

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

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Legislative Day

Tuesday, April 9, 2002

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Prayer	By the chaplain, Father Dennis Woerter, St. Dominic Catholic Parish.	10
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Call to Order	By the President at 9:00 a.m.	12
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Roll Call	Present--Total, 28.	14
	Absent/Excused--Dyer, Evans, Gordon, Hagedorn, Pascoe, Perlmutter, Windels--Total, 7.	15
	Present later--Dyer, Evans, Gordon, Hagedorn, Pascoe, Perlmutter, Windels.	16
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Quorum	The President announced a quorum present.	18
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Reading of Journal	On motion of Senator Phillips, reading of the Journal of Monday, April 8, was dispensed with and the Journal was approved as corrected by the Secretary.	20
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<b>SB02-206</b>	by Senator(s) Hernandez; also Representative(s) Stafford--Concerning statutes relating to the powers of the department of public health and environment.	28
	Health, Environment, Children & Families	29
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		31
<b>SB02-207</b>	by Senator(s) Hagedorn; also Representative(s) Stengel--Concerning alcohol beverage licensing.	32
	Business, Labor, and Finance	33
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		35
<b>HB02-1054</b>	by Representative(s) Grossman; also Senator(s) Gordon--Concerning a prohibition against allowing a court to grant a name change to any person convicted of a felony, and making an appropriation in connection therewith.	36
	Judiciary	37
		38
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		40
<b>HB02-1138</b>	by Representative(s) Saliman; also Senator(s) Linkhart--Concerning the provision of child welfare services, and making an appropriation therefor.	41
	Health, Environment, Children & Families	42
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		44
<b>HB02-1161</b>	by Representative(s) Young; also Senator(s) Hillman--Concerning the creation of enhanced rural enterprise zones, and, in connection therewith, establishing state income tax credits for taxpayers who establish new business facilities in enhanced rural enterprise zones.	45
	Business, Labor, and Finance	46
	Appropriations	47
		48
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<b>HB02-1226</b>	by Representative(s) Williams T., Coleman, Scott, Vigil; also Senator(s) Takis, Anderson, Taylor, Tupa--Concerning the authority of the state personnel director to create a state employee assistance program, and making an appropriation in connection therewith.	52
	Government, Veterans and Military Relations, and Transportation	53
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		56
<b>HB02-1229</b>	by Representative(s) Veiga, Groff, Hefley, Lawrence, Smith; also Senator(s) Tate--Concerning continuation of the regulation of controlled substances, and, in connection therewith, updating the statutes to reflect the regulatory functions within the department of human services, and making an appropriation therefor.	57
	Judiciary	58
	Appropriations	59
		60
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<b>HB02-1262</b>	by Representative(s) Mace; also Senator(s) Hernandez--Concerning assistance for the benefit of grandchildren who exit foster care into the legal care of a grandparent.	64
	Health, Environment, Children & Families	65
		66
		67
<b>HB02-1288</b>	by Representative(s) Stengel; also Senator(s) Taylor--Concerning the assessment of property for property tax purposes.	68
	Business, Labor, and Finance	69
	Public Policy and Planning	70
	Appropriations	71
		72

- HB02-1304** by Representative(s) Williams S., Bacon, Groff, Romanoff, Williams T.; also Senator(s) Anderson, Evans--Concerning the provision of literacy services to students preparing to enter the first grade. 1  
Education 2  
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- HB02-1323** by Representative(s) Berry; also Senator(s) Windels--Concerning assisted living residences, and making an appropriation in connection therewith. 6  
Health, Environment, Children & Families 7  
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- HB02-1344** by Representative(s) Scott; also Senator(s) Linkhart--Concerning the water quality control discharge permit program, and, in connection therewith, increasing permit fees, requiring a study to determine whether such program should be modified to reasonably accommodate the unique attributes of Colorado's water bodies, and making an appropriation. 10  
Public Policy and Planning 11  
Appropriations 12  
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**INTRODUCTION OF RESOLUTIONS**

The following resolutions were read by title: 17  
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- SR02-010** by Senator(s) Chlouber, Andrews, Arnold, Cairns, Epps, Evans, Gordon, Hillman, Matsunaka, May, Musgrave, Owen, Perlmutter, Phillips, Thiebaut, Windels; --Concerning changes in the security at the state capitol. 21  
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Laid over one day under Senate Rule 30(c). 26  
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- SJR02-027** by Senator(s) Teck, Anderson, Andrews, Arnold, Cairns, Chlouber, Dyer, Entz, Epps, Evans, Fitz-Gerald, Gordon, Hagedorn, Hanna, Hernandez, Hillman, Isgar, Lamborn, Linkhart, Matsunaka, May, McElhany, Musgrave, Nichol, Owen, Pascoe, Perlmutter, Phillips, Reeves, Takis, Tate, Taylor, Thiebaut, Tupa, Windels; also Representative(s) Berry, Smith, Crane, Hefley, Hoppe, Johnson, Kester, Lawrence, Lee, Mitchell, Snook, Spence, Stafford, White--Concerning honoring Ryan Patterson for his astounding achievement in the field of science technology. 28  
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Laid over one day under Senate Rule 30(b). 36  
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The following resolution was read by title and referred to the committee indicated: 38  
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- HJR02-1039** by Representative(s) Dean, Spradley; also Senator(s) Andrews--Concerning endorsement of the participation of Taiwan in the World Health Organization. 40  
Health, Environment, Children & Families 41  
Judiciary 42  
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**INTRODUCTION OF BILLS--FIRST READING**

The following bill was read by title and referred to the committee indicated: 45  
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- SB02-208** by Senator(s) Hernandez; --Concerning the regulation of home inspectors. 49  
Health, Environment, Children & Families 50  
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**SENATE SERVICES REPORT**

- Senate Services Correctly printed: SB02-202, 203, 204, 205; SJR02-025, 026. 53  
54  
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- Correctly engrossed: SB02-090, 176, 178. 57  
58  
59
- Correctly reengrossed: SB02-187. 60  
61
- Correctly revised: SB02-1139, 1347. 62  
63
- Correctly enrolled: SB02-004, 006, 011, 036, 038, 146, 165, 166. 64  
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**SIGNING OF BILLS--RESOLUTIONS--MEMORIALS**

The President has signed: **HB02-1346.** 66  
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**COMMITTEE OF REFERENCE REPORTS**

Business,  
Labor, and  
Finance

After consideration on the merits, the committee recommends that **SB02-196** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 6, line 2, strike "A BROKER" and substitute "AN INDIVIDUAL BROKER".

Page 7, line 14, strike "agent." and substitute "agent THAT ARE NOT APPROVED, DIRECTED, OR RATIFIED BY SUCH SELLER OR LANDLORD.".

Page 8, line 9, strike "AGENT;" and substitute "TENANT;".

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of General Orders--Second Reading of Bills Consent Calendar.

Committee  
of the  
Whole

On motion of Senator Nichol, the Senate resolved itself into Committee of the Whole for consideration of General Orders--Second Reading of Bills Consent Calendar and Senator Nichol was called to the Chair to act as Chairman.

**GENERAL ORDERS--SECOND READING OF BILLS  
CONSENT CALENDAR**

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

**HB02-1348**

by Representative(s) Harvey; also Senator(s) Dyer--Concerning the transfer of the poison control program from the department of health care policy and financing to the department of public health and environment, and, in connection therewith, making a transfer of appropriation.

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

**HB02-1336**

by Representative(s) Scott; also Senator(s) Nichol--Concerning recommendations of the house committee on local government relating to the continuation of requirements for certain reports to the general assembly from executive agencies, and, in connection therewith, repealing reporting requirements to the general assembly that are obsolete.

Amendment No. 1, Public Policy and Planning Committee Amendment.

(Printed in Senate Journal, April 5, page 674-675 and placed in members' bill file.)

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

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

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

Passed on Second Reading: **HB02-1348, HB02-1336** as amended.

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

**CONSIDERATION OF GOVERNOR'S APPOINTMENTS**

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

COLORADO HEALTH FACILITIES  
AUTHORITY

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for terms expiring June 30, 2005:

Andrea C. Dikeou of Denver, Colorado, to serve as a Republican, reappointed;

Stephen S. Swanson of Basalt, Colorado, to serve as a Democrat, reappointed;

H. Ben Weindling of Pueblo, Colorado, to serve as a Democrat, reappointed.

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

COVERCOLORADO BOARD OF DIRECTORS

for terms expiring July 1, 2004:

Daryl Wayne Edmonds of Highlands Ranch, Colorado, to fill the vacancy occasioned by Val C. Dean who no longer meets the statute requirements and to serve as a carrier representative, appointed.

Herbert J. Rothenberg, M.D. of Denver, Colorado, to serve as a medical professional who specializes in chronic diseases, reappointed;

for a term ending July 1, 2005:

Alan Jay Kastrinsky of Greenwood Village, Colorado, to serve as a representative of a stop-loss or excess loss insurance carrier, appointed.

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

COLORADO COMMISSION  
ON THE AGING

for a term expiring July 1, 2004:

Stephen M. Bender of Colorado Springs, Colorado to fill the vacancy occasioned by the resignation of Janice L. Friddle of Manitou Springs, Colorado and to serve as a Democrat from the Fifth Congressional District, appointed.

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

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**THIRD READING--FINAL PASSAGE OF BILLS**

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

**SB02-178**

by Senator(s) Thiebaut; also Representative(s) Sanchez--Concerning health coverage benefits for persons employed on public projects.

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

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

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

Co-sponsors added: Chlouber, Fitz-Gerald, Hagedorn, Hanna, Hernandez, Nichol, Takis, Tate, Tupa, Windels.

**SB02-090**

by Senator(s) Hernandez; also Representative(s) Spradley--Concerning personal injury protection insurance coverage for persons injured as the result of an accident involving a motor vehicle.

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

YES	18	NO	16	EXCUSED	0	ABSENT	1
Anderson	N	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	N
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	N	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	N	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	N	Lamborn	N	Phillips	A	Mr. President	Y
Evans	N	Linkhart	Y	Reeves	Y		

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

**HB02-1139**

by Representative(s) Crane; also Senator(s) Cairns--Concerning protections for persons on state military duty.

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

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

Co-sponsors added: Andrews, Arnold, Chlouber, Dyer, Entz, Epps, Evans, Gordon, Hernandez, Isgar, Lamborn, May, McElhany, Musgrave, Nichol, Taylor, Teck.

**SB02-176**

by Senator(s) Matsunaka, Perlmutter, Reeves--Concerning limitations on the authority of the Colorado commission on higher education.

**SB02-176** Laid over until Wednesday, April 10, retaining its place on the calendar. 1

**HB02-1347** by Representative(s) Snook; also Senator(s) Hernandez--Concerning the exclusion of 2  
certain workers' compensation cash funds from the limitation on the amount of 3  
uncommitted moneys that may be retained in a cash fund. 4  
5

The question being "Shall the bill pass?", the roll call was taken with the following result: 6  
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YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill 8  
was declared **passed**. 9  
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Committee of the Whole On motion of Senator Nichol, the Senate resolved itself into Committee of the Whole for 24  
consideration of General Orders--Second Reading of Bills and Senator Nichol was called 25  
to the Chair to act as Chairman. 26  
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**GENERAL ORDERS--SECOND READING OF BILLS** 28

The Committee of the Whole having risen, the Chairman reported that the following bills, 29  
reading at length having been dispensed with by unanimous consent, had been considered 30  
and action taken thereon as follows: 31  
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**HB02-1313** by Representative(s) Tochtrop, Tapia; also Senator(s) Thiebaut--Concerning peace officers 34  
certified by the peace officers standards and training board. 35  
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Laid over until Wednesday, April 10, retaining its place on the calendar. 37

**HB02-1254** by Representative(s) Webster; also Senator(s) Reeves--Concerning the "Public Securities 38  
Information Reporting Act". 39  
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 41  
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**HB02-1342** by Representative(s) Mitchell, Groff, Grossman, Harvey, Weddig, White; also Senator(s) 44  
Fitz-Gerald, Andrews, Perlmutter--Concerning public access to information relating to 45  
public bodies, and, in connection therewith, clarifying that public officials and employees 46  
are persons for purposes of the public records act, article 72 of title 24, Colorado Revised 47  
Statutes, and specifying the manner in which public bodies are to record their meetings. 48  
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 50  
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**HB02-1324** by Representative(s) Lawrence, Alexander, Bacon, Boyd, Cadman, Chavez, Daniel, Dean, 52  
Decker, Fairbank, Garcia, Groff, Hodge, Hoppe, Jahn, Kester, King, Lee, Mace, Miller, 53  
Mitchell, Rippy, Sanchez, Snook, Spence, Spradley, Swenson, Tapia, Tochtrop, Webster, 54  
Weddig, White, Williams S., Williams T., Witwer, Young; also Senator(s) Thiebaut-- 55  
Concerning establishment of a Colorado state university at Pueblo, and, in connection 56  
therewith, changing the name of the university of southern Colorado and modifying the 57  
university's role and mission. 58  
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Laid over until Wednesday, April 10, retaining its place on the calendar. 60  
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**HB02-1210** by Representative(s) Spradley; also Senator(s) Musgrave--Concerning requirements for 62  
disabled persons to obtain special license plates, and, in connection therewith, allowing 63  
such persons to apply for such license plates for a motor vehicle owned by a trust set up 64  
for the person with a disability. 65  
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 67  
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(For further action, see Amendments to the Committee of the Whole Report.) 69  
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**SB02-154** by Senator(s) Gordon, Anderson; also Representative(s) Rippy--Concerning certain communications by persons in an election campaign that relate to a public office that is to be voted on in such election.

Laid over to follow **SB02-188**.

**SB02-189** by Senator(s) Hernandez; also Representative(s) Boyd--Concerning the creation of a metropolitan affordable housing district.

Amendment No. 1, Health, Environment, Children & Families Committee Amendment.  
(Printed in Senate Journal, April 5, page 667-668 and placed in members' bill file.)

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

**SB02-188** by Senator(s) Tate; also Representative(s) Spradley--Concerning a requirement that health benefit plans issue prescription cards containing uniform information.

Amendment No. 1, Public Policy and Planning Committee Amendment.  
(Printed in Senate Journal, April 5, page 675 and placed in members' bill file.)

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

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar (**SB02-042, SB02-089, SB02-157, SB02-173, SB02-154, SB02-184**) of Tuesday, April 9, was laid over until Wednesday, April 10, retaining its place on the calendar.

#### AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORTS

**HB02-1210** by Representative(s) Spradley; also Senator(s) Musgrave--Concerning requirements for disabled persons to obtain special license plates, and, in connection therewith, allowing such persons to apply for such license plates for a motor vehicle owned by a trust set up for the person with a disability.

Senator Perlmutter moved to amend the Report of the Committee of the Whole to show that the following Perlmutter floor amendment, (L.004) to HB02-1210, did pass.

Amend reengrossed bill, page 2, line 14, strike "(2) (a) (I)," and substitute "(1) (b), (2) (a) (I), and (3)," and strike "is" and substitute "are";

strike line 17 and substitute the following:

**"applicability.** (1) As used in this section:

(b) "Person with a disability" means a person so severely impaired that such person is unable to move from place to place without the aid of a mechanical device or who has a physical impairment verified, in writing, by the director of the division of rehabilitation (which has been administratively created by the department of human services) or a physician licensed to practice medicine ~~in this state~~ or practicing medicine pursuant to section 12-36-106 (3) (i), C.R.S., OR A PODIATRIST LICENSED UNDER THE PROVISIONS OF ARTICLE 32 OF TITLE 12, C.R.S., that such impairment limits substantially the person's ability to move from place to place. Before such a verification can be made, said director, ~~or~~ physician, OR PODIATRIST shall certify to the department of revenue that the standards established by the executive director of the department or his or her designee, in consultation with the director of the division of rehabilitation, for such a determination have been met.

(2) (a) A person with a disability may apply to the".  
Page 3, after line 4, insert the following:

"(3) The department shall issue temporary distinguishing license permits and a temporary identifying placard to any person who is temporarily a person with a disability upon presentation to the department of a written statement, verified by a physician licensed to practice medicine ~~in this state~~ or practicing medicine pursuant to section 12-36-106 (3) (i), C.R.S., OR A PODIATRIST LICENSED UNDER THE PROVISIONS OF ARTICLE 32 OF TITLE 12, C.R.S., that such person

**HB02-1210**

temporarily meets the definition of a person with a disability. The department shall issue such permits and placards to a qualifying person who is a resident of another state who becomes disabled while in this state. Such permits and placard shall be valid for a period of ninety days from the date of issuance and may continually be renewed for additional ninety-day periods during the term of such disability upon resubmission of such written and verified statements. The provisions of this section including provisions regarding the privileges granted to persons with disabilities, revocation of license plates or placards, and display of license plates and placards shall apply in the case of temporary license permits and temporary placards issued under this subsection (3). Further, the requirement that the placard include a printed identification number as set forth in subparagraph (II) of paragraph (a) of subsection (2) of this section shall apply to both temporary license permits and temporary placards issued under this subsection (3). THE VERIFICATION BY A PHYSICIAN LICENSED TO PRACTICE MEDICINE OR PRACTICING MEDICINE PURSUANT TO SECTION 12-36-106 (3) (i), C.R.S., OR A PODIATRIST LICENSED UNDER THE PROVISIONS OF ARTICLE 32 OF TITLE 12, C.R.S., SHALL BE CARRIED IN THE VEHICLE TRANSPORTING THE PERSON OR PERSONS WITH A DISABILITY TO WHOM THE TEMPORARY LICENSE PERMIT OR PLACARD HAS BEEN ISSUED AND SHALL BE PRESENTED TO ANY LAW ENFORCEMENT OFFICER UPON REQUEST. Temporary license permits and temporary placards issued by states other than Colorado shall be valid so long as they are currently valid in the state of issuance and valid pursuant to 23 CFR part 1235."

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

YES	18	NO	17	EXCUSED	0	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	N
Cairns	N	Hanna	Y	Nichol	N	Teck	N
Chlouber	Y	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	N	Hillman	N	Pascoe	Y	Tupa	Y
Entz	N	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	N	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	N	Linkhart	Y	Reeves	Y		

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

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

Passed on Second Reading: **HB02-1254, HB02-1342, HB02-1210** as amended, **SB02-189** as amended, **SB02-188** as amended.

Laid over until Wednesday, April 10: **HB02-1313, HB02-1324, SB02-042, SB02-089, SB02-157, SB02-173, SB02-154, SB02-184.**

**MESSAGE FROM THE HOUSE**

April 9, 2002

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1070, amended as printed in House Journal, April 8, page 1201. HB02-1039, amended as printed in House Journal, April 8, page 1202. HB02-1209, amended as printed in House Journal, April 8, pages 1202-1203. HB02-1400, amended as printed in House Journal, April 8, pages 1203-1205. HB02-1399, amended as printed in House Journal, April 8, page 1205. SB02-182, amended as printed in House Journal, April 5, page 1167.

**CONFERENCE COMMITTEE GRANTED FURTHER POWERS**

**HB02-1131**

by Representative(s) Hodge; also Senator(s) Takis--Concerning the qualifications required of an applicant before a special license plate may be issued.

Senator Takis moved that the Senate Conferees on the First Conference Committee on **HB02-1131** be given the powers to go beyond the scope of the differences between the two Houses.

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

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Tuesday, April 9, was laid over until Wednesday, April 10, retaining its place on the calendar.

Consideration of Resolutions: **HJR02-1003, SJR02-004, SJR02-006, HJR02-1015, HJR02-1021, SJR02-013, SR02-008, SJR02-018, HJR02-1027, SR02-009, HJR02-1035, SJR02-022, SJR02-023, SJR02-025, SJR02-026.**

Consideration of Memorials: **SJM02-001.**

Consideration of House Amendments to Senate Bills: **SB02-113, SB02-114, SB02-032, SB02-141, SB02-020, SB02-136, SB02-099, SB02-128, SB02-151, SB02-132, SB02-161.**

Consideration of Governor's Veto: **SB02-108.**

Consideration of Governor's Appointments:

State Board of Parole

Transportation Commission

High Technology Scholarship Program Advisory Committee

Senate in Recess--Senate Reconvened

**COMMITTEE OF REFERENCE REPORTS**

Appropriations

After consideration on the merits, the committee recommends that **SB02-027** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 8, after line 13, insert the following:

**"SECTION 4. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of health care policy and financing, medical programs administration, for the fiscal year beginning July 1, 2002, the sum of fourteen thousand six hundred eighteen dollars (\$14,618) and 0.4 FTE, or so much thereof as may be necessary, for the implementation of this act. Said sum shall be subject to the "(M)" notation as defined in the general appropriation act. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2002, the department of health care policy and financing, medical programs administration, will receive the sum of twenty-two thousand fifty-seven dollars (\$22,057) in federal funds for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds.

(2) It is the intent of the general assembly that the general fund appropriation in subsection (1) of this section for the implementation of this act shall be derived from savings generated from the implementation of the provisions of House Bill 02-1292, as enacted during the Second Regular Session of the Sixty-third General Assembly.

**SECTION 5. Effective date.** (1) This act shall take effect July 1, 2002, only if:

(a) The final fiscal estimate for House Bill 02-1292, as reflected in the appropriations clause for said act, shows a net general fund savings that is equal to or greater than the final general fund fiscal estimate for this act, as reflected in section 4 of this act; and

(b) House Bill 02-1292 is enacted at the Second Regular Session

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SB02-027

of the Sixty-third General Assembly and becomes law."

Renumber succeeding section accordingly.

Page 1, line 101, strike "SERVICES." and substitute "SERVICES, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

Appropriations

After consideration on the merits, the committee recommends that SB02-062 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

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

"SECTION 3. 26-19-105 (2.5), Colorado Revised Statutes, is amended to read:

26-19-105. Trust - created. (2.5) For fiscal year 2000-01, the general assembly shall appropriate to the trust ten million dollars from the moneys received by the state for said fiscal year pursuant to the master settlement agreement. Beginning in FOR fiscal year 2001-02, and for each fiscal year thereafter so long as the state receives moneys pursuant to the master settlement agreement, the general assembly shall appropriate to the trust nine million eight hundred thousand dollars from the moneys annually received by the state pursuant to the master settlement agreement. BEGINNING IN FISCAL YEAR 2002-03, AND FOR EACH FISCAL YEAR THEREAFTER SO LONG AS THE STATE RECEIVES MONEYS PURSUANT TO THE MASTER SETTLEMENT AGREEMENT, THE GENERAL ASSEMBLY SHALL APPROPRIATE TO THE TRUST SEVENTEEN MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE MONEYS ANNUALLY RECEIVED BY THE STATE PURSUANT TO THE MASTER SETTLEMENT AGREEMENT. EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-22-115.5, C.R.S., the general assembly shall appropriate the amount specified in this subsection (2.5) from moneys credited to the tobacco litigation settlement cash fund created in section 24-22-115, C.R.S. The amount appropriated pursuant to this subsection (2.5) shall be in addition to and not in replacement of any general fund moneys appropriated to the trust."

Renumber succeeding sections accordingly.

Page 5, strike lines 8 through 22 and substitute the following:

"SECTION 7. 24-22-115.5 (2), Colorado Revised Statutes, is amended to read:

24-22-115.5. Legislative declaration - tobacco litigation settlement trust fund - creation. (2) There is hereby created in the state treasury the tobacco litigation settlement trust fund. The principal of the trust fund shall consist of the first thirty-three million dollars of all moneys, other than attorney fees and costs, paid to the state treasurer in accordance with the terms of the master settlement agreement, the smokeless tobacco master settlement agreement, and the consent decree approved and entered by the court in the case denominated *State of Colorado, ex rel. Gale A. Norton, Attorney General v. R.J. Reynolds Tobacco Co.; American Tobacco Co., Inc.; Brown & Williamson Tobacco Corp.; Liggett & Myers, Inc.; Lorillard Tobacco Co., Inc.; Phillip Morris, Inc.; United States Tobacco Co.; B.A.T. Industries, P.L.C.; The Council For Tobacco Research--U.S.A., Inc.; and Tobacco Institute, Inc.*, Case No. 97 CV 3432, in the district court for the city and county of Denver, not less than twenty-one percent of all additional moneys, other than attorney fees and costs, paid to the state treasurer in accordance with the settlement agreements and the consent decree, and any moneys transferred to the trust fund from the tobacco litigation settlement cash fund at the end of any fiscal year pursuant to section 24-22-115. The principal of the trust fund shall not be expended or appropriated for any purpose; EXCEPT THAT MONEYS IN THE TRUST FUND MAY BE ALLOCATED TO THE CHILDREN'S BASIC HEALTH PLAN TRUST AS PROVIDED IN SECTION 24-75-1104 (2). All interest derived from the deposit and investment of moneys in the trust fund shall be credited to the trust fund. Such interest shall become subject to appropriation by the

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SB02-062

general assembly for the funding of any programs or funds authorized by law to be funded by tobacco litigation settlement moneys at such time as the state auditor certifies that actuarially sound projections of future interest earnings indicate that such interest will be sufficient to fully fund such programs and funds. No part of such trust fund, principal or interest, shall be transferred to the general fund or any other fund or used or appropriated except as provided in this section.

**SECTION 8.** 24-75-1103 (4), Colorado Revised Statutes, is amended to read:

**24-75-1103. Policy on use of tobacco settlement funds.** (4) Since the amount of moneys to be received by the state is uncertain, a portion of the settlement moneys shall be placed in an endowment trust fund created in section 24-22-115.5, with the principal and interest reinvested in the trust fund until the state auditor certifies that actuarially sound projections of future interest earnings indicate that the interest earned will be sufficient to fully fund the tobacco settlement programs. **HOWEVER, NOTWITHSTANDING THE POLICY PROHIBITING THE APPROPRIATION OF THE PRINCIPAL IN THE TRUST FUND, THE PRINCIPAL MAY BE EXPENDED AS PROVIDED IN SECTION 24-22-115.5 (2).**

**SECTION 9.** 24-74-1104 (1) (b) and (2), Colorado Revised Statutes, are amended to read:

**24-75-1104. Use of settlement moneys - programs.** (1) For the 2000-01 fiscal year and for each fiscal year thereafter, the following programs shall receive appropriations in the specified amounts from the settlement moneys annually received by the state:

(b) (I) FOR THE FISCAL YEAR 2001-02, the children's basic health plan trust created in section 26-19-105, C.R.S., shall receive nine million eight hundred thousand dollars;

(II) FOR THE FISCAL YEAR 2002-03 AND EACH FISCAL YEAR THEREAFTER, THE CHILDREN'S BASIC HEALTH PLAN TRUST CREATED IN SECTION 26-19-105, C.R.S., SHALL RECEIVE SEVENTEEN MILLION FIVE HUNDRED THOUSAND DOLLARS;

(2) The general assembly shall appropriate the amounts specified in subsection (1) of this section from moneys credited to the tobacco litigation settlement cash fund created in section 24-22-115. THE STATE CONTROLLER SHALL FIRST ALLOCATE THE AMOUNTS SPECIFIED IN PARAGRAPHS (a), (c), (d), (e), (f), AND (g) OF SUBSECTION (1) OF THIS SECTION AND THEN ALLOCATE THE AMOUNT FOR THE CHILDREN'S BASIC HEALTH PLAN TRUST AS SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION. IF THE MONEYS IN THE TOBACCO LITIGATION SETTLEMENT CASH FUND ARE INSUFFICIENT TO FUND THE FULL AMOUNT SPECIFIED IN SUBPARAGRAPH (II) OF SAID PARAGRAPH (b) FOR THE CHILDREN'S BASIC HEALTH PLAN TRUST, THE AMOUNT OF THE SHORTFALL SHALL BE ALLOCATED OUT OF THE TOBACCO LITIGATION SETTLEMENT TRUST FUND. Any amount of unencumbered settlement moneys remaining in the fund of any program specified in subsection (1) of this section at the end of any fiscal year shall be transferred to the tobacco litigation settlement trust fund created in section 24-22-115.5; except that unencumbered settlement moneys shall not be transferred from the following funds:

(a) The children's basic health plan trust created in section 26-19-105, C.R.S.;

(b) The read-to-achieve cash fund created pursuant to section 22-7-506, C.R.S.;

(c) The Colorado state veterans trust fund created in section 26-10-111, C.R.S.;

(d) The state dental loan repayment fund created in section 25-23-104, C.R.S.

**SECTION 10. Appropriation.** (1) In addition to any other

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**SB02-062**

appropriation, there is hereby appropriated, to the department of health care policy and financing, indigent care program, children's basic health plan trust, for the fiscal year beginning July 1, 2002, the sum of seven million seven hundred thousand dollars (\$7,700,000), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from the tobacco litigation settlement cash fund created in section 24-22-115.5, Colorado Revised Statutes, pursuant to section 24-75-1104 (1) (b) (II), Colorado Revised Statutes.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, indigent care program, the sum of six million three hundred twenty-one thousand five hundred sixty-one dollars (\$6,321,561). Said sum shall be from cash funds exempt from the children's basic health plan trust created in section 26-19-105, Colorado Revised Statutes. The moneys hereby appropriated shall be for the costs under section 26-19-109, Colorado Revised Statutes. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2002, the department of health care policy and financing, indigent care program, will receive the sum of eleven million seven hundred forty thousand forty-four dollars (\$11,740,044) in federal funds for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds.

(3) In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, department of human services medicaid-funded programs, office of information technology services - medicaid funding, the sum of twenty-six thousand one hundred sixty-three dollars (\$26,163). Said sum shall be from cash funds exempt from the H.B. 97-1304 children's basic health plan trust created in section 26-19-105, Colorado Revised Statutes. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2002, the department of health care policy and financing, indigent care program, will receive the sum of forty-eight thousand five hundred eighty-seven dollars (\$48,587) in federal funds for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds.

(4) In addition to any other appropriation, there is hereby appropriated, to the department of human services, office of information technology services, the sum of seventy-four thousand seven hundred fifty dollars (\$74,750). Said sum shall be from cash funds exempt received from the department of health care policy and financing out of the appropriation made in subsection (3)."

Renumber succeeding sections accordingly.

Appropriations

After consideration on the merits, the committee recommends that **SB02-063** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend the Senate Education Committee Report, dated March 5, 2002, page 3, line 29, strike "AND A ONE-TIME PAYMENT".

Page 4 of the committee report, line 9, strike "FIRST";

strike line 10 of the committee report;

line 11 of the committee report, strike "OF ONE-TIME PAYMENTS PURSUANT TO THIS";

strike lines 28 through 34 of the committee report and substitute the following:

"**SECTION 2.** 22-7-607.5 (2) (b), Colorado Revised Statutes, is amended to read:

**22-7-607.5. Teacher pay incentive program - repeal.**

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SB02-063

(2) (b) The per pupil grant amount shall be an amount equal to twelve million ~~six hundred thirty~~ FIVE HUNDRED SEVENTY thousand dollars divided by the total number of students enrolled in all eligible schools.

**SECTION 3. Appropriation - adjustments to the 2002 long bill.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) of article IX of the state constitution, not otherwise appropriated, to the national credential fund created in section 22-60.5-112.5 (4) (b), Colorado Revised Statutes, for the fiscal year beginning July 1, 2002, the sum of sixty thousand dollars (\$60,000), and such sum, or so much thereof as may be necessary, is further appropriated to the department of education, for the implementation of this act.

(2) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2002, shall be adjusted as follows:

(a) The appropriation to the department of education, assistance to public schools, grant programs and other distributions, for the teacher pay incentive program, is decreased by sixty thousand dollars (\$60,000). Said sum shall be from moneys in the state education fund created in section 17 (4) of article IX of the state constitution."

Renumber succeeding section accordingly.

Page 5 of the committee report, strike lines 1 and 2.

Appropriations

After consideration on the merits, the committee recommends that **SB02-080** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend the Education Committee Report, dated February 28, 2002, page 1, after line 3, insert the following:

"line 14, strike "(3)";";

after line 7 of the committee report, insert the following:

"Page 6, line 26, strike "section 22-7-605." and substitute "section 22-7-605 OR SECTION 22-7-605.1."";

after line 26, insert the following:

**"SECTION 4.** 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 school accountability reports on public school and district performance pursuant to sections 22-7-604, and 22-7-605, AND 22-7-605.1. The state data reporting system shall be designed to protect the privacy of students. 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. On and after June 1, 2002, the

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SB02-080

state data reporting system shall also have the capabilities described in section 22-7-603.5 (3). 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."

Renumber succeeding sections accordingly.";

strike lines 8 through 10 of the committee report and substitute the following:

"Page 7, strike line 1 and substitute the following:

"amended BY THE ADDITION OF A NEW SUBSECTION to read:";

line 3, strike "**methodology.** (1) THE" and substitute "**methodology - advisory committee - repeal.** (9) (a) FOR PURPOSES OF THIS SUBSECTION (9), THE";

line 10, strike "(2) (a)" and substitute "(b) (I)";

line 11, strike "SECTION" and substitute "SUBSECTION (9)";

strike lines 13 and 14 and substitute the following:

"YEAR ON THE COMPARABLE CSAP ASSESSMENTS IN THE RELEVANT AREA ADMINISTERED BY ANY PUBLIC SCHOOL IN THE STATE PURSUANT TO SECTION 22-7-409.";

line 15, strike "(b)" and substitute "(II)";

line 17, strike "SECTION." and substitute "SUBSECTION (9).";

line 18, strike "(3) (a)" and substitute "(c)";

line 23, strike the first "SECTION" and substitute "SUBSECTION (9)";

line 26, strike "SECTION," and substitute "SUBSECTION (9).";

line 12 of the committee report, strike ""(b)" and substitute ""(d)";

line 13 of the committee report, strike "(b)" and substitute "(d)".

Page 2 of the committee report, line 12, strike "(b)" and substitute "(d)";

strike line 28 of the committee report and substitute the following:

"strike line 6 and substitute the following:

"AMOUNTS AND THE SCHOOLWIDE AVERAGE OF SUCH AMOUNTS AND SHALL ADOPT AN";

Page 3 of the committee report, line 1, strike ""(c)";" and substitute ""(e) (I)";

strike line 4 of the committee report and substitute the following:

""PURSUANT TO PARAGRAPH (d) OF THIS SUBSECTION (9), SHALL";

line 6 of the committee report, strike ""(d)" and substitute ""(II)";

line 10 of the committee report, strike ""(e)" and substitute ""(f)";

line 13 of the committee report, strike "SECTION 22-7-605." and substitute "SECTION 22-7-605.";

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**SB02-080**

after line 13 of the committee report, insert the following:

"line 24, strike "(4)" and substitute "(g)";

line 27, strike "(a)" and substitute "(I)".

Page 9, line 1, strike "(b)" and substitute "(II)";

line 5, strike "(5) (a)" and substitute "(h) (I)";

line 6, strike "SECTION," and substitute "SUBSECTION (9),";

line 8, strike "A" and substitute "ANOTHER SCHOOL IN COLORADO.";

strike line 9;

line 10, strike "(b)" and substitute "(II)";

strike lines 13 through 15 and substitute the following:

"SCHOOL YEAR IN THAT SCHOOL OR IN ANOTHER SCHOOL IN COLORADO. SAID";

line 19, strike "(6) (a)" and substitute "(i) (I)";";

line 14 of the committee report, strike "Page 9,";

line 17 of the committee report, strike ""(b)" and substitute ""(II)";

strike line 19 of the committee report and substitute the following:

"line 14, strike "(d)" and substitute "(III)";

line 17, strike "SUBSECTION (6)." and substitute "PARAGRAPH (i).";

line 18, strike "(e)" and substitute "(IV)";

line 22, strike "SUBSECTION (6)." and substitute "PARAGRAPH (i).";";

line 20 of the committee report, strike "Page 10,";

line 21 of the committee report, strike ""(e)" and substitute ""(j)";

line 25 of the committee report, strike "SECTION." and substitute "SUBSECTION (9).".

Page 4 of the committee report, line 1, strike "**SECTION 5.**" and substitute "**SECTION 6.**";

after line 13 of the committee report, insert the following:

"Page 12, line 8, strike "(3)".

Page 14, line 2, strike "22-7-604 (4) (b)," and substitute "22-7-604,".;"

strike line 14 of the committee report and substitute the following:

"Page 16, line 16, strike "22-7-604 (5) (b)." and substitute "22-7-604.";

strike lines 25 through 27.".

Page 5 of the committee report, after line 27, insert the following:

"Page 21, line 23, strike "(3)".".

Page 6 of the committee report, after line 2, insert the following:

"Page 23, line 4, strike "22-7-604 (3)," and substitute "22-7-604,";

line 3 of the committee report, strike "Page 23,";

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SB02-080

after line 5 of the committee report, insert the following:

"line 19, strike "22-7-604 (3)," and substitute "22-7-604,"";

line 19 of the committee report, strike "SECTION 6." and substitute "SECTION 8.";

strike line 21 of the committee report and substitute the following:

**"SECTION 9.** 22-7-605, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**22-7-605. School accountability reports - format.** (12) (a) NO GENERAL FUND MONEYS SHALL BE APPROPRIATED FOR THE PURPOSES OF IMPLEMENTING THE AMENDMENTS TO THIS SECTION EFFECTIVE ON THE EFFECTIVE DATE OF THIS SUBSECTION (12).

(b) THE DEPARTMENT SHALL IMPLEMENT SAID AMENDMENTS ONLY IF IT RECEIVES SUFFICIENT MONEYS, AS DETERMINED BY THE STATE BOARD OF EDUCATION, FROM SOURCES OTHER THAN STATE GENERAL FUND APPROPRIATIONS, INCLUDING BUT NOT LIMITED TO FEDERAL MONEYS RECEIVED PURSUANT TO THE FEDERAL "NO CHILD LEFT BEHIND ACT OF 2001", PUBLIC LAW 107-110. IN THE EVENT THE DEPARTMENT DOES NOT RECEIVE SAID SUFFICIENT MONEYS, AS DETERMINED BY THE STATE BOARD OF EDUCATION, THE DEPARTMENT SHALL IMPLEMENT THE PROVISIONS OF SECTION 22-7-605.1 IN LIEU OF IMPLEMENTING THE PROVISIONS OF THIS SECTION.

**SECTION 10.** Part 6 of article 7 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**22-7-605.1. School accountability reports - format.**

(1) STARTING IN THE ACADEMIC YEAR 2000-01, AND FOR EACH ACADEMIC YEAR THEREAFTER, EXCEPT AS OTHERWISE PROVIDED IN SECTION 22-7-605 (12), THE DEPARTMENT SHALL ISSUE AN ACCOUNTABILITY REPORT FOR EACH PUBLIC SCHOOL IN THE STATE. THE ACCOUNTABILITY REPORT SHALL BE ISSUED IN AN EASY-TO-READ FORMAT AND SHALL INCLUDE THE PUBLIC SCHOOL'S OVERALL ACADEMIC PERFORMANCE RATING. THE DEPARTMENT SHALL UTILIZE THE METHODOLOGY DESCRIBED IN SECTION 22-7-604 AND THE STATE DATA REPORTING SYSTEM ESTABLISHED PURSUANT TO SECTION 22-7-603 TO PREPARE AN ACCOUNTABILITY REPORT FOR EVERY PUBLIC SCHOOL.

(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 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 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 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.

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SB02-080

(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 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.

(d) IF THE STATE BOARD DETERMINES THAT A SCHOOL DISTRICT OR ONE OR MORE OF THE PUBLIC SCHOOLS IN A SCHOOL DISTRICT IS IN WILLFUL NONCOMPLIANCE WITH THE PROVISIONS OF THIS SECTION, THE STATE'S SHARE OF THE SCHOOL DISTRICT'S TOTAL PROGRAM, AS DETERMINED BY ARTICLE 54 OF THIS TITLE, SHALL BE SUBJECT TO FORFEITURE UNTIL THE SCHOOL DISTRICT AND EACH PUBLIC SCHOOL IN THE DISTRICT COMPLIES WITH THE PROVISIONS OF THIS SECTION.

(3) (a) THE ACCOUNTABILITY REPORT 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 IN THE ORDER IT APPEARS IN THIS SECTION.

(b) EACH ACCOUNTABILITY REPORT SHALL BE PRINTED DOUBLE-SIDED ON PAPER ELEVEN INCHES BY SEVENTEEN INCHES. THE TWO SIDES SHALL CONTAIN THE FOLLOWING:

(I) ONE SIDE SHALL CONTAIN THE FOLLOWING THREE DIVISIONS FROM LEFT TO RIGHT:

(A) "SAFETY AND SCHOOL ENVIRONMENT", AS DESCRIBED IN SUBSECTION (5) OF THIS SECTION;

(B) "TAXPAYERS' REPORT", AS DESCRIBED IN SUBSECTION (9) OF THIS SECTION; AND

(C) THE TITLE PAGE AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION; AND

(II) THE OTHER SIDE OF THE PAPER SHALL CONTAIN THE FOLLOWING THREE DIVISIONS FROM LEFT TO RIGHT:

(A) "STUDENT PERFORMANCE", AS DESCRIBED IN SUBSECTION (7) OF THIS SECTION;

(B) "SCHOOL HISTORY", AS DESCRIBED IN SUBSECTION (8) OF THIS SECTION; AND

(C) "ABOUT OUR STAFF", AS DESCRIBED IN SUBSECTION (6) OF THIS SECTION.

(c) THE ACCOUNTABILITY REPORT 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.

(4) **Title page.** INFORMATION DESCRIBED IN PARAGRAPHS (a) TO (d) OF THIS SUBSECTION (4) SHALL APPEAR ON THE FRONT OF THE ACCOUNTABILITY REPORT:

(a) **Title.** THE ACCOUNTABILITY REPORT 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" AND "[YEAR]-[YEAR] SCHOOL YEAR" ON WHICH THE INFORMATION IN THE ACCOUNTABILITY REPORT IS BASED.

(b) **Ratings.** (I) THE ACCOUNTABILITY REPORT SHALL CONTAIN A HEADING "SCHOOL PERFORMANCE SUMMARY" IMMEDIATELY FOLLOWED

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SB02-080

IN LARGE FONT BY THE WORDS, "OVERALL ACADEMIC PERFORMANCE" FOLLOWED DIRECTLY BY THE RATING CORRESPONDING TO THIS CATEGORY CALCULATED PURSUANT TO SECTION 22-7-604 FOR THE PUBLIC SCHOOL.

(II) (A) IMMEDIATELY BELOW THE WORDS "OVERALL ACADEMIC PERFORMANCE" SHALL APPEAR IN SMALLER TYPE "ACADEMIC IMPROVEMENT: RATING CALCULATED PURSUANT TO SECTION 22-7-604 (6)". THE RATING SHALL BE IN THE SAME SIZE TYPE AS THE WORDS "ACADEMIC IMPROVEMENT".

(B) IF THE SCHOOL QUALIFIES FOR AN AWARD PURSUANT TO PART 3 OF ARTICLE 11 OF THIS TITLE, IMMEDIATELY BELOW THE WORDS "ACADEMIC IMPROVEMENT" SHALL APPEAR THE WORDS: "WINNER OF A JOHN IRWIN SCHOOL OF EXCELLENCE AWARD FOR THE [YEAR - YEAR] SCHOOL YEAR." OR "WINNER OF A GOVERNOR'S DISTINGUISHED IMPROVEMENT AWARD FOR THE [YEAR - YEAR] SCHOOL YEAR.", WHICHEVER IS APPROPRIATE.

(c) **Comparison.** THE ACCOUNTABILITY REPORT SHALL CONTAIN THE FOLLOWING SUBTITLE, "HOW [NAME OF THE PUBLIC SCHOOL] COMPARES TO NEARBY [SCHOOL LEVEL] SCHOOLS". BELOW THIS SUBTITLE, THE ACCOUNTABILITY REPORT 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 AN ACCOUNTABILITY REPORT 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 RATING FOR EACH SCHOOL AS CALCULATED PURSUANT TO SECTION 22-7-604 (5). THE NAMES OF THE TEN SCHOOLS AND THE OVERALL ACADEMIC PERFORMANCE RATINGS 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.

(d) **Preparation and verification information.** THE ACCOUNTABILITY REPORT SHALL CONTAIN THE FOLLOWING STATEMENT: "SCHOOL 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 SHALL APPEAR THE FOLLOWING STATEMENT: "FOR MORE INFORMATION ON ADDITIONAL SCHOOLS, VISIT WWW.STATE.CO.US/SCHOOLS".

(5) **Safety and school environment.** THE ACCOUNTABILITY REPORT SHALL CONTAIN A PAGE CLEARLY MARKED AS THE "SAFETY AND SCHOOL ENVIRONMENT" PAGE CONTAINING THE FOLLOWING:

(a) THIS PAGE SHALL CONTAIN THE SUBTITLE, "SAFE AND ORDERLY SCHOOL FEATURES" AND THE WORDS "YOUR SCHOOL". IMMEDIATELY UNDERNEATH THE WORDS "YOUR SCHOOL" SHALL BE A TABLE WITH THE FOLLOWING THREE COLUMNS:

(I) THE FIRST COLUMN SHALL CONTAIN THE FOLLOWING SIX LINES:

- (A) "ALLOWS AFTER-SCHOOL PROGRAMS";
- (B) "REQUIRES STUDENT UNIFORMS";
- (C) "ENCOURAGES COMMUNITY PROGRAMS IN SCHOOL BUILDING";
- (D) "CONDUCTS HOME VISITS";
- (E) "HAS A CLOSED CAMPUS"; AND
- (F) "REQUIRES PARENTAL CONFERENCES".

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SB02-080

(II) THE SECOND COLUMN SHALL BE ENTITLED "DOES", THE THIRD COLUMN SHALL BE ENTITLED "DOES NOT". THE TABLE SHALL INDICATE WITH CHECK MARKINGS IN A SMALL BOX IN EITHER THE SECOND OR THIRD COLUMN WHETHER THE PUBLIC SCHOOL DOES OR DOES NOT TAKE THE ACTIONS OR PROVIDE THE CONDITIONS DESCRIBED IN THE FIRST COLUMN.

(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) "SUBSTANCE ABUSE -- TOBACCO";
- (C) "ASSAULTS/FIGHTS";
- (D) "HABITUALLY DISRUPTIVE STUDENTS";
- (E) "DEADLY WEAPONS"; AND
- (F) "OTHER VIOLATIONS OF CODE OF CONDUCT".

(II) THE SECOND COLUMN SHALL BE ENTITLED "NUMBER OF INCIDENTS REPORTED". ABOVE THE THIRD, FOURTH, FIFTH, SIXTH, AND SEVENTH COLUMNS SHALL APPEAR THE WORDS "ACTION TAKEN". THESE COLUMNS SHALL BE ENTITLED "IN-SCHOOL SUSPENSION", "OUT-OF-SCHOOL SUSPENSION", "EXPULSION", "REFERRED TO LAW ENFORCEMENT", AND "OTHER". THIS TABLE SHALL REPORT INFORMATION COLLECTED PURSUANT TO RULES PROMULGATED BY THE STATE BOARD.

(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 SUBTITLE SHALL APPEAR A TABLE WITH TWO COLUMNS AND A GRAPH AS FOLLOWS:

(I) FOR ACCOUNTABILITY REPORTS FOR MIDDLE, JUNIOR HIGH, AND HIGH SCHOOLS, THE FIRST COLUMN SHALL CONTAIN THE SCHOOL YEAR ON WHICH THE INFORMATION IN THE ACCOUNTABILITY REPORT IS BASED AND THE FOLLOWING SIX LINES:

- (A) "LENGTH OF SCHOOL YEAR";
- (B) "ENROLLMENT";
- (C) "AVERAGE DAILY ATTENDANCE";
- (D) "STUDENT DROPOUTS";
- (E) "STUDENTS PER TOTAL STAFF"; AND

(F) "ANNUAL NUMBER OF TEACHER DAYS SCHEDULED WITHOUT STUDENT CONTACT".

(I.5) FOR ACCOUNTABILITY REPORTS FOR ELEMENTARY SCHOOLS, THE FIRST COLUMN SHALL CONTAIN THE SCHOOL YEAR ON WHICH THE INFORMATION IN THE ACCOUNTABILITY REPORT IS BASED AND THE FOLLOWING FIVE LINES:

- (A) "LENGTH OF SCHOOL YEAR";
- (B) "ENROLLMENT";

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SB02-080

- (C) "AVERAGE DAILY ATTENDANCE";
- (D) "STUDENTS PER TOTAL STAFF"; AND
- (E) "ANNUAL NUMBER OF TEACHER DAYS SCHEDULED WITHOUT STUDENT CONTACT".

(II) THE SECOND COLUMN SHALL BE HEADED "YOUR SCHOOL" AND SHALL CONTAIN THE DATA RELATED TO EACH ITEM IN THE FIRST COLUMN.

(III) FOR 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 ACCOUNTABILITY REPORT 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 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 ACCOUNTABILITY REPORT IS BASED. THE BARS SHALL BE LABELED WITH THE YEARLY DATES. THE GRAPH SHALL SHOW THE AVERAGE DAILY ATTENDANCE FOR SAID TWO YEARS.

(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 STUDENTS ENROLLED IN THE 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.

(e) **Ratings description.** DIRECTLY BELOW THE INFORMATION CONTAINED IN PARAGRAPH (d) OF THIS SUBSECTION (5) SHALL APPEAR A CHART CONTAINING THE FOLLOWING TWO COLUMNS:

(I) 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) THE SECOND COLUMN SHALL BE ENTITLED "SCHOOL IMPROVEMENT RATINGS" IN BOLD FONT AND CAPITAL LETTERS.

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SB02-080

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".

(6) **Staff information.** THE ACCOUNTABILITY REPORT SHALL CONTAIN A PAGE CLEARLY MARKED AS THE "ABOUT OUR STAFF" PAGE IN LARGE FONT WHICH SHALL CONTAIN THE FOLLOWING INFORMATION:

(a) THIS PAGE SHALL CONTAIN THE SUBTITLE, "SCHOOL EMPLOYMENT" AND THE FOLLOWING EXPLANATION: "EACH YEAR, YOUR SCHOOL REPORTS TO THE COLORADO DEPARTMENT OF EDUCATION ON THE NUMBER OF ADULTS WHO WORK IN YOUR SCHOOL, AS WELL AS THE TYPE OF WORK THEY DO. LAST YEAR, YOUR SCHOOL EMPLOYED:". IMMEDIATELY UNDERNEATH THIS SUBTITLE SHALL BE A TABLE WITH THREE COLUMNS:

(I) THE FIRST COLUMN SHALL CONTAIN THE FOLLOWING FIVE LINES:

- (A) "TEACHERS\*";
- (B) "PARAPROFESSIONALS";
- (C) "ADMINISTRATORS";
- (D) "OTHER PROFESSIONALS\*\*";
- (E) "SCHOOL SUPPORT";

(II) THE SECOND COLUMN SHALL BE ENTITLED "YOUR SCHOOL" AND THE THIRD COLUMN SHALL BE ENTITLED "DISTRICT".

(III) DIRECTLY BELOW THIS TABLE SHALL APPEAR: "\*FULL-TIME AND PART-TIME TEACHERS PERMANENTLY ASSIGNED TO THIS SCHOOL.". IMMEDIATELY UNDERNEATH THIS EXPLANATION SHALL APPEAR THE FOLLOWING SENTENCE: "\*\*SCHOOL COUNSELORS AND LIBRARIANS ARE INCLUDED IN THE OTHER PROFESSIONALS CATEGORY. YOUR SCHOOL EMPLOYED [NUMBER] COUNSELOR(S) AND [NUMBER] LIBRARIAN(S) LAST YEAR.".

(b) **Students-per-teacher ratio.** THE "ABOUT OUR STAFF" PAGE SHALL CONTAIN THE SUBTITLE, "STUDENTS-PER-TEACHER RATIO". IMMEDIATELY UNDERNEATH THIS SUBTITLE SHALL BE A TABLE WITH THREE COLUMNS:

(I) THE FIRST COLUMN SHALL CONTAIN LINES LISTING EACH GRADE LEVEL IN THE SCHOOL; EXCEPT THAT, FOR ELEMENTARY SCHOOLS, THE COLUMN SHALL BEGIN AT "GRADE 1" AND SHALL NOT LIST PRE-KINDERGARTEN OR KINDERGARTEN.

(II) THE SECOND COLUMN SHALL BE ENTITLED "STUDENT ENROLLMENT" AND THE THIRD COLUMN SHALL BE ENTITLED "STUDENTS PER TEACHER".

(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 ACCOUNTABILITY REPORTS FOR HIGH SCHOOLS, MIDDLE SCHOOLS, AND JUNIOR HIGH SCHOOLS, THE FIRST COLUMN SHALL CONTAIN THE FOLLOWING SEVEN LINES:

- (A) "AVERAGE YEARS OF TEACHING EXPERIENCE";
- (B) "PERCENTAGE OF TEACHERS TEACHING THE SUBJECT IN WHICH THEY RECEIVED THEIR DEGREE(S)";
- (C) "TEACHERS' AVERAGE DAYS ABSENT";

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SB02-080

(D) "NUMBER OF TEACHERS WHO LEFT THE SCHOOL AND SCHOOL DISTRICT LAST YEAR";

(E) "TEACHERS WITH TENURE"; FOR PURPOSES OF THIS SUB-SUBPARAGRAPH (E), THE DATA USED SHALL DESCRIBE TEACHERS WHO HAVE OBTAINED NONPROBATIONARY STATUS PURSUANT TO THE PROVISIONS OF PART 2 OF ARTICLE 63 OF THIS TITLE;

(F) "TEACHERS WITHOUT TENURE"; FOR PURPOSES OF THIS SUB-SUBPARAGRAPH (F), THE DATA USED SHALL REFLECT TEACHERS WHO HAVE NOT OBTAINED NONPROBATIONARY STATUS PURSUANT TO THE PROVISIONS OF PART 2 OF ARTICLE 63 OF THIS TITLE;

(G) "NUMBER OF PROFESSIONAL DEVELOPMENT DAYS";

(I.5) FOR ACCOUNTABILITY REPORTS FOR ELEMENTARY SCHOOLS, THE FIRST COLUMN SHALL CONTAIN THE FOLLOWING SIX LINES:

(A) "AVERAGE YEARS OF TEACHING EXPERIENCE";

(B) "TEACHERS' AVERAGE DAYS ABSENT";

(C) "NUMBER OF TEACHERS WHO LEFT THE SCHOOL AND SCHOOL DISTRICT LAST YEAR";

(D) "TEACHERS WITH TENURE"; FOR PURPOSES OF THIS SUB-SUBPARAGRAPH (D), THE DATA USED SHALL DESCRIBE TEACHERS WHO HAVE OBTAINED NONPROBATIONARY STATUS PURSUANT TO THE PROVISIONS OF PART 2 OF ARTICLE 63 OF THIS TITLE;

(E) "TEACHERS WITHOUT TENURE"; FOR PURPOSES OF THIS SUB-SUBPARAGRAPH (E), THE DATA USED SHALL REFLECT TEACHERS WHO HAVE NOT OBTAINED NONPROBATIONARY STATUS PURSUANT TO THE PROVISIONS OF PART 2 OF ARTICLE 63 OF THIS TITLE;

(F) "NUMBER OF PROFESSIONAL DEVELOPMENT DAYS";

(II) THE SECOND COLUMN SHALL BE ENTITLED "YOUR SCHOOL" AND THE THIRD COLUMN SHALL BE ENTITLED "DISTRICT".

(d) **Salaries.** THE "ABOUT OUR STAFF" PAGE SHALL ALSO INCLUDE THE SUBTITLE, "SALARIES". DIRECTLY BELOW THIS SUBTITLE SHALL BE A TABLE WITH FOUR COLUMNS:

(I) THE FIRST COLUMN SHALL CONTAIN THE FOLLOWING TWO LINES:

(A) "AVERAGE TEACHER SALARY"; AND

(B) "AVERAGE ADMINISTRATOR SALARY";

(II) THE SECOND COLUMN SHALL BE ENTITLED, "YOUR SCHOOL", THE THIRD COLUMN SHALL BE ENTITLED, "DISTRICT", AND THE FOURTH COLUMN SHALL BE ENTITLED, "STATE".

(III) IMMEDIATELY UNDERNEATH THIS TABLE, AT THE BOTTOM OF THE PAGE, SHALL APPEAR THREE LINES. THE FIRST LINE SHALL START "PRINCIPAL:" AND LIST THE SCHOOL PRINCIPAL'S NAME. THE SECOND LINE SHALL BE: "NUMBER OF YEARS AS PRINCIPAL AT THIS SCHOOL:" TO BE FOLLOWED BY THE APPROPRIATE DATA. THE THIRD LINE SHALL BE: "NUMBER OF YEARS AS PRINCIPAL AT ANY SCHOOL:" TO BE FOLLOWED BY THE APPROPRIATE DATA.

(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

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SB02-080

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.

(II) WHERE NO INFORMATION IS COLLECTED DUE TO NO TEST HAVING BEEN ADMINISTERED, A GRAY CIRCLE SHALL APPEAR IN PLACE OF THE PIE CHART CLEARLY STATING "NOT TESTED".

(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";
- (IV) "[COLOR] % UNSATISFACTORY"; AND
- (V) "[COLOR] % NO SCORE".

(d) DIRECTLY BELOW THE "CSAP" KEY SHALL APPEAR A TABLE ENTITLED "PERCENT OF STUDENTS SCORING PROFICIENT AND ADVANCED". THIS TABLE SHALL CONTAIN FOUR COLUMNS AND A PIE CHART:

(I) THE FIRST COLUMN SHALL CONTAIN THE FOLLOWING THREE LINES:

- (A) "GRADES [GRADE LEVELS] READING";
- (B) "GRADES [GRADE LEVELS] WRITING";
- (C) "GRADES [GRADE LEVELS] MATH";

(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 "STUDENT TEST SCORES 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 USED....[PERCENTAGE]\_%";
- (B) "TEST SCORES NOT USED DUE TO LANGUAGE... [PERCENTAGE]\_%";

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SB02-080

(C) "TEST SCORES NOT USED DUE TO SPECIAL ED... [PERCENTAGE]\_%"; AND

(D) "TEST SCORES NOT USED DUE TO NEW STUDENT... [PERCENTAGE]\_%".

(IV) THIS CHART SHALL REPORT INFORMATION COLLECTED PURSUANT TO SECTION 22-7-409.

(V) IMMEDIATELY UNDERNEATH THE TABLE AND CHART DESCRIBED IN THIS PARAGRAPH (d), THE ACCOUNTABILITY REPORT SHALL CONTAIN THE FOLLOWING EXPLANATION IN A SMALL POINT SIZE: "EACH SCHOOL IN THE STATE RECEIVED A RATING OF "EXCELLENT", "HIGH", "AVERAGE", "LOW", OR "UNSATISFACTORY" FOR STUDENT ACADEMIC PERFORMANCE IN SCHOOL YEAR [YEAR]-[YEAR] USING THE CSAP RESULTS PRINTED ABOVE. EVERY STUDENT IN THIS SCHOOL WHO TOOK THESE TESTS WAS INCLUDED IN THE CALCULATION USED TO ASSIGN A RATING, EXCEPT FOR STUDENTS WHO DO NOT SPEAK ENGLISH, OR WHO ARE ELIGIBLE FOR THE STATE ALTERNATE ASSESSMENT FOR STUDENTS WITH DISABILITIES, OR WHO ENROLLED IN THE PUBLIC SCHOOL AFTER FEBRUARY 1 OF THIS SCHOOL YEAR. THE PERCENTAGES OF STUDENTS WHOSE SCORES WERE INCLUDED IN THE CALCULATION OR WERE NOT INCLUDED IN EACH OF THE THREE CATEGORIES IS SHOWN ON THE ABOVE CHART. YOUR SCHOOL'S RATING WAS DETERMINED BY THE PERCENTAGE OF STUDENTS PERFORMING IN EACH OF THE ADVANCED, PROFICIENT, PARTIALLY PROFICIENT, AND UNSATISFACTORY LEVELS. THESE PERCENTAGES WERE WEIGHTED AND COMBINED ACROSS GRADE LEVELS AND ACADEMIC AREAS. THESE WEIGHTS REWARD PERFORMANCE AT THE ADVANCED AND PROFICIENT LEVELS OVER PERFORMANCE AT THE PARTIALLY PROFICIENT AND UNSATISFACTORY LEVELS. THE RATINGS WERE ASSIGNED AFTER CALCULATING THE WEIGHTED TOTAL FOR EACH ACADEMIC AREA AND GRADE LEVEL FOR EACH SCHOOL AND COMPARING THIS SCHOOL TO ALL OTHER [SCHOOL LEVEL] SCHOOLS FOR THE [YEAR]-[YEAR] SCHOOL YEAR."

(VI) BELOW THIS EXPLANATION SHALL APPEAR IN A BOLD, LARGE FONT, CLEARLY OUTSTANDING: "OVERALL ACADEMIC PERFORMANCE FOR THE [YEAR]-[YEAR] SCHOOL YEAR", FOLLOWED DIRECTLY BY THE RATING CORRESPONDING TO THIS CATEGORY CALCULATED PURSUANT TO SECTION 22-7-604 (5) FOR THE SCHOOL.

(8) **School history.** (a) THE ACCOUNTABILITY REPORT SHALL CONTAIN A PAGE CLEARLY MARKED IN LARGE FONT AS THE "SCHOOL HISTORY" PAGE. BELOW THE TITLE "SCHOOL HISTORY" SHALL APPEAR THE WORDS "OVERALL ACADEMIC PERFORMANCE" FOLLOWED BY THE RATINGS RECEIVED BY THE SCHOOL PURSUANT TO SECTION 22-7-604 (5) IN THE CURRENT YEAR, THE IMMEDIATELY PRECEDING YEAR AND THE YEAR BEFORE THE IMMEDIATELY PRECEDING YEAR. THE THREE RATINGS SHALL FORM THREE COLUMNS. THE COLUMNS SHALL BE LABELED BY THE APPROPRIATE SCHOOL YEAR.

(b) IMMEDIATELY BELOW THE WORDS "OVERALL ACADEMIC PERFORMANCE" SHALL APPEAR THE WORDS "SCHOOL IMPROVEMENT". THE WORDS "SCHOOL IMPROVEMENT" SHALL BE FOLLOWED BY THE RATING THE PUBLIC SCHOOL RECEIVED PURSUANT TO SECTION 22-7-604 (6) IN THE CURRENT YEAR, THE IMMEDIATELY PRECEDING YEAR, AND THE YEAR BEFORE THE IMMEDIATELY PRECEDING YEAR.

(c) DIRECTLY BELOW THE INFORMATION CONTAINED IN PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (8) SHALL APPEAR A PARAGRAPH IN SMALL POINT SIZE THAT STATES: "EACH SCHOOL RECEIVES A SCHOOL IMPROVEMENT RATING OF "SIGNIFICANT IMPROVEMENT", "IMPROVEMENT", "STABLE", "DECLINE", OR "SIGNIFICANT DECLINE". THIS RATING IS BASED UPON THE CHANGE IN STUDENT ACADEMIC PERFORMANCE FROM THE PREVIOUS YEAR. EACH SCHOOL CAN IMPROVE ITS RATING NEXT YEAR BY IMPROVING STUDENT PERFORMANCE ON THE [YEAR]-[YEAR] [NEXT ACADEMIC YEAR] CSAP."

(e) BELOW THE PARAGRAPH SPECIFIED IN PARAGRAPH (d) OF THIS SUBSECTION (8) SHALL APPEAR THREE CHARTS. EACH OF THE THREE CHARTS SHALL REPRESENT ONE OF THE THREE SUBJECT AREAS TESTED BY THE CSAP, "READING", "WRITING", AND "MATH". EACH CHART SHALL

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SB02-080

CONTAIN ON THE LEFT THE FOLLOWING LINES: "[SUBJECT MATTER TESTED] PROFICIENCY LEVELS GRADES \_\_\_ - \_\_\_ PERCENT PROFICIENT AND ADVANCED". IT SHALL THEN LIST ON SEPARATE LINES THE THREE MOST RECENT YEARS AND THE COMBINED ADVANCED AND PROFICIENT SCORES AS A PERCENTAGE FOR EACH YEAR ON THE ASSESSMENT GIVEN PURSUANT TO SECTION 22-7-409. TO THE RIGHT OF THIS TEXT SHALL BE GRAPHS WITH THREE BARS THAT SHOW AVERAGES, FIGURED PURSUANT TO SECTION 22-7-409, IN ONE HUNDRED PERCENT STACKED COLUMNS FOR EACH OF THE IMMEDIATELY PRECEDING THREE YEARS. SUCH YEARS SHALL APPEAR ON THE HORIZONTAL AXIS OF THE CHART. THE CHARTS SHALL BE CLEARLY DELINEATED BY COLOR OR SHADING. FROM TOP TO BOTTOM, THE CHARTS SHALL SHOW THE AREA REPRESENTING "ADVANCED", "PROFICIENT", "PARTIALLY PROFICIENT", AND "UNSATISFACTORY", RESPECTIVELY.

(9) **Taxpayers' report.** (a) THE ACCOUNTABILITY REPORT 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.

(b) (I) THE PAGE SHALL CONTAIN, DIRECTLY UNDER THE TITLE SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (9), A TWO-COLUMN TABLE ON THE LEFT SIDE OF THE PAGE WITH THE TITLE: "SOURCES OF SCHOOL DISTRICT REVENUE".

(II) THE FIRST COLUMN OF THE TABLE SHALL CONTAIN THE FOLLOWING SEVEN ROWS:

- (A) "LOCAL TAX CONTRIBUTION";
- (B) "STATE TAX CONTRIBUTION";
- (C) "FEDERAL GRANTS";
- (D) "STATE GRANTS";
- (E) "PRIVATE/PARTNERSHIP GRANTS";
- (F) "OTHER DISCRETIONARY INCOME"; AND
- (G) "TOTAL SCHOOL DISTRICT REVENUE".

(III) THE SECOND COLUMN OF THE TABLE SHALL CONTAIN DATA FROM THE MOST RECENTLY COMPLETED FISCAL YEAR BEING REPORTED AND THE FOLLOWING ROWS IN THE COLUMN SHALL REPORT THE DATA CORRESPONDING TO COLUMN ONE. THE BOTTOM ROW SHALL SUM THE ABOVE ROWS.

(IV) DIRECTLY BELOW THE LAST ROW IN THE TABLE SHALL APPEAR THE FOLLOWING LANGUAGE IN BOLD FONT: "TOTAL [YEAR] DISTRICT REVENUE PER PUPIL = \$[AMOUNT OF TOTAL SCHOOL DISTRICT REVENUE LISTED IN CHART DIVIDED BY TOTAL DISTRICT PUPIL ENROLLMENT FROM THAT FISCAL YEAR]".

(V) IMMEDIATELY ADJACENT TO THIS TABLE ON THE RIGHT SIDE OF THE PAGE SHALL BE A PIE CHART ENTITLED "DISTRICT SOURCE OF FUNDS [YEAR]" THAT GRAPHICALLY REPRESENTS WITH PERCENT LABELS THE INFORMATION IN THE TABLE TO THE LEFT.

(VI) BELOW THE TABLE AND CHART DESCRIBED IN SUBPARAGRAPHS (II) THROUGH (V) OF THIS PARAGRAPH (b) SHALL APPEAR ANOTHER TABLE AND CHART. THE TABLE ON THE LEFT SIDE OF THE PAGE SHALL BE TITLED "DISTRICT USE OF FUNDS". THE TABLE SHALL BE IN TWO COLUMNS. THE ROWS IN THE FIRST COLUMN SHALL BE:

- (A) "TEACHERS";
- (B) "ADMINISTRATION";
- (C) "BUILDING & FACILITIES MAINTENANCE";
- (D) "OPERATIONAL EXPENSES";

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SB02-080

(E) "TEXTBOOKS & MATERIALS"; AND

(F) "TOTAL".

(VII) THE SECOND COLUMN SHALL BE HEADED WITH THE FISCAL YEAR FOR WHICH THE DATA IS BEING REPORTED, AND IT SHALL INCLUDE THE CORRESPONDING DATA FOR THE CATEGORIES IN COLUMN ONE.

(VIII) IMMEDIATELY ADJACENT TO THE TABLE, ON THE RIGHT SIDE OF THE PAGE, SHALL APPEAR A PIE CHART ENTITLED "DISTRICT USE OF FUNDS [YEAR]" THAT GRAPHICALLY REPRESENTS WITH PERCENT LABELS THE INFORMATION IN THE TABLE TO THE LEFT.

(IX) IMMEDIATELY BELOW THE CHART AND TABLE DESCRIBED IN SUBPARAGRAPHS (VI) THROUGH (VIII) OF THIS PARAGRAPH (b) SHALL APPEAR A TABLE ENTITLED: "DISTRICT DEBT AND FACILITY CONSTRUCTION". THE TABLE SHALL HAVE TWO COLUMNS, THE FIRST COLUMN WITH THE FOLLOWING ROWS:

(A) "TOTAL OUTSTANDING BONDED DEBT";

(B) "AVERAGE ANNUAL PERCENTAGE INTEREST RATE ON DEBT";

(C) "AMOUNT RAISED FROM MOST RECENT BOND";

(D) "AMOUNT SPENT ON NEW SCHOOL BUILDINGS DURING LAST TWO YEARS";

(X) THE SECOND COLUMN OF THE TABLE SHALL INCLUDE THE CORRESPONDING FIGURES FOR COLUMN ONE.

(c) **Voter-approved funding changes.** "THE TAXPAYERS' REPORT" PAGE SHALL CONTAIN THE SUBTITLE, "VOTER-APPROVED FUNDING CHANGES", ACCOMPANIED BY A TABLE WITH THE FOLLOWING LINES: "YOUR COMMUNITY DID / DID NOT HOLD AN ELECTION LAST NOVEMBER. THE FOLLOWING ITEMS HAVE BEEN APPROVED BY VOTERS:". THE CENTER ROW SHALL INCLUDE THE TERMS "TABOR OVERRIDE", "BOND", AND "MILL LEVY INCREASE". EACH OF THESE THREE TERMS SHALL BE ATTACHED TO A CORRESPONDING CHECK BOX ABOVE THEM; THE APPROPRIATE BOXES SHALL BE CHECKED BASED ON ELECTION RESULTS. UNDERNEATH EACH OF THE THREE LINES SHALL BE THE APPROVED DOLLAR AMOUNT, IF ANY, THAT WAS RAISED FOR THE CATEGORY.

(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 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 TO ENSURE THAT A PUBLIC SCHOOL'S ACCOUNTABILITY REPORT 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 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".

(11) NOTHING IN THIS SECTION SHALL PROHIBIT A SCHOOL DISTRICT, AT ITS OWN EXPENSE, FROM INCLUDING WITH A SCHOOL ACCOUNTABILITY 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.

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**SB02-080**

(12) THE DEPARTMENT SHALL IMPLEMENT THE PROVISIONS OF THIS SECTION ONLY IF IT DOES NOT RECEIVE SUFFICIENT MONEYS TO IMPLEMENT THE AMENDMENTS TO SECTION 22-7-605 AS ENACTED IN SENATE BILL 02-080, AS SET FORTH IN SECTION 22-7-605 (12).

**SECTION 11.** 22-7-606 (1) (a), (3), and (4), Colorado Revised Statutes, "

Page 7 of the committee report, line 29, strike "contract." and substitute "contract.";

after line 29 of the committee report, 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 accountability reports developed pursuant to section 22-7-605 OR SECTION 22-7-605.1 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 accountability reports printed pursuant to this section." .";

after line 31 of the committee report, insert the following:

"Page 27, line 7, strike "22-7-604 (5) (3)," and substitute "22-7-604 (5)," .

Page 28, line 16, strike "(3)";

line 25, strike "SUCH MONEYS MAY INCLUDE,";

strike lines 26 and 27 and substitute the following:

"IN ADDITION, THE DEPARTMENT OF EDUCATION MAY ALLOCATE ANY MONEYS RECEIVED PURSUANT TO THE FEDERAL "NO CHILD LEFT BEHIND ACT OF 2001", PUBLIC LAW 107-110, FOR SUCH PURPOSE." .

Page 29, line 6, strike "(3)" .";

line 32 of the committee report, strike "Page 29," .

Page 8 of the committee report, line 6, strike ""SECTION 13." and substitute ""SECTION 19.";

after line 27 of the committee report, add the following:

"Page 34, line 2, strike "(3)";

line 22, strike "(3)" .

Page 36, line 2, strike "22-7-604 (5) (3)." and substitute "22-7-604 (5)." ;

line 10, strike "22-7-604 (5) (3)," and substitute "22-7-604 (5)," ;

line 15, strike "22-7-604 (5) (3)," and substitute "22-7-604 (5)," ;

line 19, strike "22-7-604 (5) (3)," and substitute "22-7-604 (5)," ;

line 25, strike "22-7-604 (5) (3)." and substitute "22-7-604 (5)." .

Page 37, line 13, strike "22-7-604 (5) (3);" and substitute "22-7-604 (5);" ;

strike lines 14 through 27 and substitute the following:

**SECTION 27.** 22-2-112 (1) (h), Colorado Revised Statutes, is amended to read:

**22-2-112. Commissioner - duties.** (1) Subject to the supervision of the state board, the commissioner has the following duties:

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**SB02-080**

(h) To establish and maintain adequate statistical, academic performance, safety environment, and financial records of school districts, including records required by sections 22-7-604, and 22-7-605, AND 22-7-605.1;".

Page 38, strike lines 1 through 10."

Appropriations

After consideration on the merits, the committee recommends that **SB02-081** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Strike the Health, Environment, Children and Families Committee Report, dated February 7, 2002, and substitute the following:

"Amend printed bill, strike everything below the enacting clause and substitute the following:

**"SECTION 1.** Part 4 of article 4 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**26-4-408.5. Legislative declaration - state department - disease management programs authorization - report.** (1) THE GENERAL ASSEMBLY FINDS THAT, BECAUSE COLORADO IS FACED WITH RISING HEALTH CARE COSTS AND LIMITED RESOURCES, IT IS NECESSARY TO SEEK NEW WAYS TO ENSURE THE AVAILABILITY OF HIGH-QUALITY, COST-EFFICIENT CARE FOR MEDICAID RECIPIENTS. THE GENERAL ASSEMBLY FURTHER FINDS THAT DISEASE MANAGEMENT IS A PATIENT-FOCUSED, INTEGRATED APPROACH TO PROVIDING ALL COMPONENTS OF CARE WITH ATTENTION TO BOTH QUALITY OF CARE AND TOTAL COST. IN ADDITION, THE GENERAL ASSEMBLY FINDS THAT THIS APPROACH MAY INCLUDE COORDINATION OF PHYSICIAN CARE WITH PHARMACEUTICAL AND INSTITUTIONAL CARE. THE GENERAL ASSEMBLY FURTHER FINDS THAT DISEASE MANAGEMENT ALSO ADDRESSES THE VARIOUS ASPECTS OF A DISEASE STATE, INCLUDING MEETING THE NEEDS OF PERSONS WHO HAVE MULTIPLE CHRONIC ILLNESSES. THE GENERAL ASSEMBLY DECLARES THAT THE IMPROVED COORDINATION IN DISEASE MANAGEMENT HELPS TO PROVIDE CHRONICALLY ILL PATIENTS WITH ACCESS TO THE LATEST ADVANCES IN TREATMENT AND TEACHES THEM HOW TO BE ACTIVE PARTICIPANTS IN THEIR HEALTH CARE THROUGH HEALTH EDUCATION, THUS REDUCING TOTAL HEALTH CARE COSTS.

(2) THE STATE DEPARTMENT IS AUTHORIZED TO DEVELOP AND IMPLEMENT DISEASE MANAGEMENT PROGRAMS THAT ARE DESIGNED TO ADDRESS OVER- OR UNDER-UTILIZATION OR THE INAPPROPRIATE USE OF SERVICES OR PRESCRIPTION DRUGS AND THAT MAY AFFECT THE TOTAL COST OF HEALTH CARE UTILIZATION BY A PARTICULAR MEDICAID RECIPIENT WITH A PARTICULAR DISEASE OR COMBINATION OF DISEASES. THE DISEASE MANAGEMENT PROGRAMS SHALL TARGET MEDICAID RECIPIENTS WHO ARE RECEIVING PRESCRIPTION DRUGS OR SERVICES IN AN AMOUNT THAT EXCEEDS GUIDELINES OUTLINED BY THE STATE DEPARTMENT. THE STATE DEPARTMENT SHALL NOT RESTRICT A MEDICAID RECIPIENT'S ACCESS TO MEDICALLY APPROPRIATE PRESCRIPTION DRUGS OR SERVICES. THE STATE DEPARTMENT MAY CONTRACT ON A CONTINGENCY BASIS FOR THE DEVELOPMENT OR IMPLEMENTATION OF THE DISEASE MANAGEMENT PROGRAMS AUTHORIZED IN THIS SUBSECTION (2).

(3) IF THE STATE DEPARTMENT IMPLEMENTS ANY DISEASE MANAGEMENT PROGRAMS AUTHORIZED IN SUBSECTION (2) OF THIS SECTION, THE STATE DEPARTMENT SHALL REPORT TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY AN ESTIMATE OF THE FISCAL IMPLICATIONS GENERATED BY THE IMPLEMENTATION OF THE DISEASE MANAGEMENT PROGRAMS. SUCH REPORT SHALL BE MADE ON OR BEFORE FEBRUARY 1 OF THE YEAR FOLLOWING THE IMPLEMENTATION OF THE A DISEASE MANAGEMENT PROGRAM AND ON OR BEFORE EACH FEBRUARY 1 THEREAFTER IN WHICH SUCH PROGRAM IS IN PLACE.

**SECTION 2. Safety clause.** The general assembly hereby finds,

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**SB02-081**

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

Appropriations

After consideration on the merits, the committee recommends that **SB02-121** be postponed indefinitely.

Appropriations

After consideration on the merits, the committee recommends that **SB02-177** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, after line 19, insert the following:

**"Section 2. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of state cash fund created in section 24-21-104, Colorado Revised Statutes, not otherwise appropriated, to the department of state, for the fiscal year beginning July 1, 2002, the sum of fifty thousand three hundred sixty-one dollars (\$50,631) and 0.1 FTE, or so much thereof as may be necessary, for the implementation of this act." .".

Renumber succeeding section accordingly.

Page 1, line 102, strike "STATE." and substitute "STATE, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH." .".

Appropriations

After consideration on the merits, the committee recommends that **SB02-019** be referred favorably to the Committee of the Whole.

Appropriations

After consideration on the merits, the committee recommends that **SB02-053** be referred favorably to the Committee of the Whole.

Appropriations

After consideration on the merits, the committee recommends that **SB02-075** be postponed indefinitely.

Appropriations

After consideration on the merits, the committee recommends that **SB02-138** be postponed indefinitely.

**MESSAGE FROM THE REVISOR**

We herewith transmit:

Without comment, as amended, HB02-1070, 1039, 1400, and 1399 and SB02-182.  
With comment, as amended, HB02-1209.

**INTRODUCTION OF BILLS--FIRST READING**

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

**SB02-209**

by Senator(s) Phillips, Matsunaka, Gordon, Perlmutter, Tupa; also Representative(s) Scott--Concerning the establishment by local governments of programs for the transfer of development rights.  
Public Policy and Planning

**SB02-210**

by Senator(s) Fitz-Gerald; also Representative(s) Boyd--Concerning mandatory reporting of child abuse or neglect by clergy members.  
Judiciary

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- HB02-1039** by Representative(s) Clapp, Mace, Romanoff, Stafford; also Senator(s) Chlouber, Hernandez, Musgrave--Concerning the creation of a consumer-directed care pilot program for the elderly, and making an appropriation in connection therewith.  
Health, Environment, Children & Families
- HB02-1070** by Representative(s) Groff, Marshall, Tapia; also Senator(s) Hernandez--Concerning the use of child passenger restraints in motor vehicles.  
Health, Environment, Children & Families
- HB02-1209** by Representative(s) Spradley, Cloer; also Senator(s) Epps--Concerning the older Coloradans program, and making an appropriation in connection therewith.  
Health, Environment, Children & Families  
Appropriations
- HB02-1399** by Representative(s) Spradley, Dean, Boyd, Cadman, Cloer, Fritz, King, Schultheis, Sinclair, Smith, Vigil, Williams T.; also Senator(s) Matsunaka, Hernandez, Musgrave-- Concerning the Economic Recovery Act, and, in connection therewith, increasing the maximum term for which a school district board of education, a county, or a municipality may negotiate a business incentive agreement, requiring a school district board of education to submit a business incentive agreement for the review of the Colorado economic development commission before entering into the business incentive agreement, and repealing a statutory provision that requires the creation and review of a plan establishing criteria, procedures, and a schedule for the termination of enterprise zones or portions thereof that no longer meet specified criteria.  
Public Policy and Planning

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**INTRODUCTION OF RESOLUTIONS**

The following resolutions were read by title:

- SJR02-028** by Senator(s) Entz; also Representative(s) Snook--Concerning commemoration of the one hundred fiftieth anniversary of the San Luis People's Ditch, Colorado's oldest water right.  
Laid over one day under Senate Rule 30(b).
- SJR02-029** by Senator(s) Evans; also Representative(s) Harvey--Concerning honoring 2001-2002 champion high school sports teams of Douglas County.  
Laid over one day under Senate Rule 30(b).

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

The President has signed: SB02-004, SB02-006, SB02-011, SB02-021 SB02-036, SB02-038, SB02-146, SB02-165, SB02-166.

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Wednesday, April 9, 2002.

Approved:

Stan Matsunaka  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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