

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

Eighty-sixth Legislative Day

Thursday, April 4, 2002

Prayer By the chaplain, Reverend Paul Kottke, University Park United Methodist Church.

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

Roll Call Present--Total, 32.
Absent/Excused--Andrews, Linkhart, Perlmutter--Total, 3.
Present later--Andrews, Linkhart, Perlmutter.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Cairns, reading of the Journal of Wednesday, April 3, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Education After consideration on the merits, the committee recommends that **SB02-176** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

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

"SECTION 1. 23-1-101, Colorado Revised Statutes, is amended to read:

23-1-101. Legislative declaration. The purposes of this article are to maximize opportunities for postsecondary education in Colorado; to avoid and to eliminate needless duplication of facilities and programs in state-supported institutions of higher education; to achieve simplicity of state administrative procedures pertaining to higher education; to effect the best utilization of available resources so as to achieve an adequate level of higher education in the most economic manner; to accommodate state priorities and the needs of individual students through implementation of a statewide enrollment plan; and to continue to recognize the constitutional and statutory responsibilities of duly constituted governing boards of state-supported institutions of higher education in Colorado. In this article, express powers and duties are delegated to a central policy and coordinating board, the Colorado commission on higher education. IN GRANTING CERTAIN POWERS AND DUTIES TO THE COLORADO COMMISSION ON HIGHER EDUCATION, IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT, TO MAXIMIZE THE USE OF SCARCE RESOURCES, THE COMMISSION SHALL FUNCTION NOT AS A REGULATORY AGENCY OR AS A STATEWIDE GOVERNING BOARD BUT RATHER AS A COORDINATING BOARD. IN EXERCISING ITS POWERS AND DUTIES, THE COLORADO COMMISSION ON HIGHER EDUCATION SHALL OPERATE IN A HIGHLY COLLABORATIVE MANNER WITH FREQUENT INTERACTION WITH THE GOVERNING BOARDS OF THE STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION IN COLORADO. The ultimate authority and responsibility is expressly reserved to the general assembly, and it is the duty of the Colorado commission on higher education to implement the policies of the general assembly.

SECTION 2. 23-13-104 (1) and (6), Colorado Revised Statutes, are amended to read:

23-13-104. Statewide expectations and goals for higher education. (1) It is the general assembly's intent in this section to clearly define the state's expectations for the statewide system of higher education by establishing the following specific statewide expectations and goals that each institution, in accordance with its role and mission,

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shall work toward achieving:

(a) A high quality, efficient, and expeditious undergraduate education, consistent with each institution's statutory role and mission. In achieving this goal, each institution shall demonstrate the following:

(I) Delivery of a degree program in the number of credit hours specified in the course catalogue; except that the institution may make exceptions to accommodate students who are pursuing double majors and other students with special circumstances. To meet this goal, each institution shall, at a minimum:

(A) ~~Provide frequent and convenient scheduling of required and core courses;~~

(B) Ensure that no student's graduation is delayed due to lack of access to or availability of required and core courses; AND

(C) ~~Schedule courses to accommodate working students; and~~

(D) Ensure that students who change degree programs lose only those credit hours that clearly and justifiably cannot apply in the degree program to which the student transfers;

(II) (Deleted by amendment, L. 99, p. 1227, § 3, effective June 2, 1999.)

(III) ~~Progress to improve and attain high student achievement levels; through curriculum review, development of new programs, solicitation and consideration of employer and student input and faculty evaluations, and increased availability of small classes and clinical learning experiences;~~

(IV) Implementation of a student advising system that includes, at a minimum: That institutions create and maintain an advising record for each student; that institutions must offer freshman and transfer student orientation programs; that advisors must provide information about potential employment opportunities relevant to degree choices or provide direction as to where such information may be accessed; ~~In addition, institutions shall assign each student to a faculty or staff member, or both, from whom that student may seek advice concerning course study, scheduling, potential employment opportunities relevant to degree choices, and information about instructional policies, procedures, and requirements.~~

(V) Attain and reward high quality or improved faculty instruction and student learning by: ~~at a minimum:~~

(A) Ensuring that the faculty members in each department or college spend, in the aggregate, a specified, appropriate percentage of time teaching and, if such faculty member's workload includes advising students, an appropriate percentage of time advising students; AND

(B) basing a high proportion of each faculty member's rating and evaluation on the amount of time the faculty member spends teaching and, if applicable, advising and the quality of the instruction provided. ~~and~~

~~(C) Developing a system of instructional supervision and evaluation to ensure quality of instruction;~~

~~(VI) Implementing programs for faculty and staff development, including but not limited to training in:~~

~~(A) Advising and counseling skills; and~~

~~(B) Teaching skills and methods.~~

(b) Assistance to elementary and secondary education, IN COLLABORATION WITH THE STATE BOARD OF EDUCATION, in achieving systemic reform and creation of appropriate linkages between elementary

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and secondary education and higher education. To meet this goal, each institution shall demonstrate, consistent with its role and mission, the following:

(I) Alignment of higher education admission requirements with the achievement levels adopted for students in elementary and secondary education, including, at a minimum, precise articulation and effective communication of the skills and abilities that a freshman student must have to be successful at the institution;

(II) Improvement in the enrollment, retention, and graduation of economically disadvantaged students and students from traditionally underrepresented groups; ~~by, at a minimum, implementing pre-college programs coordinated with an effort to retain and graduate an increasing number of economically disadvantaged students and students from traditionally underrepresented groups who are qualified to enter postsecondary education;~~

(III) Cooperation with secondary schools to enable students to complete programs of postsecondary education quickly and efficiently and to encourage and allow twelfth grade students to take postsecondary courses; and

(IV) ~~(Deleted by amendment, L. 99, p. 1227, § 3, effective June 2, 1999.)~~

(V) Successful preparation and professional development programs for educators and principals.

(VI) ~~(Deleted by amendment, L. 99, p. 1227, § 3, effective June 2, 1999.)~~

~~(c) Work force preparation and training programs. To achieve this goal, each institution shall, at a minimum:~~

~~(I) Provide students with information concerning potential employment opportunities for each major and degree as freshmen and before students are required to declare a major;~~

~~(II) Prepare graduates who possess the basic abilities and skills necessary in a variety of careers, integrating classroom and real world experiences for students;~~

~~(III) (Deleted by amendment, L. 99, p. 1227, § 3, effective June 2, 1999.)~~

~~(IV) Provide opportunities for cooperative education and internships;~~

~~(V) Cooperate with employers to assess their level of satisfaction with the preparation of graduates; and~~

~~(VI) Develop work force training programs and research needed for economic development with Colorado businesses.~~

(d) Technology integration to lower the institution's capital and administrative costs and improve the quality and delivery of education and provide effective stewardship of existing assets, recognizing that all technology changes may not result in lower costs in the academic arena. To meet this goal, each institution shall:

(I) Integrate technology to reduce the institution's cost per unit of education;

(II) Integrate technology to improve the marketability of graduates in the workplace;

~~(III) Improve student access and continuing education through increased distance learning;~~

(IV) Improve learning productivity.

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(e) Increased operational productivity and effectiveness in providing services to students. To meet this goal, each institution shall:

(I) Show improvement in student achievement, consistent with each institution's statutory role and mission, including but not limited to student retention, student transfers, graduation rates, and job placement or participation in further education by graduates;

(II) Provide instruction, student services, and administrative services using an efficient and productive delivery system.

(III) ~~Direct state- and tuition-funded academic research toward projects that benefit Colorado's economy, student learning, and environment.~~

~~(6) The commission and each governing board shall consider the balance between instruction, research, and community service at the institution that is appropriate for the faculty members of each institution managed by the governing board.~~

SECTION 3. 23-1-105 (2), the introductory portion to 23-1-105 (3), and 23-1-105 (5), Colorado Revised Statutes, are amended to read:

23-1-105. Duties and powers of the commission with respect to appropriations. (2) The commission shall make annual systemwide funding recommendations, ~~after consultation~~ IN COLLABORATION with the governing boards of institutions, for the state-supported institutions of higher education to the general assembly and the governor. In making its recommendations, the commission shall consider each governing board's and each institution's level of achievement of the statewide expectations and goals specified in section 23-13-104, as measured by data collected through the quality indicator system established in section 23-13-105.

(3) The commission shall establish, after ~~consultation~~ COLLABORATING with the governing boards of institutions, the distribution formula of general fund appropriations and the distribution formula of appropriations of cash funds received as tuition income by the general assembly to each governing board under the following principles:

(5) The commission, ~~after consultation~~ IN COLLABORATION with the governing boards of institutions, shall establish policies for the public system of higher education for determining student residency status for tuition classification purposes within statutory guidelines established in article 7 of this title.

SECTION 4. 23-1-106 (2), Colorado Revised Statutes, is amended to read:

23-1-106. Duties and powers of the commission and governing boards with respect to capital construction and long-range planning. (2) The commission, ~~shall, after consultation~~ IN COLLABORATION with the appropriate governing boards of the state-supported institutions of higher education and the appropriate state administrative agencies, SHALL have authority to prescribe uniform policies, procedures, and standards of space utilization for the development and approval of capital construction programs by institutions.

SECTION 5. The introductory portion to 23-1-106.5 (1), Colorado Revised Statutes, is amended to read:

23-1-106.5. Duties and powers of the commission with regard to advanced technology. (1) The commission, in ~~consultation~~ COLLABORATION with the governing boards of institutions of higher education and the office of innovation and technology created in the office of the governor, shall:

SECTION 6. 23-1-107 (2) (a), Colorado Revised Statutes, is amended to read:

23-1-107. Duties and powers of the commission with respect to program approval, review, reduction, and discontinuance. (2)(a) The

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commission shall establish, ~~after consultation~~ IN COLLABORATION with the governing boards of institutions, policies and criteria for the discontinuance of academic or vocational programs. In adopting the policies and criteria, the commission shall ensure that they conform to achievement of the statewide expectations and goals specified in section 23-13-104. The commission may direct the respective governing boards of institutions, including the board of regents of the university of Colorado, to discontinue an academic or vocational degree program area, as program area is defined by commission policies.

SECTION 7. The introductory portion to 23-1-108 (1) and 23-1-108 (2), (3), (7) (a), and (10), Colorado Revised Statutes, are amended to read:

23-1-108. Duties and powers of the commission with regard to systemwide planning. (1) The commission shall develop and submit to the governor and the general assembly a master plan for Colorado postsecondary education. In developing the master plan, the commission shall examine the statewide expectations and goals specified in section 23-13-104 and recommend that the general assembly amend the statewide expectations and goals if necessary. Following amendment of the statewide expectations and goals, the commission shall design the master plan to assure achievement of the statewide expectations and goals in the most timely, efficient, and effective manner. This plan shall recognize the importance of private and proprietary institutions and the role and relationship of elementary and secondary education in the state, though their inclusion in the plan in no way implies control or state authority over their operations. The commission, ~~after consultation~~ COLLABORATING with the governing boards of institutions and as a part of the master planning process, shall have the authority to:

(2) The commission shall develop criteria for determining if an institution should be consolidated or closed and, ~~after consultation~~ COLLABORATING with the appropriate governing board, shall make recommendations to the general assembly for closure or consolidation of campuses which meet such criteria.

(3) The commission shall develop, ~~after consultation~~ IN COLLABORATION with the governing boards of institutions, cooperative programs among state-supported institutions of higher education.

(7) (a) The commission shall establish, ~~after consultation~~ IN COLLABORATION with the governing boards of institutions, and enforce student transfer agreements between two-year and four-year institutions and among four-year institutions. Governing boards and institutions shall conform to such agreements and to commission policies relating to such agreements. Such transfer agreements shall include provisions under which institutions shall accept all credit hours of acceptable course work for automatic transfer to another state-supported institution of higher education in Colorado. The commission shall have final authority in resolving transfer disputes.

(10) The commission may enter, on behalf of the state of Colorado, into agreements with another state or with the western interstate commission for higher education on behalf of another state for the granting of full or partial waivers of the nonresident tuition to residents of such other states who are postgraduate or professional students at or are eligible for admission as postgraduate students to any of the state-supported institutions of higher education in Colorado if the agreement provides that, under substantially the same circumstances, such other state will grant reciprocal waivers to residents of Colorado who are postgraduate or professional students of universities or colleges in such other states. The commission, ~~in consultation~~ COLLABORATION with the affected Colorado institutions, shall establish regulations governing the administration of agreements and the granting of waivers. In 1996 and in each subsequent even-numbered year, the commission shall report to the governor and the general assembly on these programs.

SECTION 8. 23-1-108.5 (6) (b), Colorado Revised Statutes, is amended to read:

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23-1-108.5. Duties and powers of the commission with regard to common course numbering system - repeal. (6) (b) The commission, in ~~consultation~~ COLLABORATION with the governing boards and the higher education institutions, shall design and implement a statewide database to implement the provisions of this section.

SECTION 9. 23-1-109 (2) and (5), Colorado Revised Statutes, are amended to read:

23-1-109. Duties and powers of the commission with regard to off-campus instruction. (2) The commission shall define, ~~after consultation~~ IN COLLABORATION with the governing boards of institutions, the geographic and programmatic service areas for each state-supported institution of higher education. No such institution shall provide instruction off-campus in programs or in geographic areas or at sites not approved by the commission, unless otherwise provided by law.

(5) The commission shall set policies, ~~after consultation~~ IN COLLABORATION with the governing boards of institutions, which define which courses and programs taught outside the geographic boundaries of the campus may be eligible for general fund support. The commission may include funding for those courses and programs in its systemwide funding recommendations to the general assembly.

SECTION 10. 23-1-113 (1) (a) and (1) (b) (I) (B), Colorado Revised Statutes, are amended to read:

23-1-113. Commission directive - admission standards for baccalaureate and graduate institutions of higher education. (1) (a) The commission shall commence immediately to establish and the governing boards shall implement academic admission standards for first-time freshmen and transfer students at all state-supported baccalaureate and graduate institutions of higher education in the state. The standards shall be established by the commission, ~~after consultation~~ IN COLLABORATION with the governing boards of institutions, and the first step of implementation shall be completed by the governing boards by the beginning of the fall term in 1986. Effective July 1, 1993, the academic admission standards established for determining admission of students who do not have in-state status, as determined pursuant to section 23-7-103, shall equal or exceed those established for determining admission of in-state students.

(b) (I) (B) In lieu of the established statewide criteria, additional criteria may be used for up to twenty percent of the admitted freshmen, except as otherwise provided in subsection (3) of this section. Beginning with the fall semester 2001, each governing board shall adopt policies and procedures that ensure each matriculated first-time freshman shall take basic skills placement or assessment tests in English and mathematics. Such tests shall be determined by the institution such freshman attends shall meet the standards adopted by the commission pursuant to section 23-1-113.3 (1), and shall be administered by such institution. Students identified by institutions as needing basic skills remedial course work shall take appropriate course work no later than the end of their freshman year. The commission, in ~~consultation~~ COLLABORATION with the governing boards, shall ensure the comparability of these placement or assessment tests for the purpose of providing consistent reporting data as such data are required by section 23-1-113.3 (4). The commission, in ~~consultation~~ COLLABORATION with the governing boards, shall ensure that each student identified as needing basic skills remedial course work is provided with written notification identifying which state institutions offer such basic skills courses and the approximate cost and relative availability of such courses, including any electronic on-line courses.

SECTION 11. The introductory portion to 23-1-119 (2) and 23-1-119 (3), Colorado Revised Statutes, are amended to read:

23-1-119. Commission directive - transition between K-12 education system and postsecondary education system. (2) In consultation with the state board of education AND appropriate school boards, and IN COLLABORATION WITH governing boards of state-supported institutions of higher education, the commission and such governing

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boards shall adopt necessary policies and procedures to promote the establishment of a mechanism for postsecondary institutions to report back to the secondary public education system concerning:

(3) In consultation with the state board of education governing boards of state-supported institutions of higher education, and appropriate school district boards, AND IN COLLABORATION WITH GOVERNING BOARDS OF STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION, the commission shall aid the elementary and secondary public education system and the postsecondary public education system in establishing a network to connect the faculty of postsecondary institutions with the teachers in school districts for the purpose of exchanging information.

SECTION 12. The introductory portion to 23-1-120 (7), Colorado Revised Statutes, is amended to read:

23-1-120. Commission directive - incentives for improvement initiative grants. (7) The commission, in consultation COLLABORATION with the governing boards, shall adopt policies necessary to carry out the direction of this section and may, in furtherance of such policies, establish and implement:

SECTION 13. 23-1-125 (3) and (4), Colorado Revised Statutes, are amended to read:

23-1-125. Commission directive - student bill of rights - degree requirements - implementation of core courses - competency test.

(3) **Core courses.** The commission, in consultation COLLABORATION with each Colorado public institution of higher education, is directed to outline a plan to implement a core course concept which THAT defines the general education course guidelines for all public institutions of higher education. The core of courses shall be designed to ensure that students demonstrate competency in reading, critical thinking, written communication, mathematics, and technology. The core of courses shall consist of at least thirty credit hours, but shall not exceed forty credit hours. Individual institutions of higher education shall conform their own core course requirements with the guidelines developed by the commission and shall identify the specific courses that meet the general education course guidelines. If a statewide matrix of core courses is adopted by the commission, the courses identified by the individual institutions as meeting the general education course guidelines shall be included in the matrix. The commission shall adopt such policies to ensure that institutions develop the most effective way to implement the transferability of core course credits.

(4) **Competency testing.** The commission shall, in consultation COLLABORATION with each public institution of higher education, define a process for students to test out of core courses, including specifying use of a national test or the criteria for approving institutionally devised tests. Students shall be granted credit for the core courses they successfully test out of, free of tuition for those courses.

SECTION 14. 23-13-103 (3.5), Colorado Revised Statutes, is amended to read:

23-13-103. Definitions. As used in this article, unless the context otherwise requires:

(3.5) "Standards" means quality benchmarks established by the commission, in consultation COLLABORATION with the governing boards, against which achievement of the statewide goals and expectations are measured. Such goals and expectations shall be both objective and measurable goals and expectations of future performance.

SECTION 15. 23-20-101 (1) (a), Colorado Revised Statutes, is amended to read:

23-20-101. University of Colorado - role and mission - all campuses. (1) The role and mission of the several campuses of the university of Colorado shall be as follows:

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(a) The Boulder campus of the university of Colorado shall be a comprehensive graduate research university with high admission standards which offers a comprehensive array of undergraduate programs. The Colorado commission on higher education shall, ~~after consultation~~ IN COLLABORATION with the board of regents, further define the role and mission of the institution and establish as great a distinction among the graduate offerings at the Boulder campus of the university of Colorado, Colorado state university, and the university of northern Colorado as is in its judgment educationally, geographically, and economically appropriate. The board of regents shall adhere to this further definition of role and mission. The university has the responsibility to provide on a statewide basis, utilizing when possible and appropriate the faculty and facilities of other educational institutions, those graduate level programs designated by the commission as primarily its statewide responsibility. The commission shall include in its funding recommendations a level of general fund support for these programs.

SECTION 16. 23-31-101, Colorado Revised Statutes, is amended to read:

23-31-101. University established - role and mission. There is hereby established a university at Fort Collins to be known as Colorado state university. Colorado state university shall be a comprehensive graduate research university with high admission standards offering a comprehensive array of undergraduate programs consistent with the tradition of land grant universities. The Colorado commission on higher education shall, ~~after consultation~~ IN COLLABORATION with the state board of agriculture, further define the role and mission of the institution and establish as great a distinction among the graduate offerings at the Boulder campus of the university of Colorado, Colorado state university, and the university of northern Colorado as is in its judgment educationally, geographically, and economically appropriate. The governing board shall adhere to this further definition of role and mission. Colorado state university has the responsibility to provide on a statewide basis, utilizing when possible and appropriate the faculty and facilities of other educational institutions, those graduate level programs designated by the commission as primarily its statewide responsibility. The commission shall include in its funding recommendations a level of general fund support for these programs.

SECTION 17. 23-40-101, Colorado Revised Statutes, is amended to read:

23-40-101. University established - role and mission. There is hereby established a university at Greeley, to be known as the university of northern Colorado. The university of northern Colorado shall be a general baccalaureate and specialized graduate research university with selective admissions standards. The university shall be the primary institution for undergraduate and graduate teacher education in the state of Colorado. The university shall offer masters' and doctoral programs primarily in the field of education. The Colorado commission on higher education shall, ~~after consultation~~ IN COLLABORATION with the governing board, further define the role and mission of the institution and establish as great a distinction among the graduate offerings at the Boulder campus of the university of Colorado, Colorado state university, and the university of northern Colorado as is in its judgment educationally, geographically, and economically appropriate. The governing board shall adhere to this further definition of role and mission. The university of northern Colorado has the responsibility to provide on a statewide basis, utilizing where possible and appropriate the faculty and facilities of other educational institutions, those graduate level programs needed by professional educators and education administrators. The commission shall include in its funding recommendations an appropriate level of general fund support for those programs.

SECTION 18. 23-51-101, Colorado Revised Statutes, is amended to read:

23-51-101. College established - role and mission. There is hereby established a college at Alamosa, to be known as Adams state college, which shall be a general baccalaureate institution with

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moderately selective admission standards. Adams state college shall offer limited professional programs, Hispanic programs, undergraduate education degrees, masters' level programs, and two-year transfer programs with a community college role and mission but shall not offer vocational education programs. The commission, ~~after consultation~~ IN COLLABORATION with the college and governing board, shall determine which graduate programs, if any, at the college shall be phased out. Adams state college shall receive resident credit for two-year course offerings in its commission-approved service area.

SECTION 19. 23-54-101 (1), Colorado Revised Statutes, is amended to read:

23-54-101. College established - role and mission - effect of name change. (1) There is hereby established a college at Denver, to be known as Metropolitan state college of Denver, which shall be a comprehensive baccalaureate institution with modified open admission standards; except that nontraditional students, as defined by the Colorado commission on higher education ~~after consultation~~ IN COLLABORATION with the board of trustees of the state colleges in Colorado, who are at least twenty years of age shall only have an admission requirement of a high school diploma, a GED high school equivalency certificate, or the equivalent thereof. Metropolitan state college of Denver shall offer a variety of liberal arts and science, technical, and educational programs. The college may offer a limited number of professional programs. Metropolitan state college of Denver shall offer no graduate programs.

SECTION 20. 23-56-101, Colorado Revised Statutes, is amended to read:

23-56-101. College established - role and mission. There is hereby established a college at Gunnison, which shall be known as Western state college of Colorado. Western state college of Colorado shall be a general baccalaureate institution with moderately selective admission standards. The college shall provide a limited number of professional programs, educational programs, and traditional arts and sciences. The Colorado commission on higher education, ~~after consultation~~ IN COLLABORATION with the college and governing board, shall determine which graduate programs, if any, shall be phased out. Western state college shall offer no two-year programs.

SECTION 21. 23-70-115 (1) (b), Colorado Revised Statutes, is amended to read:

23-70-115. Directive - master plans. (1) In order to maximize economic and administrative efficiency at the Auraria center and to further the goals articulated in section 23-1-101, the general assembly finds it necessary that there be comprehensive academic and facilities master planning for the use and development of the Auraria center constituent institutions. Therefore, the governing boards of the constituent institutions and the Auraria board, in consultation with the Colorado commission on higher education, shall prepare comprehensive master plans according to the following requirements and schedule:

(b) The commission shall review the master plans and shall, ~~after consultation~~ IN COLLABORATION with the governing boards, order revisions to the extent that the plans fail to maximize efficiency and academic program effectiveness. When approved by the commission, the academic master plans shall be submitted to the Auraria board which shall prepare a comprehensive facilities master plan for the Auraria constituent institutions. The facilities master plan shall be submitted to the commission at a date to be established by the commission.

SECTION 22. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety. "

Education

The Committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

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HIGH TECHNOLOGY SCHOLARSHIP PROGRAM
ADVISORY COMMITTEE

for terms expiring July 1, 2003:

The Honorable Keith King of Colorado Springs, Colorado, appointed;

John Rael, Jr. of Arvada, Colorado, appointed;

Donald W. Vanlandingham of Longmont, Colorado, appointed.

Health,
Environment,
Children &
Families

The Committee has had under consideration and has had a hearing on the following

COLORADO HEALTH FACILITIES
AUTHORITY

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.

Health,
Environment,
Children &
Families

The Committee has had under consideration and has had a hearing on the following

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.

Health,
Environment,
Children &
Families

After consideration on the merits, the committee recommends that **SB02-178** be amended recommendation.

Amend printed bill, page 2, line 8, strike "PROJECT, AS DEFINED IN SECTION 24-92-102 (8)," and substitute "PROJECT";

line 12, after the period, add "FOR THE PURPOSES OF THIS SECTION "PUBLIC PROJECT" MEANS ANY CONSTRUCTION, ALTERATION, REPAIR, DEMOLITION, OR IMPROVEMENT OF ANY PUBLIC LAND, BUILDING, STRUCTURE, OR FACILITY.".

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, HB02-1407.

Without comment, as amended, HB02-1122, 1273, 1349, and 1329.

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INTRODUCTION OF BILLS--FIRST READING

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

- SB02-199** by Senator(s) Lamborn; --Concerning the elimination of eligibility for the aid to the needy disabled program based on a primary diagnosis relating to substance abuse.
Health, Environment, Children & Families
- SB02-200** by Senator(s) Evans; also Representative(s) Williams T.--Concerning probate matters.
Judiciary
- HB02-1122** by Representative(s) King, Groff; also Senator(s) Pascoe, Evans--Concerning measurement of the academic growth of public school students, and making an appropriation therefor.
Education
Appropriations
- HB02-1273** by Representative(s) King; also Senator(s) Thiebaut--Concerning the financing of charter school facilities, and making an appropriation therefor.
Education
- HB02-1329** by Representative(s) Hoppe, Alexander, Clapp, Hodge, Miller, Rippy, Snook, Webster; also Senator(s) Isgar, Entz--Concerning the authority of the commissioner of agriculture to monitor agricultural chemicals in groundwater, and making an appropriation therefor.
Agriculture and Natural Resources
- HB02-1349** by Representative(s) King; also Senator(s) Thiebaut--Concerning the financing of public schools, and making an appropriation therefor.
Education
Appropriations
- HB02-1407** by Representative(s) Kester, Spence; also Senator(s) Chlouber--Concerning authorization of the use of state lottery moneys transferred to the state public school fund as a contingency reserve for construction of new school facilities to address safety issues in existing school facilities.
Education

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:

- HB02-1163** by Representative(s) Stafford, Mitchell; also Senator(s) Hernandez--Concerning health insurance for employers with fewer than fifty-one employees.

Laid over until later in the day, Thursday, April 4.

- SB02-160** by Senator(s) Hernandez; also Representative(s) Mitchell--Concerning provisions relating to the disposition of property under the "Uniform Dissolution of Marriage Act".

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

YES	26	NO	8	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	E	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	N	Windels	Y
Epps	N	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**.

- SB02-142** by Senator(s) Lamborn; also Representative(s) Schultheis--Concerning the elimination of obsolete provisions of law.

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

SB02-142

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	E	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**.

SB02-133

by Senator(s) Thiebaut; also Representative(s) Tapia--Concerning the elimination of outdated provisions of law resulting from the law's obsolescence, infrequency of use, or inapplicability to current society, and, in connection therewith, repealing or amending various provisions of law.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	E	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-sponsor added: Lamborn.

SB02-181

by Senator(s) Tate; also Representative(s) Saliman--Concerning immunity from suit for parole release hearing officers.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	E	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-sponsor added: Chlouber

SB02-172

by Senator(s) Reeves; also Representative(s) Berry--Concerning training programs for Colorado peace officers overseen by the peace officer standards and training board, and, in connection therewith, providing funding for such peace officer training programs, and making an appropriation Therefor.

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

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SB02-172

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

COMMITTEE OF REFERENCE REPORTS

Business,
Labor, and
Finance

After consideration on the merits, the committee recommends that **HB02-1347** be referred favorably to the Committee of the Whole.

Business,
Labor, and
Finance

After consideration on the merits, the committee recommends that **HB02-1254** be referred favorably to the Committee of the Whole.

Business,
Labor, and
Finance

After consideration on the merits, the committee recommends that **HB02-1408** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 9, strike "MEANS:" and substitute "MEANS RADIOACTIVE WASTE THAT IS EACH OF THE FOLLOWING:";

line 11, strike "AND";

line 12, strike "AND" and substitute "OR";

line 13, strike "AND LIQUIDS" and substitute "OR LIQUIDS";

strike line 14 and substitute the following:

"PRODUCTS; AND

(III) WASTE TAKEN FROM EITHER:

(A) A SITE LISTED AS A FEDERAL FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM (FUSRAP) SITE;

(B) A DESIGNATED TITLE I OR TITLE II MILLSITE PURSUANT TO THE FEDERAL "URANIUM MILL TAILINGS RADIATION CONTROL ACT OF 1978"; OR

(C) A SITE LISTED ON THE FEDERAL NATIONAL PRIORITIES LIST (NPL) PURSUANT TO SECTION 104 OF THE FEDERAL "COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT" (CERCLA).";

line 18, strike "SUBSECTION (1)" and substitute "PART 2";

line 20, before "PURSUANT", insert "EITHER";

line 21, strike "C.R.S." and substitute "C.R.S., OR AT A SOLID WASTE DISPOSAL SITE AND FACILITY CONSIDERED APPROVED OR OTHERWISE DEEMED TO SATISFY THE REQUIREMENT FOR A CERTIFICATE OF DESIGNATION PURSUANT TO ARTICLE 20 OF TITLE 30, C.R.S.".

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HB02-1408

Page 3, line 8, after "SITE", insert "WITHIN FIVE MILES OF A CITY OR TOWN";

line 11, after "TO", insert "A CONTRACT FOR THE";

line 12, strike "FIFTY" and substitute "ONE HUNDRED TEN";

after line 14, insert the following:

"(III) NOTHING IN THIS PARAGRAPH (b) SHALL APPLY TO PROCESSING OF MATERIALS FOR THEIR MINERAL VALUE AND THE SUBSEQUENT DISPOSAL OF THE MILL TAILINGS FROM THAT PROCESSING.";

line 25, strike "HEARINGS" and substitute "MEETINGS".

Page 4, line 1, strike "HEARING" and substitute "MEETING";

line 2, strike "HEARING;" and substitute "MEETING;"

line 3, strike "HEARINGS," and substitute "MEETINGS,"

line 6, strike "HEARINGS;" and substitute "MEETINGS;"

line 17, strike "DISPOSED." and substitute "DISPOSED AND PROVIDED TO THE SITE WITHIN THIRTY DAYS AFTER THE FIRST PUBLIC MEETING.";

line 20, after "ANALYSIS", insert "BY A DISINTERESTED PARTY".

Page 5, strike lines 16 through 21;

line 22, strike "(III)" and substitute "(II)";

after line 26, insert the following:

"(c) NO DISPOSAL REFERRED TO IN PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION SHALL OCCUR UNLESS THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT HAS APPROVED SUCH DISPOSAL. THE DEPARTMENT SHALL CONSIDER THE TRANSCRIPTS OF THE PUBLIC MEETINGS HELD BY THE SITE, THE SITE'S LICENSE, AND ANY ENVIRONMENTAL ASSESSMENT OR ANALYSIS PERFORMED PURSUANT TO THIS SECTION."

MESSAGE FROM THE HOUSE

April 4, 2002

Mr. President:

The House has adopted and transmits herewith HJR02-1036, as printed in House Journal, March 27, page 1053-1055.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR02-1036 by Representative(s) Decker, Williams S., Bacon, Jameson, King, Ragsdale, Spence, Spradley; also Senator(s) McElhany, Windels--Concerning honoring teacher of the year Ben Wentworth, III.

Senator McElhany moved to suspend Senate Rule 30(e).

A two-thirds majority of those elected to the Senate having voted in the affirmative, Senate Rule 30(e) was suspended and immediate consideration granted.

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

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HJR02-1036

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		

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

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **HB02-1408, SB02-078, SB02-109, SB02-130, SB02-148, SB02-154, SB02-175, SB02-187, SB02-173** were made Special Orders at 9:40 a.m.

Committee of the Whole

The hour of 9:40 a.m having arrived, Senator Reeves moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Reeves was called to the Chair to act as Chairman.

SPECIAL ORDERS--SECOND READING OF BILLS

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

SB02-078

by Senator(s) Hagedorn; also Representative(s) Fritz--Concerning genetic privacy.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, January 29, page 105 and placed in members' bill file.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, March 25, page 562 and placed in members' bill file.)

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

SB02-109

by Senator(s) Pascoe, Arnold, Cairns, Hernandez; also Representative(s) King, Romanoff, Sanchez, Snook, Vigil--Concerning the assessment of students whose dominant language is not English.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, February 20, page 305-307 and placed in members' bill file.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, March 25, page 562-563 and placed in members' bill file.)

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

Amend printed bill, page 7, strike lines 20 through 27 and substitute the following:

"22-24-106, WHICHEVER OCCURS FIRST. ~~The provisions of this sub-subparagraph (C) shall apply regardless of whether such student takes the assessment in English or in any other language.~~

(I.5) ~~Notwithstanding the exceptions specified in subparagraph (f) of this paragraph (d);~~ The academic performance ratings calculated for the 2000-01 school year AND EACH SCHOOL YEAR THEREAFTER shall include the scores of all students who took the assessment in a language other than English. ~~This subparagraph (I.5) is".~~

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

SB02-130

by Senator(s) Linkhart, Dyer; also Representative(s) Hefley--Concerning a prohibition on the use of state resources for union organizing.

SB02-130

Amendment No. 1, Business, Labor, and Finance Committee Amendment.
(Printed in Senate Journal, February 14, page 232 and placed in members' bill file.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, March 25, page 563-564 and placed in members' bill file.)

Amendment No. 3(L.004), by Senator Dyer.

Amend the Business, Labor, and Finance Committee Report, dated February 11, 2002, strike lines 3 through 6.

Amendment No. 4(L.007), by Senator Linkhart.

Amend printed bill, page 3, strike lines 18 and 19 and substitute the following:

"THIS STATE AND TRANSFERRED BY THE STATE TO ANY STATE CONTRACTOR THAT IS USED TO FUND, IN".

Page 4, strike lines 20 and 21 and substitute the following:

"STATE MONEYS SHALL NOT USE THE MONEYS TO ASSIST, PROMOTE, OR".

Page 9, after line 14, insert the following:

"(c) AN ACTIVITY OR EXPENSE INVOLVING A POLITICAL SUBDIVISION OF THE STATE."

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

SB02-148

by Senator(s) Hillman, Thiebaut, Entz; also Representative(s) Kester, Lawrence, Tapia, Young--Concerning the authority of the governing bodies of local governments to protect the use of agricultural water rights.

Amendment No. 1, Agriculture and Natural Resources Committee Amendment.
(Printed in Senate Journal, February 27, page 358-361 and placed in members' bill file.)

Amendment No. 2(L.007), by Senator Hillman.

Amend the Agriculture and Natural Resources Committee Report, dated February 26, 2002, page 2, line 6, strike "EXCLUSIVELY" and substitute "PRIMARILY".

Page 4, line 27, after the period, add "ANY MONEYS COLLECTED PURSUANT TO THIS SUB-SUBPARAGRAPH (A) SHALL BE DISTRIBUTED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY FROM WHICH WATER IS REMOVED AMONG THE ENTITIES IN THE COUNTY IN PROPORTION TO THE PERCENTAGE OF THEIR SHARE OF THE TOTAL OF PROPERTY TAXES FOR NON-BONDED INDEBTEDNESS PURPOSES."

Page 5, strike lines 26 through 29 and substitute the following:

"(I) ANY REMOVAL OF WATER INVOLVING WATER RIGHTS OWNED BY THE APPLICANT PRIOR TO THE EFFECTIVE DATE OF THIS ACT; ANY REMOVAL OF WATER THAT WAS ACCOMPLISHED PRIOR TO THE EFFECTIVE DATE OF THIS ACT; ANY REMOVAL OF WATER FOR WHICH AN APPLICATION FOR CHANGE OF WATER RIGHTS WAS PENDING IN THE WATER COURT ON SUCH DATE; OR ANY REMOVAL OF WATER FOR WHICH A DECREE HAS BEEN ENTERED THAT CONTINUES TO BE SUBJECT TO THE WATER COURT'S RETAINED JURISDICTION;"

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

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 until Friday, April 5, retaining its place on the General Orders--Second Reading of Bills Calendar.

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SB02-175

by Senator(s) Reeves; also Representative(s) Jameson--Concerning clarification of the crime of sexual conduct in penal institutions.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, March 14, page 469 and placed in members' bill file.)

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

Amend printed bill, page 2, line 10, strike "CRIMINAL JUSTICE FACILITY commits:" and substitute "~~commits:~~ CRIMINAL JUSTICE FACILITY COMMITS THE OFFENSE OF SEXUAL CONDUCT IN A PENAL INSTITUTION.";

strike lines 11 through 14 and substitute the following:

~~"(a) A class 6 felony if the sexual conduct consists solely of sexual contact;~~

~~"(b) A class 5 felony if the sexual conduct includes sexual intrusion or sexual penetration.";~~

after line 26, insert the following:

"(3) SEXUAL CONDUCT IN A PENAL INSTITUTION IS A CLASS 5 FELONY IF THE SEXUAL CONDUCT INCLUDES SEXUAL INTRUSION OR SEXUAL PENETRATION AND IS COMMITTED BY AN EMPLOYEE OR CONTRACT EMPLOYEE OF A CRIMINAL JUSTICE FACILITY OR BY AN EMPLOYEE, CONTRACT EMPLOYEE, OR INDIVIDUAL WHO PERFORMS WORK FUNCTIONS IN A CRIMINAL JUSTICE FACILITY OR FOR THE DEPARTMENT OF CORRECTIONS.

(4) SEXUAL CONDUCT IN A PENAL INSTITUTION IS A CLASS 6 FELONY IF:

(a) THE SEXUAL CONDUCT CONSISTS SOLELY OF SEXUAL CONTACT AND IS COMMITTED BY AN EMPLOYEE OR CONTRACT EMPLOYEE OF A CRIMINAL JUSTICE FACILITY OR BY AN EMPLOYEE, CONTRACT EMPLOYEE, OR INDIVIDUAL WHO PERFORMS WORK FUNCTIONS IN A CRIMINAL JUSTICE FACILITY OR FOR THE DEPARTMENT OF CORRECTIONS; OR

(b) THE SEXUAL CONDUCT INCLUDES SEXUAL INTRUSION OR SEXUAL PENETRATION AND IS COMMITTED BY A VOLUNTEER.

(5) SEXUAL CONDUCT IN A PENAL INSTITUTION IS A CLASS 1 MISDEMEANOR IF THE SEXUAL CONDUCT CONSISTS SOLELY OF SEXUAL CONTACT AND IS COMMITTED BY A VOLUNTEER." .

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

SB02-187

by Senator(s) Hernandez, Matsunaka; also Representative(s) Mitchell, Mace, Groff-- Concerning the requirement that school employees report allegations of sex crimes to law enforcement agencies.

Laid over until Friday, April 5, retaining its place on the General Orders--Second Reading of Bills Calendar.

SB02-173

by Senator(s) Linkhart; also Representative(s) Mace--Concerning the deletion of provisions requiring the offset from workers' compensation benefits of amounts received by injured firefighters and peace officers under employee benefit plans.

Laid over until Friday, April 5, retaining its place on the General Orders--Second Reading of Bills Calendar.

HB02-1408

by Representative(s) Spradley, Dean, Kester; also Senator(s) Thiebaut--Concerning additional requirements for shipments of certain types of radioactive waste for disposal inside Colorado.

Amendment No. 1, Business, Labor, and Finance Committee Amendment.

(Printed in Senate Journal, April 4, pages 659-660 and placed in members' bill file.)

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HB02-1408 Amendment No. 2(L.009), by Senator Thiebaut.

Amend the Business, Labor, and Finance Committee Report, dated April 3, 2002, page 2, line 2, strike "104" and substitute "105".

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Reeves, 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: **SB02-078** as amended, **SB02-109** as amended, **SB02-130** as amended, **SB02-148** as amended, **SB02-175** as amended, **HB02-1408** as amended. Laid over until Friday, April 5: **SB02-154, SB02-187, SB02-173.**

COMMITTEE OF REFERENCE REPORTS

Judiciary After consideration on the merits, the committee recommends that **HB02-1139** be referred favorably to the Committee of the Whole.

MESSAGE FROM THE HOUSE

April 4, 2002

Mr. President:

The House has voted to recede from its position, dissolve the First Conference Committee on HB02-1250, and concur in Senate amendments, and has repassed the bill. The House requests return of the bill.

April 4, 2002

Mr. President:

In response to the request of the Senate, the Speaker has appointed Representatives Hefley, chairman, T. Williams, and Romanoff as House conferees on the First Conference Committee on SB02-124.

MESSAGE FROM THE GOVERNOR

April 2, 2002

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

Ladies and Gentlemen:

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

S.B. 02-112 – Concerning The Requirement That Certain Persons Provide Proof Of Lawful Presence In The United States in Order To Obtain Documents From The Division From The Division Of Motor Vehicles.

Approved April 2, 2002 at 5:57 p.m.

Sincerely,

(Signed)
Bill Owens
Governor

Rec'd: 04/03/02
K. Goldman, Secretary

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April 3, 2002

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

Ladies and Gentlemen:

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

S.B. 02-026 – Concerning Death And Disability Benefits For Members Of The Statewide Death And Disability Plan For Police Officers And Firefighters.

Approved April 3, 2002 at 12:47 p.m.

S.B. 02-051 – Concerning Changing The Charter School Application Deadline.

Approved April 3, 2002 12:50 p.m.

S.B. 02-145 – Concerning Retirement Incentives To Retain Qualified Teachers In The State, And, In Connection Therewith, Establishing A Post-retirement Teaching Incentive Plan For Public School Teachers.

Approved April 3, 2002 at 12:52 p.m.

Sincerely,

(Signed)
Bill Owens
Governor

Rec'd: 04/03/02
K. Goldman, Secretary

Appointment A letter of designation and appointment from Governor Owens was read and assigned to Committee as follows:

March 28, 2002

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

**MEMBERS OF THE
JUVENILE PAROLE BOARD**

for terms expiring at the pleasure of the Governor:

Jacklyne A. Herbst of Lakewood, Colorado, to fill the vacancy occasioned by the resignation of David C. Pimentel and to serve as a public member, appointed;

Edward L. Arcuri, III of Monument, Colorado, to fill the vacancy occasioned by the resignation of Michael T. Jones and to serve as a representative of the Department of Labor and Employment, appointed.

Sincerely,
(signed)
Bill Owens
Governor

Rec'd: 4/2/02
K. Goldman, Secretary of the Senate

SENATE SERVICES REPORT

Senate Services

Correctly printed: SB02-196, 197, 198; SJR02-023

Correctly engrossed: SB02-133, 142, 160, 172, 181.

Correctly reengrossed: SB02-039, 043, 065, 098, 179.

Correctly revised: HJR02-1033, 1034.

Correctly rerevised: HB02-1260.

Correctly enrolled: SB02-103; SJR02-19, 021.

APPOINTMENTS TO CONFERENCE COMMITTEES

The President appointed Senators Gordon, Chairman, Windels and Dyer as Senate Conferees on the First Conference Committee on **HB02-1019**.

The President appointed Senators Anderson, Chairman, Reeves and Tupa as Senate Conferees on the First Conference Committee on **HB02-1185**.

The President appointed Senators Fitz-Gerald, Chairman, Nichol and Entz as Senate Conferees on the First Conference Committee on **HB02-1061**.

The President appointed Senators Takis, Chairman, Nichol and May as Senate Conferees on the First Conference Committee on **HB02-1131**.

Journal Correction:

Page 631, Line 26: Strike: 194; Insert: 186.

Page 632, Line 4: Insert: Tate.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Thursday, April 4, was laid over until Friday, April 5, retaining its place on the calendar.

Third Reading--Final Passage of Bills: **HB02-1163**.

General Orders--Second Reading of Bills: **SB02-042, SB02-089, SB02-157, SB02-090, HB02-1313**.

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**.

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**.

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

Consideration of Governor's Appointments:

State Board of Parole

Transportation Committee

Colorado Tourism Office Board of Directors

Board of Assessments Appeals

Colorado Civil Rights Commission

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Friday, April 5, 2002.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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