

HOUSE JOURNAL
SIXTY-FOURTH GENERAL ASSEMBLY
STATE OF COLORADO
First Regular Session

Twenty-ninth Legislative Day Wednesday, February 5, 2003

1 Prayer by Dr. Gene Selander, Cherry Creek Community Church, Denver.

2

3 The Speaker called the House to order at 9:00 a.m.

4

5 Pledge of Allegiance led by Representative Rose.

6

7 The roll was called with the following result:

8

9 Present--62.

10 Excused--Representatives McFadyen, Sanchez, Schultheis--3.

11 Present after roll call--Representative McFadyen.

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative Hall, the reading of the journal of
17 February 4, 2003, was declared dispensed with and approved as corrected
18 by the Chief Clerk.

19

20

21

THIRD READING OF BILLS--FINAL PASSAGE

22

23
24 The following bills were considered on Third Reading. The titles were
25 publicly read. Reading of the bill at length was dispensed with by
26 unanimous consent.

27

28 **HB03-1003** by Representative(s) Brophy; also Senator(s) Taylor--
29 Concerning civil liability for certain agricultural recreation
30 activities.

31

32 The question being "Shall the bill pass?".

33 A roll call vote was taken. As shown by the following recorded vote, a
34 majority of those elected to the House voted in the affirmative and the bill
35 was declared **passed**.

36

	YES	62	NO	01	EXCUSED	02	ABSENT	00
38	Berry	Y	Groff	Y	McCluskey	Y	Sinclair	Y
39	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
40	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
41	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
42	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y
43	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y

1	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
2	Clapp	Y	Johnson	Y	Pommer	Y	Vigil	Y
3	Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	Y
4	Coleman	Y	King	Y	Rhodes	Y	Weissmann	N
5	Crane	Y	Larson	Y	Rippy	Y	White	Y
6	Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y
7	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y
8	Frangas	Y	Madden	Y	Salazar	Y	Williams T.	Y
9	Fritz	Y	Marshall	Y	Sanchez	E	Witwer	Y
10	Garcia	Y	May	Y	Schultheis	E	Young	Y
11							Speaker	Y

12 Co-sponsors added: Representatives Crane, Fritz, Lundberg, Rippy, Rose,
 13 Stafford, White, Wiens, Young, Speaker.

14
 15 **HB03-1103** by Representative(s) Briggs; also Senator(s) Chlouber--
 16 Concerning an increase of the service required to be
 17 provided by qualified private businesses pursuant to
 18 competitively negotiated contracts to fifty percent of the
 19 regional transportation district service that involves
 20 transporting the general public by means of any self-
 21 propelled vehicle that is designed primarily for travel on
 22 the public highways.

23
 24 The question being "Shall the bill pass?".
 25 A roll call vote was taken. As shown by the following recorded vote, a
 26 majority of those elected to the House voted in the affirmative and the bill
 27 was declared **passed**.

29	YES	43	NO	20	EXCUSED	02	ABSENT	00
30	Berry	Y	Groff	N	McCluskey	Y	Sinclair	Y
31	Borodkin	N	Hall	Y	McFadyen	N	Smith	Y
32	Boyd	N	Harvey	Y	Merrifield	Y	Spence	Y
33	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
34	Brophy	Y	Hodge	N	Mitchell	Y	Stengel	Y
35	Butcher	N	Hoppe	Y	Paccione	N	Tochtrop	N
36	Cadman	Y	Jahn	N	Plant	N	Veiga	N
37	Clapp	Y	Johnson	Y	Pommer	N	Vigil	N
38	Cloer	Y	Judd	N	Ragsdale	N	Weddig	N
39	Coleman	Y	King	Y	Rhodes	Y	Weissmann	N
40	Crane	Y	Larson	Y	Rippy	Y	White	Y
41	Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y
42	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y
43	Frangas	N	Madden	N	Salazar	Y	Williams T.	Y
44	Fritz	Y	Marshall	N	Sanchez	E	Witwer	Y
45	Garcia	Y	May	Y	Schultheis	E	Young	Y
46							Speaker	Y

47 Co-sponsors added: Representatives Brophy, Crane, Fritz, Hoppe, Lee,
 48 Lundberg, Mitchell, Rhodes, Sinclair, Stafford, Stengel.

49
 50 **HB03-1148** by Representative(s) Cloer, Schultheis, Cadman, Crane,
 51 Fairbank, Hall, Hefley, King, Lee, Lundberg, McFadyen,
 52 Mitchell, Stengel, White; also Senator(s) Hillman--
 53 Concerning restoration of self-defense as a defense in
 54 criminal cases.

55
 56 The question being "Shall the bill pass?".

1 A roll call vote was taken. As shown by the following recorded vote, a
2 majority of those elected to the House voted in the affirmative and the bill
3 was declared **passed**.

	YES	42	NO	21	EXCUSED	02	ABSENT	00
6	Berry	Y	Groff	N	McCluskey	Y	Sinclair	Y
7	Borodkin	N	Hall	Y	McFadyen	Y	Smith	Y
8	Boyd	N	Harvey	Y	Merrifield	N	Spence	Y
9	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
10	Brophy	Y	Hodge	N	Mitchell	Y	Stengel	Y
11	Butcher	Y	Hoppe	Y	Paccione	N	Tochtrop	Y
12	Cadman	Y	Jahn	N	Plant	N	Veiga	N
13	Clapp	Y	Johnson	Y	Pommer	N	Vigil	N
14	Cloer	Y	Judd	N	Ragsdale	N	Weddig	N
15	Coleman	Y	King	Y	Rhodes	Y	Weissmann	Y
16	Crane	Y	Larson	Y	Rippy	Y	White	Y
17	Decker	Y	Lee	Y	Romanoff	N	Wiens	Y
18	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	N
19	Frangas	N	Madden	N	Salazar	N	Williams T.	Y
20	Fritz	Y	Marshall	N	Sanchez	E	Witwer	Y
21	Garcia	N	May	Y	Schultheis	E	Young	Y
22							Speaker	Y

23 Co-sponsors added: Representatives Fritz, May, Miller, Stafford.

24
25 **HB03-1129** by Representative(s) Rhodes, Harvey, Schultheis, Brophy,
26 Cadman, Crane, Larson, May M.; also Senator(s)
27 Lamborn--Concerning a prohibition on discrimination by
28 public entities against contractors on the basis of labor
29 organization affiliation.

30
31 The question being "Shall the bill pass?".

32 A roll call vote was taken. As shown by the following recorded vote, a
33 majority of those elected to the House voted in the affirmative and the bill
34 was declared **passed**.

	YES	37	NO	26	EXCUSED	02	ABSENT	00
37	Berry	Y	Groff	N	McCluskey	Y	Sinclair	Y
38	Borodkin	N	Hall	Y	McFadyen	N	Smith	Y
39	Boyd	N	Harvey	Y	Merrifield	N	Spence	Y
40	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
41	Brophy	Y	Hodge	N	Mitchell	Y	Stengel	Y
42	Butcher	N	Hoppe	Y	Paccione	N	Tochtrop	N
43	Cadman	Y	Jahn	N	Plant	N	Veiga	N
44	Clapp	Y	Johnson	Y	Pommer	N	Vigil	N
45	Cloer	Y	Judd	N	Ragsdale	N	Weddig	N
46	Coleman	N	King	Y	Rhodes	Y	Weissmann	N
47	Crane	Y	Larson	Y	Rippy	Y	White	Y
48	Decker	Y	Lee	Y	Romanoff	N	Wiens	Y
49	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	N
50	Frangas	N	Madden	N	Salazar	N	Williams T.	Y
51	Fritz	Y	Marshall	N	Sanchez	E	Witwer	Y
52	Garcia	N	May	Y	Schultheis	E	Young	Y
53							Speaker	Y

54 Co-sponsors added: Representatives Decker, Fairbank, Fritz, Lee, Lundberg,
55 Stafford, Williams T.

56

1 **HB03-1169** by Representative(s) Jahn, Marshall, Boyd, Frangas, Fritz,
 2 Garcia, Groff, Hefley, Rhodes, Rippy, Stengel, Veiga; also
 3 Senator(s) Arnold, Hanna--Concerning amendment of the
 4 definition of child abuse to include actions related to the
 5 manufacture of a controlled substance in the presence of
 6 a child.

7
 8 The question being "Shall the bill pass?".
 9 A roll call vote was taken. As shown by the following recorded vote, a
 10 majority of those elected to the House voted in the affirmative and the bill
 11 was declared **passed**.

	YES	63	NO	00	EXCUSED	02	ABSENT	00
14	Berry	Y	Groff	Y	McCluskey	Y	Sinclair	Y
15	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
16	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
17	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
18	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y
19	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
20	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
21	Clapp	Y	Johnson	Y	Pommer	Y	Vigil	Y
22	Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	Y
23	Coleman	Y	King	Y	Rhodes	Y	Weissmann	Y
24	Crane	Y	Larson	Y	Rippy	Y	White	Y
25	Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y
26	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y
27	Frangas	Y	Madden	Y	Salazar	Y	Williams T.	Y
28	Fritz	Y	Marshall	Y	Sanchez	E	Witwer	Y
29	Garcia	Y	May	Y	Schultheis	E	Young	Y
30							Speaker	Y

31 Co-sponsors added: Representatives Borodkin, Brophy, Cloer, Crane, Hodge,
 32 Hoppe, Lee, Madden, Merrifield, Paccione, Pommer, Romanoff, Salazar,
 33 Stafford, Tochtrop, Vigil, Weddig, Weissmann, Williams S., Speaker.

34
 35 **HB03-1117** by Representative(s) Veiga; also Senator(s) Anderson--
 36 Concerning protection orders.

37
 38 The question being "Shall the bill pass?".
 39 A roll call vote was taken. As shown by the following recorded vote, a
 40 majority of those elected to the House voted in the affirmative and the bill
 41 was declared **passed**.

	YES	59	NO	04	EXCUSED	02	ABSENT	00
44	Berry	Y	Groff	Y	McCluskey	Y	Sinclair	Y
45	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
46	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
47	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
48	Brophy	N	Hodge	Y	Mitchell	Y	Stengel	Y
49	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
50	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
51	Clapp	Y	Johnson	Y	Pommer	Y	Vigil	Y
52	Cloer	N	Judd	Y	Ragsdale	Y	Weddig	Y
53	Coleman	Y	King	Y	Rhodes	Y	Weissmann	Y
54	Crane	Y	Larson	Y	Rippy	Y	White	Y
55	Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y
56	Fairbank	Y	Lundberg	N	Rose	N	Williams S.	Y

1	Frangas	Y	Madden	Y	Salazar	Y	Williams T.	Y
2	Fritz	Y	Marshall	Y	Sanchez	E	Witwer	Y
3	Garcia	Y	May	Y	Schultheis	E	Young	Y
4							Speaker	Y

5 Co-sponsors added: Representatives Borodkin, Boyd, Garcia, Groff, Jahn,
6 Madden, Merrifield, Paccione, Ragsdale, Romanoff, Stafford, Tochtrop, Vigil,
7 Weddig.

8
9 **HB03-1005** by Representative(s) Hoppe, Hodge, Miller, Rippy, White;
10 also Senator(s) Entz, Isgar, Phillips, Taylor--Concerning
11 the extension of the implementation dates for certain water
12 augmentation requirements.

13
14 The question being "Shall the bill pass?".
15 A roll call vote was taken. As shown by the following recorded vote, a
16 majority of those elected to the House voted in the affirmative and the bill
17 was declared **passed**.

18	YES	62	NO	01	EXCUSED	02	ABSENT	00
19	Berry	Y	Groff	Y	McCluskey	Y	Sinclair	Y
20	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
21	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
22	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
23	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y
24	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
25	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
26	Clapp	Y	Johnson	Y	Pommer	N	Vigil	Y
27	Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	Y
28	Coleman	Y	King	Y	Rhodes	Y	Weissmann	Y
29	Crane	Y	Larson	Y	Rippy	Y	White	Y
30	Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y
31	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y
32	Frangas	Y	Madden	Y	Salazar	Y	Williams T.	Y
33	Fritz	Y	Marshall	Y	Sanchez	E	Witwer	Y
34	Garcia	Y	May	Y	Schultheis	E	Young	Y
35							Speaker	Y

36
37 Co-sponsors added: Representatives Briggs, Decker, Hall, Jahn, Paccione,
38 Salazar, Stafford, Williams S., Williams T., Young.

39
40 **HB03-1008** by Representative(s) Spradley; also Senator(s) Kester--
41 Concerning conservation easements for appurtenant water
42 rights.

43
44 The question being "Shall the bill pass?".
45 A roll call vote was taken. As shown by the following recorded vote, a
46 majority of those elected to the House voted in the affirmative and the bill
47 was declared **passed**.

48	YES	63	NO	00	EXCUSED	02	ABSENT	00
49	Berry	Y	Groff	Y	McCluskey	Y	Sinclair	Y
50	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
51	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
52	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
53	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y
54	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
55	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y

1	Clapp	Y	Johnson	Y	Pommer	Y	Vigil	Y
2	Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	Y
3	Coleman	Y	King	Y	Rhodes	Y	Weissmann	Y
4	Crane	Y	Larson	Y	Rippy	Y	White	Y
5	Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y
6	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y
7	Frangas	Y	Madden	Y	Salazar	Y	Williams T.	Y
8	Fritz	Y	Marshall	Y	Sanchez	E	Witwer	Y
9	Garcia	Y	May	Y	Schultheis	E	Young	Y
10							Speaker	Y

11 Co-sponsors added: Representatives Borodkin, Butcher, Frangas, Fritz, Hodge,
12 Jahn, Madden, Merrifield, Miller, Paccione, Pommer, Romanoff, Stafford,
13 Stengel, Veiga, Williams S., Williams T.

14
15 **HB03-1108** by Representative(s) Paccione; also Senator(s) Tupa--
16 Concerning a standard policy for accepting international
17 baccalaureate diploma students in Colorado institutions of
18 higher education.

19
20 The question being "Shall the bill pass?".

21 A roll call vote was taken. As shown by the following recorded vote, a
22 majority of those elected to the House voted in the affirmative and the bill
23 was declared **passed**.

25	YES	63	NO	00	EXCUSED	02	ABSENT	00
26	Berry	Y	Groff	Y	McCluskey	Y	Sinclair	Y
27	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
28	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
29	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
30	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y
31	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
32	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
33	Clapp	Y	Johnson	Y	Pommer	Y	Vigil	Y
34	Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	Y
35	Coleman	Y	King	Y	Rhodes	Y	Weissmann	Y
36	Crane	Y	Larson	Y	Rippy	Y	White	Y
37	Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y
38	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y
39	Frangas	Y	Madden	Y	Salazar	Y	Williams T.	Y
40	Fritz	Y	Marshall	Y	Sanchez	E	Witwer	Y
41	Garcia	Y	May	Y	Schultheis	E	Young	Y
42							Speaker	Y

43 Co-sponsors added: Representatives Borodkin, Boyd, Cloer, Coleman, Frangas,
44 Garcia, Groff, Hefley, Jahn, Madden, Marshall, McFadyen, Merrifield, Plant,
45 Pommer, Ragsdale, Romanoff, Veiga, Vigil, Weddig, Weissmann, Wiens,
46 Williams S.

47
48 **HB03-1036** by Representative(s) Groff; also Senator(s) Dyer--
49 Concerning the application of lottery winnings to offset
50 restitution owed in criminal cases.

51
52 The question being "Shall the bill pass?".

53 A roll call vote was taken. As shown by the following recorded vote, a
54 majority of those elected to the House voted in the affirmative and the bill
55 was declared **passed**.

56

	YES	63	NO	00	EXCUSED	02	ABSENT	00
1								
2	Berry	Y	Groff	Y	McCluskey	Y	Sinclair	Y
3	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
4	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
5	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
6	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y
7	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
8	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
9	Clapp	Y	Johnson	Y	Pommer	Y	Vigil	Y
10	Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	Y
11	Coleman	Y	King	Y	Rhodes	Y	Weissmann	Y
12	Crane	Y	Larson	Y	Rippy	Y	White	Y
13	Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y
14	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y
15	Frangas	Y	Madden	Y	Salazar	Y	Williams T.	Y
16	Fritz	Y	Marshall	Y	Sanchez	E	Witwer	Y
17	Garcia	Y	May	Y	Schultheis	E	Young	Y
18							Speaker	Y

19 Co-sponsors added: Representatives Borodkin, Boyd, Cloer, Coleman,
 20 Fairbank, Frangas, Fritz, Garcia, Hefley, Jahn, Johnson, Lee, Madden, May,
 21 Merrifield, Miller, Paccione, Pommer, Ragsdale, Romanoff, Stafford, Stengel,
 22 Veiga, Weissmann, Williams S.

23
 24 **HB03-1066** by Representative(s) Larson; also Senator(s) Teck--
 25 Concerning frivolous requests for hearings before the
 26 executive director of the department of revenue.

27
 28 The question being "Shall the bill pass?".
 29 A roll call vote was taken. As shown by the following recorded vote, a
 30 majority of those elected to the House voted in the affirmative and the bill
 31 was declared **passed**.

	YES	63	NO	00	EXCUSED	02	ABSENT	00
32								
33	Berry	Y	Groff	Y	McCluskey	Y	Sinclair	Y
34	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
35	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
36	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
37	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y
38	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
39	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
40	Clapp	Y	Johnson	Y	Pommer	Y	Vigil	Y
41	Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	Y
42	Coleman	Y	King	Y	Rhodes	Y	Weissmann	Y
43	Crane	Y	Larson	Y	Rippy	Y	White	Y
44	Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y
45	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y
46	Frangas	Y	Madden	Y	Salazar	Y	Williams T.	Y
47	Fritz	Y	Marshall	Y	Sanchez	E	Witwer	Y
48	Garcia	Y	May	Y	Schultheis	E	Young	Y
49							Speaker	Y

50 Co-sponsors added: Representatives Garcia, Merrifield, Rose, Weddig,
 51 Williams S.

52
 53 **HB03-1156** by Representative(s) Romanoff; also Senator(s)
 54 Johnson S.--Concerning the Colorado state board of
 55 medical examiners' ability to fine a licensee for certain
 56 unprofessional conduct.

1 The question being "Shall the bill pass?".
 2 A roll call vote was taken. As shown by the following recorded vote, a
 3 majority of those elected to the House voted in the affirmative and the bill
 4 was declared **passed**.

	YES	63	NO	00	EXCUSED	02	ABSENT	00
7	Berry	Y	Groff	Y	McCluskey	Y	Sinclair	Y
8	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
9	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
10	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
11	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y
12	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
13	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
14	Clapp	Y	Johnson	Y	Pommer	Y	Vigil	Y
15	Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	Y
16	Coleman	Y	King	Y	Rhodes	Y	Weissmann	Y
17	Crane	Y	Larson	Y	Rippy	Y	White	Y
18	Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y
19	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y
20	Frangas	Y	Madden	Y	Salazar	Y	Williams T.	Y
21	Fritz	Y	Marshall	Y	Sanchez	E	Witwer	Y
22	Garcia	Y	May	Y	Schultheis	E	Young	Y
23							Speaker	Y

24 Co-sponsors added: Representatives Boyd, Frangas, Garcia, Groff, Merrifield,
 25 Veiga, Williams S.

26
 27 **HB03-1185** by Representative(s) Brophy; also Senator(s) Entz--
 28 Concerning the maximum gross weight of a vehicle
 29 combination operated by an electric utility.

30
 31 The question being "Shall the bill pass?".
 32 A roll call vote was taken. As shown by the following recorded vote, a
 33 majority of those elected to the House voted in the affirmative and the bill
 34 was declared **passed**.

	YES	63	NO	00	EXCUSED	02	ABSENT	00
37	Berry	Y	Groff	Y	McCluskey	Y	Sinclair	Y
38	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
39	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
40	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
41	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y
42	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
43	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
44	Clapp	Y	Johnson	Y	Pommer	Y	Vigil	Y
45	Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	Y
46	Coleman	Y	King	Y	Rhodes	Y	Weissmann	Y
47	Crane	Y	Larson	Y	Rippy	Y	White	Y
48	Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y
49	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y
50	Frangas	Y	Madden	Y	Salazar	Y	Williams T.	Y
51	Fritz	Y	Marshall	Y	Sanchez	E	Witwer	Y
52	Garcia	Y	May	Y	Schultheis	E	Young	Y
53							Speaker	Y

54 Co-sponsors added: Representatives Frangas, Fritz, Hoppe, Rippy, Salazar,
 55 Spence, Stafford.

56

REPORTS OF COMMITTEES OF REFERENCE

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APPROPRIATIONS

After consideration on the merits, the Committee recommends the following:

SB03-179 be referred to the Committee of the Whole with favorable recommendation.

SB03-199 be referred to the Committee of the Whole with favorable recommendation.

SB03-200 be referred to the Committee of the Whole with favorable recommendation.

SB03-201 be referred to the Committee of the Whole with favorable recommendation.

SB03-206 be referred to the Committee of the Whole with favorable recommendation.

SB03-207 be referred to the Committee of the Whole with favorable recommendation.

SB03-208 be referred to the Committee of the Whole with favorable recommendation.

SB03-209 be referred to the Committee of the Whole with favorable recommendation.

SB03-210 be referred to the Committee of the Whole with favorable recommendation.

SB03-211 be referred to the Committee of the Whole with favorable recommendation.

SB03-212 be referred to the Committee of the Whole with favorable recommendation.

SB03-213 be referred to the Committee of the Whole with favorable recommendation.

SB03-215 be referred to the Committee of the Whole with favorable recommendation.

SB03-216 be referred to the Committee of the Whole with favorable recommendation.

SB03-217 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 12, line 11, in the ITEM & SUBTOTAL
2 column, strike "11,582,235" and substitute "11,597,916" and, in the
3 GENERAL FUND column, strike "11,402,697" and substitute
4 "11,418,378".

5

6 Adjust affected totals accordingly.

7

8 Page 15, line 6, in the ITEM & SUBTOTAL column, strike "773,404"
9 and substitute "~~773,404~~" and, in the GENERAL FUND column, strike
10 "773,404" and substitute "~~773,404~~";

11

12 after line 6, in the ITEM & SUBTOTAL column, insert "768,888" and,
13 in the GENERAL FUND column, insert "768,888";

14

15 line 8, in the ITEM & SUBTOTAL column, strike "~~15,102~~" and
16 substitute "15,102" and, in the GENERAL FUND column, strike
17 "~~15,102~~" and substitute "15,102";

18

19 strike line 9.

20

21 Page 23, line 11, in the ITEM & SUBTOTAL column, strike "~~408,498~~"
22 and substitute "408,498" and, in the GENERAL FUND column, strike
23 "~~129,537~~" and substitute "129,537";

24

25 strike line 12;

26

27 line 14, in the ITEM & SUBTOTAL column, strike "12,880" and
28 substitute "~~12,880~~" and, in the GENERAL FUND column, strike
29 "12,880" and substitute "~~12,880~~";

30

31 after line 14, in the ITEM & SUBTOTAL column, insert "10,888", and,
32 in the GENERAL FUND column, insert "10,888".

33

34

35

36 **SB03-218** be referred to the Committee of the Whole with favorable
37 recommendation.

38

39

40

41 **SB03-219** be amended as follows, and as so amended, be referred to
42 the Committee of the Whole with favorable
43 recommendation:

44

45 Amend reengrossed bill, page 5, line 7, in the TOTAL column, strike
46 "21,705,724" and substitute "~~21,705,724~~".

47

48

49

50 **SB03-220** be referred to the Committee of the Whole with favorable
51 recommendation.

52

53

54

55

1 **EDUCATION**

2 After consideration on the merits, the Committee recommends the
3 following:

4
5 **HB03-1127** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:

8
9 Amend printed bill, page 3, after line 15, insert the following:

10
11 "(3) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE
12 PROVISIONS OF THIS ARTICLE AND THOSE OF THE "COLORADO
13 GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24, C.R.S., BE
14 READ TOGETHER AND HARMONIZED TO GIVE THE GREATEST PROTECTION
15 FROM LIABILITY IN TORT POSSIBLE FOR EDUCATIONAL ENTITIES AND THEIR
16 EMPLOYEES. IF THE PROVISIONS OF THIS ARTICLE AND THOSE OF THE
17 "COLORADO GOVERNMENTAL IMMUNITY ACT" ARE INTERPRETED AS
18 BEING IN CONFLICT, THE PROVISION THAT GRANTS THE GREATEST
19 IMMUNITY AND PROTECTION TO AN EDUCATIONAL ENTITY AND ITS
20 EMPLOYEES SHALL PREVAIL."

21
22 Page 4, after line 22, insert the following:

23
24 "(3) A PERSON CLAIMING TO HAVE SUFFERED AN INJURY BY AN
25 EDUCATIONAL ENTITY OR AN EMPLOYEE, WHETHER OR NOT BY A
26 VIOLATION OF A STATUTE, RULE, OR REGULATION OR A CLEARLY
27 ARTICULATED POLICY OF THE EDUCATIONAL ENTITY AND REGARDLESS OF
28 WHETHER THE EMPLOYEE WAS ACTING WITH SPECIFIC INTENT TO CAUSE
29 HARM, SHALL FILE A WRITTEN NOTICE AS PROVIDED IN SECTION 24-10-109,
30 C.R.S., WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE DATE OF
31 DISCOVERY OF THE INJURY, REGARDLESS OF WHETHER THE PERSON THEN
32 KNEW ALL OF THE ELEMENTS OF A CLAIM OR OF A CAUSE OF ACTION FOR
33 THE INJURY. COMPLIANCE WITH THE PROVISIONS OF THIS SUBSECTION (3)
34 SHALL BE A JURISDICTIONAL PREREQUISITE TO ANY ACTION BROUGHT
35 UNDER THE PROVISIONS OF THIS ARTICLE, AND FAILURE OF COMPLIANCE
36 SHALL FOREVER BAR ANY SUCH ACTION."

37
38 Page 5, line 12, strike "SEVEN" and substitute "TEN".

39
40 Page 6, strike line 8 and substitute the following:

41 "EMPLOYEE IN WHICH THE COURT FINDS THE EDUCATIONAL ENTITY OR ITS
42 EMPLOYEE IS IMMUNE FROM LIABILITY PURSUANT TO THE PROVISIONS OF
43 SECTION 22-12-104,";

44
45 line 9, strike "PREVAILS,";

46
47 line 10, strike "PREVAILING";

48
49 line 24, after the period, add "AN ACTION THAT IS BARRED UNDER THE
50 PROVISIONS OF THE "COLORADO GOVERNMENTAL IMMUNITY ACT",
51 INCLUDING BUT NOT LIMITED TO SECTION 24-10-109, C.R.S., SHALL BE
52 BARRED UNDER THE PROVISIONS OF THIS ARTICLE."

53
54
55

1 **HB03-1137** be amended as follows, and as so amended, be referred to
2 the Committee on Appropriations with favorable
3 recommendation:
4

5 Amend printed bill, page 7, line 11, after "MADE", insert "ON OR AFTER
6 JULY 1, 2003,".
7

8 Page 8, strike lines 15 through 25 and substitute the following:
9

10 "(A) THREE MILLION DOLLARS FOR THE CALENDAR YEAR
11 COMMENCING JANUARY 1, 2003;
12

13 (B) FOUR MILLION DOLLARS FOR THE CALENDAR YEAR
14 COMMENCING JANUARY 1, 2004;
15

16 (C) FIVE MILLION DOLLARS FOR THE CALENDAR YEAR
17 COMMENCING JANUARY 1, 2005;
18

19 (D) SIX MILLION DOLLARS FOR THE CALENDAR YEAR COMMENCING
20 JANUARY 1, 2006;
21

22 (E) SEVEN MILLION DOLLARS FOR THE CALENDAR YEAR
23 COMMENCING JANUARY 1, 2007;
24

25 (F) EIGHT MILLION DOLLARS FOR THE CALENDAR YEAR
26 COMMENCING JANUARY 1, 2008;
27

28 (G) NINE MILLION DOLLARS FOR THE CALENDAR YEAR
29 COMMENCING JANUARY 1, 2009; AND
30

31 (H) TEN MILLION DOLLARS FOR THE CALENDAR YEAR
32 COMMENCING JANUARY 1, 2010, AND FOR EACH SUCCEEDING CALENDAR
33 YEAR THAT COMMENCES BEFORE JANUARY 1, 2013."
34

35 Page 9, after line 21, insert the following:
36

37 "(d) ON OR BEFORE JANUARY 1, 2004, AND ON OR BEFORE EACH
38 SUCCEEDING JANUARY 20 THROUGH JANUARY 1, 2013, THE DESIGNATED
39 NONPROFIT ORGANIZATION SHALL PROVIDE A REPORT TO THE EXECUTIVE
40 DIRECTOR. THE REPORT SHALL IDENTIFY EACH TAXPAYER WHO MAY
41 CLAIM A CREDIT FOR QUALIFYING CONTRIBUTIONS MADE DURING THE
42 PRECEDING CALENDAR YEAR BY NAME, ADDRESS, AND SOCIAL SECURITY
43 NUMBER OR OTHER FEDERAL TAX IDENTIFICATION NUMBER, AND SHALL
44 LIST THE AMOUNT OF THE CREDIT ALLOWED TO BE CLAIMED BY EACH
45 TAXPAYER. THE REPORT SHALL LIST ANY CONTRIBUTION MADE BY A
46 PASS-THROUGH ENTITY BY THE NAMES OF THE TAXPAYERS WHO WILL
47 ULTIMATELY CLAIM A CREDIT FOR THE CONTRIBUTION. THE DESIGNATED
48 NONPROFIT ORGANIZATION SHALL MAINTAIN THE RECORDS OF A CREDIT
49 APPLICATION AND APPROVED CONTRIBUTION FOR AT LEAST THE FOUR
50 CALENDAR YEARS FOLLOWING THE YEAR IN WHICH THE CONTRIBUTION IS
51 MADE."
52

53 Page 11, line 18, strike "EIGHTY PERCENT OF";
54

55 line 21, strike "YEAR." and substitute "YEAR AND MULTIPLIED BY:"
56

1 (A) FIFTY PERCENT FOR THE CALENDAR YEAR COMMENCING
2 JANUARY 1, 2003;

3
4 (B) SEVENTY PERCENT FOR THE CALENDAR YEARS COMMENCING
5 JANUARY 1, 2004, AND JANUARY 1, 2005;

6
7 (C) SEVENTY-FIVE PERCENT FOR THE CALENDAR YEARS
8 COMMENCING JANUARY 1, 2006, JANUARY 1, 2007, JANUARY 1, 2008, AND
9 JANUARY 1, 2009; AND

10
11 (D) EIGHTY PERCENT FOR THE CALENDAR YEAR COMMENCING
12 JANUARY 1, 2010, AND FOR EACH SUCCEEDING CALENDAR YEAR THAT
13 COMMENCES BEFORE JANUARY 1, 2013."

14
15 Page 14, line 6, after "REQUIRE.", insert "A PASS-THROUGH ENTITY THAT
16 MAKES A QUALIFYING CONTRIBUTION SHALL PROVIDE THE DESIGNATED
17 NONPROFIT ORGANIZATION WITH SUFFICIENT INFORMATION SO THAT THE
18 DESIGNATED NONPROFIT ORGANIZATION MAY ISSUE A RECEIPT FOR EACH
19 PARTNER, MEMBER, OR SHAREHOLDER OF THE PASS-THROUGH ENTITY WHO
20 WILL ULTIMATELY CLAIM A CREDIT, EVEN THROUGH OTHER TIERS OF
21 PASS-THROUGH ENTITIES.";

22
23 line 17, strike "SECTION," and substitute "SECTION AND INCURRED BY THE
24 DEPARTMENT OF REVENUE DURING THE 2003-04 FISCAL YEAR AS THE
25 REASONABLE AND NECESSARY INITIAL ADMINISTRATIVE COSTS OF
26 IMPLEMENTING THE CREDIT,";

27
28 line 22, strike "DEDUCTED." and substitute "DEDUCTED; EXCEPT THAT, FOR
29 ANY QUALIFYING CONTRIBUTION MADE BEFORE JANUARY 1, 2004, THE
30 DESIGNATED NONPROFIT ORGANIZATION MAY DEDUCT AN ADMINISTRATIVE
31 FEE IN AN AMOUNT THAT SHALL NOT EXCEED TWO AND ONE-HALF PERCENT
32 OF THE AMOUNT OF THE QUALIFYING CONTRIBUTION. THE DESIGNATED
33 NONPROFIT ORGANIZATION SHALL PAY TO THE DEPARTMENT AN AMOUNT
34 SUFFICIENT TO DEFRAY THE ACTUAL REASONABLE AND NECESSARY INITIAL
35 ADMINISTRATIVE COSTS INCURRED BY THE DEPARTMENT DURING THE
36 2003-04 FISCAL YEAR IN IMPLEMENTING THE CREDIT.".

37
38 Page 16, line 24, strike "five million dollars (\$5,000,000)." and substitute
39 "five million thirty-two thousand eight hundred dollars (\$5,032,800).";

40
41 after line 25, insert the following:

42
43 "SECTION 4. **Effective date.** This act shall take effect July 1,
44 2003."

45
46 Renumber succeeding section accordingly.

47
48
49
50 **HB03-1160** be amended as follows, and as so amended, be referred to
51 the Committee of the Whole with favorable
52 recommendation:

53
54 Amend printed bill, strike everything below the enacting clause and
55 substitute the following:

56

1 **"SECTION 1.** Title 22, Colorado Revised Statutes, is amended
2 BY THE ADDITION OF A NEW ARTICLE to read:

3
4 **ARTICLE 56**
5 **Colorado Opportunity Contract Pilot Program**

6
7 **22-56-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY
8 BE CITED AS THE "COLORADO OPPORTUNITY CONTRACT PILOT PROGRAM".

9
10 **22-56-102. Legislative declaration.** (1) THE GENERAL
11 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

12
13 (a) MEETING THE EDUCATIONAL NEEDS OF HIGH-POVERTY,
14 LOW-ACHIEVING CHILDREN IN OUR STATE'S HIGHEST-POVERTY PUBLIC
15 SCHOOLS IS OF THE GREATEST IMPORTANCE TO THE FUTURE WELFARE OF
16 COLORADO;

17
18 (b) CLOSING THE ACHIEVEMENT GAP BETWEEN HIGH-PERFORMING
19 AND LOW-PERFORMING CHILDREN, INCLUDING THE GAP BETWEEN
20 MINORITY AND NON-MINORITY STUDENTS AND BETWEEN ECONOMICALLY
21 DISADVANTAGED STUDENTS AND THEIR MORE ADVANTAGED PEERS, IS A
22 SIGNIFICANT AND PRESENT CHALLENGE; AND

23
24 (c) PROVIDING A BROADER RANGE OF EDUCATIONAL OPTIONS TO
25 PARENTS AND UTILIZING EXISTING RESOURCES AND EDUCATIONAL
26 STRUCTURES MAY HELP HIGH-POVERTY, LOW-ACHIEVING STUDENTS
27 IMPROVE THEIR ACADEMIC ACHIEVEMENT.

28
29 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT
30 THE PILOT PROGRAM ESTABLISHED IN THIS ARTICLE:

31
32 (a) PROVIDES COLORADO FAMILIES WITH A FINANCIAL TOOL TO
33 ACCESS ADDITIONAL EDUCATIONAL RESOURCES IN AN EFFORT TO IMPROVE
34 ACADEMIC ACHIEVEMENT;

35
36 (b) IS NOT IN VIOLATION OF EITHER SECTION 7 OF ARTICLE IX OR
37 SECTION 34 OF ARTICLE V OF THE STATE CONSTITUTION; AND

38
39 (c) MEETS THE STANDARDS SET FORTH IN BOTH *ZELMAN V.*
40 *SIMMONS-HARRIS*, ___ U.S. ___, 122 S.Ct. 2460, 153 L.Ed.2d. 604
41 (2002), AND *AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE*
42 *FUND, INC. v. STATE*, 648 P.2d 1072 (COLO. 1982).

43
44 **22-56-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
45 CONTEXT OTHERWISE REQUIRES:

46
47 (1) "ASSISTANCE" MEANS THE FINANCIAL ASSISTANCE PROVIDED
48 BY A SCHOOL DISTRICT TO THE PARENT OF AN ELIGIBLE CHILD ATTENDING
49 A PARTICIPATING NONPUBLIC SCHOOL PURSUANT TO THIS ARTICLE.

50
51 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION
52 CREATED AND EXISTING PURSUANT TO SECTION 24-1-115, C.R.S.

53
54 (3) "ELIGIBLE CHILD" MEANS A CHILD WHO MEETS THE ELIGIBILITY
55 CRITERIA FOR PARTICIPATION IN THE PILOT PROGRAM AS PROVIDED IN
56 SECTION 22-56-104.

1 (4) "NONPUBLIC SCHOOL PILOT PROGRAM MEMBERSHIP" MEANS
2 THE NUMBER OF ELIGIBLE CHILDREN WHO ARE ATTENDING A NONPUBLIC
3 SCHOOL PURSUANT TO THIS ARTICLE ON OCTOBER 1 OF EACH SCHOOL
4 YEAR.

5
6 (5) "OPPORTUNITY CONTRACT" MEANS THE CONTRACT ENTERED
7 INTO BETWEEN A SCHOOL DISTRICT AND THE PARENT OF AN ELIGIBLE CHILD
8 PURSUANT TO THIS ARTICLE.

9
10 (6) "PARENT" MEANS AN ELIGIBLE CHILD'S PARENT OR LEGAL
11 GUARDIAN.

12
13 (7) "PARTICIPATING NONPUBLIC SCHOOL" MEANS A NONPUBLIC
14 SCHOOL THAT MEETS THE STANDARDS SET FORTH IN SECTION 22-56-106
15 AND THAT PARTICIPATES IN THE PILOT PROGRAM.

16
17 (8) "PARTICIPATION CAP" MEANS THE LIMITATION ON THE NUMBER
18 OF A SCHOOL DISTRICT'S ELIGIBLE CHILDREN PERMITTED TO PARTICIPATE
19 IN THE PILOT PROGRAM IN ANY SCHOOL YEAR, AS DESCRIBED IN SECTION
20 22-56-104 (5) (a).

21
22 (9) "PILOT PROGRAM" MEANS THE COLORADO OPPORTUNITY
23 CONTRACT PILOT PROGRAM ESTABLISHED PURSUANT TO SECTION
24 22-56-104.

25
26 (10) (a) "SCHOOL DISTRICT" MEANS:

27
28 (I) A SCHOOL DISTRICT WHICH, FOR THE 2001-02 SCHOOL YEAR,
29 HAD AT LEAST EIGHT SCHOOLS THAT RECEIVED AN ACADEMIC
30 PERFORMANCE RATING OF "LOW" OR "UNSATISFACTORY" PURSUANT TO
31 SECTION 22-7-604 (5); OR

32
33 (II) A SCHOOL DISTRICT THAT CHOOSES TO PARTICIPATE IN THE
34 PILOT PROGRAM PURSUANT TO SECTION 22-56-104 (1) (b).

35
36 (b) FOR PURPOSES OF THIS SUBSECTION (10), A SCHOOL IS ANY
37 PUBLIC SCHOOL, REGARDLESS OF THE NUMBER OF SCHOOL LEVELS THE
38 PUBLIC SCHOOL INCLUDES, AS "SCHOOL LEVEL" IS DEFINED IN SECTION
39 22-7-602 (8).

40
41 (11) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION
42 CREATED AND EXISTING PURSUANT TO SECTION 1 OF ARTICLE IX OF THE
43 STATE CONSTITUTION.

44
45 **22-56-104. Pilot program - established - eligible child - criteria**
46 **- application - limitations on participation - priorities.** (1) (a) THERE
47 IS HEREBY ESTABLISHED IN THE DEPARTMENT THE COLORADO
48 OPPORTUNITY CONTRACT PILOT PROGRAM TO PROVIDE ASSISTANCE TO
49 ELIGIBLE CHILDREN IN ATTENDING PARTICIPATING NONPUBLIC SCHOOLS.

50
51 (b) A SCHOOL DISTRICT IN THE STATE, OTHER THAN A SCHOOL
52 DISTRICT DESCRIBED IN SECTION 22-56-103 (10) (a) (I), MAY PARTICIPATE
53 VOLUNTARILY IN THE PILOT PROGRAM. A SCHOOL DISTRICT SHALL
54 INDICATE ITS INTENT TO PARTICIPATE IN THE PILOT PROGRAM THROUGH
55 THE ADOPTION OF A FAVORABLE RESOLUTION BY THE SCHOOL DISTRICT
56 BOARD OF EDUCATION AND THE PROVISION OF A COPY OF THE RESOLUTION

1 TO THE STATE BOARD.

2

3 (2) A CHILD WHO RESIDES WITHIN A SCHOOL DISTRICT MAY
4 PARTICIPATE IN THE PILOT PROGRAM IF, AT THE TIME OF APPLYING, THE
5 SCHOOL DISTRICT DETERMINES THAT THE CHILD MEETS THE FOLLOWING
6 CRITERIA:

7

8 (a) THE CHILD IS ELIGIBLE TO RECEIVE FREE OR REDUCED-COST
9 LUNCH PURSUANT TO THE PROVISIONS OF THE FEDERAL "NATIONAL
10 SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.; AND

11

12 (b) (I) FOR CHILDREN ENTERING OR ENROLLED IN ONE OF GRADES
13 FOUR THROUGH TWELVE, THE CHILD:

14

15 (A) PERFORMED AT THE PROFICIENCY LEVEL OF
16 "UNSATISFACTORY" OR "PARTIALLY PROFICIENT" IN AT LEAST ONE
17 ACADEMIC AREA ON THE MOST RECENT STATEWIDE ASSESSMENT FOR
18 WHICH DATA IS AVAILABLE;

19

20 (B) PERFORMED AT THE PROFICIENCY LEVEL EQUIVALENT TO
21 "UNSATISFACTORY" OR "PARTIALLY PROFICIENT" IN READING, WRITING, OR
22 MATHEMATICS ON THE MOST RECENT CURRICULUM-BASED, ACHIEVEMENT
23 COLLEGE ENTRANCE EXAMS FOR WHICH DATA IS AVAILABLE; OR

24

25 (C) WAS NOT REQUIRED TO TAKE A STATEWIDE ASSESSMENT
26 PURSUANT TO LAW.

27

28 (II) FOR CHILDREN ENTERING OR ENROLLED IN KINDERGARTEN OR
29 ONE OF GRADES ONE THROUGH THREE, THE CHILD:

30

31 (A) LACKS OVERALL LEARNING READINESS ATTRIBUTABLE TO AT
32 LEAST THREE SIGNIFICANT FAMILY RISK FACTORS, AS DESCRIBED IN
33 SECTION 22-28-106; OR

34

35 (B) RESIDES IN AN AREA IN WHICH THE CHILD'S NEIGHBORHOOD
36 SCHOOL, AS DEFINED IN SECTION 22-1-122 (2) (c), IS A PUBLIC SCHOOL IN
37 THE SCHOOL DISTRICT THAT RECEIVED AN ACADEMIC PERFORMANCE
38 RATING OF "LOW" OR "UNSATISFACTORY" PURSUANT TO SECTION 22-7-604
39 (5).

40

41 (3) (a) THE PARENT OF A CHILD WHO SEEKS TO PARTICIPATE IN THE
42 PILOT PROGRAM AND TO ENTER INTO AN OPPORTUNITY CONTRACT SHALL
43 APPLY TO THE SCHOOL DISTRICT IN WHICH THE CHILD RESIDES ON OR
44 BEFORE JANUARY 1 OF THE SCHOOL YEAR PRECEDING THE SCHOOL YEAR
45 IN WHICH THE CHILD INTENDS TO ENROLL IN AND ATTEND A PARTICIPATING
46 NONPUBLIC SCHOOL PURSUANT TO THE PILOT PROGRAM. ON OR BEFORE
47 FEBRUARY 15 OF THE SCHOOL YEAR IN WHICH THE APPLICATION WAS
48 RECEIVED BY THE SCHOOL DISTRICT, THE SCHOOL DISTRICT SHALL NOTIFY
49 EACH APPLYING PARENT WHOSE CHILD MEETS THE CRITERIA SPECIFIED IN
50 SUBSECTION (2) OF THIS SECTION. ONCE A CHILD IS ELIGIBLE TO
51 PARTICIPATE IN THE PILOT PROGRAM, THE CHILD REMAINS ELIGIBLE SO
52 LONG AS HE OR SHE ENROLLS IN A PARTICIPATING NONPUBLIC SCHOOL AND
53 CONTINUES TO BE INCLUDED IN THE SCHOOL DISTRICT'S PUPIL
54 ENROLLMENT, AND THE CHILD NEED NOT REAPPLY TO PARTICIPATE IN THE
55 PILOT PROGRAM. IF AN ELIGIBLE CHILD ENROLLS IN AND ATTENDS A
56 PUBLIC SCHOOL AND SUBSEQUENTLY CHOOSES TO PARTICIPATE IN THE

1 PILOT PROGRAM, THE PARENT OF THE CHILD SHALL SUBMIT AN
2 APPLICATION AS REQUIRED IN THIS PARAGRAPH (a), AND THE SCHOOL
3 DISTRICT SHALL MAKE A NEW DETERMINATION REGARDING WHETHER THE
4 CHILD MEETS THE ELIGIBILITY CRITERIA SPECIFIED IN SUBSECTION (2) OF
5 THIS SECTION.

6
7 (b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS
8 SUBSECTION (3), IF AN ELIGIBLE CHILD ENROLLS IN AND ATTENDS A PUBLIC
9 SCHOOL BECAUSE THE CHILD IS DENIED PARTICIPATION IN THE PILOT
10 PROGRAM PURSUANT TO SUBSECTION (5) OF THIS SECTION, THE CHILD'S
11 APPLICATION SHALL BE KEPT ON FILE BY THE SCHOOL DISTRICT IN THE
12 EVENT AN OPENING OCCURS IN THE PILOT PROGRAM DURING THE SCHOOL
13 YEAR. IF AN ELIGIBLE CHILD IS NOT SELECTED TO PARTICIPATE IN THE
14 PILOT PROGRAM, THE ELIGIBLE CHILD SHALL REAPPLY IN ACCORDANCE
15 WITH PARAGRAPH (a) OF THIS SUBSECTION (3) TO BE CONSIDERED FOR THE
16 PILOT PROGRAM IN SUBSEQUENT YEARS.

17
18 (4) EACH ELIGIBLE CHILD SHALL PROVIDE ANNUAL WRITTEN
19 NOTICE OF INTENT TO PARTICIPATE IN THE PILOT PROGRAM AND TO RENEW
20 HIS OR HER OPPORTUNITY CONTRACT.

21
22 (5) (a) A SCHOOL DISTRICT'S PARTICIPATION CAP SHALL BE
23 DETERMINED AS FOLLOWS:

24
25 (I) FOR THE 2004-05 SCHOOL YEAR, NO MORE THAN ONE PERCENT
26 OF A SCHOOL DISTRICT'S STUDENT ENROLLMENT FOR THE PREVIOUS
27 SCHOOL YEAR MAY PARTICIPATE IN THE PILOT PROGRAM.

28
29 (II) FOR THE 2005-06 SCHOOL YEAR, NO MORE THAN TWO PERCENT
30 OF A SCHOOL DISTRICT'S STUDENT ENROLLMENT FOR THE PREVIOUS
31 SCHOOL YEAR MAY PARTICIPATE IN THE PILOT PROGRAM.

32
33 (III) FOR THE 2006-07 SCHOOL YEAR, NO MORE THAN FOUR
34 PERCENT OF A SCHOOL DISTRICT'S STUDENT ENROLLMENT FOR THE
35 PREVIOUS SCHOOL YEAR MAY PARTICIPATE IN THE PILOT PROGRAM.

36
37 (IV) FOR THE 2007-08 SCHOOL YEAR AND FOR EACH SCHOOL YEAR
38 THEREAFTER, NO MORE THAN SIX PERCENT OF A SCHOOL DISTRICT'S
39 STUDENT ENROLLMENT FOR THE PREVIOUS SCHOOL YEAR MAY
40 PARTICIPATE IN THE PILOT PROGRAM.

41
42 (b) IF THE NUMBER OF ELIGIBLE CHILDREN IN A SCHOOL DISTRICT
43 WHO SEEK TO PARTICIPATE IN THE PILOT PROGRAM EXCEEDS THE SCHOOL
44 DISTRICT'S PARTICIPATION CAP FOR A SCHOOL YEAR, THE SCHOOL DISTRICT
45 SHALL SELECT FROM AMONG THE ELIGIBLE CHILDREN SEEKING TO
46 PARTICIPATE IN THE PILOT PROGRAM, ON OR BEFORE MARCH 1 OF THE
47 SCHOOL YEAR PRECEDING THE SCHOOL YEAR IN WHICH THE ELIGIBLE
48 CHILD INTENDS TO ENROLL IN AND ATTEND A PARTICIPATING NONPUBLIC
49 SCHOOL PURSUANT TO THE PILOT PROGRAM, BY APPLYING THE FOLLOWING
50 PRIORITIES:

51
52 (I) THE SCHOOL DISTRICT SHALL GIVE FIRST PRIORITY TO ELIGIBLE
53 CHILDREN WHO PARTICIPATED IN THE PILOT PROGRAM IN THE PRECEDING
54 SCHOOL YEAR, IF ANY. IF THE NUMBER OF ELIGIBLE CHILDREN DESCRIBED
55 IN THIS SUBPARAGRAPH (I) EXCEEDS THE SCHOOL DISTRICT'S
56 PARTICIPATION CAP, THE SCHOOL DISTRICT SHALL SELECT FROM AMONG

1 THEM BY USE OF A LOTTERY.

2

3 (II) IF, AFTER SELECTING THE ELIGIBLE CHILDREN DESCRIBED IN
4 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), THE SCHOOL DISTRICT HAS
5 NOT REACHED ITS PARTICIPATION CAP, THE SCHOOL DISTRICT SHALL GIVE
6 PRIORITY TO ELIGIBLE CHILDREN WHO ARE SIBLINGS OF ELIGIBLE
7 CHILDREN WHO HAVE BEEN SELECTED TO PARTICIPATE IN THE PILOT
8 PROGRAM. IF THE NUMBER OF ELIGIBLE CHILDREN DESCRIBED IN THIS
9 SUBPARAGRAPH (II) PLUS THE ELIGIBLE CHILDREN DESCRIBED IN
10 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) EXCEEDS THE SCHOOL
11 DISTRICT'S PARTICIPATION CAP, THE SCHOOL DISTRICT SHALL SELECT FROM
12 AMONG THE ELIGIBLE CHILDREN DESCRIBED IN THIS SUBPARAGRAPH (II) BY
13 USE OF A LOTTERY.

14

15 (III) IF, AFTER SELECTING THE ELIGIBLE CHILDREN DESCRIBED IN
16 SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH (b), THE SCHOOL
17 DISTRICT HAS NOT REACHED ITS PARTICIPATION CAP, THE SCHOOL DISTRICT
18 SHALL GIVE PRIORITY TO ELIGIBLE CHILDREN WHO HAVE AN INDIVIDUAL
19 EDUCATIONAL PROGRAM PURSUANT TO ARTICLE 20 OF THIS TITLE OR WHO
20 HAVE BEEN ATTENDING AN OVERCROWDED SCHOOL, AS DEFINED BY THE
21 SCHOOL DISTRICT. IF THE NUMBER OF ELIGIBLE CHILDREN DESCRIBED IN
22 THIS SUBPARAGRAPH (III) PLUS THE ELIGIBLE CHILDREN DESCRIBED IN
23 SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH (b) EXCEEDS THE
24 SCHOOL DISTRICT'S PARTICIPATION CAP, THE SCHOOL DISTRICT SHALL
25 SELECT FROM AMONG THE ELIGIBLE CHILDREN DESCRIBED IN THIS
26 SUBPARAGRAPH (III) BY USE OF A LOTTERY.

27

28 (IV) IF, AFTER SELECTING THE ELIGIBLE CHILDREN DESCRIBED IN
29 SUBPARAGRAPHS (I) TO (III) OF THIS PARAGRAPH (b), THE SCHOOL DISTRICT
30 HAS NOT REACHED ITS PARTICIPATION CAP, THE SCHOOL DISTRICT SHALL
31 SELECT FROM AMONG THE REMAINING ELIGIBLE CHILDREN BY USE OF A
32 LOTTERY.

33

34 (6) WITHIN FIFTEEN DAYS AFTER MAKING THE SELECTIONS
35 DESCRIBED IN PARAGRAPH (b) OF SUBSECTION (5) OF THIS SECTION, THE
36 SCHOOL DISTRICT SHALL NOTIFY IN WRITING AN ELIGIBLE CHILD'S PARENT
37 WHETHER THE ELIGIBLE CHILD IS SELECTED TO PARTICIPATE IN THE PILOT
38 PROGRAM. IF THE ELIGIBLE CHILD IS NOT SELECTED PURSUANT TO
39 PARAGRAPH (b) OF SUBSECTION (5) OF THIS SECTION, THE NOTICE SHALL
40 INFORM THE PARENT OF THE OPPORTUNITY TO SUBMIT A NOTICE OF INTENT
41 TO PARTICIPATE IN THE PILOT PROGRAM FOR THE FOLLOWING SCHOOL
42 YEAR.

43

44 (7) (a) A PARENT MAY WITHDRAW AN ELIGIBLE CHILD FROM A
45 PARTICIPATING NONPUBLIC SCHOOL AT ANY TIME DURING THE SCHOOL
46 YEAR AND MAY EITHER:

47

48 (I) ENROLL THE ELIGIBLE CHILD IN A PUBLIC SCHOOL; OR

49

50 (II) ENROLL THE ELIGIBLE CHILD IN ANOTHER PARTICIPATING
51 NONPUBLIC SCHOOL THAT HAS SPACE FOR THE ELIGIBLE CHILD AND HAS
52 ACCEPTED THE ELIGIBLE CHILD FOR ADMISSION.

53

54 (b) WHILE AN ELIGIBLE CHILD MAY ENROLL IN AND ATTEND MORE
55 THAN ONE PARTICIPATING NONPUBLIC SCHOOL IN A SCHOOL YEAR AFTER
56 WITHDRAWING PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (7), A

1 SCHOOL DISTRICT NEED NOT MAKE MORE THAN ONE PAYMENT IN A
2 QUARTERLY PAYMENT PERIOD DESCRIBED IN SECTION 22-56-108 (3).

3
4 (8) (a) A PARENT IS DEEMED TO HAVE BREACHED THE
5 OPPORTUNITY CONTRACT AND TO HAVE RELINQUISHED THE RIGHT TO
6 RECEIVE PAYMENTS PURSUANT TO THE PILOT PROGRAM IF:

7
8 (I) THE PARENT VOLUNTARILY NOTIFIES THE SCHOOL DISTRICT IN
9 WRITING OF HIS OR HER INTENT TO RELINQUISH THE RIGHT;

10
11 (II) THE ELIGIBLE CHILD DOES NOT ENROLL IN A PARTICIPATING
12 NONPUBLIC SCHOOL BY SEPTEMBER 15 OF THE SCHOOL YEAR FOR WHICH
13 THE ELIGIBLE CHILD WAS ACCEPTED BY A PARTICIPATING NONPUBLIC
14 SCHOOL;

15
16 (III) THE ELIGIBLE CHILD DOES NOT ENROLL IN A PARTICIPATING
17 NONPUBLIC SCHOOL BY SEPTEMBER 15 FOLLOWING THE WITHDRAWAL OF
18 THE ELIGIBLE CHILD PURSUANT TO PARAGRAPH (a) OF SUBSECTION (7) OF
19 THIS SECTION;

20
21 (IV) THE ELIGIBLE CHILD FAILS TO ATTEND THE NONPUBLIC
22 SCHOOL AT LEAST SIXTY PERCENT OF THE SCHOOL DAYS IN TWO
23 QUARTERLY PAYMENT PERIODS, AS DESCRIBED IN SECTION 22-56-108 (3),
24 UNLESS THE ATTENDANCE FAILURE IS DUE TO ILLNESS, INJURY, OR OTHER
25 REASON EXCUSED AT THE DISCRETION OF THE SCHOOL DISTRICT;

26
27 (V) THE ELIGIBLE CHILD'S DOMICILE BECOMES LOCATED OUTSIDE
28 THE STATE; OR

29
30 (VI) THE ELIGIBLE CHILD FAILS TO TAKE A STATEWIDE ASSESSMENT
31 REQUIRED PURSUANT TO LAW AND ADMINISTERED BY THE SCHOOL
32 DISTRICT, UNLESS THE FAILURE IS EXCUSED BY THE SCHOOL DISTRICT.

33
34 (b) FOLLOWING A BREACH AND RELINQUISHMENT BY THE PARENT
35 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (8), THE SCHOOL
36 DISTRICT SHALL SELECT ANOTHER ELIGIBLE CHILD THROUGH A LOTTERY
37 CONDUCTED AT LEAST WEEKLY AND SHALL ENTER INTO AN OPPORTUNITY
38 CONTRACT WITH THE ELIGIBLE CHILD'S PARENT. THE SCHOOL DISTRICT
39 NEED NOT COMPLY WITH THE PRIORITIES DESCRIBED IN SECTION 22-56-104
40 (5) (b) IN SELECTING AN ELIGIBLE CHILD PURSUANT TO THIS PARAGRAPH
41 (b).

42
43 **22-56-105. Pilot program - application to participating**
44 **nonpublic school - acceptance.** (1) ON OR BEFORE APRIL 1 OF THE
45 SCHOOL YEAR IN WHICH THE ELIGIBLE CHILD IS DEEMED ELIGIBLE AND IS
46 SELECTED TO PARTICIPATE IN THE PILOT PROGRAM, A PARENT SHALL
47 SUBMIT AN APPLICATION TO THE PARTICIPATING NONPUBLIC SCHOOL ON A
48 FORM PROVIDED BY THE SCHOOL DISTRICT. WITHIN FIFTEEN DAYS AFTER
49 RECEIVING THE APPLICATION, THE PARTICIPATING NONPUBLIC SCHOOL
50 SHALL NOTIFY THE APPLICANT, IN WRITING, WHETHER THE ELIGIBLE CHILD
51 HAS BEEN ACCEPTED FOR ADMISSION. THE PARTICIPATING NONPUBLIC
52 SCHOOL SHALL DETERMINE WHICH ELIGIBLE CHILDREN TO ACCEPT FOR
53 ADMISSION ON THE BASIS OF THE ORDER IN WHICH THEIR APPLICATIONS
54 ARE RECEIVED.

55
56 (2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF

1 THIS SECTION, A PARTICIPATING NONPUBLIC SCHOOL MAY GIVE
2 PREFERENCE IN ACCEPTING FOR ADMISSION:

3

4 (a) ELIGIBLE CHILDREN WHO HAVE ATTENDED THE PARTICIPATING
5 NONPUBLIC SCHOOL PURSUANT TO THE PILOT PROGRAM IN A PREVIOUS
6 SCHOOL YEAR; AND

7

8 (b) SIBLINGS OF ELIGIBLE CHILDREN ALREADY ACCEPTED FOR
9 ADMISSION.

10

11 **22-56-106. Pilot program - participating nonpublic school**
12 **standards - appeal - annual notification.** (1) A NONPUBLIC SCHOOL
13 THAT CHOOSES TO PARTICIPATE IN THE PILOT PROGRAM SHALL FILE AN
14 APPLICATION WITH A SCHOOL DISTRICT. THE NONPUBLIC SCHOOL SHALL
15 PROVIDE INFORMATION AT THE TIME OF FILING THE APPLICATION
16 PURSUANT TO THIS SUBSECTION (1), AND ANNUALLY THEREAFTER AS LONG
17 AS THE NONPUBLIC SCHOOL SEEKS TO PARTICIPATE IN THE PILOT PROGRAM,
18 THAT INDICATES THAT THE NONPUBLIC SCHOOL MEETS THE FOLLOWING
19 STANDARDS:

20

21 (a) FOR THE SCHOOL YEAR 2004-05, AND FOR EACH SCHOOL YEAR
22 THEREAFTER, THE NONPUBLIC SCHOOL NOTIFIES THE SCHOOL DISTRICT OF
23 ITS INTENT TO PARTICIPATE IN THE PILOT PROGRAM;

24

25 (b) THE NONPUBLIC SCHOOL DOES NOT DISCRIMINATE AGAINST
26 ELIGIBLE CHILDREN IN ADMISSIONS, DISMISSALS, OR OTHER RIGHTS OR
27 PRIVILEGES OF PARENTS OR STUDENTS, ON THE BASIS OF RACE, COLOR,
28 RELIGION, NATIONAL ORIGIN, OR DISABILITY;

29

30 (c) THE NONPUBLIC SCHOOL MEETS ALL HEALTH AND SAFETY LAWS
31 OR CODES THAT APPLY TO PUBLIC SCHOOLS;

32

33 (d) THE NONPUBLIC SCHOOL PERMITS THE SCHOOL DISTRICT, AT
34 THE SCHOOL DISTRICT'S COST AND AT REASONABLE TIMES IN THE SCHOOL
35 DISTRICT'S FACILITIES, TO ADMINISTER STATEWIDE ASSESSMENTS TO THE
36 ELIGIBLE CHILDREN ATTENDING THE NONPUBLIC SCHOOL PURSUANT TO
37 THIS ARTICLE;

38

39 (e) THE NONPUBLIC SCHOOL AGREES TO MAKE AN INQUIRY TO THE
40 DEPARTMENT PURSUANT TO SECTION 22-1-121 AND TO REQUIRE THE
41 SUBMISSION OF FINGERPRINTS FOR EACH EMPLOYEE OR PROSPECTIVE
42 EMPLOYEE OF THE NONPUBLIC SCHOOL;

43

44 (f) THE NONPUBLIC SCHOOL PERMITS THE ELIGIBLE CHILD
45 ATTENDING THE NONPUBLIC SCHOOL PURSUANT TO THE PILOT PROGRAM TO
46 WITHDRAW FROM THE NONPUBLIC SCHOOL AT ANY TIME WITHOUT
47 FURTHER OBLIGATION BUT WITHOUT A RIGHT OF RECOVERY FOR PAYMENTS
48 MADE PRIOR TO THE WITHDRAWAL; AND

49

50 (g) THE NONPUBLIC SCHOOL PROVIDES INFORMATION REGARDING
51 THE HISTORY OF THE SCHOOL, ITS ADMINISTRATIVE STRUCTURE, AND
52 PROVIDES A DESCRIPTION OF THE SCHOOL'S SOUND EDUCATIONAL
53 PHILOSOPHY AND CURRICULUM.

54

55 (2) (a) A NONPUBLIC SCHOOL OPERATING FOR FEWER THAN THREE
56 YEARS AT THE TIME OF FILING AN APPLICATION PURSUANT TO SUBSECTION

1 (1) OF THIS SECTION SHALL INCLUDE AS PART OF THE APPLICATION
2 EVIDENCE OF A SAVINGS ACCOUNT, DEPOSIT, OR CERTIFICATE OF DEPOSIT
3 MEETING THE REQUIREMENTS OF SECTION 11-35-101, C.R.S., OR A SURETY
4 BOND AS SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (2) COVERING
5 THE NONPUBLIC SCHOOL AND ITS AGENTS. A NONPUBLIC SCHOOL
6 DESCRIBED IN THIS PARAGRAPH (a) THAT FAILS TO COMPLY WITH THE
7 REQUIREMENTS OF THIS PARAGRAPH (a) IS PROHIBITED FROM
8 PARTICIPATING IN THE PROGRAM.
9

10 (b) AN APPLICANT NONPUBLIC SCHOOL, ACTING AS PRINCIPAL, AND
11 A SURETY COMPANY AUTHORIZED TO DO BUSINESS IN THIS STATE MAY
12 EXECUTE A SURETY BOND. THE BOND SHALL BE CONDITIONED TO PROVIDE
13 INDEMNIFICATION FOR ANY LOSS INCURRED IF THE NONPUBLIC SCHOOL
14 CEASES OPERATIONS. THE AMOUNT OF THE BOND SHALL BE EQUAL TO A
15 REASONABLE ESTIMATE OF THE SUM OF THE PAYMENTS THE NONPUBLIC
16 SCHOOL ANTICIPATES RECEIVING FOR EACH QUARTERLY PAYMENT PERIOD
17 DESCRIBED IN SECTION 22-6-108 (3); EXCEPT THAT THE AMOUNT OF THE
18 BOND SHALL NOT BE LESS THAN FIVE THOUSAND DOLLARS.
19

20 (3) (a) A NONPUBLIC SCHOOL SHALL PROVIDE THE NOTICE
21 DESCRIBED IN PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION BY
22 OCTOBER 1 OF THE SCHOOL YEAR PRECEDING THE SCHOOL YEAR IN WHICH
23 THE NONPUBLIC SCHOOL INTENDS TO PARTICIPATE IN THE PILOT PROGRAM.
24 THE NOTICE SHALL SPECIFY THE NUMBER OF ELIGIBLE CHILDREN FOR
25 WHICH THE NONPUBLIC SCHOOL HAS SPACE IN EACH GRADE LEVEL
26 OFFERED BY THE NONPUBLIC SCHOOL AND WHETHER THE NONPUBLIC
27 SCHOOL IS WILLING TO ACCEPT ELIGIBLE CHILDREN FOR ADMISSION AFTER
28 THE BEGINNING OF THE SCHOOL YEAR. THE NONPUBLIC SCHOOL MAY
29 CHANGE THE NUMBER OF AVAILABLE SPACES BY WRITTEN AMENDMENT AT
30 ANY TIME; EXCEPT THAT THE NONPUBLIC SCHOOL SHALL NOT DECREASE
31 THE NUMBER OF AVAILABLE SPACES DURING THE PERIOD BEGINNING
32 MARCH 1 AND ENDING AUGUST 15 THAT FOLLOWS THE DATE THE NOTICE
33 IS GIVEN PURSUANT TO THIS PARAGRAPH (a).
34

35 (b) WITHIN THIRTY DAYS AFTER RECEIVING THE APPLICATION
36 SUBMITTED PURSUANT TO SUBSECTION (1) OF THIS SECTION, A SCHOOL
37 DISTRICT SHALL NOTIFY THE NONPUBLIC SCHOOL APPLICANT, IN WRITING,
38 OF ITS DECISION TO ACCEPT OR DENY THE APPLICATION. A SCHOOL
39 DISTRICT SHALL DENY AN APPLICATION ONLY ON THE BASIS OF:
40

41 (I) FAILURE OF A NONPUBLIC SCHOOL TO PROVIDE REASONABLE
42 DOCUMENTATION DEMONSTRATING COMPLIANCE WITH THE STANDARDS
43 DESCRIBED IN SUBSECTION (1) OF THIS SECTION; OR
44

45 (II) A REASONABLE DETERMINATION BY THE SCHOOL DISTRICT
46 BOARD OF EDUCATION THAT THE NONPUBLIC SCHOOL DOES NOT MEET THE
47 STANDARDS DESCRIBED IN SUBSECTION (1) OF THIS SECTION.
48

49 (c) A NONPUBLIC SCHOOL THAT IS DENIED PARTICIPATION IN THE
50 PILOT PROGRAM BY A SCHOOL DISTRICT MAY FILE AN APPEAL WITH THE
51 STATE BOARD WITHIN THIRTY DAYS AFTER RECEIVING NOTIFICATION OF
52 THE DENIAL. WITHIN SIXTY DAYS AFTER RECEIVING NOTICE OF THE
53 APPEAL, THE STATE BOARD, AFTER PROVIDING REASONABLE NOTICE AND
54 HOLDING A HEARING ON THE MATTER, SHALL RENDER ITS DECISION ON
55 WHETHER THE NONPUBLIC SCHOOL APPLICANT MAY PARTICIPATE IN THE
56 PILOT PROGRAM. THE DECISION OF THE STATE BOARD SHALL BE FINAL AND

1 NOT SUBJECT TO APPEAL.

2

3 (4) EACH PARTICIPATING NONPUBLIC SCHOOL SHALL ANNUALLY
4 AFFIRM THAT IT MEETS THE STANDARDS DESCRIBED IN SUBSECTION (1) OF
5 THIS SECTION AND NOTIFY THE SCHOOL DISTRICT OF ITS INTENT TO
6 CONTINUE AS A PARTICIPATING NONPUBLIC SCHOOL. A NONPUBLIC
7 SCHOOL THAT CEASES PARTICIPATION IN THE PILOT PROGRAM AND LATER
8 SEEKS TO AGAIN BECOME A PARTICIPATING NONPUBLIC SCHOOL SHALL FILE
9 AN APPLICATION WITH A SCHOOL DISTRICT PURSUANT TO SUBSECTION (1)
10 OF THIS SECTION.

11

12 (5) A SCHOOL DISTRICT SHALL PROVIDE INFORMATION ANNUALLY
13 TO ELIGIBLE CHILDREN AND THEIR PARENTS WHO RESIDE IN THE SCHOOL
14 DISTRICT REGARDING THE NONPUBLIC SCHOOLS PARTICIPATING IN THE
15 PILOT PROGRAM. AT A MINIMUM, THE INFORMATION SHALL BE IN A FORM
16 THAT INCLUDES A DESCRIPTION OF THE PILOT PROGRAM AND THE
17 IDENTITIES OF PARTICIPATING NONPUBLIC SCHOOLS. THE INFORMATION
18 MAY BE EITHER IN AN ELECTRONIC FORMAT OR IN A MAILING TO PARENTS.
19 IF THE SCHOOL DISTRICT RECEIVES PRIVATE MONEYS SUFFICIENT TO PAY
20 FOR A MAILING TO THE PARENTS, THE SCHOOL DISTRICT SHALL PROVIDE
21 THE INFORMATION TO THE PARENTS IN SUCH A MAILING.

22

23 **22-56-107. Pilot program - opportunity contracts - terms -**
24 **financing.** (1) THE PARENT OF AN ELIGIBLE CHILD CHOSEN TO
25 PARTICIPATE IN THE PILOT PROGRAM AND ACCEPTED BY A PARTICIPATING
26 NONPUBLIC SCHOOL SHALL ENTER INTO AN OPPORTUNITY CONTRACT WITH
27 THE SCHOOL DISTRICT. THE OPPORTUNITY CONTRACT SHALL SET FORTH
28 THE RESPONSIBILITIES OF THE PARTIES, WHICH SHALL INCLUDE AT A
29 MINIMUM:

30

31 (a) THE TERMS AND PROCEDURES OF PAYMENT MADE BY THE
32 SCHOOL DISTRICT TO THE PARENT IN ACCORDANCE WITH SECTION
33 22-56-108;

34

35 (b) THE CONSEQUENCES FOR FAILURE TO ABIDE BY THE TERMS OF
36 THE OPPORTUNITY CONTRACT;

37

38 (c) THE CIRCUMSTANCES INVOLVING THE ADMINISTRATION OF THE
39 STATEWIDE ASSESSMENTS TO THE ELIGIBLE CHILD, AS DESCRIBED IN
40 SECTION 22-56-106 (1) (d); AND

41

42 (d) OTHER MATTERS, AS REQUIRED BY THE PROVISIONS OF THIS
43 ARTICLE.

44

45 (2) IN THE CASE OF AN ELIGIBLE CHILD WHO HAS AN INDIVIDUAL
46 EDUCATIONAL PROGRAM PURSUANT TO ARTICLE 20 OF THIS TITLE, THE
47 OPPORTUNITY CONTRACT SHALL SET FORTH THE RESPONSIBILITIES OF THE
48 PARTICIPATING NONPUBLIC SCHOOL IN WHICH THE ELIGIBLE CHILD IS
49 ENROLLED, THE PARENT, AND THE ADMINISTRATIVE UNIT IN IMPLEMENTING
50 THE INDIVIDUAL EDUCATIONAL PROGRAM. TO THE EXTENT THAT AN
51 ADMINISTRATIVE UNIT IS RESPONSIBLE FOR SOME OR ALL OF THE TERMS OF
52 AN INDIVIDUAL EDUCATIONAL PROGRAM, THE OPPORTUNITY CONTRACT
53 SHALL BE AGREED TO WITH THE ADMINISTRATIVE UNIT. IN IMPLEMENTING
54 THIS SUBSECTION (2), THE PRESUMPTION SHALL BE THAT THE
55 PARTICIPATING NONPUBLIC SCHOOL IS RESPONSIBLE FOR THE
56 INSTRUCTIONAL ASPECTS OF AN INDIVIDUAL EDUCATIONAL PROGRAM AND

1 THE ADMINISTRATIVE UNIT IS RESPONSIBLE FOR NON-INSTRUCTIONAL
2 SERVICES, UNLESS THE PARTIES NEGOTIATE OTHER TERMS.

3

4 (3) FOR PURPOSES OF DETERMINING PUPIL ENROLLMENT UNDER
5 THE "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF THIS TITLE,
6 THE SCHOOL DISTRICT IN WHICH AN ELIGIBLE CHILD WHO IS PARTICIPATING
7 IN THE PILOT PROGRAM RESIDES SHALL BE ENTITLED TO COUNT THE
8 ELIGIBLE CHILD, IN ACCORDANCE WITH THE PROVISIONS OF SECTION
9 22-54-103 (10) (a) (III).

10

11 **22-56-108. Report of enrollment - assistance - payments. (1)**
12 ON OR BEFORE OCTOBER 15, 2004, AND ON OR BEFORE OCTOBER 15 OF
13 EACH YEAR THEREAFTER, EACH PARTICIPATING NONPUBLIC SCHOOL SHALL
14 FILE WITH THE DEPARTMENT, AND WITH THE SCHOOL DISTRICT OF
15 RESIDENCE OF EACH ELIGIBLE CHILD ENROLLED IN THE PARTICIPATING
16 NONPUBLIC SCHOOL, A REPORT STATING ITS NONPUBLIC SCHOOL PILOT
17 PROGRAM MEMBERSHIP.

18

19 (2) FOR THE SCHOOL YEAR 2004-05, AND FOR EACH SCHOOL YEAR
20 THEREAFTER, UPON RECEIPT FROM A PARTICIPATING NONPUBLIC SCHOOL
21 OF PROOF OF AN ELIGIBLE CHILD'S ENROLLMENT IN A PARTICIPATING
22 NONPUBLIC SCHOOL DURING A SCHOOL YEAR AND THE SIGNING OF AN
23 OPPORTUNITY CONTRACT, THE SCHOOL DISTRICT SHALL PAY PURSUANT TO
24 SUBSECTIONS (3) AND (4) OF THIS SECTION AN AMOUNT EQUAL TO THE
25 LESSER OF THE FOLLOWING:

26

27 (a) THE PARTICIPATING NONPUBLIC SCHOOL'S ACTUAL
28 EDUCATIONAL COST PER PUPIL AS EVIDENCED BY AN ANNUAL COST-REPORT
29 AUDIT; OR

30

31 (b) (I) SEVENTY-FIVE PERCENT OF THE SCHOOL DISTRICT'S PER
32 PUPIL OPERATING REVENUES, AS DEFINED IN SECTION 22-54-103 (9), IF THE
33 ELIGIBLE CHILD IS ENROLLED IN ONE OF GRADES ONE THROUGH EIGHT;

34

35 (II) EIGHTY-FIVE PERCENT OF THE SCHOOL DISTRICT'S PER PUPIL
36 OPERATING REVENUES, AS DEFINED IN SECTION 22-54-103 (9), IF THE
37 ELIGIBLE CHILD IS ENROLLED IN ONE OF GRADES NINE THROUGH TWELVE;
38 OR

39

40 (III) THIRTY-SEVEN AND ONE-HALF PERCENT OF THE SCHOOL
41 DISTRICT'S PER PUPIL OPERATING REVENUES, AS DEFINED IN SECTION
42 22-54-103 (9), IF THE ELIGIBLE CHILD IS ENROLLED IN KINDERGARTEN.

43

44 (3) THE SCHOOL DISTRICT SHALL PAY ASSISTANCE TO THE PARENT
45 OF AN ELIGIBLE CHILD WHO IS PARTICIPATING IN THE PILOT PROGRAM AS
46 FOLLOWS: TWENTY-FIVE PERCENT OF THE AMOUNT DESCRIBED IN
47 SUBSECTION (2) OF THIS SECTION IN SEPTEMBER, TWENTY-FIVE PERCENT
48 OF THE AMOUNT IN NOVEMBER, TWENTY-FIVE PERCENT OF THE AMOUNT
49 IN FEBRUARY, AND THE REMAINDER IN MAY.

50

51 (4) (a) THE SCHOOL DISTRICT SHALL ISSUE A CHECK FOR EACH
52 PAYMENT DESCRIBED IN SUBSECTION (3) OF THIS SECTION IN THE NAME OF
53 THE ELIGIBLE CHILD'S PARENT. THE SCHOOL DISTRICT SHALL SEND THE
54 CHECK TO THE PARTICIPATING NONPUBLIC SCHOOL IN WHICH THE PARENT'S
55 CHILD IS ENROLLED, AND THE PARENT SHALL RESTRICTIVELY ENDORSE THE
56 CHECK FOR THE SOLE USE OF THE PARTICIPATING NONPUBLIC SCHOOL.

1 (b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF
2 THIS SUBSECTION (4), THE SCHOOL DISTRICT MAY WITHHOLD A PAYMENT
3 DESCRIBED IN SUBSECTION (3) OF THIS SECTION IF THE ELIGIBLE CHILD HAS
4 NOT ATTENDED AT LEAST SIXTY PERCENT OF THE SCHOOL DAYS AT THE
5 PARTICIPATING NONPUBLIC SCHOOL DURING THE PRECEDING QUARTERLY
6 PAYMENT PERIOD; EXCEPT THAT THE PROVISIONS OF THIS PARAGRAPH (b)
7 SHALL NOT APPLY DURING THE FIRST QUARTERLY PAYMENT PERIOD IN
8 WHICH THE ELIGIBLE CHILD IS ATTENDING THE PARTICIPATING NONPUBLIC
9 SCHOOL.

10

11 **22-56-109. Performance and financial audit - state auditor -**
12 **report - repeal.** (1) ON OR BEFORE JANUARY 1, 2008, THE STATE
13 AUDITOR SHALL CONDUCT OR CAUSE TO BE CONDUCTED A PERFORMANCE
14 AND FINANCIAL AUDIT OF THE PILOT PROGRAM. THE STATE AUDITOR'S
15 OFFICE SHALL SUBMIT ITS FINDINGS, CONCLUSIONS, AND
16 RECOMMENDATIONS IN THE FORM OF A WRITTEN REPORT TO THE MEMBERS
17 OF THE LEGISLATIVE AUDIT COMMITTEE OF THE GENERAL ASSEMBLY AND
18 TO THE MEMBERS OF THE EDUCATION COMMITTEES OF THE SENATE AND
19 THE HOUSE OF REPRESENTATIVES.

20

21 (2) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 15, 2008.

22

23 **22-56-110. Report on the program - student achievement -**
24 **repeal.** (1) A SCHOOL DISTRICT SHALL EVALUATE THE ACADEMIC
25 PERFORMANCE OF EACH ELIGIBLE CHILD WHO IS ENROLLED IN A
26 PARTICIPATING NONPUBLIC SCHOOL PURSUANT TO THE PILOT PROGRAM.
27 ON OR BEFORE JANUARY 1, 2008, THE SCHOOL DISTRICT SHALL PROVIDE
28 A WRITTEN REPORT TO THE MEMBERS OF THE EDUCATION COMMITTEES OF
29 THE SENATE AND THE HOUSE OF REPRESENTATIVES AND TO THE
30 DEPARTMENT. THE REPORT SHALL INCLUDE NON-IDENTIFYING INDIVIDUAL
31 STUDENT DATA ON THE STATEWIDE ASSESSMENTS AND AN ANALYSIS OF
32 INDIVIDUAL STUDENT ACHIEVEMENT. THE SCHOOL DISTRICT SHALL ALSO
33 RECORD SIMILAR DATA FOR THOSE ELIGIBLE CHILDREN NOT SELECTED IN
34 THE LOTTERY PROCESS TO PARTICIPATE IN THE PILOT PROGRAM. THE
35 SCHOOL DISTRICT SHALL ALSO REPORT THE FINANCIAL IMPACT OF THE
36 PILOT PROGRAM ON THE SCHOOL DISTRICT.

37

38 (2) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 15, 2008.

39

40 **SECTION 2.** 22-54-103 (10) (a), Colorado Revised Statutes, is
41 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

42

43 **22-54-103. Definitions - repeal.** As used in this article, unless
44 the context otherwise requires:

45

46 (10) (a) (III) "PUPIL ENROLLMENT" SHALL INCLUDE A PUPIL WHO
47 RESIDES IN THE SCHOOL DISTRICT AND IS ENROLLED AND ATTENDING A
48 PARTICIPATING NONPUBLIC SCHOOL UNDER THE TERMS OF AN
49 OPPORTUNITY CONTRACT PURSUANT TO ARTICLE 56 OF THIS TITLE ON
50 OCTOBER 1 WITHIN THE APPLICABLE BUDGET YEAR OR THE SCHOOL DAY
51 NEAREST SAID DATE.

52

53 **SECTION 3. Safety clause.** The general assembly hereby finds,
54 determines, and declares that this act is necessary for the immediate
55 preservation of the public peace, health, and safety."

56

1 **HB03-1175** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4

5 Amend printed bill, strike everything below the enacting clause and
6 substitute the following:
7

8 "SECTION 1. Article 5 of title 23, Colorado Revised Statutes, is
9 amended BY THE ADDITION OF A NEW SECTION to read:
10

11 **23-5-127. Unique student identifying number - social security**
12 **number - prohibition - repeal.** (1) EACH POSTSECONDARY INSTITUTION
13 IN COLORADO SHALL ASSIGN TO EACH STUDENT ENROLLED IN THE
14 INSTITUTION A UNIQUE PRIMARY IDENTIFIER THAT MAY BE A SERIES OF
15 NUMBERS OR CHARACTERS.
16

17 (2) ON AND AFTER JULY 1, 2003, EACH POSTSECONDARY
18 INSTITUTION IN COLORADO SHALL TAKE REASONABLE AND PRUDENT STEPS
19 TO ENSURE THE PRIVACY OF A STUDENT'S SOCIAL SECURITY NUMBER.
20

21 (3) (a) ON AND AFTER JULY 1, 2004, A POSTSECONDARY
22 INSTITUTION IN COLORADO SHALL NOT REQUIRE THE USE OF A STUDENT'S
23 SOCIAL SECURITY NUMBER OR PART OF A STUDENT'S SOCIAL SECURITY
24 NUMBER AS THE STUDENT'S PRIMARY IDENTIFIER.
25

26 (b) ON OR BEFORE JULY 1, 2004, EACH POSTSECONDARY
27 INSTITUTION IN COLORADO SHALL APPROVE A PLAN AND A TIMETABLE FOR
28 PHASING OUT THE USE OF A STUDENT'S SOCIAL SECURITY NUMBER OR PART
29 OF A STUDENT'S SOCIAL SECURITY NUMBER AS THE STUDENT'S PRIMARY
30 IDENTIFIER AND SHALL IMPLEMENT THE PLAN AS SOON AS POSSIBLE WITHIN
31 EXISTING APPROPRIATIONS.
32

33 (c) (I) ON OR BEFORE JANUARY 15, 2005, EACH POSTSECONDARY
34 INSTITUTION SHALL SUBMIT A REPORT TO THE EDUCATION COMMITTEES OF
35 THE SENATE AND THE HOUSE OF REPRESENTATIVES ON THE PROGRESS
36 BEING MADE TOWARD IMPLEMENTATION OF THE PLAN REQUIRED BY
37 PARAGRAPH (b) OF THIS SUBSECTION (3).
38

39 (II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2005.
40

41 **SECTION 2. Safety clause.** The general assembly hereby finds,
42 determines, and declares that this act is necessary for the immediate
43 preservation of the public peace, health, and safety."
44

45
46
47
48 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**
49

50 The Speaker has signed: **HJR03-1013**.
51
52
53
54
55

1 **LAY OVER OF CALENDAR ITEMS**

2
3 On motion of Representative King, the following items on the Calendar
4 were laid over until February 5, retaining place on Calendar:

5
6 Consideration of General Orders--**HB03-1013, 1081, 1033, 1082, 1143,**
7 **1097, 1124, 1092, 1100, 1121, 1079.**

8 _____

9
10 House in recess. House reconvened.

11 _____

12
13 **APPOINTMENT**

14
15
16 The Speaker Pro Tempore announced the following temporary change in
17 committee assignment:

18 For today only, Representative Cadman to replace Representative
19 Schultheis on the Committee on Health, Environment, Welfare &
20 Institutions.

21 _____

22
23 **REPORTS OF COMMITTEES OF REFERENCE**

24 **BUSINESS AFFAIRS & LABOR**

25
26 After consideration on the merits, the Committee recommends the
27 following:

28
29
30 **HB03-1158** be amended as follows, and as so amended, be referred to
31 the Committee of the Whole with favorable
32 recommendation:

33
34 Amend printed bill, page 3, after line 1, insert the following:

35
36 **"SECTION 1.** 38-12-103 (1), Colorado Revised Statutes, is
37 amended to read:

38
39 **38-12-103. Return of security deposit.** (1) A landlord shall,
40 within one month after the termination of a lease or surrender and
41 acceptance of the premises, whichever occurs last, return to the tenant the
42 full security deposit deposited with the landlord by the tenant unless the
43 lease agreement specifies a longer period of time, but not to exceed ~~sixty~~
44 FORTY-FIVE days. No security deposit shall be retained to cover normal
45 wear and tear. In the event that actual cause exists for retaining any
46 portion of the security deposit, the landlord shall provide the tenant with
47 a written statement listing the exact reasons for the retention of any
48 portion of the security deposit. When the statement is delivered, it shall
49 be accompanied by payment of the difference between any sum deposited
50 and the amount retained. The landlord is deemed to have complied with
51 this section by mailing said statement and any payment required to the
52 last known address of the tenant. Nothing in this section shall preclude
53 the landlord from retaining the security deposit for nonpayment of rent,
54 abandonment of the premises, or nonpayment of utility charges, repair
55 work, or cleaning contracted for by the tenant."
56

1 Renumber succeeding sections accordingly.

2

3 Page 3, line 18, strike "FORTY-EIGHT" and substitute "SEVENTY-TWO";

4

5 line 23, after "UTILITIES.", add ""MAJOR DEFECT" ALSO DOES NOT INCLUDE
6 ANY DEFECT THAT IS KNOWN TO THE TENANT AT THE TIME THE TENANT
7 RENTS OR OCCUPIES THE DWELLING UNIT.".

8

9 Page 6, line 6, after "PERMITS", insert "AND SHALL MAKE REPAIRS THAT
10 MAY BE LISTED IN THE RENTAL AGREEMENT";

11

12 after line 22, insert the following:

13

14 **"38-12-406. Application.** THIS PART 4 SHALL NOT APPLY TO ANY
15 RELATIONSHIP BETWEEN THE OWNER OF A MOBILE HOME PARK AND THE
16 OWNER OF A MOBILE HOME SITUATED IN THE PARK THAT IS OTHERWISE
17 ESTABLISHED BY PART 2 OF THIS ARTICLE.".

18

19

20

21 **HB03-1189** be postponed indefinitely.

22

23

24 **SB03-071** be referred to the Committee of the Whole with favorable
25 recommendation.

26

27

28 **SB03-182** be amended as follows, and as so amended, be referred to
29 the Committee of the Whole with favorable
30 recommendation:

31

32 Amend reengrossed bill, page 14, line 3, strike "33." and substitute "33;
33 EXCEPT THAT THE AMOUNT OF THE REGISTRATION FEE FOR INSTALLERS OF
34 MANUFACTURED HOMES IS THE AMOUNT SPECIFIED IN SECTION 24-32-3315
35 (5) AND THE AMOUNT OF THE REGISTRATION FEE FOR SELLERS OF
36 MANUFACTURED HOMES IS THE AMOUNT SPECIFIED IN SECTION 24-32-3323
37 (3). BEFORE ESTABLISHING THE SCHEDULE OF FEES, THE BOARD SHALL
38 GATHER INFORMATION REGARDING THE FEES CHARGED BY COLORADO
39 LOCAL GOVERNMENTS FOR THE INSPECTION AND CERTIFICATION OF
40 IMPROVEMENTS TO RESIDENTIAL REAL PROPERTY THAT ARE NOT
41 MANUFACTURED HOMES AND THE FEES CHARGED BY GOVERNMENTAL
42 ENTITIES OUTSIDE OF COLORADO FOR THE INSPECTION AND CERTIFICATION
43 OF MANUFACTURED HOMES.".

44

45 Page 18, line 16, after "PERSON.", insert "THE AMOUNT OF THE
46 REGISTRATION FEE SHALL BE NO MORE THAN TWO HUNDRED FIFTY
47 DOLLARS.".

48

49 Page 27, line 17, after "ISSUANCE.", insert "THE AMOUNT OF THE
50 REGISTRATION FEE SHALL BE NO MORE THAN TWO HUNDRED DOLLARS.".

51

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55

1 **JUDICIARY**

2 After consideration on the merits, the Committee recommends the
3 following:

4
5 **HB03-1112** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:

8
9 Amend printed bill, page 2, line 7, strike "SECTION" and substitute "THIS
10 ARTICLE SHALL NOT BE DISCLOSED IN ANY CRIMINAL OR JUVENILE
11 DELINQUENCY CASE BROUGHT AGAINST THE JUVENILE";

12
13 strike line 8.

14
15
16
17 **HB03-1139** be amended as follows, and as so amended, be referred to
18 the Committee of the Whole with favorable
19 recommendation:

20
21 Amend printed bill, page 2, strike lines 7 and 8 and substitute the
22 following:

23
24 "UNLESS THE CONTEXT OTHERWISE REQUIRES:

25
26 (a) "DEFENDANT" MEANS A PERSON:";

27
28 line 9, strike "(a)" and substitute "(I)";

29
30 line 12, strike "(b)" and substitute "(II)";

31
32 after line 14, insert the following:

33
34 "(b) "LIFE IMPRISONMENT" MEANS THE REMAINDER OF THE
35 DEFENDANT'S NATURAL LIFE IN PRISON WITHOUT THE POSSIBILITY OF
36 PAROLE.";

37
38 line 15, after "(a)", insert "(I)".

39
40 Page 3, line 1, after the period, add "IN ADDITION, THE COURT SHALL
41 CONSIDER WRITTEN OR VERBAL TESTIMONY PRESENTED BY THE FAMILY OF
42 THE VICTIM.";

43
44 after line 1, insert the following:

45
46 "(II) ATLEAST FORTY-FIVE DAYS PRIOR TO TRIAL, THE DEFENDANT
47 SHALL PROVIDE THE PROSECUTION WITH THE FOLLOWING INFORMATION
48 AND MATERIALS:

49
50 (A) A LIST OF THE EXTRAORDINARY MITIGATING CIRCUMSTANCES
51 THE DEFENDANT INTENDS TO RAISE AT THE SENTENCING HEARING;

52
53 (B) A LIST OF ALL WITNESSES WHOM THE DEFENDANT MAY CALL
54 AT THE SENTENCING HEARING, SPECIFYING FOR EACH THE WITNESS' NAME,
55 ADDRESS, AND DATE OF BIRTH AND THE SUBJECT MATTER OF THE WITNESS'
56 TESTIMONY;

1 (C) THE WRITTEN AND RECORDED STATEMENTS, INCLUDING ANY
2 NOTES OF THOSE STATEMENTS, FOR EACH WITNESS WHOM THE DEFENDANT
3 MAY CALL AT THE SENTENCING HEARING; AND

4
5 (D) A LIST OF BOOKS, PAPERS, DOCUMENTS, PHOTOGRAPHS, OR
6 TANGIBLE OBJECTS THAT THE DEFENDANT MAY INTRODUCE AT THE
7 SENTENCING HEARING."

8
9 Page 4, line 21, after "(a)", insert "(I)" and strike "TWENTY-SEVEN" and
10 substitute "TEN".

11
12 Page 5, line 7, after the period, insert "IN ADDITION, THE COURT SHALL
13 CONSIDER WRITTEN OR VERBAL TESTIMONY PRESENTED BY THE FAMILY OF
14 THE VICTIM.";

15
16 after line 13, insert the following:

17
18 "(II) AT LEAST FORTY-FIVE DAYS PRIOR TO THE HEARING HELD
19 PURSUANT TO THIS SUBSECTION (3), THE DEFENDANT SHALL PROVIDE THE
20 PROSECUTION WITH THE FOLLOWING INFORMATION AND MATERIALS:

21
22 (A) A LIST OF THE EXTRAORDINARY MITIGATING CIRCUMSTANCES
23 THE DEFENDANT INTENDS TO RAISE AT THE SENTENCING HEARING;

24
25 (B) A LIST OF ALL WITNESSES WHOM THE DEFENDANT MAY CALL
26 AT THE SENTENCING HEARING, SPECIFYING FOR EACH THE WITNESS' NAME,
27 ADDRESS, AND DATE OF BIRTH AND THE SUBJECT MATTER OF THE WITNESS'
28 TESTIMONY;

29
30 (C) THE WRITTEN AND RECORDED STATEMENTS, INCLUDING ANY
31 NOTES OF THOSE STATEMENTS, FOR EACH WITNESS WHOM THE DEFENDANT
32 MAY CALL AT THE SENTENCING HEARING; AND

33
34 (D) A LIST OF BOOKS, PAPERS, DOCUMENTS, PHOTOGRAPHS, OR
35 TANGIBLE OBJECTS THAT THE DEFENDANT MAY INTRODUCE AT THE
36 SENTENCING HEARING.";

37
38 line 17, after "DISTRICT ATTORNEY,", insert "THE VICTIM'S FAMILY,";

39
40 line 21, after the period, insert "IF THE COURT CONTINUES THE
41 DEFENDANT'S SENTENCE WITHOUT MODIFICATION, THE DEFENDANT MAY
42 NOT BRING A SUBSEQUENT MOTION PURSUANT TO THIS SUBSECTION (3).";

43
44 line 25, strike "IMPRISONMENT" and substitute "IMPRISONMENT, BUT AT
45 LEAST TWENTY-SEVEN YEARS,".

46
47 Page 6, strike lines 8 through 10 and substitute the following:

48
49 "(4) THE PROVISIONS OF THIS SECTION SHALL APPLY TO A
50 DEFENDANT SENTENCED PRIOR TO, ON, OR AFTER THE EFFECTIVE DATE OF
51 THIS SECTION. A DEFENDANT SENTENCED PRIOR TO THE EFFECTIVE DATE
52 OF THIS SECTION MAY BRING AN IMMEDIATE MOTION FOR RESENTENCING
53 IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (2) OF THIS
54 SECTION.";

55
56 line 25, strike "(A), (1) (d) (II) (A)," and substitute "(A)".

1 Page 7, strike lines 13 through 20.

2

3 Page 9, line 25, strike "GUILTY OF" and substitute "GUILTY OF, OR ENTRY
4 OF A FINDING BY THE COURT OF GUILTY OF, OR ENTRY OF A PLEA OF GUILTY
5 OR NOLO CONTENDERE TO,";

6

7 line 26, strike "CONVICTED" and substitute "SUBJECT TO THE JURISDICTION
8 OF THE DISTRICT COURT".

9

10 Page 10, line 2, after the period, add "A PROBATION OFFICER SHALL MAKE
11 AN INVESTIGATION AND PREPARE THE WRITTEN REPORT PRIOR TO THE
12 INITIAL SENTENCING HEARING. A PROBATION OFFICER SHALL NOT MAKE
13 A SECOND INVESTIGATION NOR PREPARE A SECOND WRITTEN REPORT TO
14 THE COURT PRIOR TO A RESENTENCING HEARING HELD PURSUANT TO
15 SECTION 18-1.3-409 (3), C.R.S."

16

17

18

19 **HB03-1149** be amended as follows, and as so amended, be referred to
20 the Committee of the Whole with favorable
21 recommendation:

22

23 Amend printed bill, page 2, strike lines 2 through 22 and substitute the
24 following:

25

26 "SECTION 1. Part 5 of article 8 of title 18, Colorado Revised
27 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
28 read:

29

30 **18-8-510. False statement by a state department or county**
31 **department employee - penalty.** (1) AN EMPLOYEE OF THE STATE
32 DEPARTMENT OF HUMAN SERVICES OR OF A COUNTY DEPARTMENT OF
33 SOCIAL SERVICES WHO KNOWINGLY MAKES A MATERIALLY FALSE
34 STATEMENT, WHICH HE OR SHE DOES NOT BELIEVE TO BE TRUE, IN A
35 DOCUMENT PREPARED IN THE COURSE OF HIS OR HER DUTIES WITH RESPECT
36 TO A CHILD OR FAMILY WHO IS SUBJECT TO THE PROVISIONS OF ARTICLE 3
37 OF TITLE 19 COMMITS A CLASS 1 MISDEMEANOR AND, UPON CONVICTION,
38 SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501.

39

40 (2) AN EMPLOYEE OF THE STATE DEPARTMENT OF HUMAN SERVICES
41 OR OF A COUNTY DEPARTMENT OF SOCIAL SERVICES WHO KNOWINGLY
42 MAKES A MATERIALLY FALSE STATEMENT, WHICH HE OR SHE DOES NOT
43 BELIEVE TO BE TRUE, IN THE COURSE OF HIS OR HER DUTIES AT ANY
44 HEARING, REVIEW, OR MEETING CONCERNING A CHILD OR A FAMILY WHO
45 IS SUBJECT TO THE PROVISIONS OF ARTICLE 3 OF TITLE 19 COMMITS A
46 CLASS 1 MISDEMEANOR, AND, UPON CONVICTION, SHALL BE PUNISHED AS
47 PROVIDED IN SECTION 18-1.3-501.

48

49 (3) THIS SECTION SHALL NOT APPLY TO A STATEMENT MADE UNDER
50 OATH BY AN EMPLOYEE OF THE STATE DEPARTMENT OF HUMAN SERVICES
51 OR BY AN EMPLOYEE OF A COUNTY DEPARTMENT OF SOCIAL SERVICES IN
52 ANY OFFICIAL PROCEEDING."

53

54 Page 3, strike lines 1 through 5.

55

56 Renumber succeeding sections accordingly.

1 **SB03-177** be referred to the Committee of the Whole with favorable
2 recommendation.
3

4

5

6

7

8 **STATE, VETERANS, & MILITARY AFFAIRS**

9 After consideration on the merits, the Committee recommends the
10 following:

11

12 **HB03-1111** be amended as follows, and as so amended, be referred to
13 the Committee of the Whole with favorable
14 recommendation:

15

16 Amend printed bill, page 5, strike lines 14 through 19 and substitute the
17 following:

18

19 **"SECTION 2. Effective date.** This act shall take effect at 12:01
20 a.m. on the day following the expiration of the ninety-day period after
21 final adjournment of the general assembly that is allowed for submitting
22 a referendum petition pursuant to article V, section 1 (3) of the state
23 constitution; except that, if a referendum petition is filed against this act
24 or an item, section, or part of this act within such period, then the act,
25 item, section, or part, if approved by the people, shall take effect on the
26 date of the official declaration of the vote thereon by proclamation of the
27 governor.".

28

29

30

31 **HB03-1167** be postponed indefinitely.
32

33

34

35 **HB03-1171** be amended as follows, and as so amended, be referred to
36 the Committee of the Whole with favorable
37 recommendation:

38

39 Amend printed bill, page 4, line 9, strike "BALLOT." and substitute
40 "BALLOT; EXCEPT THAT A CANDIDATE SHALL ONLY ELECT TO HAVE THE
41 NAME OF THE POLITICAL PARTY LISTED OPPOSITE HIS OR HER NAME ON THE
42 BALLOT PURSUANT TO THIS SUBSECTION (5) WHERE THE CANDIDATE HAS
43 BEEN AFFILIATED WITH THE POLITICAL PARTY FOR AT LEAST TWELVE
44 MONTHS PRIOR TO THE DATE OF THE ELECTION.";

45

46 line 12, after "BALLOT.", add "NOTHING IN THIS SUBSECTION (5) SHALL BE
47 CONSTRUED TO MAKE AN ELECTION CONDUCTED PURSUANT TO THIS
48 ARTICLE A PARTISAN ELECTION FOR PURPOSES OF ARTICLE 7.5 OF TITLE 1,
49 C.R.S.".

50

51 Page 5, line 7, strike "BALLOT." and substitute "BALLOT; EXCEPT THAT A
52 CANDIDATE SHALL ONLY ELECT TO HAVE THE NAME OF THE POLITICAL
53 PARTY LISTED OPPOSITE HIS OR HER NAME ON THE BALLOT PURSUANT TO
54 THIS SUBSECTION (14) WHERE THE CANDIDATE HAS BEEN AFFILIATED WITH
55 THE POLITICAL PARTY FOR AT LEAST TWELVE MONTHS PRIOR TO THE DATE
56 OF THE ELECTION.";

57

58 line 10, after "BALLOT.", add "NOTHING IN THIS SUBSECTION (14) SHALL

1 BE CONSTRUED TO MAKE AN ELECTION CONDUCTED PURSUANT TO THIS
2 ARTICLE A PARTISAN ELECTION FOR PURPOSES OF ARTICLE 7.5 OF TITLE 1,
3 C.R.S.".

4
5 Page 11, line 2, strike "BALLOT." and substitute "BALLOT; EXCEPT THAT
6 A CANDIDATE SHALL ONLY ELECT TO HAVE THE NAME OF THE POLITICAL
7 PARTY LISTED OPPOSITE HIS OR HER NAME ON THE BALLOT PURSUANT TO
8 THIS SUBSECTION (2) WHERE THE CANDIDATE HAS BEEN AFFILIATED WITH
9 THE POLITICAL PARTY FOR AT LEAST TWELVE MONTHS PRIOR TO THE DATE
10 OF THE ELECTION.";

11
12 line 5, after "BALLOT.", add "NOTHING IN THIS SUBSECTION (2) SHALL BE
13 CONSTRUED TO MAKE AN ELECTION CONDUCTED PURSUANT TO THIS
14 ARTICLE A PARTISAN ELECTION FOR PURPOSES OF ARTICLE 7.5 OF TITLE 1,
15 C.R.S.";

16
17 line 17, strike "BALLOT." and substitute "BALLOT; EXCEPT THAT A
18 CANDIDATE SHALL ONLY ELECT TO HAVE THE NAME OF THE POLITICAL
19 PARTY LISTED OPPOSITE HIS OR HER NAME ON THE BALLOT PURSUANT TO
20 THIS SUBSECTION (2) WHERE THE CANDIDATE HAS BEEN AFFILIATED WITH
21 THE POLITICAL PARTY FOR AT LEAST TWELVE MONTHS PRIOR TO THE DATE
22 OF THE ELECTION.";

23
24 line 20, after "BALLOT.", add "NOTHING IN THIS SECTION SHALL BE
25 CONSTRUED TO MAKE AN ELECTION CONDUCTED PURSUANT TO THIS
26 ARTICLE A PARTISAN ELECTION FOR PURPOSES OF ARTICLE 7.5 OF TITLE 1,
27 C.R.S.".

28
29 Page 15, line 13, strike "BALLOT." and substitute "BALLOT; EXCEPT THAT
30 A CANDIDATE SHALL ONLY ELECT TO HAVE THE NAME OF THE POLITICAL
31 PARTY LISTED OPPOSITE HIS OR HER NAME ON THE BALLOT PURSUANT TO
32 THIS SUBSECTION (4) WHERE THE CANDIDATE HAS BEEN AFFILIATED WITH
33 THE POLITICAL PARTY FOR AT LEAST TWELVE MONTHS PRIOR TO THE DATE
34 OF THE ELECTION.";

35
36 line 16, after "BALLOT.", add "NOTHING IN THIS SUBSECTION (4) SHALL BE
37 CONSTRUED TO MAKE AN ELECTION CONDUCTED PURSUANT TO THIS
38 ARTICLE A PARTISAN ELECTION FOR PURPOSES OF ARTICLE 7.5 OF TITLE 1,
39 C.R.S.".

40
41 Page 17, after line 21, insert the following:

42
43 **"SECTION 21.** 1-5-608.5, Colorado Revised Statutes, is
44 amended BY THE ADDITION OF A NEW SUBSECTION to read:

45
46 **1-5-608.5. Electronic voting system certification.** (2) ANY
47 OPTICAL SCAN VOTING SYSTEM UTILIZING TWO OR MORE BALLOT PAGES OR
48 BALLOT CARDS SHALL MEET THE TEST AUDIT REQUIREMENTS SPECIFIED IN
49 SECTION 1-7-506, THE RECONCILIATION AND CANVASS REQUIREMENTS
50 SPECIFIED IN SECTION 1-10-101.5, AND SUCH OTHER REQUIREMENTS AS
51 MAY BE PRESCRIBED BY THE SECRETARY OF STATE BY RULE.".

52
53 Renumber succeeding sections accordingly.

54
55
56

1 **SB03-188** be referred to the Committee of the Whole with favorable
2 recommendation.
3

4
5 **SB03-193** be referred to the Committee of the Whole with favorable
6 recommendation.
7

8
9
10 **MESSAGE FROM THE SENATE**

11 Madam Speaker:

12 The Senate has adopted and transmits herewith: SJR03-011, 013

13
14 The Senate has adopted and returns herewith: HJR03-1008, 1007, 1014.
15

16
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19
20 **INTRODUCTION OF BILLS**
21 **First Reading**

22
23 The following bills were read by title and referred to the committees
24 indicated:
25

26 **HB03-1295** by Representative(s) Spradley, Veiga; also Senator(s)
27 Kester, Phillips--Concerning the establishment of an
28 electric resource standard for renewable energy for
29 providers of electric service in the state.
30 Committee on Transportation & Energy

31
32 **HB03-1296** by Representative(s) Lundberg--Concerning a reduction in
33 license fees for the operation of an assisted living
34 residence with less than ten beds.
35 Committee on Health, Environment, Welfare, & Institutions

36
37 **HB03-1297** by Representative(s) Fritz, Lee, Hefley, Spradley,
38 Fairbank, Frangas, Jahn, Mitchell, White, Williams T.;
39 also Senator(s) Dyer, Anderson--Concerning death penalty
40 aggravating factors.
41 Committee on Judiciary

42
43 **HB03-1298** by Representative(s) Harvey--Concerning increased
44 limitations on claims asserting that a mortgage is
45 unconscionable.
46 Committee on Business Affairs & Labor

47
48 **HB03-1299** by Representative(s) Cadman--Concerning the minimum
49 authorized return for a life insurance annuity.
50 Committee on Information & Technology

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INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title and laid over one day under the rules:

SJR03-011 by Senator(s) Lamborn, Andrews; also Representative(s) Fairbank--Concerning support of the people of the Republic of China.

SJR03-013 by Senator(s) Cairns, Taylor; also Representative(s) Fritz--Concerning memorializing the crew of the space shuttle Columbia.

Correction

H.J. page 91, line 1, strike "Hodge" and substitute "Hefley".
Page 253, line 14, strike "McCluskey,".

On motion of Representative White, the House adjourned until 9:00 a.m., February 6, 2003.

Approved:

LOLA SPRADLEY,
Speaker

Attest:

JUDITH RODRIGUE,
Chief Clerk