

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

Fifty-second Legislative Day

Friday, March 1, 2002

Prayer By President Matsunaka.

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

Roll Call Present--Total, 30.
Absent/Excused--Epps, Hagedorn, Lamborn, Reeves, Tupa--Total 5.
Present later--Tupa.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Isgar, reading of the Journal of Thursday, February 28, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Agriculture and Natural Resources After consideration on the merits, the committee recommends that **HB02-1056** be referred favorably to the Committee of the Whole and with a recommendation that it be placed on the Consent Calendar.

Agriculture and Natural Resources After consideration on the merits, the committee recommends that **HB02-1087** be referred favorably to the Committee of the Whole.

Business, Labor, and Finance After consideration on the merits, the committee recommends that **HB02-1208** be referred favorably to the Committee of the Whole and with a recommendation that it be placed on the Consent Calendar.

Business, Labor, and Finance After consideration on the merits, the committee recommends that **HB02-1153** 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, after "NUMBER", insert "IF,";

line 10, strike "(I)" and substitute "(I), THE CONSUMER'S SOCIAL SECURITY NUMBER IS PROVIDED TO THE CONSUMER REPORTING AGENCY";

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

strike line 13 and substitute the following:

"SECURITY NUMBER WAS INITIALLY PROVIDED TO THE USER BY THE CONSUMER IN CONNECTION WITH SUCH TRANSACTION.".

Business, Labor, and Finance After consideration on the merits, the committee recommends that **HB02-1032** be referred favorably to the Committee of the Whole and with a recommendation that it be placed on the Consent Calendar.

Business, Labor, and Finance After consideration on the merits, the committee recommends that **HB02-1089** be referred favorably to the Committee on Public Policy and Planning.

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Business, Labor, and Finance After consideration on the merits, the committee recommends that **HB02-1092** be referred favorably to the Committee of the Whole and with a recommendation that it be placed on the Consent Calendar.

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Health, Environment, Children & Families After consideration on the merits, the committee recommends that **HB02-1093** be referred favorably to the Committee of the Whole and with a recommendation that it be placed on the Consent Calendar.

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Health, Environment, Children & Families After consideration on the merits, the committee recommends that **HB02-1026** be referred favorably to the Committee of the Whole and with a recommendation that it be placed on the Consent Calendar.

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Amend reengrossed bill, page 2, after line 25, insert the following:

"SECTION 2. 26-2-706.5 (1), Colorado Revised Statutes, is amended to read:

26-2-706.5. Restrictions on length of participation. (1) UNLESS CASH ASSISTANCE IS PROVIDED THROUGH SEGREGATED FUNDS PURSUANT TO SECTION 26-2-714, as of June 3, 1997, each month of cash assistance received by an assistance unit that includes a caretaker relative who has received assistance under Title IV-A of the social security act, as amended, shall count toward that caretaker relative's sixty-month lifetime maximum of TANF benefits as established in the personal responsibility and work opportunity reconciliation act."

Renumber succeeding section accordingly.

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~~HB02-1050~~ and Planning amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 3, line 17, strike "PREMIUM." and substitute "PREMIUM AND NOT AS A TOTAL OF THE INSURED'S PREMIUM."

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~~Public Policy~~ favorably to the Committee of the Whole and with a recommendation that it be placed on the Consent Calendar.

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~~Public Policy~~ favorably to the Committee of the Whole and with a recommendation that it be placed on the Consent Calendar.

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~~Public Policy~~ favorably to the Committee of the Whole.

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~~Public Policy~~ favorably to the Committee of the Whole.

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Education After consideration on the merits, the committee recommends that **HB02-1173** be amended as follows and, as so amended be referred to the Committee on Judiciary with favorable recommendation.

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HB02-1173

Amend reengrossed bill, page 3, line 4, strike "DISTRICT ATTORNEY" and substitute "COURT";

strike lines 7 and 8 and substitute "OFFENSE."

Page 4, line 5, strike "C.R.S.; OR" and substitute "C.R.S.";

strike lines 6 and 7.

Education

After consideration on the merits, the committee recommends that **HB02-1053** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 9, strike "TWO" and substitute "FOUR";

line 11, strike "PROGRAM" and substitute "PROGRAMS";

line 15, strike "PROGRAM." and substitute "PROGRAMS.";

line 27, strike "TWO" and substitute "FOUR".

Education

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

Amend printed bill, page 5, line 10, strike "section;" and substitute "section AT THE GRADE LEVEL IN WHICH THE STUDENT IS ENROLLED, AS DETERMINED BY THE SCHOOL DISTRICT;"

strike lines 16 and 17 and substitute the following:

"(B) Any student who transfers into the school after ~~February 1~~ OCTOBER 1 of the school year in which the assessment is administered; and".

Page 7, line 3, strike "**methodology.**" and substitute "**methodology - advisory committee - repeal.**";

line 13, strike "ALL" and substitute "THE COMPARABLE".

Page 8, strike lines 3 and 4 and substitute the following:

"(b) (I) THERE IS HEREBY CREATED A SCHOOL ACCOUNTABILITY REPORT ADVISORY COMMITTEE, REFERRED TO IN THIS PARAGRAPH (b) AS THE "COMMITTEE", TO REVIEW THE CALCULATIONS, METHODOLOGIES, AND FORMAT OF THE SCHOOL ACCOUNTABILITY REPORTS DESCRIBED IN SECTION 22-7-605. THE COMMITTEE SHALL CONSIST OF EIGHT MEMBERS APPOINTED BY THE STATE BOARD OF EDUCATION ON OR BEFORE AUGUST 1, 2002, AS FOLLOWS:

(A) TWO PERSONS WHO HAVE TECHNICAL EXPERTISE IN STATISTICS, METHODOLOGIES, AND MEASUREMENTS OF EDUCATIONAL ACHIEVEMENT;

(B) TWO MEMBERS OR REPRESENTATIVES OF SCHOOL DISTRICT BOARDS OF EDUCATION;

(C) TWO PERSONS REPRESENTING AN ASSOCIATION OF PARENTS, STUDENTS, AND EDUCATORS; AND

(D) TWO PERSONS REPRESENTING AN ASSOCIATION OF SCHOOL PRINCIPALS OR ADMINISTRATORS.

(II) NO MORE THAN FOUR MEMBERS OF THE COMMITTEE APPOINTED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) SHALL BE MEMBERS OF THE SAME POLITICAL PARTY. NOTWITHSTANDING THE PROVISIONS OF SECTION 2-2-307 (3) AND (5), C.R.S., ALL MEMBERS OF THE

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SB02-080

COMMITTEES SHALL SERVE WITHOUT COMPENSATION, INCLUDING PER DIEM AND COMPENSATION FOR EXPENSES. AT THE INITIAL COMMITTEE MEETING, THE COMMITTEE MEMBERS SHALL SELECT FROM AMONG THEMSELVES A PERSON TO SERVE AS CHAIR OF THE COMMITTEE. A MAJORITY OF THE COMMITTEE MEMBERS SHALL CONSTITUTE A QUORUM FOR TRANSACTION OF BUSINESS. THE DEPARTMENT SHALL PROVIDE SUCH CLERICAL AND TECHNICAL ASSISTANCE AS MAY BE REQUESTED BY THE COMMITTEE IN FULFILLING ITS DUTIES PURSUANT TO THIS SECTION. THE COMMITTEE SHALL MEET AS NECESSARY AND SHALL ISSUE A REPORT OF ITS RECOMMENDATIONS TO THE EDUCATION COMMITTEES OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES NO LATER THAN DECEMBER 1, 2003.

(III) THE COMMITTEE SHALL DIRECT THE CALCULATION OF";

line 5, strike "CALCULATING";

line 6, after "AND", insert "ADOPT";

line 9, strike "SCHOOL." and substitute "SCHOOL BY JANUARY 1, 2003.";

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

line 11, strike "TECHNICAL";

strike line 12 and substitute the following:

"PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (3), SHALL";

after line 16, insert the following:

"(d) THE COMMITTEE SHALL BE AUTHORIZED TO ALIGN THE SCHOOL GROWTH SCALE TO "ADEQUATE YEARLY PROGRESS", AS THAT TERM IS USED IN THE FEDERAL "NO CHILD LEFT BEHIND ACT OF 2001", PUBLIC LAW 107-110.";

line 17, strike "(c) THE DEPARTMENT" and substitute "(e) THE STATE BOARD OF EDUCATION";

line 23, strike "PART 6." and substitute "PART 6 AND IN THE FORMAT OF THE SCHOOL ACCOUNTABILITY REPORT DESCRIBED IN SECTION 22-7-605.".

Page 9, line 22, after "STUDENT", insert "IN THE FOURTH GRADE THROUGH THE TENTH GRADE WHO IS".

Page 10, strike lines 1 through 13 and substitute the following:

"(b) THE DEPARTMENT MAY PROVIDE THE ACADEMIC GROWTH INFORMATION REPORTS IN AN ELECTRONIC FORMAT.";

Reletter succeeding paragraphs accordingly.

Page 10, strike lines 23 through 27 and substitute the following:

"(e) THE DEPARTMENT SHALL MAKE APPLICATION FOR ANY AND ALL MONEYS THAT MAY BE RECEIVED FROM THE FEDERAL GOVERNMENT THROUGH THE FEDERAL "NO CHILD LEFT BEHIND ACT OF 2001", PUBLIC LAW 107-110, TO PAY FOR THE PREPARATION AND PROVISION OF ACADEMIC GROWTH INFORMATION REPORTS PURSUANT TO THIS SECTION.

SECTION 5. 22-7-605 (2) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

22-7-605. School accountability reports - format - rules.
 (2) (a) (III) ON OR BEFORE SEPTEMBER 1, 2002, THE STATE BOARD BY RULE SHALL DEFINE THE CLASSIFICATIONS OF "OTHER LICENSED PROFESSIONALS" AND "SCHOOL SUPPORT", AS THOSE TERMS ARE USED IN SECTION 22-7-605 (6) (a).".

Renumber succeeding sections accordingly.

Page 11, line 4, strike "(6) (a), (6) (b) (I)," and substitute "(6) (a) (I) (D),

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SB02-080

(6) (a) (III), (6) (b),";

line 6, strike "and (8)," and substitute "(8), and (10),";

line 12, strike "The" and substitute "EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (10) OF THIS SECTION, the".

Page 16, strike lines 25 through 27.

Page 17, strike lines 1 through 24 and substitute the following:

"(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:

(D) "Other LICENSED Professionals**";

(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 LICENSED 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.

(H) The second column shall be entitled "Student Enrollment" and the third column shall be entitled "Students per Teacher".

Page 18, strike lines 6 and 7 and substitute the following:

(B) "Percentage of teachers teaching the subject SUBJECT(S) in which they received their degree(s) ARE LICENSED";";

strike lines 11 through 14 and substitute the following:

(E) "Teachers "PERCENTAGE OF 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 FOUR OR MORE YEARS OF TEACHING EXPERIENCE WITHIN THE SCHOOL;".

Page 19, strike lines 3 through 6 and substitute the following:

(D) "Teachers "PERCENTAGE OF 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 FOUR OR MORE YEARS OF TEACHING EXPERIENCE WITHIN THE SCHOOL;".

Page 20, line 17, strike "explanation: in a small point size:" and substitute "explanation in a small point size IN A CLEARLY LEGIBLE SIZE:".

Page 22, line 9, strike "in" and substitute "in";

line 10, strike "small point size" and substitute "small point size".

Page 23, strike line 5 and substitute the following:

"for THE CURRENT YEAR AND each of the immediately preceding three

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SB02-080

TWO years. Such years shall";

after line 23, insert the following:

"(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. THE DEPARTMENT SHALL BE AUTHORIZED TO RECONFIGURE AND REARRANGE THE DATA PRESENTED IN THE ACCOUNTABILITY REPORT DUE TO THE SPACE LIMITATIONS OF THE REPORT. If a school fails to report data, the department shall clearly note on the school accountability report: "Data not reported to state".

SECTION 6. Repeal. 22-7-605 (9), Colorado Revised Statutes, is repealed.

SECTION 7. 22-7-606 (1) (a) and (3), Colorado Revised Statutes, are amended, and the said 22-7-606 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

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

(c) ANY RELEASE OF STATEWIDE ASSESSMENT DATA BY THE DEPARTMENT, INCLUDING BUT NOT LIMITED TO ANY RELEASE OF SAID DATA PURSUANT TO THIS SECTION, SHALL CLEARLY DELINEATE WHICH DATA IS COUNTED IN CALCULATING THE SCHOOL ACCOUNTABILITY REPORTS AND ACADEMIC GROWTH RATINGS AND WHICH DATA IS NOT COUNTED.

(3) (a) The department shall develop an internet website, which homepage address shall be "www.state.co.us/schools", specifically to place each public school's accountability report on the internet. The department shall design the website so that users may search for a particular school's accountability report through a number of sorting functions, including but not limited to school district, county, city, and zip code.

(b) The department, BY OCTOBER 15, 2002, AND BY OCTOBER 15 OF EACH YEAR THEREAFTER, shall ~~annually~~ update the website to include each school accountability report prepared by the department and shall maintain at the website an archive accessible by internet users of the three previous years' school accountability reports. The website shall allow users to easily compare schools' overall academic performance ratings as determined pursuant to section 22-7-604. Such comparison shall be facilitated by search tools that allow a user, at a minimum, to find schools within different geographic ranges of another school and to find schools within different geographic areas and zip codes.

(c) On or before January 1, 2001, the state board shall contract with a private entity for the design, including the search and sort functions, of the school accountability report website. 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."

Renumber succeeding sections accordingly.

Page 29, strike line 22 and substitute the following:

"STATE BOARD, WHICH IN TURN SHALL MAKE RECOMMENDATIONS TO THE

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SB02-080

EDUCATION COMMITTEES OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES, ON HOW BEST TO COMBINE THE GRANT PROGRAMS INTO A".

Page 31, after line 16, insert the following:

"SECTION 13. 22-36-101, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-36-101. Choice of programs and schools within school districts. (5) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (5), ANY PUPIL WHO ENROLLS IN A SCHOOL DISTRICT OTHER THAN THE PUPIL'S SCHOOL DISTRICT OF RESIDENCE PURSUANT TO THIS ARTICLE MAY REMAIN ENROLLED IN THAT SCHOOL DISTRICT'S SCHOOL OR PROGRAM THROUGH THE END OF THE SCHOOL YEAR.

(b) THIS SUBSECTION (5) SHALL NOT APPLY IF:

(I) THE NONRESIDENT PUPIL IS EXPELLED PURSUANT TO STATUTE FROM THE SCHOOL OR PROGRAM DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (5);

(II) THE NONRESIDENT PUPIL'S ATTENDANCE OR PARTICIPATION IN THE SCHOOL OR PROGRAM DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (5) REQUIRES THE SCHOOL DISTRICT TO PERFORM ANY OF THE FUNCTIONS DESCRIBED IN SUBPARAGRAPHS (I) TO (III) OF PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION; OR

(III) THE NONRESIDENT PUPIL IS EXCLUDED FROM THE SCHOOL OR PROGRAM DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (5) FOR ANY OF THE REASONS DESCRIBED IN PARAGRAPHS (a) TO (d) OF SUBSECTION (3) OF THIS SECTION."

Renumber succeeding sections accordingly.

MESSAGE FROM THE HOUSE

February 28, 2002
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1270, amended as printed in House Journal, February 27, page 591.

The House has adopted and returns herewith SJR02-010.

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, as amended, HB02-1270.

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:

SB02-002

by Senator(s) Matsunaka--Concerning stimulation of Colorado's rural economy, and, in connection therewith, creating a state procurement preference for Colorado producers of agricultural products, requiring new enterprise zones to be located in rural areas, and creating an interim committee to study potential new markets for agricultural products.

Laid over until Friday, March 8, retaining its place on the calendar.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders--Second Reading of Bills Consent Calendar (HB02-1085, HB02-1086, HB02-1048, HB02-1120, HB02-1110, HB02-1063, HB02-

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1031) of Friday, March 1, was laid over until Monday, March 4, retaining its place on the calendar.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Governor's Appointments. The Consideration of Governor's Appointments Calendar of Friday, March 1, was laid over until Monday, March 4 and placed on the Consideration of Governor's Appointments Consent Calendar.

- Board of Directors of the Colorado Compensation Insurance Authority
- Colorado Racing Commission
- Colorado Educational and Cultural Facilities Authority Board of Directors
- Ground Water Commission

Senate in Recess--Senate Reconvened

COMMITTEE OF REFERENCE REPORTS

Education After consideration on the merits, the committee recommends that HJR02-1020 be referred favorably to the Senate for final action.

CONSIDERATION OF RESOLUTIONS

HJR02-1020 by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning the certification by the general assembly of the amount of state education fund revenues that are available for appropriation for the 2002-03 state fiscal year.

Senator Tate 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 Tate, the Resolution was adopted by the following roll call vote:

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	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	E	Lamborn	E	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	E		

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB02-1033, HB02-1005, SB02-018, SB02-059, SB02-011, HB02-1106, HB02-1117 were made Special Orders at 10:15 a.m.

Committee of the Whole The hour of 10:15 a.m. having arrived, Senator Takis moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Takis was called to the Chair to act as Chairman.

SPECIAL ORDERS--SECOND READING OF BILL

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:

HB02-1033 by Representative Webster; also Senator Musgrave--Concerning the reform of state statutes, and, in connection therewith, deleting the fat content requirement for whipped butter and eliminating the license application fee for dealers in farm products who conduct transactions with cash.

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

HB02-1005 by Representative(s) Larson; also Senator(s) Isgar--Concerning the prohibition against an

insurer basing the issuance of a motor vehicle insurance policy on the suspension of a driver's license due to noncompliance with a child support order.

HB02-1005 Ordered revised and placed on the calendar for Third Reading and Final Passage.

SB02-018 by Senator(s) Linkhart--Concerning the continued funding of the demonstration drug courts through the increase of probation supervision fees.

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

SB02-059 by Senator(s) Matsunaka--Concerning the design of assessments administered through the Colorado student assessment program.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, January 22, pages 44-45 and placed in members' bill file.)

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

SB02-011 by Senator(s) Teck; also Representative(s) Larson--Concerning the regulation of motor carrier safety.

Amendment No. 1, Government, Veterans and Military Relations, and Transportation Committee Amendment.

(Printed in Senate Journal, February 4, page 133 and placed in members' bill file.)

Amendment No. 2(L.004), by Senator Teck.

Amend the Government, Veterans and Military Relations, and Transportation Committee Report, dated January 31, 2002, page 2, line 13, strike "LAW." and substitute the following:

"LAW.

(c) (I) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

(A) DUE TO THE NEED FOR STATE-WIDE UNIFORMITY, THE REGULATION OF MOTOR CARRIER SAFETY IS A MATTER OF STATE CONCERN; AND

(B) THE COLORADO STATE PATROL HAS THE QUALIFIED PERSONNEL AND RESOURCES NECESSARY FOR THE ENFORCEMENT OF MOTOR CARRIER SAFETY STANDARDS.

(II) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE COLORADO STATE PATROL SHALL HAVE EXCLUSIVE ENFORCEMENT AUTHORITY REGARDING SAFETY COMPLIANCE INSPECTIONS CONDUCTED AND CIVIL PENALTIES IMPOSED PURSUANT TO THIS SECTION."

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

HB02-1117 by Representative(s) Rhodes, Boyd, Cloer, Stafford, Tochtrop; also Senator(s) Hernandez--Concerning the regulation of acupuncturists by the division of registrations in the department of regulatory agencies.

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

HB02-1106 by Representative(s) Chavez; also Senator(s) Tate--Concerning the admissibility of testimony concerning prior statements made by persons incapable of testifying.

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 Takis, 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: **HB02-1033, HB02-1005, SB02-018, SB02-059** as amended, **SB02-011** as amended, **HB02-1117, HB02-1106.**

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions, **SJR02-009**.

CONSIDERATION OF RESOLUTIONS

SJR02-009 by Senator(s) Isgar, Matsunaka; also Representative(s) Spence, Bacon, Williams S.-- Concerning "Read Across America Day".

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

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	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	E	Lamborn	E	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	E		

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

COMMITTEE OF REFERENCE REPORTS

Health,
Children &
Families

After consideration on the merits, the committee recommends that **HB02-1177** be referred to the Consent Calendar.

MESSAGE FROM THE HOUSE

March 1, 2002

Mr. President:

The House has postponed indefinitely SB02-040. The bill is returned herewith.

MESSAGE FROM THE GOVERNOR

March 1, 2002

The Honorable Colorado Senate
Sixty-Third General Assembly
Second Regular Session
Denver, CO 80203

Ladies and Gentlemen:

I am returning to you Senate Bill 02-108, "Concerning an increase in the transfer of moneys from the general fund to the capital construction fund for the 2001-2002 fiscal year necessary to achieve the amount of reductions in the funding of capital projects prescribed by Senate Bill 01S2-023 enacted during the second extraordinary session of the Sixty-third General Assembly to address the anticipated revenue shortfall for said fiscal year." I vetoed this bill as of 9:50 a.m. today, and this letter sets forth my reasons for doing so.

While the intent of this bill is to rectify a mistake made in the calculation of the transfer in Senate Bill 01S2-023, this bill siphons \$45.8 million of revenues out of the General Fund. As such, I believe it is imprudent to enact this remedy at this time. Current revenue estimates indicate that, without legislative action, the state will spend from the General Fund reserve to finish the current fiscal year. Transferring this money out of the General Fund in FY 2001-02 assures that the state will need to reserve spend. In addition, we will be reserve spending to the point where the law requires significant additional cuts in operational spending under

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the six percent limit (Section 24-75-201.5, C.R.S.). Given the constitutionally required growth in K-12, the federal mandates regarding Medicaid, and the limited time left in the fiscal year, a \$45.8 million cut is equal to roughly six percent of the remaining budgets. To avoid compromising the delivery of essential services, I believe it would be better to make this payment in a future fiscal year or to reevaluate capital projects to fit within the existing appropriation.

Accordingly, I have vetoed this bill.

Sincerely,

(signed)
Bill Owens
Governor

SENATE SERVICES REPORT

Correctly engrossed: SJR02-008, 010.

Senate
Services

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **SJR 02-010.**

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 Friday, March 1, was laid over until Monday, February 4, retaining its place on the calendar.

General Orders--Second Reading of Bills: **SB02-073, SB02-089, SB02-132, SB02-042, SB02-142, SB02-133, SB02-157, HB02-1022, SB02-048, SB02-101, SB02-001.**

Consideration of Resolutions: **HJR02-1003, HJR02-1008, SJR02-004, HJR02-1005, SJR02-006, HJR02-1015.**

Consideration of House Amendments to Senate Bills: **SB02-028.**

On motion of Senator Thiebaut, the Senate adjourned until 10:00 a.m., Monday, March 4, 2002.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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