the state data reporting system is made available through electronic transfer and in the appropriate input format."

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-098

Renumber succeeding sections accordingly.

Page 4, line 15, strike "(4),";

line 19, strike "2000-01 2001-02" and substitute "2000-01";

line 21, strike ""SATISFACTORY"," and substitute ""AVERAGE",";

line 27, strike ""SATISFACTORY":" and substitute ""AVERAGE":".

Page 5, line 5, strike "and curriculum-based," and substitute "and curriculum-based,";

line 6, strike "achievement college entrance exams" and substitute "achievement college entrance exams";

strike lines 11 through 26.

Page 6, line 3, after "school," insert "STARTING WITH THE 2001-02 SCHOOL YEAR,";

line 10, strike "or curriculum-based, achievement college" and substitute "or curriculum-based, achievement college";

line 11, strike "entrance exam" and substitute "entrance exam";

line 17, strike "YEAR FOLLOWING THE".

Page 7, line 6, strike ""SATISFACTORY"";" and substitute ""AVERAGE"";

line 20, strike "YEAR FOLLOWING THE".

Page 8, line 17, strike "report cards" and substitute "report cards ACCOUNTABILITY REPORTS";

line 20, after "that", insert "grade level or exclude from any curriculum-based, achievement college entrance exam more than ten percent of the students required to take such exam, any representation of that public school's overall academic";

line 25, strike "2001-02 2002-03" and substitute "2001-02";

line 26, strike "school." and substitute "school".

Page 9, strike lines 2 and 3 and substitute the following:

~~"section. The academic improvement grades shall correspond to the categories described in subsection (1) of this section. OF "SIGNIFICANT IMPROVEMENT", "IMPROVEMENT", "STABLE", "DECLINE", OR "SIGNIFICANT DECLINE". The academic";~~

line 19, strike ""NO" and substitute ""STABLE"";

line 20, strike "SIGNIFICANT CHANGE".

Page 11, strike lines 11 through 13 and substitute the following:

SECTION 5. 22-7-605 (1), (2) (a), (2) (b), (2) (c), and (3) (a), the introductory portion to 22-7-605 (3) (b), 22-7-605 (3) (c) and (4), the introductory portion to 22-7-605 (5), 22-7-605 (5) (e), the introductory portion to 22-7-605 (6), and 22-7-605 (6) (a) (III), (6) (d) (IV), (7) (a), (7) (b) (I), (7) (d) (II), (7) (d) (III), (7) (d) (V), (7) (d) (VI), (8), (9) (a), (9) (d), and (10), Colorado Revised Statutes, are amended to read:";

line 14, strike "report cards" and substitute "accountability reports";

line 16, strike "a report card" and substitute "a AN ACCOUNTABILITY report card";

strike lines 17 and 18 and substitute the following:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-098

"The ACCOUNTABILITY report ~~card~~ shall be issued in an easy-to-read format and shall include the public school's overall";

line 21, strike "a report card" and substitute "a AN ACCOUNTABILITY report ~~card~~";

after line 22, insert the following:

"(2) (a) (I) TERMS AND DATA ELEMENTS USED IN THE STATE SCHOOL ACCOUNTABILITY REPORTS SHALL BE AS DEFINED IN THE CHART OF ACCOUNTS AND PERSONNEL CLASSIFICATION SYSTEM DEVELOPED PURSUANT TO SECTION 22-44-105 (4) (a).

(II) On or before September 1, 2000, the state board by rule shall define, consistent with the provisions of this part 6, any ADDITIONAL data elements included on the school ~~report cards~~ ACCOUNTABILITY REPORTS and the information that shall be collected and reported to ensure the existence, accuracy, and relevancy of the data elements reported on the school ~~report cards~~ ACCOUNTABILITY REPORTS developed pursuant to this section.

(b) Each public school and school district shall report accurately any data required to produce a school ACCOUNTABILITY report ~~card~~ for each public school, using whenever possible the state data reporting system described in section 22-7-603. The state board shall seek to minimize and eliminate the duplication of data reporting required under this section and that required by other state or federal statutes or rules so that school districts may satisfy multiple reporting requirements within a single reporting framework. The state board in particular shall note the data collection and reporting already required and conducted by the department, public schools, and school districts in sections 22-2-112, 22-7-105, 22-11-104, 22-11-201, 22-30.5-110, 22-32-109, 22-32-110, 22-33-105, 22-44-105, 22-44-111, and 22-54-112.

(c) Each public school and each school district shall meet data submission timetables adopted by rule of the state board in order to comply with the schedule required by this section to produce ~~report cards~~ THE ACCOUNTABILITY REPORTS. If, after a reasonable period of time, the department determines that a public school or a school district has failed to comply fully and accurately with the data reporting and collection requirements of this section, the state board shall rescind the accreditation of the school district pursuant to article 11 of this title.

(3) (a) The ACCOUNTABILITY report ~~card~~ produced for each public school pursuant to this section shall not contain any information other than the information specified in this section. The information specified in this section shall be arranged on the ACCOUNTABILITY report ~~card~~ in the order it appears in this section.

(b) Each ACCOUNTABILITY report ~~card~~ shall be printed double-sided on paper eleven inches by seventeen inches. The two sides shall contain the following:

(c) The ACCOUNTABILITY report ~~card~~ shall be folded in such a way that the eleven-by-seventeen-inch paper has two folds to comprise six panels, corresponding to the above divisions and that after folding only the title page and the "Taxpayers' Report" page appear.";

line 24, strike "report card:" and substitute "ACCOUNTABILITY report: ~~card~~";

after line 24, insert the following:

"(a) **Title.** The ACCOUNTABILITY report ~~card~~ shall include in large font, superimposed on a faint rendition of the state seal, the name of the public school. Immediately underneath shall be the words "School ACCOUNTABILITY Report" ~~Card~~" and "[year]-[year] school year" on which the information in the ACCOUNTABILITY report ~~card~~ is based.";

strike lines 25 and 26 and substitute the following:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-098

"(b) **Ratings.** (I) The ACCOUNTABILITY report card shall contain a heading "School Performance".

Page 12, line 16, strike ""Overall Academic" and substitute ""Overall Academic";

line 17, strike "Performance" or, if applicable," and substitute "Performance" or, if applicable,";

strike lines 22 through 27 and substitute the following:

"(c) **Comparison.** The ACCOUNTABILITY report card shall contain the following subtitle, "How [name of the public school] Compares To Nearby [school level] Schools". Below this subtitle, the ACCOUNTABILITY report card shall contain a list of the ten schools, whether public or private, of the same school level as the subject school that are closest geographically to the subject public school and that received a AN ACCOUNTABILITY report card pursuant to this part 6; except that no school shall be listed if it is located more than seventy-five miles from the subject public school. Immediately following the name of each school shall be the overall academic performance grade RATING for each school as calculated pursuant to section 22-7-604 22-7-604 (5). The names of the ten schools and the overall academic performance grade RATING shall form two columns, titled "School" and "Academic". If any of the ten schools used for comparison for this paragraph (c) are from a different school district or are nonpublic schools, a footnote number shall be inserted after the name of each such school and a footnote shall follow the listing of the ten schools identifying the other school district or nonpublic schools."

Page 13, strike lines 1 through 23 and substitute the following:

"(d) **Preparation and verification information.** The ACCOUNTABILITY report card shall contain the following statement: "School Report Cards ACCOUNTABILITY REPORTS prepared by the Colorado Department of Education are independently audited and verified by [name of the consulting firm whose services are procured pursuant to section 22-7-606 (4)]." At the bottom of the title page of the ACCOUNTABILITY report card shall appear the following statement: "For more information on additional schools, visit www.state.co.us/schools".";

line 24, strike "report card" and substitute "ACCOUNTABILITY report card";
strike line 27.

Page 14, strike lines 1 through 27 and substitute the following:

"(e) **Ratings description.** Directly below the information contained in paragraph (d) of this subsection (5) shall appear a chart containing the following lines TWO COLUMNS:

(I) ~~"Key: Academic Performance Letter Grades:"~~; THE FIRST COLUMN SHALL BE ENTITLED "OVERALL ACADEMIC PERFORMANCE RATINGS" IN BOLD FONT AND CAPITAL LETTERS. IMMEDIATELY FOLLOWING THIS TITLE SHALL BE THE FOLLOWING WORDS LISTED IN A COLUMN, EACH PRECEDED BY A BULLET POINT: "EXCELLENT"; "HIGH"; "AVERAGE"; "LOW"; AND "UNSATISFACTORY".

(II) ~~"A = Excellent Academic Performance"~~; THE SECOND COLUMN SHALL BE ENTITLED "SCHOOL IMPROVEMENT RATINGS" IN BOLD FONT AND CAPITAL LETTERS. IMMEDIATELY FOLLOWING THIS TITLE SHALL BE THE FOLLOWING WORDS LISTED IN A COLUMN, EACH PRECEDED BY A BULLET POINT: "SIGNIFICANT IMPROVEMENT"; "IMPROVEMENT"; "STABLE"; "DECLINE"; AND "SIGNIFICANT DECLINE".

(III) ~~"B = Above Average Academic Performance"~~;

(IV) ~~"C = Average Academic Performance"~~;

(V) ~~"D = Below Average Academic Performance"~~; and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-098

(VI) ~~"F = Failing Academic Performance"~~.

Page 15, strike line 1;

line 2, strike "report card" and substitute "ACCOUNTABILITY report card";

line 12, strike "school WHO ARE" and substitute "school.";

strike line 13;

line 14, strike "DAY.";

strike lines 18 through 27 and substitute the following:

"(d) **Salaries.** The "About Our Staff" page shall also include the subtitle, "Salaries". Directly below this subtitle shall be a table with four columns:

(IV) Immediately following shall be the name, address, and telephone number of the school on which the ACCOUNTABILITY report is prepared. Following this, at the bottom of the page shall be: "For more information and further details about this report, visit: www.state.co.us/schools". The last line of the page shall be: "Colorado Department of Education [address]".

(7) **Student performance.** (a) The ACCOUNTABILITY report card shall contain a page clearly marked in large font as the "Student Performance" page. This page shall contain the following statement immediately under the title: "Colorado students are assessed once a year in order to measure their performance on state academic content standards, using the Colorado Student Assessment Program (CSAP). The chart below shows the results for grades [grade]-[grade] in the subject areas of reading, writing, and math FOR ALL STUDENTS TESTED."

(b) (I) Following the text specified in paragraph (a) of this subsection (7), a solid line shall appear followed by "CSAP [year] Spring". Under this heading shall appear the correct number of columns corresponding to each grade level in the public school that took at least one test through the CSAP program. Each column shall be clearly marked as to the corresponding grade level. Underneath each grade level, three rows of pie charts shall appear. The first row shall be clearly marked underneath each pie chart as "Reading", the second row shall be clearly marked underneath each pie chart as "Writing", and the third row shall be clearly marked underneath each pie chart as "Math". Such pie charts shall report information collected pursuant to section 22-7-409 INCLUDING, BEGINNING WITH THE 2001-02 SCHOOL YEAR, THE CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM. On each pie chart shall be printed the corresponding percentages. Pie charts shall be printed in color and shall clearly delineate student scores on assessments.

(d) Directly below the "CSAP" key".

Page 16, strike line 1;

strike line 4 and substitute the following:

"(II) The second column shall be entitled "Your School", the third column shall be entitled "District", and the fourth column shall be entitled "State". The pie chart shall be entitled "~~Percent of Student Test Scores Counted~~ USED FOR CALCULATING OVERALL ACADEMIC PERFORMANCE".

(III) The pie chart shall have an answer key directly to the right containing the following information:

(A) "Test Scores ~~Counted~~ USED....[percentage]_ %";

(B) "Test scores not ~~counted~~ USED due to Language.... [percentage]_ %";

(C) "Test scores not ~~counted~~ USED due to Special Ed....

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-098

[percentage]_%"; and

(D) "Test scores not ~~counted~~ USED due to New Student....
[percentage]_%".

(V) Immediately";

line 5, after the second "the", insert "ACCOUNTABILITY";

line 6, strike "card" and substitute "~~card~~";

line 8, strike ""SATISFACTORY"," and substitute ""AVERAGE",";

line 13, strike "who," and substitute "who";

strike lines 14 through 18 and substitute the following:

"enrolled in the ~~Colorado~~ public school system after ~~October~~ FEBRUARY 1 of this school year. Your school's ~~grade~~ RATING was determined by the".

Page 17, line 5, strike "report card" and substitute "ACCOUNTABILITY report ~~card~~";

strike lines 9 through 11 and substitute the following:

"22-7-604 (5) in the current year, the immediately preceding year, and the year before the immediately preceding year.";

line 16, strike "BEGINNING WITH" and substitute "IMMEDIATELY";

line 17, strike "THE 2001-02 SCHOOL YEAR, IMMEDIATELY";

strike lines 21 through 24 and substitute the following:

"(6) ~~when applicable~~, in the current year, the immediately preceding year, and the year before the immediately preceding year.".

Page 18, strike line 6 and substitute the following:

"(d) Directly below the";

line 11, strike ""NO SIGNIFICANT CHANGE"," and substitute ""STABLE",".

Page 19, after line 8, insert the following:

"(9) **Taxpayers' report.** (a) The ACCOUNTABILITY report ~~card~~ shall contain a page clearly marked in large-size font as the "Taxpayers' Report" page. Financial data from this page shall be from the most recently audited fiscal year.

(d) The bottom of the page described in this subsection (9) shall list in bold font the name of the public school that the school ACCOUNTABILITY report ~~card~~ is detailing and its address. The second from last line of the page shall state: "For more information and further details about this report, visit: www.state.co.us/schools". The last line of the page shall state: "Colorado Department of Education [address]".

(10) The department shall make only the necessary modifications to the ACCOUNTABILITY report ~~card~~ to ensure that a public school's ACCOUNTABILITY report ~~card~~ is formatted with the appropriate information for elementary schools, middle schools, junior high schools, and senior high schools. The department shall employ such layout, design, color, and graphical elements necessary for the ACCOUNTABILITY report ~~card~~ to be parent-friendly and easy to read and to enhance rather than detract from the data to be reported. IF A SCHOOL FAILS TO REPORT DATA, THE DEPARTMENT SHALL CLEARLY NOTE ON THE SCHOOL ACCOUNTABILITY REPORT: "DATA NOT REPORTED TO STATE".";

line 9, strike "22-7-606 (3)," and substitute "22-7-606,";

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-098

strike lines 11 and 12 and substitute the following:

"22-7-606. School accountability reports - delivery website - repeal. (1) (a) The department shall deliver each public school's annual ACCOUNTABILITY report ~~card~~ to the public school by ~~August~~ SEPTEMBER 15, 2001, and by ~~August~~ SEPTEMBER 15 each year thereafter. The department shall print and provide to the public school copies of the ~~report cards~~ ACCOUNTABILITY REPORTS in the amount of: Total pupil enrollment at last annual count, plus the total number of teachers as listed on the school ACCOUNTABILITY report, ~~card~~; plus an additional twenty-five percent.

(b) On or before January 1, 2001, the department shall enter into a contract for the production of the school ~~report cards~~ ACCOUNTABILITY REPORTS. The department shall award the contract based upon a competitive bid; except that the provisions of the "Procurement Code", articles 101 to 112 of title 24, C.R.S., shall not apply to this contract.

(2) The public school shall distribute its annual ACCOUNTABILITY report ~~card~~ to the parent or legal guardian of each student enrolled in the public school and to any members of the public who request a copy.

(3) The department shall develop an internet website, which homepage";

line 14, strike "report card" and substitute "ACCOUNTABILITY report ~~card~~";

line 15, strike "report card" and substitute "ACCOUNTABILITY report ~~card~~";

line 18, strike "report card" and substitute "ACCOUNTABILITY report ~~card~~";

line 20, strike "report cards." and substitute "~~report—cards~~ ACCOUNTABILITY REPORTS.";

line 26, strike "~~2001~~ 2002," and substitute "2001,";

line 27, after "school", insert "ACCOUNTABILITY".

Page 20, line 1, strike "card" and substitute "~~card~~";

after line 3, insert the following:

"(4) On or before January 1, 2001, and on or before each January 1 thereafter, the state board shall contract with a nationally recognized, independent auditing firm to annually audit the process of preparing the ~~report cards~~ ACCOUNTABILITY REPORTS developed pursuant to section 22-7-605 to ensure data and reporting integrity and quality control. The department shall award the contract based upon a competitive bid; except that the provisions of the "Procurement Code", articles 101 to 112 of title 24, C.R.S., shall not apply to this contract. The name of the independent auditing firm shall appear on all ~~report cards~~ ACCOUNTABILITY REPORTS printed pursuant to this section.

(5) (a) During February 2005, the state board shall report to the education committees of the senate and the house of representatives on all aspects of the school ~~report cards~~ ACCOUNTABILITY REPORTS issued pursuant to this part 6. Such report shall include but not be limited to:

(I) Whether the scores of students have improved since the ~~report cards~~ ACCOUNTABILITY REPORTS were issued;

(II) Data on safety incidents involving students;

(III) Whether the format of the school ~~report—cards~~ ACCOUNTABILITY REPORTS could be improved;

(IV) Whether the state board or department has been informed of problems with the ~~report cards~~ ACCOUNTABILITY REPORTS; and

(V) Whether the state board recommends that the school ~~report cards~~ ACCOUNTABILITY REPORTS should be continued.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-098

(b) This subsection (5) is repealed, effective July 1, 2005.

SECTION 7. 22-7-607, Colorado Revised Statutes, is amended to read:

22-7-607. School accountability reports - nonpublic schools.

The state board shall promulgate rules and procedures by which any nonpublic school in Colorado may opt to have the state complete a school ACCOUNTABILITY report card on its school. The state board shall ensure that the nonpublic school reports the assessment and safety data necessary to prepare the ACCOUNTABILITY report card pursuant to this part 6. Furthermore, the state board shall charge a fee to the nonpublic school for the cost of preparing and printing the school ACCOUNTABILITY report. ~~card.~~ Any ACCOUNTABILITY report card prepared for a nonpublic school shall be included in all listings and comparisons of school performance and shall be made available to the general public. The information shall be placed on the school ACCOUNTABILITY report card website along with all other public school report cards ACCOUNTABILITY REPORTS and shall be integrated into the search and sort functions of the website."

Renumber succeeding sections accordingly.

Page 20, strike lines 6 through 27 and substitute the following:

"SECTION 9. 22-7-609 (3) (c) and (5), Colorado Revised Statutes, are amended, and the said 22-7-609 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

22-7-609. School improvement plans. (3) (c) ~~Within forty-five days after the state board's receipt of a school improvement plan under this section,~~ The department shall forward back RETURN to the local board of education comments and suggestions on the plan. The comments and suggestions of the department shall be advisory. If the local board of education adopts any of the suggestions and comments, the local board of education shall submit to the state board an amended school improvement plan adopted by the local board of education after a public hearing on the proposed amended plan.

(5) (a) If, upon completion of the first school year of operation under a school improvement plan pursuant to this section, a public school receives an overall academic performance grade RATING of "F" "UNSATISFACTORY" pursuant to section 22-7-604 (5), the state board shall proceed with the recommendation for the conversion to an independent charter school pursuant to part 3 of article 30.5 of this title; except that the state board shall not proceed with the recommendation if the public school had an improvement of 0.5 of a point or greater from the standard deviation over the immediately preceding year's overall standardized, weighted total score pursuant to ~~22-7-604 (6)~~ SECTION 22-7-604 (5), and the school district shall be allowed to continue to operate that school under the school improvement plan for another year.

(b) If, upon completion of the second school year of operation under a school improvement plan pursuant to this section, a public school receives an overall academic performance grade RATING of "F" "UNSATISFACTORY" pursuant to section 22-7-604 (5), the state board shall proceed with the recommendation for the conversion to an independent charter school pursuant to part 3 of article 30.5 of this title.

(6) IF, UPON THE COMPLETION OF THE THIRD YEAR OF THE SCHOOL".

Strike page 21.

Page 22, strike lines 9 through 27.

Strike pages 23 and 24.

Page 25, strike lines 1 through 8.

Renumber succeeding sections accordingly.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-098

Page 27, line 26, strike ""SATISFACTORY"" and substitute ""AVERAGE"".

Page 28, strike lines 24 through 27 and substitute the following:

"SECTION 13. The introductory portion to 22-7-409 (1.2) (d) (I), and 22-7-409 (1.2) (d) (I) (B), (1.2) (d) (I) (C), (1.2) (d) (III), (1.5), and (1.9), Colorado Revised Statutes, are amended, and the said 22-7-409 (1.2) (d) is further amended BY THE ADDITION OF A NEW SUB-PARAGRAPH, to read:

22-7-409. Assessments - repeal. (1.2) (d) (I) Every student enrolled in a public school shall be required".

Strike page 29.

Page 30, strike lines 1 and 2;

strike lines 4 and 5 and substitute the following:

"section; except that the students";

strike lines 12 through 27 and substitute the following:

"(B) Any student who transfers into the school ~~from another state~~ after ~~October~~ FEBRUARY 1 of the school year in which the assessment is administered; and

(C) Any student who at the time that he or she enrolls in any public school of the state is defined as a student whose dominant language is not English pursuant to section 22-24-103 (4) (a) or (4) (b). However, if such student is enrolled in third grade, that student's scores shall be used for calculating academic performance and improvement ~~grades~~ RATINGS and for accreditation purposes after the student has been enrolled in any public school in the state for two years. In addition, if such student is enrolled in one of grades four through ten, that student's scores shall be used for calculating academic performance and improvement ~~grades~~ RATINGS and for accreditation purposes after the student has been enrolled in any public school in the state for three years. THE PROVISIONS OF THIS SUB-SUBPARAGRAPH (C) SHALL APPLY REGARDLESS OF WHETHER SUCH STUDENT TAKES THE ASSESSMENT IN ENGLISH OR IN ANY OTHER LANGUAGE.

(I.5) NOTWITHSTANDING THE EXCEPTIONS SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (d), THE ACADEMIC PERFORMANCE RATINGS CALCULATED FOR THE 2000-01 SCHOOL YEAR SHALL INCLUDE THE SCORES OF ALL STUDENTS WHO TOOK THE ASSESMENT IN A LANGUAGE OTHER THAN ENGLISH. THIS SUBPARAGRAPH (I.5) IS REPEALED, EFFECTIVE JULY 1, 2002."

Page 31, strike lines 1 through 19.

Page 32, strike lines 1 through 27 and substitute the following:

"(1.5) (a) Beginning in the spring semester 2001, and each spring semester thereafter, all students enrolled in the eleventh grade in public schools throughout the state shall be required to take a standardized, curriculum-based, achievement, college entrance examination selected by the department, administered throughout the United States, and relied upon by institutions of higher education that, at a minimum, tests in the areas of reading, writing, mathematics, and science, referred to in this section as the "curriculum-based, achievement college entrance exam". The department shall pay all costs associated with administering the curriculum-based, achievement college entrance exam. ~~and~~

(b) (I) THE DEPARTMENT shall schedule a day during which the curriculum-based, achievement college entrance exam shall be administered to all eleventh grade students enrolled in public schools throughout the state.

(II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), ANY STUDENT WHO CAN SHOW A NEED TO TAKE THE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-098

CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM ON A DATE ON WHICH THE EXAM IS ADMINISTERED THROUGHOUT THE COUNTRY MAY TAKE THE EXAM ON SUCH A DATE, PRIOR TO THE DATE ESTABLISHED BY THE DEPARTMENT PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b). THE DEPARTMENT SHALL PAY ALL COSTS ASSOCIATED WITH A STUDENT TAKING THE CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM PURSUANT TO THIS SUBPARAGRAPH (II).

(c) The state board shall adopt rules to ensure that any requirements of the administrator of the curriculum-based, achievement college entrance exam, such as a secure environment, are met AND TO IDENTIFY THE STUDENTS WHOSE NEED TO TAKE THE CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM ON A DATE ON WHICH THE EXAM IS ADMINISTERED THROUGHOUT THE COUNTRY JUSTIFIES THEM TAKING IT ON SUCH A DATE.

(1.9) The results of the assessments required by subsection (1) of this section shall be included on each student's final report card for that school year and shall be part of the student's permanent academic record. The results of the curriculum-based, achievement college entrance exam conducted OR PAID FOR pursuant to subsection (1.5) of this section shall be included on each student's transcript; except that, if the student retakes the curriculum-based, achievement college entrance exam at a later time at the student's expense, the student may request that the later results be placed on the student's transcript instead of the results of the curriculum-based, achievement college entrance exam administered OR PAID FOR pursuant to subsection (1.5) of this section."

Page 33, line 2, strike "(2) (a)," and substitute "(2) (a) (II),";

strike lines 7 through 11;

line 12, strike "(II)" and substitute "(a) (II)";

strike lines 17 and 18.

Renumber succeeding sections accordingly.

Page 34, line 23, strike "(3) (e),".

Page 35, strike lines 10 and 11 and substitute the following:

"~~of this section~~ THIS SUBSECTION (3) to ~~the superintendent of a~~ ANY school district within the state.";

strike lines 12 through 21.

Page 36, strike lines 17 through 19 and substitute the following:

"SAID school district, with the consent of the child's parent or legal guardian. The school district shall accept the transcripts FOR CREDIT from the non-public home-based educational program for any such child; EXCEPT THAT THE SCHOOL DISTRICT MAY REJECT SUCH TRANSCRIPTS IF THE SCHOOL DISTRICT ADMINISTERS TESTING TO SUCH CHILD AND THE TESTING DOES NOT VERIFY THE ACCURACY OF SUCH TRANSCRIPTS.";

strike lines 21 and 22 and substitute the following:

"participating in a nonpublic home-based educational program shall have the same rights as a student enrolled in a public ~~or private~~ school OF THE SCHOOL DISTRICT IN WHICH THE CHILD RESIDES OR IS ENROLLED ~~to~~ AND MAY";

after line 27, insert the following:

"SECTION 18. 22-7-605, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-7-605. School accountability reports - format.
 (11) NOTHING IN THIS SECTION SHALL PROHIBIT A SCHOOL DISTRICT, AT ITS OWN EXPENSE, FROM INCLUDING WITH A SCHOOL ACCOUNTABILITY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-098

REPORT ADDITIONAL INFORMATION CONCERNING THE PERFORMANCE OF A SCHOOL NOT CONTAINED IN THE SCHOOL ACCOUNTABILITY REPORT DESCRIBED IN THIS SECTION. THE ADDITIONAL INFORMATION AUTHORIZED BY THIS SUBSECTION (11) MAY NOT REFUTE THE RATINGS OR STATEMENTS MADE IN THE REPORT.

SECTION 19. Part 6 of article 7 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-7-607.5. Teacher pay incentive program - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ELIGIBLE SCHOOL" MEANS A PUBLIC SCHOOL THAT RECEIVES AN ACADEMIC PERFORMANCE RATING OF "LOW" OR "UNSATISFACTORY", PURSUANT TO SECTION 22-7-604, FOR THE 2000-01 SCHOOL YEAR.

(b) "PROGRAM" MEANS THE TEACHER PAY INCENTIVE PROGRAM ESTABLISHED PURSUANT TO SUBSECTION (2) OF THIS SECTION.

(c) "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 MAJORITY OF A SCHOOL DAY.

(2) (a) THERE IS HEREBY ESTABLISHED IN THE DEPARTMENT THE TEACHER PAY INCENTIVE PROGRAM TO PROVIDE MONEYS TO SCHOOL DISTRICTS WITH POORLY PERFORMING SCHOOLS TO RECRUIT AND MAINTAIN QUALITY TEACHERS. IN THE FIRST SCHOOL YEAR FOLLOWING THE YEAR THAT A PUBLIC SCHOOL BECOMES AN ELIGIBLE SCHOOL, AND FOR EACH OF THE THREE SUBSEQUENT SCHOOL YEARS, AN ELIGIBLE SCHOOL SHALL RECEIVE A GRANT FROM THE PROGRAM IN AN AMOUNT EQUAL TO THE PER PUPIL GRANT AMOUNT CALCULATED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2), MULTIPLIED BY THE NUMBER OF STUDENTS ENROLLED IN THE ELIGIBLE SCHOOL. IF, IN ANY SCHOOL YEAR DURING THE PERIOD IN WHICH THE ELIGIBLE SCHOOL RECEIVES GRANTS, THE ELIGIBLE SCHOOL RECEIVES A SCHOOL IMPROVEMENT RATING OF "SIGNIFICANT IMPROVEMENT", THE ELIGIBLE SCHOOL SHALL RECEIVE AN ADDITIONAL AWARD IN AN AMOUNT EQUAL TO THE SIGNIFICANT IMPROVEMENT BONUS PER PUPIL AMOUNT CALCULATED PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (2), MULTIPLIED BY THE NUMBER OF STUDENTS ENROLLED IN THE ELIGIBLE SCHOOL. IF, IN ANY SCHOOL YEAR DURING THE PERIOD IN WHICH THE ELIGIBLE SCHOOL RECEIVES GRANTS, THE ELIGIBLE SCHOOL RECEIVES A SCHOOL IMPROVEMENT RATING OF "IMPROVEMENT", THE ELIGIBLE SCHOOL SHALL RECEIVE AN ADDITIONAL AWARD IN AN AMOUNT EQUAL TO THE IMPROVEMENT BONUS PER PUPIL AMOUNT CALCULATED PURSUANT TO PARAGRAPH (d) OF THIS SUBSECTION (2), MULTIPLIED BY THE NUMBER OF STUDENTS ENROLLED IN THE ELIGIBLE SCHOOL.

(b) THE PER PUPIL GRANT AMOUNT SHALL BE AN AMOUNT EQUAL TO TWELVE MILLION SIX HUNDRED THIRTY THOUSAND DOLLARS DIVIDED BY THE TOTAL NUMBER OF STUDENTS ENROLLED IN ALL ELIGIBLE SCHOOLS.

(c) THE SIGNIFICANT IMPROVEMENT BONUS PER PUPIL AMOUNT SHALL BE AN AMOUNT EQUAL TO FOUR HUNDRED TWENTY THOUSAND DOLLARS DIVIDED BY THE TOTAL NUMBER OF STUDENTS ENROLLED IN ALL ELIGIBLE SCHOOLS THAT RECEIVE A SCHOOL IMPROVEMENT RATING OF "SIGNIFICANT IMPROVEMENT".

(d) THE IMPROVEMENT BONUS PER PUPIL AMOUNT SHALL BE AN AMOUNT EQUAL TO TWO HUNDRED TEN THOUSAND DOLLARS DIVIDED BY THE TOTAL NUMBER OF STUDENTS ENROLLED IN ALL ELIGIBLE SCHOOLS THAT RECEIVE A SCHOOL IMPROVEMENT RATING OF "IMPROVEMENT".

(3) (a) MONEYS RECEIVED FROM AN AWARD UNDER THIS SECTION SHALL BE PAID ONLY AS BONUSES TO TEACHERS OR FOR THE PAYMENT OF THE COSTS OF OTHER BENEFITS ASSOCIATED WITH A BONUS PAID TO A TEACHER. THE DISTRICT SCHOOL BOARD OF ANY SCHOOL DISTRICT WITH AN ELIGIBLE SCHOOL SHALL DETERMINE IN ACCORDANCE WITH THIS SECTION THE POLICIES AND PROCEDURES BY WHICH TEACHERS SHALL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-098

RECEIVE A BONUS AND THE AMOUNT OF THE BONUS; EXCEPT THAT THE MINIMUM AMOUNT OF A YEARLY BONUS TO A TEACHER SHALL BE ONE THOUSAND DOLLARS. THE BONUSES MAY ONLY BE USED TO:

(I) REWARD OUTSTANDING TEACHER PERFORMANCE;

(II) OFFER A RECRUITMENT BONUS TO ENCOURAGE A TEACHER WHO HOLDS A MASTER CERTIFICATE PURSUANT TO SECTION 22-60.5-202 TO TEACH AT THE ELIGIBLE SCHOOL OR A RETENTION BONUS TO SUCH A TEACHER WHO HAS TAUGHT AT THE SCHOOL FOR AT LEAST ONE SCHOOL YEAR;

(III) OFFER A RECRUITMENT BONUS TO ENCOURAGE A TEACHER IN A HARD-TO-RECRUIT SUBJECT OR A RETENTION BONUS TO SUCH A TEACHER WHO HAS TAUGHT AT THE SCHOOL FOR AT LEAST ONE SCHOOL YEAR; OR

(IV) DEFRAY HOUSING AND LIVING EXPENSES IF AN ELIGIBLE SCHOOL IS LOCATED IN A COMMUNITY WITH A LACK OF ADEQUATE AFFORDABLE HOUSING.

(b) (I) TO GIVE A BONUS UNDER SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (3), THE DISTRICT SCHOOL BOARD OR DISTRICT SUPERINTENDENT MUST SPECIFICALLY IDENTIFY A DATA-DRIVEN EVALUATION BASED UPON THE RESULTS OF STUDENT PERFORMANCE ON THE ASSESSMENTS ADMINISTERED PURSUANT TO SECTION 22-7-409 THAT WAS USED TO DETERMINE WHICH TEACHERS SHOULD RECEIVE THE BONUS.

(II) TO GIVE A RECRUITMENT BONUS UNDER SUBPARAGRAPH (II) OR (III) OF PARAGRAPH (a) OF THIS SUBSECTION (3), THE DISTRICT SCHOOL BOARD OR DISTRICT SUPERINTENDENT MUST IDENTIFY AN OPEN TEACHING POSITION THAT IS FILLED BY A NEW TEACHER.

(III) THE STATE BOARD SHALL DETERMINE BY RULE WHAT SUBJECTS CONSTITUTE HARD-TO-RECRUIT SUBJECTS FOR PURPOSES OF SUBPARAGRAPH (III) OF PARAGRAPH (a) OF THIS SUBSECTION (3).

(c) ANY MONEYS RECEIVED BY A TEACHER AS A BONUS PURSUANT TO THIS SECTION SHALL BE IN ADDITION TO ANY OTHER SALARY DUE SUCH TEACHER PURSUANT TO THE SALARY SCHEDULE OR POLICY ADOPTED PURSUANT TO SECTION 22-63-401.

(4) DURING FEBRUARY, 2005, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND TO THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES ON THE PROGRAM. SUCH REPORT SHALL INCLUDE BUT NEED NOT BE LIMITED TO:

(a) WHETHER THE PROGRAM HAD AN IMPACT ON TEACHER RECRUITMENT, RETENTION, AND QUALITY;

(b) HOW THE CHANGES IN THE OVERALL STANDARDIZED, WEIGHTED SCORES FOR PUBLIC SCHOOLS RECEIVING AWARDS COMPARED TO PUBLIC SCHOOLS THAT DID NOT RECEIVE THE AWARDS;

(c) WHETHER THERE WAS ANY DIFFERENCE IN THE OVERALL STANDARDIZED, WEIGHTED SCORES FOR ELIGIBLE SCHOOLS THAT USED MONEYS MOSTLY FOR RECRUITMENT AND RETENTION RATHER THAN BONUSES; AND

(d) WHETHER THE DEPARTMENT RECOMMENDS THAT THE PROGRAM SHOULD BE CONTINUED.

(5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2005.

SECTION 20. 22-2-117 (1) (b) (III), Colorado Revised Statutes, is amended 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:

(III) Any provision of part 6 of article 7 of this title pertaining to

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-098

the data necessary for school ~~report cards~~ ACCOUNTABILITY REPORTS.

SECTION 21. 22-11-104 (2) (a) (II), Colorado Revised Statutes, is amended to read:

22-11-104. Accreditation indicators. (2) Contents. The accreditation indicators shall include but shall not be limited to the following:

(a) (II) All accreditation indicators relating to the statewide assessments shall be consistent with the methodology for determining academic performance ~~grades~~ RATINGS pursuant to section 22-7-604. The baseline year for the accreditation indicators shall be the 2000 - 2001 school year.

SECTION 22. 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 school district policies and state regulations. 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 necessary to prepare the school ~~report cards~~ ACCOUNTABILITY REPORTS pursuant to part 6 of article 7 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 23. 22-30.5-204 (1.5), Colorado Revised Statutes, is amended to read:

22-30.5-204. Charter school districts - creation - requirements. (1.5) Notwithstanding the provisions of subsection (1) of this section, all charter school districts shall be subject to the Colorado statewide assessment program established in part 4 of article 7 of this title and shall supply to the department all information required to prepare the school ~~report cards~~ ACCOUNTABILITY REPORTS pursuant to part 6 of article 7 of this title.

SECTION 24. 22-30.5-304 (1) (e) (II) and (1) (f) (II), Colorado Revised Statutes, are amended to read:

22-30.5-304. Review committee - membership - recommendations. (1) Whenever an independent charter school is to be organized pursuant to this part 3, on or before January 15 of the year in which the independent charter school is to open, the commissioner shall cause a review committee to be formed. The review committee shall consist of:

(e) (II) In appointing a principal pursuant to this paragraph (e), the governor shall appoint a principal of a public school that received an academic performance ~~grade~~ RATING of "A" "EXCELLENT", pursuant to section ~~22-7-604~~ 22-7-604 (5), for the immediately preceding school year.

(f) (II) In appointing a teacher pursuant to this paragraph (f), the governor shall appoint a teacher from a public school that received an academic performance ~~grade~~ RATING of "A" "EXCELLENT", pursuant to section ~~22-7-604~~ 22-7-604 (5); and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-098

SECTION 25. 22-30.5-306 (2) (a), (3) (b), and (5), Colorado Revised Statutes, are amended to read:

22-30.5-306. Independent charter schools - charter - term.

(2) With the assistance from the commissioner or the commissioner's designee, the selected applicant and the local board of education shall negotiate the terms of the independent charter, which may be different from or in addition to the terms of the response to the request for proposals; except that:

(a) The independent charter school shall be entitled to use the school building in which the public school that received an academic performance ~~grade~~ RATING of "~~F~~" "UNSATISFACTORY" was operated. The independent charter school and the local board of education shall negotiate an amount of rent to be paid, which shall be not more than twelve dollars per year, and all other costs for the operation and maintenance of the building and related facilities; and

(3) (b) Notwithstanding the provisions of paragraph (a) of this subsection (3), if, during the year prior to the year in which the independent charter school is to open, the school receives an academic performance ~~grade~~ RATING of "~~D~~" "LOW" or better, the local board of education and the applicant may jointly agree to allow the school to remain under the administration of the local board of education.

(5) (a) If, during the first two years of an independent charter, an independent charter school receives an academic performance ~~grade~~ RATING of "~~F~~" "UNSATISFACTORY" pursuant to section ~~22-7-604~~ 22-7-604 (5), the independent charter school shall not be subject to the provisions of section 22-30.5-303 that would require the establishment of a new independent charter school.

(b) If, during the first two years of the independent charter, the independent charter school receives an academic performance ~~grade~~ RATING of "~~D~~" "LOW" pursuant to section ~~22-7-604~~ 22-7-604 (5), the independent charter school shall not be subject to the provisions of section 22-7-608 that require appointment of an assessment team for low-performing schools.

SECTION 26. 22-30.5-307 (1) and (2), Colorado Revised Statutes, are amended to read:

22-30.5-307. Independent charter schools - expiration - renewal - conversion. (1) If the academic performance ~~grade~~ RATING of an independent charter school is a "~~D~~" "LOW" or an "~~F~~" "UNSATISFACTORY", as determined pursuant to section ~~22-7-604~~ 22-7-604 (5), during the third year of the school's independent charter, the state board shall issue a new request for proposals pursuant to section 22-30.5-303 (2), and a new independent charter school application process shall commence.

(2) If the academic performance ~~grade~~ RATING of an independent charter school is higher than a "~~D~~" "LOW", as determined pursuant to section ~~22-7-604~~ 22-7-604 (5), during the third year of the school's independent charter, the parents and legal guardians of the students enrolled at the independent charter school shall decide by majority vote whether, at the expiration of the independent charter school's charter, the school shall apply for a renewal of the independent charter or shall seek to become a regular school of the school district in which the independent charter school is located.

SECTION 27. 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. Student assessments - study - students whose dominant language is not English - report - repeal. (1) THE DEPARTMENT, IN CONJUNCTION WITH THE STUDY COMMITTEE APPOINTED PURSUANT TO SUBSECTION (2) OF THIS SECTION, SHALL CONDUCT A STUDY OF THE ADMINISTRATION OF ASSESSMENTS FOR STUDENTS WHOSE DOMINANT LANGUAGE IS NOT ENGLISH. THE STUDY SHALL INCLUDE, BUT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-098

NEED NOT BE LIMITED TO, AN EXAMINATION AND EVALUATION OF:

(a) A CATALOGUE OF THE NUMBER AND TYPES OF LANGUAGES OTHER THAN ENGLISH THAT ARE SPOKEN AS THE DOMINANT LANGUAGE BY SIGNIFICANT POPULATIONS OF STUDENTS IN COLORADO PUBLIC SCHOOLS, WITH A BREAKDOWN BY SCHOOL DISTRICT FOR EACH LANGUAGE;

(b) THE EFFECT ON STUDENT ACADEMIC ACHIEVEMENT OF ASSESSMENTS ADMINISTERED IN A LANGUAGE OTHER THAN ENGLISH FOR STUDENTS WHOSE DOMINANT LANGUAGE IS NOT ENGLISH AND WHOSE ASSESSMENT SCORES ARE NOT USED TO CALCULATE SCHOOL ACADEMIC PERFORMANCE RATINGS PURSUANT TO SECTION 22-7-409 (1.2) (d) (I) (C);

(c) THE NEED FOR SCHOOL DISTRICTS TO BE HELD ACCOUNTABLE FOR TEACHING STATE CONTENT STANDARDS TO STUDENTS WHOSE DOMINANT LANGUAGE IS NOT ENGLISH AT THE TIME OF ENROLLMENT AND FOR MOVING STUDENTS WHOSE DOMINANT LANGUAGE IS NOT ENGLISH TO PROFICIENCY IN ENGLISH LANGUAGE LITERACY AND COMPREHENSION;

(d) THE EFFECT OF BOTH INCLUDING AND NOT INCLUDING THE SCORES OF STUDENTS WHO ARE GIVEN ASSESSMENTS IN LANGUAGES OTHER THAN ENGLISH IN THE CALCULATIONS OF SCHOOL PERFORMANCE RATINGS PURSUANT TO SECTION 22-7-604;

(e) A SURVEY OF THE TYPES OF ASSESSMENTS USED BY OTHER STATES IN ASSESSING STUDENTS WHOSE DOMINANT LANGUAGE IS NOT ENGLISH AND WHETHER OTHER STATES USE THOSE ASSESSMENT SCORES IN CALCULATING SCHOOL PERFORMANCE RATINGS; AND

(f) FEDERAL CONSTITUTIONAL, LEGAL, AND REGULATORY ISSUES SURROUNDING THE ASSESSMENT OF STUDENTS WHOSE DOMINANT LANGUAGE IS NOT ENGLISH AND HOW FEDERAL FUNDING OF PUBLIC SCHOOLS MAY BE IMPACTED BY ADMINISTERING SUCH ASSESSMENTS.

(2) (a) THERE IS HEREBY CREATED A STUDY COMMITTEE TO WORK WITH THE DEPARTMENT IN CONDUCTING THE STUDY REQUIRED BY THIS SECTION. THE STUDY COMMITTEE SHALL CONSIST OF MEMBERS APPOINTED AS PROVIDED IN PARAGRAPHS (b) AND (c) OF THIS SUBSECTION (2). NOTWITHSTANDING THE PROVISIONS OF SECTION 2-2-307 (3) AND (5), C.R.S., ALL MEMBERS OF THE STUDY COMMITTEE, INCLUDING LEGISLATIVE MEMBERS, SHALL SERVE WITHOUT COMPENSATION, INCLUDING PER DIEM AND COMPENSATION FOR EXPENSES.

(b) EIGHT MEMBERS OF THE STUDY COMMITTEE SHALL BE APPOINTED AS FOLLOWS:

(I) FOUR REPRESENTATIVES APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, NO MORE THAN TWO OF WHOM ARE MEMBERS OF THE SAME POLITICAL PARTY;

(II) FOUR SENATORS APPOINTED BY THE PRESIDENT OF THE SENATE, NO MORE THAN TWO OF WHOM ARE MEMBERS OF THE SAME POLITICAL PARTY.

(c) SEVEN MEMBERS OF THE STUDY COMMITTEE SHALL BE APPOINTED BY THE GOVERNOR. NO MORE THAN FOUR OF THE MEMBERS APPOINTED BY THE GOVERNOR SHALL BE FROM THE SAME POLITICAL PARTY. THE MEMBERS SHALL BE APPOINTED AS FOLLOWS:

(I) ONE MEMBER WHO IS A REPRESENTATIVE OF A COMMUNITY-BASED ORGANIZATION THAT FOCUSES ON STUDENTS WHOSE DOMINANT LANGUAGE IS NOT ENGLISH;

(II) ONE MEMBER WHO IS A REPRESENTATIVE OF AN ASSOCIATION OF EDUCATORS WHO WORK WITH STUDENTS WHOSE DOMINANT LANGUAGE IS NOT ENGLISH;

(III) ONE MEMBER WHO IS EMPLOYED BY AN INSTITUTION OF HIGHER EDUCATION IN THIS STATE AND WHO SPECIALIZES IN RESEARCH REGARDING STUDENTS WHOSE DOMINANT LANGUAGE IS NOT ENGLISH;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-098

(IV) ONE MEMBER WHO IS A MEMBER OF A SCHOOL DISTRICT BOARD OF EDUCATION IN A SCHOOL DISTRICT THAT ENROLLS A SIGNIFICANT NUMBER OF STUDENTS WHOSE DOMINANT LANGUAGE IS NOT ENGLISH;

(V) ONE MEMBER WHO IS EMPLOYED AS A SCHOOL ADMINISTRATOR IN A SCHOOL DISTRICT THAT ENROLLS A SIGNIFICANT NUMBER OF STUDENTS WHOSE DOMINANT LANGUAGE IS NOT ENGLISH;

(VI) ONE MEMBER WHO IS A CLASSROOM TEACHER WHO SPENDS A SIGNIFICANT AMOUNT OF TIME TEACHING STUDENTS WHOSE DOMINANT LANGUAGE IS NOT ENGLISH; AND

(VII) ONE MEMBER WHO IS A REPRESENTATIVE OF THE DEPARTMENT OF EDUCATION.

(3) NO LATER THAN DECEMBER 31, 2001, THE DEPARTMENT SHALL PRESENT ITS FINDINGS AND RECOMMENDATIONS REGARDING THE ASSESSMENT OF STUDENTS WHOSE DOMINANT LANGUAGE IS NOT ENGLISH IN A REPORT TO THE STATE BOARD OF EDUCATION AND THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

(4) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE IMPLEMENTATION OF THE STUDY OF ASSESSMENTS ADMINISTERED TO STUDENTS WHOSE DOMINANT LANGUAGE IS NOT ENGLISH 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.

(5) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2002.

SECTION 28. 22-11-104 (2) (h), Colorado Revised Statutes, is amended, and the said 22-11-104 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

22-11-104. Accreditation indicators. (2) **Contents.** The accreditation indicators shall include but shall not be limited to the following:

(h) Results of the school district tests administered pursuant to section 22-7-407; AND

(i) THE PERCENTAGE OF STUDENTS WHOSE DOMINANT LANGUAGE IS NOT ENGLISH.

SECTION 29. 22-24-105, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-24-105. District - powers and duties. (2) THE ASSESSMENTS DESCRIBED IN PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION AND THE CERTIFICATION DESCRIBED IN PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION SHALL BE CONDUCTED ON AT LEAST AN ANNUAL BASIS AND EACH DISTRICT SHALL PRESENT THE RESULTS THEREFROM TO THE DEPARTMENT FOR INCLUSION IN THE RELEVANT ANNUAL REPORT OF ACHIEVEMENT OF ACCREDITATION INDICATORS REQUIRED BY SECTION 22-11-105.

SECTION 30. Title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 3.9
Teacher Loan Forgiveness Program

23-3.9-101. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "APPROVED PROGRAM OF PREPARATION" MEANS A PROGRAM OF STUDY FOR PREPARATION THAT IS APPROVED BY THE COLORADO COMMISSION ON HIGHER EDUCATION PURSUANT TO SECTION 23-1-121 AND THAT UPON COMPLETION LEADS TO A RECOMMENDATION FOR LICENSURE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-098

BY AN ACCEPTED INSTITUTION OF HIGHER EDUCATION IN COLORADO.

(2) "COMMISSION" MEANS THE COLORADO COMMISSION ON HIGHER EDUCATION.

(3) "FACILITY SCHOOL" MEANS A SCHOOL THAT IS OPERATED BY A RESIDENTIAL CHILD CARE FACILITY, A RESIDENTIAL TREATMENT CENTER, OR ANOTHER FACILITY INCLUDED ON THE FACILITY LIST MAINTAINED BY THE STATE BOARD OF EDUCATION PURSUANT TO SECTION 22-2-107 (1) (p), C.R.S., AND THAT RECEIVES A PORTION OF THE PER PUPIL OPERATING REVENUES OF ONE OR MORE SCHOOL DISTRICTS TO PROVIDE EDUCATIONAL SERVICES FOR CHILDREN WHO ARE INCLUDED ON THE ROLL OF OUT-OF-DISTRICT PLACED CHILDREN.

(4) "QUALIFIED POSITION" MEANS A TEACHING POSITION IN MATH, SCIENCE, SPECIAL EDUCATION, OR LINGUISTICALLY DIVERSE EDUCATION IN A COLORADO PUBLIC SCHOOL OR A FACILITY SCHOOL.

23-3.9-102. Teacher loan forgiveness pilot program - administration - fund - conditions. (1) (a) THE GENERAL ASSEMBLY HEREBY AUTHORIZES THE COMMISSION TO DEVELOP AND MAINTAIN A TEACHER LOAN FORGIVENESS PILOT PROGRAM FOR IMPLEMENTATION BEGINNING IN THE 2001-02 ACADEMIC YEAR FOR PAYMENT OF ALL OR PART OF THE PRINCIPAL AND INTEREST OF THE EDUCATIONAL LOANS OF EACH FIRST-YEAR TEACHER WHO IS HIRED FOR A QUALIFIED POSITION. REPAYMENT OF LOANS THROUGH THE TEACHER LOAN FORGIVENESS PILOT PROGRAM MAY BE MADE USING MONEYS IN THE TEACHER LOAN FORGIVENESS FUND, CREATED IN PARAGRAPH (b) OF THIS SUBSECTION (1), OR MONEYS ALLOCATED TO THE PROGRAM BY THE COLORADO STUDENT OBLIGATION BOND AUTHORITY. THE COMMISSION IS AUTHORIZED TO RECEIVE AND EXPEND GIFTS, GRANTS, AND DONATIONS FOR THE TEACHER LOAN FORGIVENESS PILOT PROGRAM. ONLY GRADUATES OF INSTITUTIONS OF HIGHER EDUCATION WHOSE LOANS HAVE COLORADO STUDENT OBLIGATION BOND AUTHORITY ELIGIBILITY MAY RECEIVE REPAYMENT OF THEIR LOANS USING MONEYS ALLOCATED TO THE PROGRAM BY THE COLORADO STUDENT OBLIGATION BOND AUTHORITY.

(b) THERE IS HEREBY CREATED THE TEACHER LOAN FORGIVENESS FUND, WHICH CONSISTS OF ALL MONEYS APPROPRIATED BY THE GENERAL ASSEMBLY FOR THE TEACHER LOAN FORGIVENESS PILOT PROGRAM AND ANY GIFTS, GRANTS, AND DONATIONS RECEIVED FOR SAID PURPOSE. MONEYS IN THE FUND ARE HEREBY CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT OF HIGHER EDUCATION FOR THE TEACHER LOAN FORGIVENESS PILOT PROGRAM. AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND SHALL REMAIN THEREIN AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

(2) IN ADDITION TO ANY QUALIFICATIONS SPECIFIED BY THE COMMISSION, TO QUALIFY FOR THE TEACHER LOAN FORGIVENESS PILOT PROGRAM, A TEACHER SHALL:

(a) GRADUATE FROM AN APPROVED PROGRAM OF PREPARATION;

(b) MEET LICENSURE REQUIREMENTS PURSUANT TO SECTION 22-60.5-201 (1) (b) OR (1) (c) OR 22-60.5-210, C.R.S.;

(c) (I) DEMONSTRATE PROFESSIONAL COMPETENCIES CONSISTENT WITH STATE BOARD OF EDUCATION RULES IN THE SUBJECT MATTER IN WHICH THE TEACHER OBTAINS A QUALIFIED POSITION; OR

(II) BE FULLY QUALIFIED UNDER A TRAINING PROGRAM APPROVED BY A FEDERAL COURT OR AGENCY OR THE DEPARTMENT; AND

(d) CONTRACT FOR THE TEACHER'S FIRST YEAR OF TEACHING IN A QUALIFIED POSITION NO EARLIER THAN JUNE 2001, AND NO LATER THAN THE END OF THE 2005-06 ACADEMIC YEAR.

(3) A TEACHER WHO QUALIFIES UNDER SUBSECTION (2) OF THIS SECTION MAY BE ELIGIBLE FOR UP TO TWO THOUSAND DOLLARS IN LOAN FORGIVENESS FOR THE FIRST YEAR OF TEACHING IN A QUALIFIED POSITION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-098

AND UP TO TWO THOUSAND DOLLARS IN LOAN FORGIVENESS FOR EACH OF THE NEXT THREE YEARS OF TEACHING IN A QUALIFIED POSITION.

23-3.9-103. Reporting. ON OR BEFORE DECEMBER 15, 2002, AND ON OR BEFORE EACH DECEMBER 15 THEREAFTER, THE COMMISSION SHALL SUBMIT AN ANNUAL REPORT TO THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES THAT INCLUDES, BUT IS NOT LIMITED TO, THE NUMBER OF PARTICIPANTS IN THE PROGRAM, THE AMOUNT OF FUNDS APPLIED TOWARD LOAN FORGIVENESS, AND THE SOURCES OF THOSE FUNDS.

23-3.9-104. Repeal. THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2008."

Page 37, strike lines 1 through 17 and substitute the following:

SECTION 31. 22-7-605 (7) (c), Colorado Revised Statutes, is amended to read:

22-7-605. School accountability reports - format. (7) Student performance. (c) At the bottom of the table entitled "CSAP" there shall appear a key that explains the outcome of the tests portrayed in the pie chart as follows:

- (I) "[color] % Advanced";
- (II) "[color] % Proficient";
- (III) "[color] % Partially Proficient"; and
- (IV) "[color] % Unsatisfactory"; AND
- (V) "[COLOR] % NO SCORE."

SECTION 32. The introductory portion to 22-7-605 (6) (c) (I) and the introductory portion to 22-7-605 (6) (c) (I.5), Colorado Revised Statutes, as amended by House Bill 01-1215, enacted at the First Regular Session of the Sixty-third General Assembly, are amended to read:

22-7-605. School accountability report - format. (6) Staff information. The report card shall contain a page clearly marked as the "About Our Staff" page in large font which shall contain the following information:

(c) **Professional experience of teachers.** The "About Our Staff" page shall also contain the subtitle, "Professional Experience of Teachers". Immediately underneath this subtitle shall be a table with three columns:

(I) For ~~report cards~~ ACCOUNTABILITY REPORTS for high schools, middle schools, and junior high schools, the first column shall contain the following seven lines:

(I.5) For ~~report cards~~ ACCOUNTABILITY REPORTS for elementary schools, the first column shall contain the following six lines:

SECTION 33. The introductory portion to 22-7-605 (5) (c) (I), the introductory portion to 22-7-605 (5) (c) (I.5), and 22-7-605 (5) (c) (III), and (5) (c) (IV), Colorado Revised Statutes, as amended by House Bill 01-1222, enacted at the First Regular Session of the Sixty-third General Assembly, are amended to read:

22-7-605. School accountability report - format. (5) Safety and school environment. The report card shall contain a page clearly marked as the "Safety and School Environment" page containing the following:

(c) **Student attendance and time spent in classroom.** The "Safety and School Environment" page shall contain the subtitle, "Student Attendance and Time Spent in Classroom". Immediately underneath this

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-098

subtitle shall appear a table with two columns and a graph as follows:

(I) For ~~report cards~~ ACCOUNTABILITY REPORTS for middle, junior high, and high schools, the first column shall contain the school year on which the information in the ~~report cards~~ ACCOUNTABILITY REPORTS is based and the following six lines:

(I.5) For ~~report cards~~ ACCOUNTABILITY REPORTS for elementary schools, the first column shall contain the school year on which the information in the ~~report cards~~ ACCOUNTABILITY REPORTS is based and the following five lines:

(III) For ~~report cards~~ ACCOUNTABILITY REPORTS for middle, junior high, and high schools, immediately to the right of the table described in subparagraph (I) of this paragraph (c), shall be a graph titled "Dropout Rate". The graph shall have two bars, one for the previous academic year and one for the academic year on which the ~~report cards~~ ACCOUNTABILITY REPORTS is based. The bars shall be labeled with the yearly dates. The graph shall show the student dropout rate for said two years.

(IV) For ~~report cards~~ ACCOUNTABILITY REPORTS for elementary schools, immediately to the right of the table described in subparagraph (I.5) of this paragraph (c), shall be a graph titled "Average Daily Attendance". The graph shall have two bars, one for the previous academic year and one for the academic year on which the ~~report cards~~ ACCOUNTABILITY REPORTS is based. The bars shall be labeled with the yearly dates. The graph shall show the average daily attendance for said two years.

SECTION 34. 22-7-604 (1.5), Colorado Revised Statutes, as enacted by House Bill 01-1348, enacted at the First Regular Session of the Sixty-third General Assembly, is amended to read:

22-7-604. Academic performance - academic improvement - grading - designation and methodology. (1.5) (a) By rule, the state board may exempt from the requirement that an academic performance ~~grade~~ RATING be assigned to each public school any school in which more than ninety-five percent of students enrolled in the school have an individual educational program pursuant to section 22-20-108. Before an exemption is granted, such schools must establish a public process that will provide for accountability.

(b) The scores of certain students specified in section 22-7-409 (1.2) (d) (I) shall not be used to calculate a school's academic performance or academic improvement ~~grade~~ RATINGS pursuant to this section.

SECTION 35. 22-7-609.5 (1) (b), (5) (b), and (6), Colorado Revised Statutes, as enacted by Senate Bill 01-129, enacted at the First Regular Session of the Sixty-third General Assembly, are amended to read:

22-7-609.5. School improvement grant program - repeal.
(1) As used in this section, unless the context otherwise requires:

(b) "Eligible school" means a public school that has received an academic performance ~~grade~~ RATING of "F" "UNSATISFACTORY" on the school ~~report card~~ ACCOUNTABILITY REPORT prepared pursuant to this part 6 for the school year 2000-01.

(5) On or before January 1, 2002, and on or before January 1, 2003, the department shall submit a report on the school improvement grant program to the governor, the education committees of the senate and the house of representatives, and the local board of education for each school district that has received a school improvement grant pursuant to this section. The report shall include, but need not be limited to:

(b) The academic performance ~~grade~~ RATING received for the immediately preceding school year by each eligible school for which

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-098

grant moneys have been provided; and

(6) The general assembly hereby finds and declares that, for purposes of section 17 of article IX of the state constitution, establishing a school improvement grant program to provide funding to public schools that received an academic performance grade RATING of "F" "UNSATISFACTORY" on the school ACCOUNTABILITY report card prepared pursuant to this part 6 for the school year 2000-01 is an important element of accountable education reform and therefore may receive funding from the state education fund created in section 17 (4) of article IX of the state constitution.

SECTION 36. 22-7-609 (2), Colorado Revised Statutes, as enacted by Senate Bill 01-129, amended at the First Regular Session of the Sixty-third General Assembly, is amended to read:

22-7-609. School improvement plans. (2) ~~On or before June 15, 2001, and on or before each June 15 thereafter,~~ The state board shall notify a local board of education what school, if any, in its district will receive an academic performance grade RATING of "F" "UNSATISFACTORY", pursuant to section 22-7-604 (5), on the school ACCOUNTABILITY report card being prepared for that academic year; except that, beginning in 2003, for any school that received an academic performance grade RATING of "F" "UNSATISFACTORY" on the school ACCOUNTABILITY report card prepared for the immediately preceding academic year, the state board shall notify the local board of education for that school no later than May 1, 2003, and each May 1 thereafter if that school will receive an academic performance grade RATING of "F" "UNSATISFACTORY" on the school ACCOUNTABILITY report card prepared for that academic year. The state board shall notify the local board of education that it must submit a school improvement plan pursuant to this section.

SECTION 37. 22-7-409 (1.2) (a) (I), Colorado Revised Statutes, as amended by Senate Bill 01-129, enacted at the First Regular Session of the Sixty-third General Assembly, is amended to read:

22-7-409. Assessments - repeal. (1.2) (a) (I) The assessments required by subsection (1) of this section shall be aligned with the model content standards adopted by the state board pursuant to section 22-7-406. The assessments shall be conducted during the period beginning the second Monday in March and ending on the third Monday in April of each year. ~~No later than June 1 of each year,~~ The department shall provide to each public school results of all assessments administered. ~~except that,~~ Beginning in 2003, for purposes of notifying local boards of education pursuant to section 22-7-609 (2), the department shall provide the results of the assessments of students enrolled in schools that received an academic performance grade RATING of "F" "UNSATISFACTORY" on the school ACCOUNTABILITY report card prepared for the immediately preceding academic year no later than May 1, 2003, and May 1 of each year thereafter. For reporting purposes only, results shall include diagnostic reporting for each student's performance on each assessment, including but not limited to content-based sub-test scores for several components of each of the standards assessed pursuant to this section.

SECTION 38. Part 4 of article 7 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-7-412. Student assessments - study - curriculum-based, achievement college entrance exam - report - repeal. (1) THE DEPARTMENT SHALL CONTRACT FOR A STUDY OF THE USE OF THE CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM DESCRIBED IN SECTION 22-7-409 (1.5). THE STUDY SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, AN EXAMINATION AND EVALUATION OF:

(a) THE NUMBER OF STUDENTS STATEWIDE WHO TOOK THE CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM IN BOTH 1999 AND 2000, AND THE PERCENTAGE OF ALL STUDENTS ENROLLED IN ELEVENTH GRADE IN COLORADO PUBLIC SCHOOLS WHO TOOK SAID EXAM;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-098

(b) THE PUBLIC SCHOOLS AND SCHOOL DISTRICTS THAT ADMINISTERED THE CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM TO ALL STUDENTS ENROLLED IN THE ELEVENTH GRADE IN SUCH PUBLIC SCHOOLS OR SCHOOL DISTRICTS IN 1998, 1999, OR 2000;

(c) THE ALIGNMENT OF EACH CONTENT AREA OF THE CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM TO THE STATE MODEL CONTENT STANDARDS DESCRIBED IN SECTION 22-7-406 (1);

(d) THE COMPARATIVE DIFFERENCES BETWEEN ANY STANDARDIZED COLLEGE ENTRANCE EXAMINATIONS ADMINISTERED THROUGHOUT THE UNITED STATES AND RELIED UPON BY INSTITUTIONS OF HIGHER EDUCATION;

(e) THE COST OF DEVELOPING AND ADMINISTERING A STATEWIDE ASSESSMENT IN READING, WRITING, MATHEMATICS, AND SCIENCE TO ALL STUDENTS ENROLLED IN ELEVENTH GRADE IN PUBLIC SCHOOLS THROUGHOUT THE STATE;

(f) THE RANGE OF DIAGNOSTIC REPORTING FOR EACH STUDENT'S PERFORMANCE ON THE CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM AS COMPARED TO THE DIAGNOSTIC REPORTING FOR EACH STUDENT'S PERFORMANCE ON STATEWIDE ASSESSMENTS; AND

(g) THE PROBABLE RATE AND APPROPRIATENESS OF TEST TAKING BY ELEVENTH GRADE STUDENTS OF BOTH THE CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM AND A STATEWIDE ASSESSMENT.

(2) NO LATER THAN JULY 1, 2001, THE DEPARTMENT SHALL ISSUE A REQUEST FOR PROPOSALS FOR AN INDEPENDENT, THIRD-PARTY EXPERT TO CONDUCT THE STUDY DESCRIBED IN SUBSECTION (1) OF THIS SECTION. THE DEPARTMENT SHALL CONTRACT WITH SUCH EXPERT AND SUCH CONTRACTOR SHALL HAVE EXPERIENCE WITH:

(a) STATEWIDE ASSESSMENTS, BUT NOT NECESSARILY THE STATEWIDE ASSESSMENTS USED IN COLORADO PUBLIC SCHOOLS ON THE EFFECTIVE DATE OF THIS SECTION;

(b) STANDARDIZED, CURRICULUM-BASED, ACHIEVEMENT, COLLEGE ENTRANCE EXAMINATIONS ADMINISTERED THROUGHOUT THE UNITED STATES AND RELIED UPON BY INSTITUTIONS OF HIGHER EDUCATION;

(c) THE ALIGNMENT OF STATEWIDE ASSESSMENTS WITH STATE MODEL CONTENT STANDARDS; AND

(d) ISSUES OF EQUITY REGARDING THE PREPARATION OF EXAMINATIONS.

(3) NO LATER THAN DECEMBER 1, 2001, THE DEPARTMENT SHALL PRESENT THE FINDINGS OF THE STUDY DESCRIBED IN SUBSECTION (1) OF THIS SECTION IN A REPORT TO THE GOVERNOR, THE STATE BOARD OF EDUCATION, AND THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

(4) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE IMPLEMENTATION OF THE STUDY OF THE CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM 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.

(5) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2002.

SECTION 39. 22-7-409, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-7-409. Assessments - repeal. (4) THE DEPARTMENT SHALL REVIEW AND UPDATE ALL ASSESSMENTS ADMINISTERED PURSUANT TO THIS SECTION, INCLUDING BUT NOT LIMITED TO ANY ASSESSMENTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-098

ADMINISTERED IN LANGUAGES OTHER THAN ENGLISH, AS NECESSARY TO MAINTAIN THE INTEGRITY OF THE ASSESSMENTS. THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, MAINTAINING THE INTEGRITY OF THE ASSESSMENTS ADMINISTERED PURSUANT TO THIS SECTION IS AN IMPORTANT ELEMENT OF AN ACCOUNTABLE PROGRAM TO MEET STATE ACADEMIC STANDARDS AND THEREFORE MAY RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

SECTION 40. 22-7-605 (5) (b) (I) and (5) (d), Colorado Revised Statutes, as amended by Senate Bill 01-098, enacted at the First Regular Session of the Sixty-third General Assembly, are amended to read:

22-7-605. School accountability reports - format. (5) **Safety and school environment.** The accountability report shall contain a page clearly marked as the "Safety and School Environment" page containing the following:

(b) **Safety and discipline.** The "Safety and School Environment" page shall contain the subtitle, "Safety and Discipline" and the following explanation: "Safe schools are a top priority for parents, teachers, and communities. Your school's safety and discipline record for the [year] - [year] school year is:". Immediately underneath this explanation shall be a table with the following seven columns:

(I) The first column, entitled "Type of Incident", shall contain the following seven lines:

- (A) "Substance Abuse -- DRUGS";
- (A.5) "SUBSTANCE ABUSE -- ALCOHOL";
- (B) "~~Classroom Suspensions~~ SUBSTANCE ABUSE -- TOBACCO";
- (C) "Assaults/Fights";
- (D) "Habitually Disruptive Students";
- (E) "Deadly Weapons"; AND
- (F) "~~Other Felonies as Defined by Statute~~"; and
- (G) "Other Violations of Code of Conduct".

(d) **Student information over time.** The "Safety and School Environment" page shall contain the subtitle, "Student Information Over Time". Immediately underneath this subtitle shall be a table with four columns:

- (I) The first column shall contain:
 - (A) "Student Average Daily Attendance";
 - (B) "Student Dropouts";
 - (C) "Safety and Discipline Total Incidents Reported";
 - (D) "STUDENT ENROLLMENT STABILITY";
 - (E) "STUDENTS ELIGIBLE FOR FREE LUNCH";

(II) The second and subsequent columns shall contain the year that the data was compiled, for the current year and two previous years. The items in sub-subparagraphs (A) and (B) of subparagraph (I) of this paragraph (d) shall be reported in percentages and the item in sub-subparagraph (C) of subparagraph (I) of this paragraph (d) shall be reported as a whole number.

(III) AS USED IN THIS PARAGRAPH (d), "STUDENT ENROLLMENT STABILITY" MEANS THE PERCENTAGE OF THE STUDENT ENROLLED IN THE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-098

PUBLIC SCHOOL ON OCTOBER 1 OF ANY ACADEMIC YEAR WHO ARE STILL ENROLLED IN THE PUBLIC SCHOOL ON FEBRUARY 1 OF THE SAME ACADEMIC YEAR.

SECTION 41. Appropriation. (1) 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 twelve million six hundred thirty thousand dollars (\$12,630,000), or so much thereof as may be necessary, for the implementation of section 22-7-607.5, Colorado Revised Statutes. Said sum shall be from the state education fund created in section 17 (4) of article IX of the state constitution.

(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 fifty-thousand dollars (\$50,000), or so much thereof as may be necessary, for the implementation of section 22-7-411, Colorado Revised Statutes. Said sum shall be from the state education fund created in section 17 (4) of article IX of the state constitution.

(3) 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 22-7-412, Colorado Revised Statutes. Said sum shall be from the state education fund created in section 17 (4) of article IX of the state constitution.

(4) 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 four hundred eleven thousand nine hundred fifty-three dollars (\$411,953), or so much thereof as may be necessary, for the implementation of the amendments to section 22-7-409 (4), Colorado Revised Statutes. Said sum shall be from the state education fund created in section 17 (4) of article IX of the state constitution.

(5) 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 twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary, for the implementation of the amendments to section 22-7-409 (1.2) (d) (I.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.

(6) 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 the amendments to section 22-7-605 (5) (d), Colorado Revised Statutes. Said sum shall be from the state education fund created in section 17 (4) of article IX of the state constitution.

SECTION 42. No appropriation. The general assembly has determined that the teacher loan forgiveness program developed pursuant to article 3.9 of title 23, Colorado Revised Statutes, contained in section 28 of this act, can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 43. Effective date. This act shall take effect upon passage; except that section 40 shall take effect July 1, 2002."

Renumber succeeding section accordingly.

Respectfully submitted,

Senate Committee:

House Committee:

(signed)
Senator Pascoe, Chairman

(signed)
Representative King, Chairman

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-098

(signed)
Senator Matsunaka

(signed)
Representative Spence

(signed)
Senator Evans

(signed)
Representative Mace

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB01-082**

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 SB01-082,
concerning the implementation of section 17 of article IX of the state
constitution, 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 12, strike lines 20 through 27.

Strike page 13.

Page 14, strike lines 1 through 3.

strike lines 17 through 27.

Page 15, strike lines 1 through 11.

Re-number succeeding C.R.S. sections accordingly.

Page 16, line 23, strike "SECTION, AND THE ALLOCATION" and substitute
"SECTION. THE GENERAL ASSEMBLY MAY ANNUALLY DETERMINE THE
PARTICULAR CATEGORICAL PROGRAMS FOR WHICH STATE FUNDING WILL
BE INCREASED FOR PURPOSES OF COMPLYING WITH THE REQUIREMENTS OF
SUBSECTION (1) OF THIS SECTION, AND THE ALLOCATION".

Page 17, line 3, strike "22-55-105 AND 22-55-106." and substitute
"22-55-103 AND 22-55-104.";
line 6, strike "22-55-105 AND 22-55-106." and substitute "22-55-103 AND
22-55-104.";

line 23, strike "22-55-107" and substitute "22-55-105".

Page 18, line 4, strike "22-55-105 AND 22-55-106" and substitute
"22-55-103 AND 22-55-104";

line 8, strike "22-55-105 AND 22-55-106." and substitute "22-55-103 AND
22-55-104.".

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 3, strike lines 9 through 16 and substitute the
following:

"(a) SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION,
WHICH WAS APPROVED BY THE REGISTERED ELECTORS OF THIS STATE AT
THE 2000 GENERAL ELECTION, REQUIRES THE GENERAL ASSEMBLY TO
INCREASE FUNDING FOR PRESCHOOL THROUGH TWELFTH GRADE PUBLIC
EDUCATION AND FOR CATEGORICAL PROGRAMS.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-082

(b) SPECIFICALLY, SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION REQUIRES:

(I) A SPECIFIED PERCENTAGE OF STATE INCOME TAX REVENUES COLLECTED ON INCOME EARNED ON OR AFTER DECEMBER 28, 2000, TO BE DIVERTED TO A NEWLY CREATED STATE EDUCATION FUND FROM WHICH MONEYS MAY BE APPROPRIATED ONLY FOR SPECIFIED EDUCATION-RELATED PURPOSES;

(II) THE GENERAL ASSEMBLY TO ANNUALLY INCREASE THE STATEWIDE BASE PER PUPIL FUNDING FOR PUBLIC EDUCATION FROM PRESCHOOL THROUGH THE TWELFTH GRADE AND TOTAL STATE FUNDING FOR ALL CATEGORICAL PROGRAMS BY AT LEAST THE RATE OF INFLATION PLUS ONE PERCENTAGE POINT FOR STATE FISCAL YEARS 2001-02 THROUGH 2010-11, AND BY AT LEAST THE RATE OF INFLATION FOR STATE FISCAL YEAR 2011-2012 AND EACH SUCCEEDING STATE FISCAL YEAR; AND

(III) THE GENERAL ASSEMBLY TO ANNUALLY INCREASE THE GENERAL FUND APPROPRIATION FOR TOTAL PROGRAM EDUCATION FUNDING UNDER THE "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF THIS TITLE, OR ANY SUCCESSOR ACT, FOR EACH STATE FISCAL YEAR FROM 2001-02 THROUGH 2010-11 BY AT LEAST FIVE PERCENT OVER THE AMOUNT OF THE PRIOR YEAR'S GENERAL FUND APPROPRIATION FOR TOTAL PROGRAM EDUCATION FUNDING, UNLESS COLORADO PERSONAL INCOME GROWS LESS THAN FOUR AND ONE-HALF PERCENT BETWEEN THE TWO CALENDAR YEARS PRECEDING THE STATE FISCAL YEAR IN WHICH AN APPROPRIATION IS MADE.

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

(a) IT IS THE DUTY AND INTENT OF THE GENERAL ASSEMBLY TO COMPLY WITH THE REQUIREMENTS OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION.

(b) IT IS WITHIN THE LEGISLATIVE PREROGATIVE OF THE GENERAL ASSEMBLY TO ENACT LEGISLATION TO IMPLEMENT SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION THAT WILL ENSURE COMPLIANCE WITH THE REQUIREMENTS OF SAID SECTION 17 OF ARTICLE IX AND FACILITATE ITS OPERATION.

(c) IN ENACTING LEGISLATION TO IMPLEMENT SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION:

(I) THE GENERAL ASSEMBLY HAS ATTEMPTED TO INTERPRET THE PROVISIONS OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION IN A MANNER THAT GIVES ITS WORDS THEIR NATURAL AND OBVIOUS SIGNIFICANCE.

(II) THE GENERAL ASSEMBLY HAS ATTEMPTED TO ASCERTAIN THE INTENT OF THE PROPONENTS WHO INITIATED SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION AND THE VOTERS WHO ADOPTED IT AND TO APPLY OTHER GENERALLY ACCEPTED RULES OF CONSTITUTIONAL CONSTRUCTION WHERE THE MEANING OF SAID SECTION 17 OF ARTICLE IX IS UNCERTAIN.

(3) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

(a) BECAUSE THE AMOUNT OF FUNDING PROVIDED FOR THE PRIOR STATE FISCAL YEAR PLAYS A SIGNIFICANT ROLE IN THE CALCULATION OF THE MINIMUM AMOUNT OF THE INCREASE IN STATE APPROPRIATIONS FOR EDUCATION REQUIRED FOR EACH STATE FISCAL YEAR BY SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE AMOUNT OF MONEY THAT THE STATE WILL BE REQUIRED TO SPEND FOR EDUCATION FUNDING FOR EACH STATE FISCAL YEAR WILL INCREASE DRAMATICALLY OVER TIME DUE TO A COMPOUNDING EFFECT.

(b) SINCE SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION DOES NOT CREATE ANY NEW TAX, INCREASE THE RATE OF ANY EXISTING TAX, OR OTHERWISE INCREASE THE AMOUNT OF REVENUES THAT WILL BE COLLECTED BY THE STATE, SOME OF THE INCREASES IN STATE EDUCATION FUNDING THAT SAID SECTION 17 OF ARTICLE IX

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-082

REQUIRES WILL AFFECT THE AMOUNT OF MONEY AVAILABLE TO FUND OTHER STATE PROGRAMS AND SERVICES.

(c) IN ENACTING LEGISLATION TO IMPLEMENT SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, IT IS THE DUTY, INTENT, AND LEGISLATIVE PREROGATIVE OF THE GENERAL ASSEMBLY TO MITIGATE ANY ADVERSE IMPACT THAT THE STATE EDUCATION FUNDING REQUIREMENTS OF SAID SECTION 17 OF ARTICLE IX MAY HAVE ON THE FINANCIAL CONDITION OF THE STATE AND OTHER STATE PROGRAMS AND SERVICES BY ENSURING THAT MONEYS ARE CREDITED TO THE STATE EDUCATION FUND, INVESTED WHILE IN THE FUND, AND EXPENDED FROM THE FUND IN A MANNER THAT WILL ENSURE THAT THE FUND REMAINS VIABLE AND THAT FUND MONEYS WILL ALWAYS BE AVAILABLE TO MEET A SIGNIFICANT PORTION OF THE LONG-TERM STATE EDUCATION FUNDING REQUIREMENTS OF SAID SECTION 17 OF ARTICLE IX.

(d) THIS ARTICLE REFLECTS THE CONSIDERED JUDGMENT OF THE GENERAL ASSEMBLY REGARDING THE MEANING AND IMPLEMENTATION OF THE PROVISIONS OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION."

Page 4, strike lines 1 through 23.

Page 7, strike lines 13 through 19.

Renumber succeeding subsections accordingly.

Page 8, strike lines 19 through 21.

Renumber succeeding subsections accordingly.

Page 9, strike lines 22 through 27.

Strike pages 10 and 11.

Page 12, strike lines 1 through 19.

Renumber succeeding C.R.S. sections accordingly.

Page 14, strike lines 4 through 16.

Respectfully submitted,

Senate Committee:

House Committee:

(signed)
Senator Matsunaka, Chairman

(signed)
Representative Spence, Chairman

(signed)
Senator Tupa

(signed)
Representative Young

(signed)
Senator Cairns

(signed)
Representative Saliman

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 Reports **SB01-098, SB01-082.**

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

SB01-098

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

Senator Pascoe moved for the adoption of the First Report of the First Conference Committee on **SB01-098**, as printed in Senate Journal, May 9, 2001, pages 1398-1422. The motion was **adopted** by the following roll call vote:

SB01-098

YES	33	NO	2	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	N	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	N
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

YES	31	NO	4	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	N	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	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, as amended, was declared **repassed**.

Co-sponsors added: Dyer (Durango), Evans, Hernandez, Linkhart, Perlmutter.

SB01-082

By Senators Matsunaka, Fitz-Gerald, Tupa and Windels; also Representative Spence-- Concerning the implementation of section 17 of article IX of the state constitution.

Senator Matsunaka moved for the adoption of the First Report of the First Conference Committee on **SB01-082**, as printed in Senate Journal, May 9, 2001, pages 1422-1424. The motion was **adopted** by the following roll call vote:

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		

The question being "Shall the bill, as amended, 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, as amended, was declared **repassed**.

Co-sponsors added: Gordon, Hernandez, Nichol, Pascoe.

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 **HJR01-1056**.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR01-1056 By Representatives Spradley, Dean and Grossman; also Senators Thiebaut, Matsunaka and Andrews--Concerning the adjournment sine die of the first regular session of the Sixty-third General Assembly.

Senator Thiebaut moved to suspend Senate rule 30(e) for immediate consideration of **HJR01-1056**.

A majority of those elected to the Senate having voted in the affirmative, immediate consideration was granted.

On motion of Senator Thiebaut, the resolution was **adopted** by the following roll call vote:

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		

REPORT OF SINE DIE COMMITTEE

The Committee appointed pursuant to **HJR01-1055** reported that they had notified Governor Owens that the First Regular Session of the Sixty-third General Assembly was ready to adjourn *sine die*.

The following bills did not receive final action in the Senate: **HB01-1131, HB01-1352, HB01-1305, HB01-1389.**

At the hour of 10:48 p.m. with both the Senate and the House of Representatives being in agreement, on motion of Senator Thiebaut, the First Regular Session of the Sixty-third General Assembly was declared adjourned *sine die*.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57