

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

Ninety-eighth Legislative Day

Tuesday, April 15, 2003

1 Prayer by the Reverend Doctor Cynthia Cearley, Montview Presbyterian
2 Church, Denver.

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

5
6 Pledge of Allegiance led by Speaker Spradley.

7
8 The roll was called with the following result:

9
10 Present--65.

11
12 The Speaker declared a quorum present.

13
14
15 On motion of Representative Pommer, the reading of the journal of
16 April 14, 2003, was declared dispensed with and approved as corrected
17 by the Chief Clerk.

18
19
20 style="text-align:center">**REPORT OF COMMITTEE OF REFERENCE**

21
22 **EDUCATION**

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

25
26 **HJR03-1027** be referred out for final action.

27
28
29 style="text-align:center">**PRINTING REPORT**

30
31 The Chief Clerk reports the following bills have been correctly printed:
32 **HB03-1356, 1357; HCR03-1007.**

33
34
35
36 style="text-align:center">**INTRODUCTION OF BILLS**
37 **First Reading**

38
39 The following bills were read by title and referred to the committees
40 indicated:

41
42 **HB03-1358** by Representative(s) Spradley, King, Borodkin, Fairbank,
43 McFadyen, Merrifield, Plant, Pommer, Williams S.; also

- 1 Senator(s) Kester, Grossman--Concerning additional
 2 requirements relating to radioactive classified waste
 3 disposal.
 4 Committee on Transportation & Energy
 5
 6 **HB03-1359** by Representative(s) Stafford; also Senator(s) Johnson S.--
 7 Concerning the discontinuation of in-home support
 8 services for a medical assistance recipient when other care
 9 has not been secured for that recipient.
 10 Committee on Health, Environment, Welfare, & Institutions
 11
 12 **HB03-1360** by Representative(s) White; also Senator(s) Dyer--
 13 Concerning the collection of data from insurers regarding
 14 small group health insurance for the purpose of analysis to
 15 determine the changes in the small group health insurance
 16 marketplace.
 17 Committee on Business Affairs & Labor
 18
 19 **SB03-121** by Senator(s) McElhany; also Representative(s)
 20 Williams T.--Concerning the preparation of a cost-benefit
 21 analysis of rules proposed for adoption by state agencies
 22 under the "State Administrative Procedure Act" to
 23 determine the impact of the proposed rules on the state's
 24 economy.
 25 Committee on Business Affairs & Labor
 26
 27 **SB03-253** by Senator(s) Chlouber; also Representative(s) White--
 28 Concerning the validation of certain parental liability
 29 waivers.
 30 Committee on Judiciary
 31

INTRODUCTION OF RESOLUTIONS

32
 33
 34
 35
 36 The following resolutions were read by title and referred to the
 37 committees indicated:

- 38
 39 **HJR03-1053** by Representative(s) Butcher, Borodkin, Coleman,
 40 Frangas, Madden, Marshall, Merrifield, Paccione,
 41 Romanoff, Salazar, Tochtrop, Veiga, Weissmann; also
 42 Senator(s) Tapia--Concerning health insurance premiums
 43 in southern Colorado.
 44 Committee on Business Affairs & Labor
 45

46 WHEREAS, While 52 counties out of the 64 Colorado counties
 47 are considered rural, only an estimated 20% of the population of
 48 Colorado lives in these rural counties; and
 49

50 WHEREAS, These low-density populations have difficulty
 51 attracting and retaining health care professionals; and
 52

53 WHEREAS, Lack of access to health care is one of the leading
 54 factors negatively affecting the health of the people of southeastern
 55 Colorado; and
 56

1 WHEREAS, According to data from the Colorado Division of
2 Insurance, rural counties have higher insurance rates than Front Range
3 counties; and

4
5 WHEREAS, Regional health insurance rates are higher because
6 regional health costs are higher; and

7
8 WHEREAS, There are many regional health issues that drive up
9 health costs, such as reimbursement rates to providers, uncompensated
10 care given by providers, and costs of conducting business; and

11
12 WHEREAS, Southeastern Colorado has one of the highest
13 uninsured rates in Colorado; and

14
15 WHEREAS, Over 28% of the population in the combined counties
16 of Otero, Prowers, Kiowa, Crowley, Bent, and Baca are uninsured; and

17
18 WHEREAS, A family of four in Denver, with a 34-year-old
19 insurance-earning employee, pays an average of \$536 a month for basic
20 HMO health insurance compared to an average cost of \$633 a month for
21 the same family in a small rural Colorado county; and

22
23 WHEREAS, This same family in Pueblo county pays even more
24 for a basic HMO plan at \$664 a month; and

25
26 WHEREAS, Indemnity coverage, which is more readily available
27 in rural counties, costs this same family an average of \$949 a month and
28 an average of \$884 a month for the same family in Pueblo county; and

29
30 WHEREAS, Higher premiums lead to higher rates of uninsured,
31 and the problem is exacerbated; now, therefore,

32
33 *Be It Resolved by the House of Representatives of the Sixty-fourth*
34 *General Assembly of the State of Colorado, the Senate concurring*
35 *herein:*

36
37 (1) That the General Assembly consider alternatives to address the
38 increasing premiums in southeastern Colorado other than allowing
39 premiums to be based on geographic area, age, and family composition
40 for small employers; and

41
42 (2) That the General Assembly consider increasing access to
43 health care providers in rural areas of the state.

44
45
46 **HJR03-1054** by Representative(s) Butcher, Borodkin, Coleman,
47 Frangas, Madden, Marshall, Merrifield, Paccione,
48 Romanoff, Salazar, Tochtrop, Veiga, Weissmann; also
49 Senator(s) Tapia--Concerning the reduction of geographic
50 case characteristics for the purposes of small group health
51 insurance.

52 Committee on Business Affairs & Labor

53
54 WHEREAS, The premiums charged to small employers for health
55 benefit coverage in Colorado have increased exponentially in the past ten
56 years; and

1 WHEREAS, Health benefit premiums in rural areas of the state
2 appear to have increased more than in urban areas; and
3

4 WHEREAS, Many health care providers in rural areas choose not
5 to affiliate with managed care organizations; and
6

7 WHEREAS, Many individuals who reside in rural areas choose to
8 live in rural areas because of the lifestyle benefits these areas offer, such
9 as less traffic and lower crime rates, but are farther from health care
10 providers; and
11

12 WHEREAS, In many sparsely populated rural areas, health care
13 providers are not conveniently located to insureds for urgent care, leading
14 in many cases to inappropriate or unnecessary uses of emergency room
15 care; and
16

17 WHEREAS, In rural areas that have predominately older residents,
18 insureds receive health benefit coverage through Medicare and Medicaid;
19 and
20

21 WHEREAS, Health care providers are also faced with decreasing
22 reimbursement rates for health care services rendered for Medicare and
23 Medicaid; and
24

25 WHEREAS, Reduced reimbursements from state and federal
26 health benefit programs are causing some health care providers to shift
27 their increased expenses to privately insured and self-insured patients;
28 and
29

30 WHEREAS, Small employer carriers use geographic rating
31 factors, age, and family composition to calculate health benefit premiums
32 for small employers; and
33

34 WHEREAS, Geographic rating factors are influenced by the cost
35 of health care in particular areas of the state; and
36

37 WHEREAS, Areas of the state that cater to tourism as the largest
38 source of income for the community see inflated rates for all services,
39 including health benefit coverage; now, therefore,
40

41 *Be It Resolved by the House of Representatives of the Sixty-fourth*
42 *General Assembly of the State of Colorado, the Senate concurring*
43 *herein:*
44

45 (1) That communities need to take an interest in the rising cost of
46 health benefit coverage as well as the cost of health care services to
47 provide alternative solutions to geographic ratings used by insurance
48 companies;
49

50 (2) That the General Assembly should consider incentives to
51 insurers to provide coverage in rural areas of the state;
52

53 (3) That the General Assembly should further consider
54 alternatives to and reductions in the multiple geographic rating areas used
55 for small employer health benefit coverage; and
56

1 (4) That the General Assembly should evaluate the current rates
2 of reimbursement to health care providers to determine whether
3 adjustments should be made.
4

5 *Be It Further Resolved*, That copies of this Joint Resolution be
6 sent to the Colorado Medical Society, Colorado Counties Incorporated,
7 the mayor of each Colorado municipality, and the board of county
8 commissioners for each Colorado county.
9

10
11
12 The following resolution was read by title and laid over one day under the
13 rules:
14

15 **HJR03-1055** by Representative(s) Spradley; also Senator(s) Andrews--
16 Concerning endorsement of the participation of Taiwan in
17 the World Health Organization.
18

19 WHEREAS, Good health is important to every citizen of the world
20 and access to the highest standards of health information and services is
21 necessary to improve public health; and
22

23 WHEREAS, Direct and unobstructed participation in international
24 health cooperation forums and programs is beneficial for all parts of the
25 world, especially with today's greater potential for the cross-border
26 spread of various infectious diseases such as Severe Acute Respiratory
27 Syndrome (SARS), which has plagued Asia and affected the United
28 States and Canada; and
29

30 WHEREAS, Taiwan's population of 23,500,000 people is larger
31 than that of 3/4 of the member states already in the World Health
32 Organization; and
33

34 WHEREAS, Taiwan's achievements in the field of health are
35 substantial, including achieving one of the highest life expectancy levels
36 in Asia; lowering maternal and infant mortality rates to a level
37 comparable to those of western countries; eradicating such infectious
38 diseases as cholera, smallpox, the plague, and polio; and providing
39 hepatitis B vaccinations to children; and
40

41 WHEREAS, The United States Centers for Disease Control and
42 Prevention and its Taiwan counterpart agencies have enjoyed close
43 collaboration on a wide range of public health issues; and
44

45 WHEREAS, In recent years, Taiwan has expressed a willingness
46 to assist financially and technically in international aid and health
47 activities supported by the World Health Organization; and
48

49 WHEREAS, The World Health Organization has allowed
50 observers to participate in the activities of the organization, including the
51 Palestine Liberation Organization in 1974 and the Order of Malta and the
52 Holy See in the early 1950s; and
53

54 WHEREAS, The United States, in the 1994 Taiwan Policy
55 Review, declared its intention to support Taiwan's participation in
56 appropriate international organizations; now, therefore,

1 *Be It Resolved by the House of Representatives of the Sixty-fourth*
 2 *General Assembly of the State of Colorado, the Senate concurring*
 3 *herein:*

4
 5 That, in light of all the benefits that Taiwan's participation in the
 6 World Health Organization can bring to the state of health not only in
 7 Taiwan, but also regionally and globally, we, the members of the
 8 Sixty-fourth General Assembly of the State of Colorado, endorse observer
 9 status for Taiwan in the World Health Organization.

10
 11 *Be It Further Resolved,* That copies of this resolution be sent to
 12 President George W. Bush, Secretary of State Colin Powell, Secretary of
 13 Health and Human Services Tommy Thompson, and the Taipei Economic
 14 and Cultural Office in Kansas City, Missouri.

15
 16
 17
 18 **CONSIDERATION OF RESOLUTION**

19
 20 **HR03-1017** by Representative(s) Williams S., Carroll, Fritz,
 21 Johnson R., Salazar, White--Concerning the designation of
 22 equal pay day.

23
 24 (Printed and placed in member's file, also printed in House Journal
 25 April 14.)

26
 27 Representative Williams S. moved for adoption of the resolution and
 28 requested that the resolution be read at length.

29
 30 Amendment No. 1, moved by Representative Mitchell.

31
 32 Amend printed resolution, page 2, strike line 6 and substitute the
 33 following:

34
 35 "WHEREAS, Policies supporting equal pay for the same work can
 36 be implemented simply".

37
 38 The amendment was declared **passed** by **viva voce** vote.

39
 40 On motion of Representative Williams S., the resolution as amended was
 41 **adopted** by the following roll call vote:

42
 43

YES	51	NO	14	EXCUSED	00	ABSENT	00
Berry	Y	Fritz	Y	May	Y	Sinclair	Y
Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
Boyd	Y	Hall	N	McFadyen	Y	Spence	N
Briggs	Y	Harvey	N	Merrifield	Y	Stafford	Y
Brophy	N	Hefley	Y	Miller	Y	Stengel	N
Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
Cadman	N	Hoppe	Y	Paccione	Y	Veiga	Y
Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
Cloer	Y	King	N	Rhodes	Y	White	Y
Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
Crane	N	Lee	N	Romanoff	Y	Williams S.	Y

1	Decker	Y	Lundberg	N	Rose	N	Williams T.	Y
2	Fairbank	N	Madden	Y	Salazar	Y	Witwer	Y
3	Frangas	Y	Marshall	Y	Schultheis	N	Young	N
4							Speaker	Y

5 Co-sponsors added: Representatives Berry, Borodkin, Boyd, Butcher, Cerbo,
 6 Coleman, Frangas, Hodge, Hoppe, Judd, Madden, Marshall, McFadyen,
 7 Paccione, Plant, Ragsdale, Romanoff, Stafford, Tochtrop, Veiga, Vigil, Weddig,
 8 Speaker.

10
 11
 12 **THIRD READING OF BILLS--FINAL PASSAGE**

13
 14 The following bills were considered on Third Reading. The titles were
 15 publicly read. Reading of the bill at length was dispensed with by
 16 unanimous consent.

17
 18 **SB03-274** by Senator(s) Owen, Reeves, Teck; also Representative(s)
 19 Young, Plant, Witwer--Concerning the suspension of
 20 certain transfers of state limited gaming revenues to funds
 21 other than the state general fund, and making an
 22 appropriation in connection therewith.

23
 24 As shown by the following roll call vote, a majority of all members
 25 elected to the House voted in the affirmative, and Representative Wiens
 26 was given permission to offer a Third Reading amendment:

28	YES	62	NO	03	EXCUSED	00	ABSENT	00
29	Berry	Y	Fritz	N	May	Y	Sinclair	Y
30	Borodkin	Y	Garcia	N	McCluskey	Y	Smith	Y
31	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
32	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
33	Brophy	Y	Hefley	N	Miller	Y	Stengel	Y
34	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
35	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
36	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
37	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
38	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
39	Cloer	Y	King	Y	Rhodes	Y	White	Y
40	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
41	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
42	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
43	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
44	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
45							Speaker	Y

46
 47 **Third Reading amendment No. 1**, by Representative Wiens.

48
 49 Amend reengrossed bill, page 3, after line 14, insert the following:

50
 51 "SECTION 3. 24-50.3-104, Colorado Revised Statutes, is
 52 amended BY THE ADDITION OF A NEW SUBSECTION to read:

53
 54 **24-50.3-104. Powers and duties of executive director - repeal.**
 55 (9) (a) (I) ON OR BEFORE JUNE 30, 2003, THE EXECUTIVE DIRECTOR SHALL
 56 CONSULT WITH THE DIRECTORS OF THE OTHER STATE DEPARTMENTS FOR

1 THE PURPOSE OF DESIGNATING A DEPARTMENT, AGENCY, OFFICE, OR OTHER
 2 ENTITY WITHIN THE STATE GOVERNMENT TO UNDERTAKE COST-RECOVERY
 3 SERVICES NOT OTHERWISE AUTHORIZED BY LAW ON BEHALF OF THE STATE.
 4 FOR PURPOSES OF THIS SUBSECTION (9), "COST-RECOVERY SERVICES"
 5 MEANS THE IDENTIFICATION AND CLAIMING OF REFUNDS FOR
 6 OVERPAYMENTS MADE BY ANY STATE GOVERNMENTAL ENTITY. ANY
 7 ACTION TAKEN BY A STATE ENTITY PURSUANT TO THIS SUBSECTION (9)
 8 SHALL BE ACCOMPLISHED WITHIN ANY EXISTING APPROPRIATIONS TO SUCH
 9 ENTITY. ANY PROCEEDS COLLECTED PURSUANT TO THIS SUBPARAGRAPH
 10 (I) SHALL BE DEPOSITED IN THE GENERAL FUND.

11
 12 (II) IF THE EXECUTIVE DIRECTOR DETERMINES THAT IT IS NOT COST
 13 EFFECTIVE OR FEASIBLE FOR A STATE GOVERNMENTAL ENTITY TO
 14 UNDERTAKE ALL OR A PORTION OF THE COST-RECOVERY SERVICES IN
 15 ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), THE
 16 EXECUTIVE DIRECTOR OR THE EXECUTIVE DIRECTOR'S DESIGNEE SHALL
 17 ENTER INTO A COST-RECOVERY SERVICES CONTRACT ON OR BEFORE JUNE
 18 30, 2003, TO PERFORM THE COST-RECOVERY SERVICES NOT UNDERTAKEN
 19 PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a). THE CONTRACT
 20 SHALL BE WITH A PRIVATE ENTITY OR PERSON WITH APPROPRIATE
 21 EXPERIENCE IN IDENTIFYING AND CLAIMING REFUNDS FOR OVERPAYMENTS
 22 MADE BY A PRIVATE OR GOVERNMENTAL ENTITY. THE CONTRACT SHALL
 23 REQUIRE THE ENTITY OR PERSON TO HAVE, AT THE EXPENSE OF SUCH
 24 ENTITY OR PERSON, AN AUDITOR ON SITE AT A DESIGNATED OFFICE OF A
 25 STATE ENTITY FOR THE DURATION OF THE CONTRACT. THE CONTRACT
 26 SHALL BE SUBJECT TO APPROVAL BY THE STATE CONTROLLER PURSUANT
 27 TO SECTION 24-30-202 (2). THE CONTRACT SHALL BE STRUCTURED SUCH
 28 THAT PAYMENT FOR COLLECTION SERVICES PERFORMED PURSUANT TO THIS
 29 SUBPARAGRAPH (II) SHALL BE MADE ONLY FROM ACTUAL RECOVERIES.
 30 ANY NET PROCEEDS COLLECTED FROM COST-RECOVERY SERVICES
 31 PURSUANT TO THIS SUBPARAGRAPH (II) SHALL BE DEPOSITED IN THE
 32 GENERAL FUND.

33
 34 (b) (I) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF
 35 THIS SUBSECTION (9), ANY PROCEEDS COLLECTED PURSUANT TO
 36 SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (9) PRIOR TO
 37 JULY 1, 2004, AND ANY NET PROCEEDS COLLECTED PURSUANT TO
 38 SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (9) PRIOR TO
 39 JULY 1, 2004, SHALL BE DEPOSITED IN THE LOCAL GOVERNMENT LIMITED
 40 GAMING IMPACT FUND ESTABLISHED IN SECTION 12-47.1-1601, C.R.S.;
 41 EXCEPT THAT IN NO EVENT SHALL THE SUM OF THE AMOUNT TRANSFERRED
 42 TO THE LOCAL GOVERNMENT LIMITED GAMING IMPACT FUND PURSUANT TO
 43 THIS PARAGRAPH (b) AND SECTION 12-47.1-1601 (6) (b), C.R.S., EXCEED
 44 THE AMOUNT TRANSFERRED TO THE GENERAL FUND PURSUANT TO SECTION
 45 12-47.1-1601 (6) (a), C.R.S.

46
 47 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2005."
 48

49 Renumber succeeding sections accordingly.

50
 51 The amendment was declared **lost** by the following roll call vote:

52
 53

YES	20	NO	45	EXCUSED	00	ABSENT	00
Berry	N	Fritz	N	May	Y	Sinclair	N
Borodkin	Y	Garcia	N	McCluskey	Y	Smith	Y
Boyd	Y	Hall	N	McFadyen	N	Spence	N

54
 55
 56

1	Briggs	N	Harvey	Y	Merrifield	Y	Stafford	N
2	Brophy	N	Hefley	N	Miller	Y	Stengel	N
3	Butcher	Y	Hodge	N	Mitchell	N	Tochtrop	Y
4	Cadman	N	Hoppe	N	Paccione	N	Veiga	N
5	Carroll	N	Jahn	N	Plant	N	Vigil	N
6	Cerbo	N	Johnson	N	Pommer	N	Weddig	N
7	Clapp	Y	Judd	Y	Ragsdale	N	Weissmann	N
8	Cloer	N	King	N	Rhodes	N	White	Y
9	Coleman	Y	Larson	N	Rippy	N	Wiens	Y
10	Crane	N	Lee	Y	Romanoff	N	Williams S.	N
11	Decker	N	Lundberg	Y	Rose	N	Williams T.	N
12	Fairbank	N	Madden	N	Salazar	N	Witwer	N
13	Frangas	N	Marshall	Y	Schultheis	Y	Young	N
14							Speaker	Y

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

21	YES	64	NO	01	EXCUSED	00	ABSENT	00
22	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
23	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
24	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
25	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
26	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
27	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
28	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
29	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
30	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
31	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
32	Cloer	Y	King	Y	Rhodes	Y	White	Y
33	Coleman	Y	Larson	Y	Rippy	Y	Wiens	N
34	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
35	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
36	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
37	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
38							Speaker	Y

39
 40 **SB03-295** by Senator(s) Owen, Reeves, Teck; also Representative(s)
 41 Young, Plant, Witwer--Concerning a reduction in the
 42 allocation of revenue to the older Coloradans fund, and
 43 making an appropriation in connection therewith.

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

50	YES	38	NO	27	EXCUSED	00	ABSENT	00
51	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
52	Borodkin	N	Garcia	Y	McCluskey	Y	Smith	Y
53	Boyd	N	Hall	Y	McFadyen	N	Spence	Y
54	Briggs	Y	Harvey	Y	Merrifield	N	Stafford	Y
55	Brophy	Y	Hefley	N	Miller	Y	Stengel	Y
56	Butcher	N	Hodge	N	Mitchell	Y	Tochtrop	N

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

12
 13 **SB03-272** by Senator(s) Teck, Owen, Reeves; also Representative(s)
 14 Witwer, Plant, Young--Concerning cash funding license
 15 plate issuance from license plate fees, and making an
 16 appropriation therefor.

17
 18 As shown by the following roll call vote, a majority of all members
 19 elected to the House voted in the affirmative, and Representative Witwer
 20 was given permission to offer a Third Reading amendment:

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

40
 41 **Third Reading amendment No. 1**, by Representative Witwer.

42
 43 Amend revised bill, page 3, line 17, strike "REGISTRATION" and substitute
 44 "REGISTRATION, THE PROCEEDS OF WHICH FEE SHALL BE ALLOCATED AS IF
 45 COLLECTED PURSUANT TO SECTION 42-1-206 (2) (a),";

46
 47 line 21, strike "REGISTRATION" and substitute "REGISTRATION, THE
 48 PROCEEDS OF WHICH FEE SHALL BE ALLOCATED AS IF COLLECTED
 49 PURSUANT TO SECTION 42-1-206 (2) (a),".

50
 51 The amendment was declared **passed** by the following roll call vote:

53	YES	65	NO	00	EXCUSED	00	ABSENT	00
54	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
55	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
56	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y

1	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
2	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
3	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
4	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
5	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
6	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
7	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
8	Cloer	Y	King	Y	Rhodes	Y	White	Y
9	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
10	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
11	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
12	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
13	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
14							Speaker	Y

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

21	YES	65	NO	00	EXCUSED	00	ABSENT	00
22	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
23	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
24	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
25	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
26	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
27	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
28	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
29	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
30	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
31	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
32	Cloer	Y	King	Y	Rhodes	Y	White	Y
33	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
34	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
35	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
36	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
37	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
38							Speaker	Y

39 Co-sponsor added: Representative McFadyen.

40
 41 **SB03-265** by Senator(s) Teck, Owen, Reeves; also Representative(s)
 42 Young, Plant, Witwer--Concerning the property tax
 43 exemption for qualifying seniors, and, in connection
 44 therewith, lowering the maximum amount of actual value
 45 of the primary owner-occupied residence of a qualifying
 46 senior that is partly exempt from property taxation, and
 47 making an appropriation in connection therewith.

48
 49 The question being "Shall the bill pass?".
 50 A roll call vote was taken. As shown by the following recorded vote, a
 51 majority of those elected to the House voted in the affirmative and the bill
 52 was declared **passed**.

54	YES	42	NO	23	EXCUSED	00	ABSENT	00
55	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
56	Borodkin	N	Garcia	Y	McCluskey	Y	Smith	Y

1	Boyd	Y	Hall	Y	McFadyen	N	Spence	Y
2	Briggs	Y	Harvey	Y	Merrifield	N	Stafford	Y
3	Brophy	Y	Hefley	N	Miller	N	Stengel	Y
4	Butcher	N	Hodge	N	Mitchell	Y	Tochtrop	N
5	Cadman	N	Hoppe	Y	Paccione	N	Veiga	Y
6	Carroll	Y	Jahn	Y	Plant	Y	Vigil	N
7	Cerbo	N	Johnson	N	Pommer	N	Weddig	Y
8	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	N
9	Cloer	N	King	Y	Rhodes	N	White	Y
10	Coleman	N	Larson	Y	Rippy	Y	Wiens	N
11	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	N
12	Decker	Y	Lundberg	N	Rose	N	Williams T.	Y
13	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
14	Frangas	N	Marshall	Y	Schultheis	Y	Young	Y
15							Speaker	Y

16
 17 **SB03-282** by Senator(s) Teck, Owen, Reeves; also Representative(s)
 18 Witwer, Plant, Young--Concerning tobacco litigation
 19 settlement moneys received by the state, and, in
 20 connection therewith, reallocating a portion of the moneys
 21 received in the 2002-03 fiscal year for the purpose of
 22 augmenting the state general fund, modifying appropri-
 23 ations for the 2002-03 fiscal year, and reducing and
 24 eliminating funding of specified programs from tobacco
 25 litigation settlement moneys in the 2003-04 fiscal year.

26
 27 As shown by the following roll call vote, a majority of all members
 28 elected to the House voted in the affirmative, and Representative Witwer
 29 was given permission to offer a Third Reading amendment:

31	YES	64	NO	01	EXCUSED	00	ABSENT	00
32	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
33	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
34	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
35	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
36	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
37	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
38	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
39	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
40	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
41	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
42	Cloer	Y	King	Y	Rhodes	Y	White	Y
43	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
44	Crane	Y	Lee	N	Romanoff	Y	Williams S.	Y
45	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
46	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
47	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
48							Speaker	Y

49
 50 **Third Reading amendment No. 1**, by Representative Witwer.

51
 52 Amend revised bill, page 28, line 12, strike "12" and substitute "13";

53
 54 line 15, strike "13 and 14" and substitute "14 and 15".

55
 56 The amendment was declared **passed** by the following roll call vote:

	YES	65	NO	00	EXCUSED	00	ABSENT	00
1								
2	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
3	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
4	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
5	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
6	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
7	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
8	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
9	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
10	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
11	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
12	Cloer	Y	King	Y	Rhodes	Y	White	Y
13	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
14	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
15	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
16	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
17	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
18							Speaker	Y
19								

20 The question being, "Shall the bill, as amended, 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
 23 bill, as amended, was declared **passed**.

	YES	58	NO	07	EXCUSED	00	ABSENT	00
25								
26	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
27	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
28	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
29	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
30	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
31	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
32	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
33	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
34	Cerbo	N	Johnson	Y	Pommer	Y	Weddig	Y
35	Clapp	Y	Judd	Y	Ragsdale	N	Weissmann	Y
36	Cloer	N	King	Y	Rhodes	N	White	Y
37	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
38	Crane	N	Lee	N	Romanoff	Y	Williams S.	Y
39	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
40	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
41	Frangas	N	Marshall	Y	Schultheis	Y	Young	Y
42							Speaker	Y

43 Co-sponsors added: Representatives Merrifield, Stafford, Williams S.

44
 45 **SB03-268** by Senator(s) Reeves, Owen, Teck; also Representative(s)
 46 Plant, Witwer, Young--Concerning tobacco litigation
 47 settlement moneys, and, in connection therewith, creating
 48 a tobacco litigation settlement financing corporation for
 49 the purpose of securitizing a portion of the tobacco
 50 settlement revenues scheduled to be received by the state,
 51 requiring the net proceeds of any securitization to be used
 52 to fund the three percent reserve required by the state
 53 constitution and a cash flow reserve, and modifying the
 54 level of future appropriations for programs funded with
 55 tobacco litigation settlement moneys.
 56

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	59	NO	06	EXCUSED	00	ABSENT	00
7	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
8	Borodkin	N	Garcia	Y	McCluskey	Y	Smith	Y
9	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
10	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
11	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
12	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
13	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
14	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
15	Cerbo	N	Johnson	Y	Pommer	N	Weddig	N
16	Clapp	Y	Judd	Y	Ragsdale	N	Weissmann	Y
17	Cloer	Y	King	Y	Rhodes	Y	White	Y
18	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
19	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
20	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
21	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
22	Frangas	N	Marshall	Y	Schultheis	Y	Young	Y
23							Speaker	Y

24
 25
 26 **SB03-258** by Senator(s) Owen, Teck, Reeves; also Representative(s)
 27 Young, Witwer, Plant--Concerning the provision for
 28 payment of the expenses of the executive, legislative, and
 29 judicial departments of the state of Colorado, and of its
 30 agencies and institutions, for and during the fiscal year
 31 beginning July 1, 2003, except as otherwise noted.

32
 33 As shown by the following roll call vote, a majority of all members
 34 elected to the House voted in the affirmative, and Representative Young
 35 was given permission to offer a Third Reading amendment:

	YES	51	NO	13	EXCUSED	01	ABSENT	00
38	Berry	Y	Fritz	Y	May	N	Sinclair	Y
39	Borodkin	Y	Garcia	N	McCluskey	Y	Smith	Y
40	Boyd	N	Hall	Y	McFadyen	Y	Spence	Y
41	Briggs	Y	Harvey	Y	Merrifield	N	Stafford	Y
42	Brophy	Y	Hefley	N	Miller	N	Stengel	Y
43	Butcher	E	Hodge	Y	Mitchell	Y	Tochtrop	N
44	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
45	Carroll	Y	Jahn	Y	Plant	Y	Vigil	N
46	Cerbo	Y	Johnson	Y	Pommer	N	Weddig	N
47	Clapp	Y	Judd	Y	Ragsdale	N	Weissmann	N
48	Cloer	Y	King	Y	Rhodes	N	White	Y
49	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
50	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
51	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
52	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
53	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
54							Speaker	Y

55

1 **Third Reading amendment No. 1**, by Representative Young.
 2
 3 Amend revised bill, page 44, line 4, in the ITEM & SUBTOTAL column,
 4 strike "327,867" and substitute "594,235";
 5
 6 line 5, in the ITEM & SUBTOTAL column, strike "(4.7 FTE)" and
 7 substitute "(8.6 FTE)";
 8
 9 line 6, in the ITEM & SUBTOTAL column, strike "41,396" and
 10 substitute "75,028";
 11
 12 line 7, in the ITEM & SUBTOTAL column, strike "369,263" and
 13 substitute "669,263" and, in the GENERAL FUND column, strike
 14 "369,263" and substitute "669,263".
 15
 16 Adjust affected totals accordingly.
 17
 18 Page 131, strike lines 10 and 11.
 19
 20 Adjust affected totals accordingly.
 21

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

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

42
 43 The question being, "Shall the bill, as amended, pass?".
 44 A roll call vote was taken. As shown by the following recorded vote, a
 45 majority of those elected to the House voted in the affirmative, and the
 46 bill, as amended, was declared **passed**.
 47

	YES	42	NO	23	EXCUSED	00	ABSENT	00
49	Berry	Y	Fritz	Y	May	N	Sinclair	Y
50	Borodkin	N	Garcia	N	McCluskey	Y	Smith	Y
51	Boyd	Y	Hall	N	McFadyen	N	Spence	Y
52	Briggs	Y	Harvey	N	Merrifield	N	Stafford	Y
53	Brophy	N	Hefley	Y	Miller	N	Stengel	Y
54	Butcher	Y	Hodge	Y	Mitchell	N	Tochtrop	Y
55	Cadman	N	Hoppe	Y	Paccione	Y	Veiga	Y
56	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y

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

MESSAGES FROM THE SENATE

15 Madam Speaker:

17 The Senate has voted not to concur in House Amendments to SB03-305 and
 18 requests that a Conference Committee be appointed. The President appointed
 19 Senators Anderson, Chm., Chlouber, and Linkhart as members of the First
 20 Conference Committee on the part of the Senate.

21 The Senate granted permission to members of the First Conference Committee
 22 on SB03-305 to consider matters not at issue between the two houses. The bill
 23 is transmitted herewith.

26 The Senate failed to pass HB03-1128 on Second Reading. The bill is returned
 27 herewith.

29 The Senate voted to concur in House amendments to SB03-058, 261, 266, 271
 30 and repassed the bills as amended.

32 The Senate has voted not to concur in House Amendments to SB03-284 and
 33 requests that a Conference Committee be appointed. The President appointed
 34 Senators Teck, Chm., Owen and Reeves as members of the First Conference
 35 Committee on the part of the Senate. The bill is transmitted herewith.

37 The Senate granted permission to members of the First Conference Committee
 38 on SB03-235 to consider matters not at issue between the two houses. The
 39 President appointed Senators Lamborn, Chm., Cairns, and Tapia as members of
 40 the First Conference Committee on SB03-235.

42 The President appointed Senators Johnson, Chm., Jones, and Takis as members
 43 of the First Conference Committee on HB03-1219.

45 The President appointed Senators Jones, Chm., May, and Sandoval as members
 46 of the First Conference Committee on SB03-106.

49 The Senate has passed on Third Reading and returns herewith HB03-1220,
 50 1335, 1337.

52 The Senate has passed on Third Reading and transmitted to the Revisor of
 53 Statutes:

55 SB03-294, amended as printed in Senate Journal, April 14, 2003, page 1020,
 56 SB03-303, amended as printed in Senate Journal, April 14, 2003, page 1021,

1 HB03-1326, amended as printed in Senate Journal, April 11, 2003, pages
2 1008-1009, and on Third Reading in Senate Journal, April 15,
3 HB03-1106, amended as printed in Senate Journal, April 14, 2003, page 1020.

4
5
6
7 **MESSAGE FROM THE REVISOR**

8
9 We herewith transmit:
10 Without comment, as amended, SB03-294, 303, HB03-1326, 1337, 1106.

11
12
13 **INTRODUCTION OF BILL**
14 **First Reading**

15
16
17 The following bill was read by title and referred to the committee
18 indicated:

19
20 **HB03-1361** by Representative(s) Mitchell, May M., Williams T.,
21 Marshall, Paccione, Spence, Spradley, Stengel--Concerning
22 a redesignation of the beneficiaries of insurance premium
23 tax credits under the "Certified Capital Company Act" to
24 augment the financial support available to specified
25 nonprofit entities including only CoverColorado and the
26 designated nonprofit organization established to distribute
27 moneys to schools of choice.
28 Committee on Information & Technology

29
30
31 **INTRODUCTION OF RESOLUTIONS**

32
33
34 The following resolutions were read by title and laid over one day under
35 the rules:

36
37 **HJR03-1056** by Representative(s) King; also Senator(s) Anderson--
38 Concerning setting the convening date for the 2004 regular
39 session of the General Assembly.

40
41 WHEREAS, Section 2-2-303.5, Colorado Revised Statutes,
42 authorizes the General Assembly to designate the convening date for
43 regular sessions by joint resolution; now, therefore,

44
45 *Be It Resolved by the House of Representatives of the Sixty-fourth*
46 *General Assembly of the State of Colorado, the Senate concurring*
47 *herein:*

48
49 That, pursuant to section 2-2-303.5, Colorado Revised Statutes,
50 the General Assembly designates Wednesday, January 7, 2004, as the
51 convening date for the Second Regular Session of the Sixty-fourth
52 General Assembly.

53
54
55

1 **HJR03-1057** by Representative(s) Stafford, Lundberg, Schultheis,
2 Sinclair, May M., Paccione, Wiens, Harvey, Berry,
3 Briggs, Brophy, Butcher, Cadman, Carroll, Clapp, Cloer,
4 Crane, Fairbank, Frangas, Fritz, Hall, Hefley, Hodge,
5 Hoppe, Jahn, Johnson R., King, Lee, McCluskey,
6 Merrifield, Miller, Mitchell, Rhodes, Rippy, Rose, Smith,
7 Spence, Spradley, Stengel, Tochtrop, Williams S.,
8 Williams T.; also Senator(s) Johnson S., Lamborn, Arnold,
9 Cairns, Kester, Gordon, Groff, Grossman, Hagedorn,
10 Hillman, Jones, Sandoval--Concerning a National Day of
11 Prayer.
12

13 WHEREAS, As a result of the faith of many of our founding
14 fathers, public prayer and national days of prayer are a long-standing
15 American tradition; and
16

17 WHEREAS, Since the Continental Congress asked the colonies to
18 pray for wisdom in forming a nation in 1775, the call to prayer has been
19 issued many times throughout our nation's history; and
20

21 WHEREAS, In 1952, a Congressional joint resolution, signed by
22 President Truman, declared an annual National Day of Prayer; and
23

24 WHEREAS, The law was amended and signed by President
25 Reagan in 1988, permanently setting the National Day of Prayer as the
26 first Thursday in May; and
27

28 WHEREAS, The National Day of Prayer serves as a reminder of
29 the way in which our founding fathers sought the wisdom of God when
30 faced with critical decisions; and
31

32 WHEREAS, The National Day of Prayer unites Americans of all
33 ages from all socioeconomic, political, and ethnic backgrounds in prayer
34 for our nation; and
35

36 WHEREAS, The National Day of Prayer belongs to all Americans,
37 transcending differences and bringing people together; and
38

39 WHEREAS, More than 30,000 coordinators and volunteers will
40 organize prayer observances in all 50 states, the Virgin Islands, and
41 Puerto Rico; and
42

43 WHEREAS, Millions of people across the nation will gather in
44 schools, at courthouses, in businesses, around flagpoles, and inside places
45 of worship to participate in the 52nd annual National Day of Prayer, the
46 theme of which is "Righteousness Exalts a Nation"; now, therefore,
47

48 *Be It Resolved by the House of Representatives of the Sixty-fourth*
49 *General Assembly of the State of Colorado, the Senate concurring*
50 *herein:*
51

52 That we, the members of the Sixty-fourth General Assembly,
53 declare May 1, 2003, a National Day of Prayer in Colorado and we
54 encourage Coloradans to pause at noon and throughout the day, wherever
55 they are, to pray for our nation and to give thanks for our freedom.
56

1 *Be It Further Resolved*, That copies of this Joint Resolution be
 2 sent to Governor Bill Owens; Mrs. James Dobson, Chairman, National
 3 Day of Prayer; Willow Kauffman, Colorado Coordinator, National Day
 4 of Prayer; and Pastor Gary Hines, Denver Coordinator, National Day of
 5 Prayer.

6
 7
 8 House in recess. House reconvened.
 9

10
 11 **APPOINTMENTS TO CONFERENCE COMMITTEE**

12
 13 Pursuant to a request from the Senate, the Speaker appointed House
 14 conferees to the First Conference Committees as follows:

15
 16 **SB03-106**--Representatives Larson, Chairman, Stengel and Miller
 17 **SB03-305**--Representatives King, Chairman, Williams T., Veiga
 18

19
 20 **CONSENT GRANTED TO CONFERENCE COMMITTEE**

21
 22 Representative King moved that the First Conference Committee on
 23 **SB03-305** be granted permission to go beyond the scope of the difference
 24 between the House and the Senate. The motion was passed by the
 25 following roll call vote:

26
 27

YES	61	NO	02	EXCUSED	00	ABSENT	02
Berry	Y	Fritz	Y	May	Y	Sinclair	Y
Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hefley	-	Miller	Y	Stengel	Y
Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	N
Cloer	Y	King	Y	Rhodes	Y	White	-
Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
Fairbank	N	Madden	Y	Salazar	Y	Witwer	Y
Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
						Speaker	Y

44
 45
 46
 47

48 **REPORTS OF COMMITTEES OF REFERENCE**

49
 50 **APPROPRIATIONS**

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

53
 54 **SB03-248** be amended as follows, and as so amended, be referred to
 55 the Committee of the Whole with favorable
 56 recommendation:

1 Amend the Education Committee Report, dated April 7, 2003, page 1,
2 strike lines 1 through 3 and substitute the following:

3

4 "Amend reengrossed bill, page 7, strike lines 20 through 27."

5

6 Page 3, strike lines 18 through 28.

7

8 Page 4, strike lines 1 through 21.

9

10 Renumber succeeding sections accordingly.

11

12 Page 6, line 4, strike "12 through" and substitute "16 and".

13

14 Page 16, strike lines 32 and 33 and substitute the following:

15

16 "Page 44, strike lines 22 through 27.

17

18 Strike pages 45 through 51 and substitute the following:

19

20 **"SECTION 46.** Part III (2) (A) of section 2 of Senate Bill 03-258,
21 as enacted at the First Regular Session of the Sixty-fourth General
22 Assembly, is amended BY THE ADDITION OF A NEW FOOTNOTE
23 to read:

24

25 Section 2. **Appropriation.**

26

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
PART III							
DEPARTMENT OF EDUCATION							
1							
2							
3							
4	(2) ASSISTANCE TO PUBLIC SCHOOLS						
5	(A) Public School Finance						
6	State Share of Districts'						
7	Total Program Funding ^{13,}						
8	14, 14a	2,631,236,566	2,272,668,944		12,047,285 ^a	346,520,337 ^b	
9	Additional State Aid						
10	Related to Locally						
11	Negotiated Business						
12		<u>2,379,672</u>	2,379,672				
13		2,633,616,238					
14							

15 ^a This amount shall be from rental income earned on public school lands.

16 ^b Of this amount, \$307,466,010 shall be from the State Education Fund created in Section 17 (4) of Article IX of the State Constitution and \$39,054,327 shall be from

17 the State Public School Fund created in Section 22-54-114, C.R.S. Of the amount from the State Public School Fund, \$24,900,000 is estimated to be from federal

18 mineral leasing revenues transferred to the State Public School Fund pursuant to Section 22-54-114 (1), C.R.S., and \$14,154,327 is estimated to be from interest earned

19 on moneys in the Public School Fund and transferred to the State Public School Fund pursuant to Section 22-41-106, C.R.S.

20

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

FOOTNOTES -- The following statements are referenced to the numbered footnotes throughout section 2.

1
2
3
4
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6

14a Department of Education, Assistance to Public Schools, Public School Finance, State Share of Districts' Total Program Funding -- Pursuant to Section 22-54-104 (5) (c) (III) (B), C.R.S., the Department is required to transfer a portion of the amount appropriated for this line item to the Legislative Council to fund the biennial cost of living analysis. This amount transferred by the Department shall not exceed \$182,000.

1 **SECTION 47. Appropriation.** In addition to any other
2 appropriation, there is hereby appropriated, to the legislative department,
3 for allocation to the legislative council, for the fiscal year beginning July
4 1, 2003, the sum of one hundred eighty-two thousand dollars (\$182,000),
5 or so much thereof as may be necessary, for the implementation of this
6 act. Said sum shall be from cash funds exempt transferred from the
7 Department of Education.

8
9 Renumber succeeding sections accordingly."."

10
11 Renumber succeeding section accordingly.

12
13 Page 17, strike lines 1 through 8 and substitute the following:

14
15 "Page 52, strike lines 15 through 26 and substitute the following:

16
17 "(a) The appropriation for assistance to public schools, public
18 school finance, state share of districts' total program funding, is decreased
19 by twenty-eight million eight hundred eighty-five thousand twenty-three
20 dollars (\$28,885,023). Of said sum, twenty-seven million one hundred
21 thirty thousand eight hundred twenty-five dollars (\$27,130,825) shall be
22 from the general fund and one million seven hundred fifty-four thousand
23 one hundred ninety-eight dollars (\$1,754,198) shall be cash funds exempt
24 from the state education fund".

25
26 Reletter succeeding paragraphs accordingly.";

27
28 line 14, strike "Bill 03-____" and substitute "Bill 03-1353".

29

30

31

32

33 **JUDICIARY**

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

36

37 **SB03-076** be referred favorably to the Committee on Appropriations.

38

39

40

41

42 **STATE, VETERANS, & MILITARY AFFAIRS**

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

45

46 **HB03-1119** be postponed indefinitely.

47

48

49 **HB03-1345** be amended as follows, and as so amended, be referred to
50 the Committee of the Whole with favorable
51 recommendation:

52

53 Amend printed bill, page 2, line 6, strike "EXCLUSIVE";

54

55 line 12, strike "CONCURRENT LEGISLATIVE JURISDICTION" and substitute

1 "THE CONCURRENT LEGISLATIVE JURISDICTION CREATED BY THIS
2 SECTION";

3
4 line 16, strike "EXCLUSIVE".

5
6
7
8 **HB03-1350** be referred to the Committee of the Whole with favorable
9 recommendation.

10
11
12 **HCR03-1004** be postponed indefinitely.

13
14
15

16 DELIVERY OF BILLS TO GOVERNOR

17
18
19 The Chief Clerk of the House of Representatives reports the following
20 bills have been delivered to the Office of the Governor: **HB03-1226,**
21 **1229, 1239, 1243, 1263, 1271, 1272, 1287, 1288, 1294** at 3:22 p.m.,
22 April 15, 2003.

23
24
25

26 MESSAGE FROM THE SENATE

27
28 Madam Speaker:

29
30 The Senate voted to concur in House amendments to SB03-276, 277, 278,
31 286, 302, 288, and repassed the bills as amended.

32
33 The Senate has voted not to concur in House Amendments to SB03-290
34 and requests that a Conference Committee be appointed. The President
35 appointed Senators Owen Chm., Teck, and Reeves as members of the
36 First Conference Committee on the part of the Senate. The bill is
37 transmitted herewith.

38
39 The Senate has voted not to concur in House Amendments to SB03-297
40 and requests that a Conference Committee be appointed. The President
41 appointed Senators Owen Chm., Teck and Reeves as members of the First
42 Conference Committee on the part of the Senate. The bill is transmitted
43 herewith.

44
45
46

47 On motion of Representative King, **SB03-248** was added to the Special
48 Orders Calendar on Tuesday, April 15, 2003.

49
50

51 On motion of Representative Lee, the House resolved itself into
52 Committee of the Whole for consideration of Special Orders and he was
53 called to the Chair to act as Chairman.

54
55
56

SPECIAL ORDERS--SECOND READING OF BILLS

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

(Amendments to the committee amendment are to the printed committee report which was printed and placed in the members' bill file.)

HB03-1178 by Representative(s) Vigil, Coleman, Frangas, Butcher, Salazar, Sanchez; also Senator(s) Tapia, Sandoval-- Concerning in-state tuition for a student who has attended school in Colorado for a specified period of time as of the date the student receives a secondary school certificate.

Laid over until April 16, retaining place on Calendar.

SB03-275 by Senator(s) Teck, Owen, Reeves; also Representative(s) Witwer, Plant, Young--Concerning the distribution of school accountability reports, and making an appropriation in connection therewith.

Amendment No. 1, Education Report, dated April 9, 2003, and placed in member's bill file; Report also printed in House Journal, April 9, page 1535.

Amendment No. 2, by Representative Witwer.

Amend the Education Committee Report, dated April 9, 2003, page 1, strike lines 1 through 6 and substitute the following:

"Amend reengrossed bill, page 2, strike lines 19 through 23."

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

SB03-248 by Senator(s) Anderson; also Representative(s) King-- Concerning the financing of public schools, and making an appropriation in connection therewith.

Amendment No. 1, Education Report, dated April 7, 2003, and placed in member's bill file; Report also printed in House Journal, April 9, pages 1524-1535.

Amendment No. 2, Appropriations Report, dated April 15, 2003, and placed in member's bill file; Report also printed in House Journal, April 15, pages 1659-1663.

Amendment No. 3, by Representative Spence.

Amend the Appropriations Committee Report, dated April 15, 2003, page 1, strike lines 9 and 10 and substitute the following:

1 ""Page 52, before line 1, insert the following:"
2
3 Renumber succeeding sections accordingly.
4
5 Amendment No. 4, by Representative Hefley.
6
7 Amend the Appropriations Committee Report, dated April 15, 2003, page
8 1, line 1, strike "page 1," and substitute "page 3,";
9
10 strike lines 2 and 3.
11
12 line 4, strike "Page 3,";
13
14 strike line 6.
15
16 Page 4, strike line 19;
17
18 line 20, strike "dollars (\$28,885,023)." and substitute "by twenty-seven
19 million seven hundred ten thousand three hundred ninety-two dollars
20 (\$27,710,392).";
21
22 strike lines 22 and 23 and substitute the following:
23
24 "from the general fund and five hundred seventy-nine thousand five
25 hundred sixty-seven dollars (\$579,567) shall be cash funds exempt".
26
27 Amendment No. 5, by Representatives McFadyen, Spradley, White,
28 Smith, Berry.
29
30 Amend the Appropriations Committee Report, dated April 15, 2003, page
31 1, after line 3, insert the following:
32
33 "Page 2, strike line 25 and substitute the following:
34
35 "strike line 7;
36
37 line 14, strike "\$5,511;" and substitute "\$5,544;".".
38
39 Page 4, strike line 19;
40
41 line 20, strike "dollars (\$28,885,023)." and substitute "by twenty-seven
42 million eight hundred seventy-five thousand sixty-nine dollars
43 (\$27,875,069).";
44
45 strike lines 22 and 23 and substitute the following:
46
47 "from the general fund and seven hundred forty-four thousand two
48 hundred forty-four dollars (\$744,244) shall be cash funds exempt".
49
50
51 Amendment No. 6, by Representative King.
52
53 Amend the Education Committee Report, dated April 7, 2003, page 5,
54 line 15, strike "~~one hundred~~ NINETY-FIVE" and substitute "one hundred".
55

1 Amendment No. 7, by Representative King.

2

3 Amend the Education Committee Report, dated April 7, 2003, page 7,
4 line 20, strike "STUDENT" and substitute "STUDENT, IN THE PRECEDING
5 SCHOOL YEAR,", and strike "HAS" and substitute "DID";

6

7 line 21, strike "participated" and substitute "~~participated~~ PARTICIPATE";

8

9 line 22, strike "HAS not participated" and substitute "DID not ~~participated~~
10 PARTICIPATE".

11

12 Page 8, line 24, strike "OF SUSPENSION OR EXPULSION".

13

14 Amendment No. 8, by Representative King.

15

16 Amend the Education Committee Report, dated April 7, 2003, page 13,
17 line 3, after "TO", insert "SATISFY ITS OBLIGATION IN A CONTRACT OR
18 OTHER WRITTEN AGREEMENT WITH THE SCHOOL DISTRICT TO".

19

20 Page 15, after line 11, insert the following:

21

22 **"SECTION 42.** 22-30.5-105 (2) (c), Colorado Revised Statutes,
23 is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to
24 read:

25

26 **22-30.5-105. Charter schools - contract contents - regulations**
27 **- repeal.** (2) (c) Any contract between a charter school and a local board
28 of education approved on or after July 1, 2002, shall specify:

29

30 (IV) THE FINANCIAL INFORMATION THE CHARTER SCHOOL MUST
31 REPORT TO THE SCHOOL DISTRICT AND THE DEADLINE FOR REPORTING
32 SUCH INFORMATION TO THE SCHOOL DISTRICT IN ORDER TO ENABLE THE
33 SCHOOL DISTRICT TO COMPLY WITH THE REQUIREMENTS SPECIFIED IN THIS
34 TITLE AND IN RULES PROMULGATED BY THE STATE BOARD PERTAINING TO
35 REPORTING FINANCIAL INFORMATION TO THE DEPARTMENT OF
36 EDUCATION."

37

38 Renumber succeeding sections accordingly.

39

40 Amendment No. 9, by Representative King.

41

42 Amend the Education Committee Report, dated April 7, 2003, page 8,
43 strike lines 29 and 30 and substitute the following:

44

45 **"SECTION 22.** 22-33-104.6 (2), Colorado Revised Statutes, is
46 amended BY THE ADDITION OF THE FOLLOWING NEW
47 PARAGRAPHS to read:

48

49 **22-33-104.6. On-line program - legislative declaration -**
50 **authorized - definitions.** (2) **Definitions.** As used in this section:"

51

52 Renumber succeeding sections accordingly.

53

54 Page 8, line 31, strike "(a)" and substitute "(b.5)";

55

56 line 33, strike "(b)" and substitute "(c.5)".

1 Amendment No. 10, by Representative King.

2

3 Amend the Education Committee Report, dated April 7, 2003, page 13,
4 after line 15, insert the following:

5

6 "(c) THE AMOUNT WITHHELD BY A SCHOOL DISTRICT PURSUANT TO
7 THIS SUBSECTION (8) SHALL NOT EXCEED THE ACTUAL AMOUNT WITHHELD
8 FROM THE SCHOOL DISTRICT PURSUANT TO SECTION 22-54-115 (6) AS A
9 DIRECT RESULT OF THE CHARTER SCHOOL'S FAILURE TO SATISFY ITS
10 OBLIGATION IN A CONTRACT OR OTHER WRITTEN AGREEMENT WITH THE
11 SCHOOL DISTRICT TO REPORT FINANCIAL INFORMATION."

12

13 Amendment No. 11, by Representative King.

14

15 Amend the Education Committee Report, dated April 7, 2003, page 15,
16 after line 11, insert the following:

17

18 "(10) IF A CHARTER SCHOOL DETERMINES THAT A SCHOOL DISTRICT
19 HAS NOT PAID THE TUITION CHARGE FOR THE EXCESS COSTS INCURRED IN
20 EDUCATING A CHILD WITH A DISABILITY AS REQUIRED IN SECTION
21 22-20-109 (5), THE CHARTER SCHOOL MAY SEEK A DETERMINATION FROM
22 THE STATE BOARD IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION
23 (9) OF THIS SECTION. IF THE STATE BOARD DETERMINES THAT THE SCHOOL
24 DISTRICT HAS IMPROPERLY WITHHELD MONEYS DUE TO THE CHARTER
25 SCHOOL, THE SCHOOL DISTRICT, WITHIN THIRTY DAYS AFTER THE STATE
26 BOARD'S DETERMINATION, SHALL PAY TO THE CHARTER SCHOOL THE
27 AMOUNT IMPROPERLY WITHHELD. IN ADDITION, THE SCHOOL DISTRICT
28 SHALL PAY THE COSTS INCURRED BY THE DEPARTMENT OF EDUCATION IN
29 REVIEWING THE NECESSARY INFORMATION TO MAKE ITS
30 RECOMMENDATION. IF THE STATE BOARD FINDS THAT THE SCHOOL
31 DISTRICT DID NOT IMPROPERLY WITHHOLD ANY PORTION OF THE AMOUNT
32 DUE TO THE CHARTER SCHOOL, THE CHARTER SCHOOL SHALL PAY THE
33 COSTS INCURRED BY THE DEPARTMENT OF EDUCATION IN REVIEWING THE
34 NECESSARY INFORMATION TO MAKE ITS RECOMMENDATION. IF THE
35 SCHOOL DISTRICT FAILS, WITHIN THE THIRTY-DAY PERIOD, TO PAY THE
36 FULL AMOUNT THAT WAS IMPROPERLY WITHHELD, THE CHARTER SCHOOL
37 SHALL NOTIFY THE DEPARTMENT OF EDUCATION, AND THE DEPARTMENT
38 SHALL WITHHOLD FROM THE SCHOOL DISTRICT'S STATE EQUALIZATION
39 PAYMENT THE UNPAID PORTION OF THE AMOUNT IMPROPERLY WITHHELD
40 BY THE DISTRICT AND PAY THE UNPAID PORTION DIRECTLY TO THE
41 CHARTER SCHOOL."

42

43 Amendment No. 12, by Representative King.

44

45 Amend the Education Committee Report, dated April 7, 2003, page 6,
46 line 5, strike "(3) (e) (II)";

47

48 strike lines 20 through 25.

49

50 Page 8, line 23, after "FOR", insert "STUDENTS WHOSE PARENTS OR LEGAL
51 GUARDIANS REMOVE THEM FROM SCHOOL FOR EXTRAORDINARY REASONS
52 AND FOR".

53

54 Amendment No. 13, by Representative Vigil.

55

56 Amend the Education Committee Report, dated April 7, 2003, page 15,

1 line 20, strike "cost." and substitute "cost.";

2

3 strike lines 21 through 34.

4

5 Page 16, strike lines 1 through 30.

6

7 Renumber succeeding sections accordingly.

8

9 Amendment No. 14, by Representative Pommer.

10

11 Amend the Education Committee Report, dated April 7, 2003, page 2,
12 strike lines 11 through 17.

13

14 Renumber succeeding sections accordingly.

15

16 Page 2, strike lines 25 through 29 and substitute the following:

17

18 "strike line 7;

19

20 line 10, strike "THE FOLLOWING NEW SUBSECTIONS," and
21 substitute "A NEW SUBSECTION,".

22

23 Page 10, strike lines 20 through 23."

24

25 Page 3, strike lines 1 through 17.

26

27

28 Amendment No. 15, by Representative Williams S.

29

30 Amend reengrossed bill, page 44, after line 21, insert the following:

31

32 "SECTION 41. 22-32-119, Colorado Revised Statutes, is
33 amended BY THE ADDITION OF A NEW SUBSECTION to read:

34

35 **22-32-119. Kindergartens - repeal.** (1.5) SUBJECT TO THE
36 RECEIPT OF SUFFICIENT MONEYS FROM THE FEDERAL GOVERNMENT
37 THROUGH THE "NO CHILD LEFT BEHIND ACT OF 2001", PUBLIC LAW
38 107-110, ON AND AFTER JULY 1, 2003, A BOARD OF EDUCATION MAY
39 ESTABLISH AND MAINTAIN A FULL-DAY KINDERGARTEN EDUCATIONAL
40 PROGRAM, IN ADDITION TO ANY OTHER FULL-DAY KINDERGARTEN
41 EDUCATIONAL PROGRAMS EXISTING ON OR BEFORE JULY 1, 2003, TO SERVE
42 STUDENTS WHO ATTEND A SCHOOL THAT RECEIVED AN ACADEMIC
43 PERFORMANCE RATING OF "LOW" PURSUANT TO SECTION 22-7-604 (5) FOR
44 THE PREVIOUS SCHOOL YEAR."

45

46 Renumber succeeding sections accordingly.

47

48

49 Amendment No. 16, by Representative King.

50

51 Amend reengrossed bill, page 44, before line 22, insert the following:

52

53 "SECTION 41. 22-2-122 (1) (a) and (2), Colorado Revised
54 Statutes, are amended to read:

55

56 **22-2-122. Grants to schools and school districts.** (1) (a) In

1 preparing the application forms to be submitted by school districts or
2 public schools when applying for GRANT moneys, ~~from a statutorily~~
3 ~~created education grant program~~, except as otherwise required by statute,
4 the department shall not require information from public schools or
5 school districts which has been previously submitted to the department;
6 except that this prohibition shall not apply to annual updates of
7 information sought by the department.

8
9 (2) Whenever, as part of a ~~statutorily created~~ grant program, the
10 department or a school or school district is required to prepare an
11 evaluation of the effectiveness of the services provided using the grant
12 moneys, the department shall compile the evaluations and make such
13 evaluations readily available to all schools and school districts upon
14 request. Any costs associated with the compilation and availability of
15 such reports shall be paid from the amount appropriated to the department
16 for costs incurred in administering such grant programs."

17
18 Renumber succeeding sections accordingly.

19
20
21 Amendment No. 17, by Representative King.

22
23 Amend reengrossed bill, page 44, before line 22, insert the following:

24
25 "SECTION 41. 22-2-122 (3) (a) and (3) (c), Colorado Revised
26 Statutes, are amended to read:

27
28 **22-2-122. Grants to schools and school districts.** (3) (a) For
29 each budget year, the department shall allocate to the boards of
30 cooperative services established pursuant to article 5 of this title that
31 provide a wide range of services described in section 22-5-118 to their
32 member school districts, or school districts with student populations of
33 less than four thousand students, an amount equal to one percent of the
34 amount appropriated to all ~~statutorily created~~ education grant programs
35 for that fiscal year, or two hundred fifty thousand dollars, whichever is
36 less. The amount allocated to the boards of cooperative services pursuant
37 to this subsection (3) shall be taken from the amounts appropriated to all
38 ~~statutorily created~~ education grant programs. In the event the department
39 allocates two hundred fifty thousand dollars, such amount shall be taken
40 from each education grant program in the same proportion that the
41 amount appropriated for that fiscal year to the education grant program
42 bears to the total amount appropriated for that fiscal year to all ~~statutorily~~
43 ~~created~~ education grant programs.

44
45 (c) The boards of cooperative services that receive moneys
46 pursuant to this subsection (3) shall only use such moneys to assist
47 member school districts and schools in applying for grants from
48 ~~statutorily created~~ education grant programs. One or more boards of
49 cooperative services may use the moneys allocated pursuant to this
50 subsection (3) jointly to provide services to member school districts from
51 more than one board of cooperative services."

52
53 As amended, ordered revised and placed on the Calendar for Third
54 Reading and Final Passage.

55 (For change in action, see Amendments to Report, page 1671.)

56

1 **SB03-292** by Senator(s) Reeves, Owen, Teck; also Representative(s)
 2 Young, Plant, Witwer--Concerning a suspension of the
 3 administration of certain statewide assessments, and
 4 making an appropriation in connection therewith.
 5

6 Ordered revised and placed on the Calendar for Third Reading and Final
 7 Passage.
 8

9
 10
 11 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**
 12

13 Representatives Spence and King moved to amend the Report of the
 14 Committee of the Whole to show that Amendment No. 14, by
 15 Representative Pommer (as printed in House Journal page 1669,
 16 lines 9-25) to SB03-248, did not pass, and that SB03-248, as amended,
 17 did pass.
 18

19 The amendment was declared **passed** by the following roll call vote:
 20

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

39
 40
 41 Representative Young moved to amend the Report of the Committee of
 42 the Whole to show that Amendment No. 5, by Representatives
 43 McFadyen, Spradley, White, Smith, Berry (as printed in House Journal
 44 page 1666, lines 27-48) to SB03-248 did not pass, and that SB03-248, as
 45 amended, did pass.
 46

47 The amendment was declared **lost** by the following roll call vote:
 48

	YES	21	NO	44	EXCUSED	00	ABSENT	00
50	Berry	N	Fritz	N	May	Y	Sinclair	Y
51	Borodkin	N	Garcia	Y	McCluskey	N	Smith	N
52	Boyd	N	Hall	Y	McFadyen	N	Spence	Y
53	Briggs	N	Harvey	Y	Merrifield	N	Stafford	N
54	Brophy	N	Hefley	N	Miller	N	Stengel	Y
55	Butcher	N	Hodge	Y	Mitchell	N	Tochtrop	N
56	Cadman	N	Hoppe	Y	Paccione	N	Veiga	N

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

11
12

13 Representative Lee moved to amend the Report of the Committee of the
14 Whole to show that the following Lee, Brophy, Cadman, Crane,
15 Fairbank, Fritz, Hall, Harvey, Hefley, King, May, Rhodes, Rose,
16 Schultheis, Sinclair, Spence, Stafford, White, and Wiens amendment to
17 SB03-248, did pass, and that SB03-248, as amended, did pass.

18

19 Amend reengrossed bill, page 44, after line 21, insert the following:

20

21 **SECTION 41.** 13-1-130, Colorado Revised Statutes, is amended
22 to read:

23

24 **13-1-130. Reports of convictions to department of education.**

25 When a person is convicted OF, pleads nolo contendere TO, or receives a
26 deferred sentence for a violation of the provisions of section 18-3-305,
27 18-6-302, or 18-6-701, C.R.S., or of section 18-6-301, C.R.S., when the
28 victim is a child who is ten years of age or older and under eighteen years
29 of age, or of any of the provisions of part 4 of article 3 when the victim
30 is a child, part 4 of article 6, or part 4 of article 7 of title 18, C.R.S., A
31 FELONY and the court knows the person is a current or former employee
32 of a school district OR A CHARTER SCHOOL in this state or holds a license
33 or authorization pursuant to the provisions of article 60.5 of title 22,
34 C.R.S., the court shall report such fact to the department of education.

35

36 **SECTION 42.** 18-6-301 (2), Colorado Revised Statutes, is
37 amended to read:

38

39 **18-6-301. Incest.** (2) When a person is convicted OF, pleads nolo
40 contendere TO, or receives a deferred sentence for a violation of the
41 provisions of this section and the victim is a child who is ~~ten years of age~~
42 ~~or older and~~ under eighteen years of age and the court knows the person
43 is a current or former employee of a school district OR A CHARTER
44 SCHOOL in this state or holds a license or authorization pursuant to the
45 provisions of article 60.5 of title 22, C.R.S., the court shall report such
46 fact to the department of education.

47

48 **SECTION 43.** 22-2-117 (1) (b), Colorado Revised Statutes, is
49 amended to read:

50

51 **22-2-117. Additional power - state board - waiver of**
52 **requirements - rules.** (1) (b) The state board shall not waive any of the
53 requirements specified in any of the following statutory provisions:

54

55 (I) The "Public School Finance Act of 1994", article 54 of this
56 title;

1 (II) The "Exceptional Children's Educational Act", article 20 of
2 this title; ~~or~~

3
4 (III) Any provision of part 6 of article 7 of this title pertaining to
5 the data necessary for school accountability reports; OR

6
7 (IV) ANY PROVISION OF THIS TITLE THAT RELATES TO
8 FINGERPRINTING AND CRIMINAL HISTORY RECORD CHECKS OF EDUCATORS
9 AND SCHOOL PERSONNEL.

10
11 **SECTION 44.** 22-2-119 (1) (a) (II), Colorado Revised Statutes,
12 is amended, and the said 22-2-119 (1) (a) is further amended BY THE
13 ADDITION OF A NEW SUBPARAGRAPH, to read:

14
15 **22-2-119. Department of education - inquiries by boards of**
16 **education concerning prospective employees.** (1) When an inquiry is
17 made by a board of education of a school district pursuant to the
18 provisions of section 22-32-109.7 (1) or (1.5) or by the governing board
19 of a nonpublic school pursuant to the provisions of section 22-1-121
20 concerning a prospective or current employee, the department shall
21 provide the following information concerning such person:

22
23 (a) Whether according to the records of the department such
24 person has been convicted of, has pled nolo contendere to, or has
25 received a deferred sentence ~~or deferred prosecution~~ for:

26
27 (II) A misdemeanor crime involving unlawful sexual behavior or
28 unlawful behavior involving children; OR

29
30 (III) A MISDEMEANOR CRIME, THE UNDERLYING FACTUAL BASIS OF
31 WHICH HAS BEEN FOUND BY THE COURT ON THE RECORD TO INVOLVE
32 DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S.;

33
34 **SECTION 45.** Part 1 of article 2 of title 22, Colorado Revised
35 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
36 read:

37
38 **22-2-119.5. Department of education - duty to report -**
39 **convictions - arrests.** (1) UPON RECEIVING A REPORT FROM A COURT
40 PURSUANT TO SECTION 13-1-130, C.R.S., THAT A PERSON HAS BEEN
41 CONVICTED OF, PLED GUILTY OR NOLO CONTENDERE TO, OR RECEIVED A
42 DEFERRED SENTENCE FOR AN OFFENSE SPECIFIED IN SUBSECTION (3) OF
43 THIS SECTION, THE DEPARTMENT SHALL IMMEDIATELY REPORT SUCH FACT
44 TO THE SCHOOL DISTRICT THAT IS THE CURRENT EMPLOYER OR THE LAST
45 KNOWN EMPLOYER OF THE PERSON.

46
47 (2) UPON RECEIVING NOTICE FROM THE COLORADO BUREAU OF
48 INVESTIGATION THAT A PERSON WHO HOLDS A LICENSE OR AUTHORIZATION
49 PURSUANT TO THE PROVISIONS OF ARTICLE 60.5 OF THIS TITLE HAS BEEN
50 ARRESTED FOR AN OFFENSE SPECIFIED IN SUBSECTION (3) OF THIS SECTION,
51 THE DEPARTMENT SHALL IMMEDIATELY REPORT SUCH FACT TO THE
52 SCHOOL DISTRICT THAT IS THE CURRENT EMPLOYER OR THE LAST KNOWN
53 EMPLOYER OF THE PERSON.

54
55 (3) THE PROVISIONS OF THIS SECTION SHALL APPLY TO THE
56 FOLLOWING OFFENSES:

1 (a) A FELONY;

2
3 (b) A MISDEMEANOR OFFENSE SPECIFIED IN SECTION 18-7-302 (2)
4 (b), C.R.S., OR IN PART 4 OF ARTICLE 3, PART 4 OF ARTICLE 6, OR PART 4
5 OF ARTICLE 7 OF TITLE 18, C.R.S., OR ANY COUNTERPART MUNICIPAL LAW
6 OF THIS STATE;

7
8 (c) A MISDEMEANOR, THE UNDERLYING FACTUAL BASIS OF WHICH
9 HAS BEEN FOUND BY THE COURT ON THE RECORD TO INVOLVE DOMESTIC
10 VIOLENCE AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S.

11
12 **SECTION 46.** 22-32-110.3 (4) (a), Colorado Revised Statutes,
13 is amended to read:

14
15 **22-32-110.3. Board of education - specific powers - teacher in**
16 **residence program.** (4) (a) A school district may hire a person to teach
17 as a resident teacher even though the person is not licensed pursuant to
18 article 60.5 of this title, ~~and does not hold any type of~~ IF THE PERSON
19 HOLDS A TYPE VII authorization pursuant to section 22-60.5-111. The
20 resident teacher may teach under the supervision of an administrator with
21 an assigned, licensed teacher serving as a mentor and shall enroll in such
22 teacher preparation courses as the school district deems necessary for the
23 resident teacher and for which the school district has contracted with an
24 institution of higher education. Supervision for a resident teacher shall
25 include an annual minimum of one hundred hours of observation and
26 supervision in the classroom.

27
28 **SECTION 47.** 22-60.5-103 (1), (2) (c), and (4), Colorado
29 Revised Statutes, are amended, and the said 22-60.5-103 is further
30 amended BY THE ADDITION OF A NEW SUBSECTION, to read:

31
32 **22-60.5-103. Applicants - licenses - authorizations - submittal**
33 **of form and fingerprints - failure to comply constitutes grounds for**
34 **denial.** (1) (a) Any person making ~~initial~~ application for any ~~provisional~~
35 license specified in section 22-60.5-201, 22-60.5-210, 22-60.5-301, or
36 22-60.5-306 or for any authorization specified in section 22-60.5-111
37 shall submit TO THE DEPARTMENT OF EDUCATION AT THE TIME OF
38 APPLICATION a complete set of fingerprints of such applicant taken by a
39 qualified law enforcement agency, ~~and a completed form as specified in~~
40 ~~subsection (2) of this section.~~ Said fingerprints and form shall be
41 submitted to the department of education at the time of application. The
42 provisions of this section concerning submission of fingerprints shall not
43 apply to any person making application for any professional license
44 specified in section 22-60.5-201, 22-60.5-210, 22-60.5-301, or
45 22-60.5-306, for renewal of a license pursuant to the provisions of section
46 22-60.5-110, or for renewal of an authorization UNLESS THE APPLICANT
47 PREVIOUSLY SUBMITTED A COMPLETE SET OF HIS OR HER FINGERPRINTS TO
48 THE DEPARTMENT OF EDUCATION.

49
50 (b) Any person applying for any ~~professional~~ license specified in
51 section 22-60.5-201, 22-60.5-210, 22-60.5-301, or 22-60.5-306 OR FOR
52 ANY AUTHORIZATION SPECIFIED IN SECTION 22-60.5-111 OR for renewal
53 of a SUCH license pursuant to the provisions of section 22-60.5-110, or for
54 renewal of an authorization shall, however, OR AUTHORIZATION OR FOR
55 ANY MASTER CERTIFICATE SPECIFIED IN SECTION 22-60.5-202,
56 22-60.5-211, 22-60.5-302, OR 22-60.5-307, SHALL submit TO THE

1 DEPARTMENT OF EDUCATION AT THE TIME OF APPLICATION a completed
2 form as specified in subsection (2) of this section.

3
4 (2) (c) For the purposes of this ~~subsection (2)~~ PART 1, "convicted"
5 OR "CONVICTION" means a conviction by a jury VERDICT or by ENTRY OF
6 A VERDICT OR ACCEPTANCE OF A PLEA BY a court and shall also include
7 the forfeiture of any bail, bond, or other security deposited to secure the
8 appearance by a person charged with having committed a felony or
9 misdemeanor, the payment of a fine, a plea of nolo contendere, the
10 imposition of a deferred or suspended sentence by the court, ~~or an~~
11 ~~agreement for a deferred prosecution approved by the court.~~

12
13 (4) The department of education shall ~~release~~ FORWARD
14 fingerprints submitted pursuant to subsection (1) of this section to the
15 Colorado bureau of investigation for the purpose of fingerprint
16 ~~processing, utilizing the files and records of~~ OBTAINING A
17 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK THROUGH the
18 Colorado bureau of investigation and the federal bureau of investigation,
19 TO DETERMINE WHETHER THE APPLICANT FOR LICENSURE OR
20 AUTHORIZATION HAS A CRIMINAL HISTORY. TO FACILITATE A CRIMINAL
21 HISTORY RECORD CHECK CONDUCTED PURSUANT TO THIS SUBSECTION (4),
22 THE DEPARTMENT OF EDUCATION MAY CONDUCT A SEARCH ON THE ICON
23 SYSTEM AT THE STATE JUDICIAL DEPARTMENT, AS DEFINED IN SECTION
24 24-33.5-102 (3), C.R.S., AND MAY USE ANY OTHER AVAILABLE SOURCE OF
25 CRIMINAL HISTORY INFORMATION THAT THE DEPARTMENT OF EDUCATION
26 DETERMINES IS APPROPRIATE. THE DEPARTMENT OF EDUCATION MAY USE
27 THE SPECIFIED SOURCES TO DETERMINE ANY CRIME OR CRIMES FOR WHICH
28 THE PERSON WAS ARRESTED OR CHARGED AND THE DISPOSITION OF ANY
29 CRIMINAL CHARGES.

30
31 (6) (a) WHEN THE DEPARTMENT OF EDUCATION FINDS PROBABLE
32 CAUSE TO BELIEVE THAT AN EDUCATOR LICENSED OR AUTHORIZED
33 PURSUANT TO THIS ARTICLE HAS BEEN CONVICTED OF A FELONY OR
34 MISDEMEANOR, OTHER THAN A MISDEMEANOR TRAFFIC OFFENSE OR
35 TRAFFIC INFRACTION, SUBSEQUENT TO THE EDUCATOR'S LICENSURE OR
36 AUTHORIZATION, THE DEPARTMENT OF EDUCATION SHALL REQUIRE THE
37 EDUCATOR TO SUBMIT A COMPLETE SET OF THE EDUCATOR'S FINGERPRINTS
38 TAKEN BY A QUALIFIED LAW ENFORCEMENT AGENCY. THE EDUCATOR
39 SHALL SUBMIT THE FINGERPRINTS WITHIN THIRTY DAYS AFTER RECEIPT OF
40 THE WRITTEN REQUEST FOR FINGERPRINTS FROM THE DEPARTMENT OF
41 EDUCATION. THE DEPARTMENT OF EDUCATION SHALL DENY, SUSPEND,
42 ANNUL, OR REVOKE, PURSUANT TO SECTION 22-60.5-107 (2.5), THE
43 EDUCATOR'S LICENSE OR AUTHORIZATION IF HE OR SHE FAILS TO SUBMIT
44 FINGERPRINTS ON A TIMELY BASIS PURSUANT TO THIS SUBSECTION (6).

45
46 (b) THE DEPARTMENT OF EDUCATION SHALL FORWARD
47 FINGERPRINTS SUBMITTED PURSUANT TO THIS SUBSECTION (6) TO THE
48 COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF OBTAINING
49 A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK THROUGH THE
50 COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF
51 INVESTIGATION, TO DETERMINE WHETHER THE EDUCATOR HAS A CRIMINAL
52 HISTORY. IN ADDITION, THE DEPARTMENT OF EDUCATION MAY USE THE
53 RECORDS OF THE ICON SYSTEM AT THE STATE JUDICIAL DEPARTMENT, AS
54 DEFINED IN SECTION 24-33.5-102 (3), C.R.S., OR ANY OTHER SOURCE
55 AVAILABLE, TO ASCERTAIN WHETHER THE EDUCATOR HAS BEEN
56 CONVICTED OF AN OFFENSE DESCRIBED IN SECTION 22-60.5-107 (2) OR

1 (2.5).

2

3 **SECTION 48.** 22-60.5-107 (2) and (3), Colorado Revised
4 Statutes, are amended, and the said 22-60.5-107 is further amended BY
5 THE ADDITION OF A NEW SUBSECTION, to read:

6

7 **22-60.5-107. Grounds for denying, annulling, suspending, or**
8 **revoking license, certificate, endorsement, or authorization.** (2) Any
9 license, certificate, endorsement, or authorization may be denied,
10 annulled, suspended, or revoked in the manner prescribed in section
11 22-60.5-108, notwithstanding the provisions of subsection (1) of this
12 section:

13

14 (a) When the holder has been determined to be mentally
15 incompetent by a court of competent jurisdiction and a court has entered,
16 pursuant to part 3 or part 4 of article 14 of title 15 or section 27-10-109
17 (4) or 27-10-125, C.R.S., an order specifically finding that the mental
18 incompetency is of such a degree that the holder is incapable of
19 continuing to perform his OR HER job; except that the license, certificate,
20 endorsement, or authorization held by a person who has been determined
21 to be mentally incompetent and for whom such an order has been entered
22 shall be revoked or suspended by operation of law without a hearing,
23 notwithstanding the provisions of section 22-60.5-108;

24

25 (b) When the APPLICANT OR holder is convicted OF ~~pleads nolo~~
26 ~~contendere, or receives a deferred sentence or a deferred prosecution for~~
27 ~~a violation of any law of this state or any counterpart municipal law of~~
28 ~~this state involving unlawful behavior pursuant to any of the following~~
29 ~~statutory provisions: Sections 18-3-305, 18-6-302, and 18-6-701, C.R.S.;~~
30 ~~section 18-6-301, C.R.S., when the victim is a child who is ten years of~~
31 ~~age or older and under eighteen years of age, part 4 of article 3, part 4 of~~
32 ~~article 6, and part 4 of article 7 of title 18, C.R.S.;~~ ONE OF THE
33 FOLLOWING OFFENSES OR A VIOLATION OF A COUNTERPART MUNICIPAL
34 OFFENSE IN THIS STATE:

35

36 (I) MISDEMEANOR SEXUAL ASSAULT AS DESCRIBED IN SECTION
37 18-3-402, C.R.S.;

38

39 (II) MISDEMEANOR UNLAWFUL SEXUAL CONDUCT AS DESCRIBED
40 IN SECTION 18-3-404, C.R.S.;

41

42 (III) MISDEMEANOR SEXUAL ASSAULT ON A CLIENT BY A
43 PSYCHOTHERAPIST AS DESCRIBED IN SECTION 18-3-405.5, C.R.S.;

44

45 (IV) MISDEMEANOR CHILD ABUSE AS DESCRIBED IN SECTION
46 18-6-401, C.R.S.;

47

48 (V) MISDEMEANOR SEXUAL EXPLOITATION OF CHILDREN AS
49 DESCRIBED IN SECTION 18-6-403, C.R.S.; OR

50

51 (VI) CONTRIBUTING TO THE DELINQUENCY OF A MINOR AS
52 DESCRIBED IN SECTION 18-6-701, C.R.S.;

53

54 (c) When the APPLICANT OR holder is ~~found guilty of or upon the~~
55 ~~court's acceptance of a guilty plea or a plea of nolo contendere to a~~
56 CONVICTED OF A MISDEMEANOR violation of any law of this state, any

1 municipality of this state, or the United States involving the illegal sale
2 of controlled substances, as defined in section 12-22-303 (7), C.R.S.;

3
4 (d) When the APPLICANT OR holder is ~~found guilty~~ CONVICTED of
5 a felony, OTHER THAN A FELONY DESCRIBED IN SUBSECTION (2.5) OF THIS
6 SECTION, or upon the court's acceptance of a guilty plea or a plea of nolo
7 contendere to a felony, OTHER THAN A FELONY DESCRIBED IN SUBSECTION
8 (2.5) OF THIS SECTION, in this state or, under the laws of any other state,
9 the United States, or any territory subject to the jurisdiction of the United
10 States, of a crime which, if committed within this state, would be a
11 felony, OTHER THAN A FELONY DESCRIBED IN SUBSECTION (2.5) OF THIS
12 SECTION, when the commission of said felony, in the judgment of the
13 state board of education, renders ~~him~~ THE APPLICANT OR HOLDER unfit to
14 perform the services authorized by his OR HER license, certificate,
15 endorsement, or authorization.

16
17 (e) WHEN THE APPLICANT OR HOLDER HAS RECEIVED A
18 DISPOSITION OR AN ADJUDICATION FOR AN OFFENSE INVOLVING WHAT
19 WOULD CONSTITUTE A PHYSICAL ASSAULT, BATTERY, OR A DRUG-RELATED
20 OFFENSE IF COMMITTED BY AN ADULT AND THE OFFENSE WAS COMMITTED
21 WITHIN THE TEN YEARS PRECEDING THE DATE OF APPLICATION FOR A
22 LICENSE, CERTIFICATE, ENDORSEMENT, OR AUTHORIZATION PURSUANT TO
23 THIS ARTICLE.

24
25 (2.5) A LICENSE, CERTIFICATE, ENDORSEMENT, OR AUTHORIZATION
26 SHALL BE DENIED, ANNULLED, SUSPENDED, OR REVOKED IN THE MANNER
27 PRESCRIBED IN SECTION 22-60.5-108, NOTWITHSTANDING THE PROVISIONS
28 OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, IN THE
29 FOLLOWING CIRCUMSTANCES:

30
31 (a) WHEN THE APPLICANT OR HOLDER IS CONVICTED OF ONE OF THE
32 FOLLOWING OFFENSES:

33
34 (I) FELONY CHILD ABUSE, AS SPECIFIED IN SECTION 18-6-401,
35 C.R.S.;

36
37 (II) A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406,
38 C.R.S.;

39
40 (III) A FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR,
41 AS DEFINED IN SECTION 16-22-102 (9), C.R.S.;

42
43 (IV) A FELONY, THE UNDERLYING FACTUAL BASIS OF WHICH HAS
44 BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT OF
45 DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, C.R.S.;

46
47 (V) A FELONY OFFENSE IN ANOTHER STATE, THE UNITED STATES,
48 OR TERRITORY SUBJECT TO THE JURISDICTION OF THE UNITED STATES, THE
49 ELEMENTS OF WHICH ARE SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF
50 ONE OF THE OFFENSES DESCRIBED IN SUBPARAGRAPHS (I) TO (IV) OF THIS
51 PARAGRAPH (a);

52
53 (b) WHEN THE APPLICANT OR HOLDER IS CONVICTED OF:

54
55 (I) A MISDEMEANOR, THE UNDERLYING FACTUAL BASIS OF WHICH
56 HAS BEEN FOUND BY THE COURT ON THE RECORD TO INVOLVE DOMESTIC

1 VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S., AND THE
 2 CONVICTION IS A SECOND OR SUBSEQUENT CONVICTION FOR THE SAME
 3 OFFENSE;

4
 5 (II) INDECENT EXPOSURE, AS DESCRIBED IN SECTION 18-7-302 (2)
 6 (b), C.R.S.; OR

7
 8 (III) A CRIME UNDER THE LAWS OF ANOTHER STATE, THE UNITED
 9 STATES, OR A TERRITORY SUBJECT TO THE JURISDICTION OF THE UNITED
 10 STATES, THE ELEMENTS OF WHICH ARE SUBSTANTIALLY SIMILAR TO THE
 11 ELEMENTS OF ONE OF THE OFFENSES DESCRIBED IN SUBPARAGRAPHS (I) OR
 12 (II) OF THIS PARAGRAPH (b);

13
 14 (c) WHEN THE APPLICANT OR HOLDER HAS RECEIVED A
 15 DISPOSITION OR AN ADJUDICATION FOR AN OFFENSE THAT WOULD
 16 CONSTITUTE FELONY UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN
 17 SECTION 16-22-102 (9), C.R.S., IF COMMITTED BY AN ADULT; OR

18
 19 (d) WHEN THE APPLICANT OR HOLDER FAILS TO SUBMIT
 20 FINGERPRINTS ON A TIMELY BASIS AFTER RECEIPT OF THE WRITTEN
 21 REQUEST FROM THE DEPARTMENT OF EDUCATION PURSUANT TO SECTION
 22 22-60.5-103 (6) (a).

23
 24 (3) A certified copy of the judgment of a court of competent
 25 jurisdiction of a conviction, the acceptance of a guilty plea, a plea of nolo
 26 contendere, OR a deferred sentence, ~~or a deferred prosecution~~ SENTENCE
 27 shall be conclusive evidence for the purposes of paragraphs (b) and (c) of
 28 subsection (2) of this section AND FOR PURPOSES OF SUBSECTION (2.5) OF
 29 THIS SECTION. Upon receipt of a certified copy of the judgment, the
 30 department of education may take immediate action to deny, annul, or
 31 suspend any license, certificate, endorsement, or authorization without a
 32 hearing, notwithstanding the provisions of section 22-60.5-108. The
 33 department of education may revoke a suspended license based on a
 34 violation of paragraph (b) or (c) of subsection (2) of this section AND
 35 SHALL REVOKE A SUSPENDED LICENSE BASED ON A VIOLATION OF
 36 SUBSECTION (2.5) OF THIS SECTION without a hearing and without any
 37 further action, after the exhaustion of all appeals, if any, or after the time
 38 for seeking an appeal has elapsed, and upon the entry of a final judgment.

39
 40 **SECTION 49.** 22-60.5-111 (1), Colorado Revised Statutes, is
 41 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

42
 43 **22-60.5-111. Authorization - types - applicants' qualifications.**
 44 (1) Pursuant to the rules of the state board of education, the department
 45 of education is authorized to issue the following authorizations to persons
 46 of good moral character meeting the qualifications prescribed by this
 47 section and by the rules of the state board of education:

48
 49 (g) A TYPE VII AUTHORIZATION, TEACHER IN RESIDENCE,
 50 AUTHORIZES A SCHOOL DISTRICT TO EMPLOY A PERSON WHO IS ELIGIBLE,
 51 PURSUANT TO SECTION 22-32-110.3, AS A TEACHER IN RESIDENCE.

52
 53 **SECTION 50.** 22-63-302 (11) (a) (I), Colorado Revised Statutes,
 54 is amended to read:

55
 56 **22-63-302. Procedure for dismissal - judicial review.**

1 (11) (a) The board of a school district may take immediate action to
2 dismiss a teacher, without a hearing, notwithstanding subsections (2) to
3 (10) of this section, pending the final outcome of judicial review or when
4 the time for seeking review has elapsed, when the teacher is convicted,
5 pleads nolo contendere, or receives a deferred sentence for:
6

7 (I) A violation of any law of this state or any counterpart
8 municipal law of this state involving unlawful behavior pursuant to any
9 of the following statutory provisions: Sections 18-3-305, 18-6-302, and
10 18-6-701, C.R.S., OR section 18-6-301, C.R.S., ~~when the victim is a child~~
11 ~~who is ten years of age or older and under eighteen years of age, and~~ OR
12 part 4 of article 3, part 4 of article 6, and part 4 of article 7 of title 18,
13 C.R.S.; or
14

15 **SECTION 51.** 24-5-101, Colorado Revised Statutes, is amended
16 to read:
17

18 **24-5-101. Effect of criminal conviction on employment rights.**

19 (1) (a) ~~Except as otherwise provided by section 4 of article XII of the~~
20 ~~state constitution, and except for the certification and revocation of~~
21 ~~certification of peace officers as provided in section 24-31-305, and~~
22 ~~except for the employment of personnel in positions involving direct~~
23 ~~contact with vulnerable persons as specified in section 27-1-110, C.R.S.;~~
24 IN PARAGRAPH (b) OF THIS SUBSECTION (1), the fact that a person has been
25 convicted of a felony or other offense involving moral turpitude shall not,
26 in and of itself, prevent the person from applying for and obtaining public
27 employment or from applying for and receiving a license, certification,
28 permit, or registration required by the laws of this state to follow any
29 business, occupation, or profession.
30

31 (b) THIS SUBSECTION (1) SHALL NOT APPLY TO:
32

33 (I) THE OFFICES AND CONVICTIONS DESCRIBED IN SECTION 4 OF
34 ARTICLE XII OF THE STATE CONSTITUTION;
35

36 (II) THE CERTIFICATION AND REVOCATION OF CERTIFICATION OF
37 PEACE OFFICERS AS PROVIDED IN SECTION 24-31-305;
38

39 (III) THE EMPLOYMENT OF PERSONNEL IN POSITIONS INVOLVING
40 DIRECT CONTACT WITH VULNERABLE PERSONS AS SPECIFIED IN SECTION
41 27-1-110, C.R.S.; AND
42

43 (IV) THE LICENSURE OR AUTHORIZATION OF EDUCATORS
44 PROHIBITED PURSUANT TO SECTION 22-60.5-107 (2) OR (2.5), C.R.S.
45

46 (2) Whenever any state or local agency is required to make a
47 finding that an applicant for a license, certification, permit, or registration
48 is a person of good moral character as a condition to the issuance thereof,
49 the fact that such applicant has, at some time prior thereto, been
50 convicted of a felony or other offense involving moral turpitude, and
51 pertinent circumstances connected with such conviction, shall be given
52 consideration in determining whether, in fact, the applicant is a person of
53 good moral character at the time of the application. The intent of this
54 section is to expand employment opportunities for persons who,
55 notwithstanding that fact of conviction of an offense, have been
56 rehabilitated and are ready to accept the responsibilities of a law-abiding

1 and productive member of society."
2

3 Renumber succeeding sections accordingly.
4

5 Page 54, after line 6, insert the following:
6

7 "(i) (I) In addition to any other appropriation, there is hereby
8 appropriated, out of any moneys in the educator licensure cash fund
9 created in section 22-60.5-112, Colorado Revised Statutes, not otherwise
10 appropriated, to the department of education, for allocation to the office
11 of professional services, for the fiscal year beginning July 1, 2003, the
12 sum of two hundred eighty-five thousand eight hundred dollars (\$
13 285,800) and 1.5 FTE, or so much thereof as may be necessary, for the
14 implementation of this act.
15

16 (II) In addition to any other appropriation, there is hereby
17 appropriated to the department of public safety, for allocation to the
18 Colorado bureau of investigation, for the fiscal year beginning July 1,
19 2003, the sum of two hundred thirty-five thousand eight hundred dollars
20 (\$235,800), or so much thereof as may be necessary, for fingerprint
21 processing services related to the implementation of this act. Said sum
22 shall be from cash funds exempt received from the department of
23 education out of the appropriation made in subparagraph (I) of this
24 paragraph (i)."
25

26 The amendment was declared **lost** by the following roll call vote:
27

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

46
47
48
49 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

50
51 Passed Second Reading: **SB03-275 amended, 248 amended, 292.**

52
53 Laid over until date indicated retaining place on Calendar:

54 **HB03-1178--April 16, 2003.**
55

1 The Chairman moved the adoption of the Committee of the Whole
 2 Report. As shown by the following roll call vote, a majority of those
 3 elected to the House voted in the affirmative, and the Report was
 4 **adopted.**

	YES	65	NO	00	EXCUSED	00	ABSENT	00
7	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
8	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
9	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
10	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
11	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
12	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
13	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
14	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
15	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
16	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
17	Cloer	Y	King	Y	Rhodes	Y	White	Y
18	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
19	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
20	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
21	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
22	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
23							Speaker	Y

LAY OVER OF CALENDAR ITEMS

29 On motion of Representative King, the following items on the Calendar
 30 were laid over until April 16, retaining place on Calendar:

32 Consideration of General Orders--**HB03-1311, 1132, 1247, 1344, 1123,**
 33 **1317, 1210, 1213, 1280, HCR03-1003, HB03-1105, 1339, 1323,**
 34 **SB03-051, HB03-1316, 1329, 1342.**

35 Consideration of Resolutions--**HJR03-1029, 1038, 1040, 1042, 1043,**
 36 **SJR03-030, HJR03-1049, 1050, SJR03-034, HJR03-1052.**

37 Consideration of Memorials--**SJM03-001, 002, 004.**

38 Consideration of Senate Amendments--**HB03-1001, 1121.**

42 On motion of Representative King, the House adjourned until 9:00 a.m.,
 43 April 16, 2003.

Approved:

LOLA SPRADLEY,
 Speaker

Attest:

JUDITH RODRIGUE,
 Chief Clerk