

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

48th Legislative Day Monday, February 21, 2000

- Call to Order By the President at 10:00 a.m.
- Prayer By the chaplain, Reverend Arlyn Tolzmann, Holy Cross Lutheran Church, Wheat Ridge.
- Roll Call Present--Total, 32.
Absent/Excused--Martinez, Owen, Tebedo--Total, 3.
Present later--Owen, Tebedo.
- Quorum The President announced a quorum present.
- Reading of Journal On motion of Senator Nichol, reading of the Journal of Friday, February 18 was dispensed with and the Journal stands approved as corrected by the Secretary.

SENATE SERVICES REPORT

- Senate Services Correctly engrossed: SB 00-172.

THIRD READING OF BILL--FINAL PASSAGE

On Third Reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

- SB 00-172 by Sen. Evans; Rep. Kaufman--Title Setting Procedures
- Laid over until Tuesday, February 22, retaining its place on the calendar.

- Committee of the Whole On motion of Senator Hillman, the Senate resolved itself into Committee of the Whole for consideration of General Orders and Senator Hillman was called to the Chair to act as Chairman.

GENERAL ORDERS--SECOND READING OF BILLS

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

- SB 00-028 by Sen. Wham; Rep. Kaufman--Jury Impose Death Penalty

Amendment No. 1, by Senator Evans

Amend printed bill, page 5, line 14, after "that" insert "AT LEAST TEN JURORS DETERMINE THAT";

line 19, strike "unless" and substitute "unless, BY THE AGREEMENT OF AT LEAST TEN JURORS,".

Page 6, line 3, "UNANIMOUS" and substitute "AGREED UPON BY AT LEAST TEN JURORS";

line 9, strike "the" and substitute "the";
line 10, strike "JURY'S" and substitute "AT LEAST TEN JURORS CANNOT
AGREE ON A VERDICT,";
line 11, strike "VERDICT IS NOT UNANIMOUS,".

As amended, declared LOST on Second Reading.

The following bills on the General Orders calendar of Monday, February 21, were laid over until Tuesday, February 22, retaining their place on the calendar.

SB00-096, SB00-024, SB00-176, SB00-143, SB00-009, SB00-065, SB00-094, SB00-088, SB00-145, SB00-160, SB00-178, SB00-191, HB00-1152, HB00-1113, HB00-1226, HB00-1092, HB00-1091, HB00-1087, HB00-1027, SB00-189, HB00-1216, HB00-1059, HB00-1194, HB00-1073, HB00-1075, HB00-1005, HB00-1006, HB00-1017, HB00-1018, HB00-1022, HB00-1106, HB00-1028.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

SB00-028, as amended, declared lost on Second Reading.
SB00-096, SB00-024, SB00-176, SB00-143, SB00-009, SB00-065, SB00-094, SB00-088, SB00-145, SB00-160, SB00-178, SB00-191, HB00-1152, HB00-1113, HB00-1226, HB00-1092, HB00-1091, HB00-1087, HB00-1027, SB00-189, HB00-1216, HB00-1059, HB00-1194, HB00-1073, HB00-1075, HB00-1005, HB00-1006, HB00-1017, HB00-1018, HB00-1022, HB00-1106, HB00-1028 laid over until Tuesday, February 22, retaining their place on the calendar.

On motion of Senator Blickensderfer, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Monday, February 21, was laid over until Tuesday, February 22, retaining its place on the calendar.

COMMITTEE OF REFERENCE REPORT

Education

After consideration on the merits, the committee recommends that SB00-186 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 6, strike lines 6 through 9 and substitute the following:

"22-7-601. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

(a) WHILE SECTION 2 OF ARTICLE IX OF THE STATE CONSTITUTION DIRECTS THE GENERAL ASSEMBLY TO ESTABLISH AND MAINTAIN A THOROUGH AND UNIFORM SYSTEM OF FREE PUBLIC SCHOOLS THROUGHOUT THE STATE, THE WIDE VARIETY OF PRACTICES AND CURRICULUM AMONG SCHOOL DISTRICTS AND PUBLIC SCHOOLS THROUGHOUT THE STATE MAKE IT INCREASINGLY DIFFICULT TO MEASURE WHETHER THERE IS A THOROUGH AND UNIFORM SYSTEM OF SCHOOLS THROUGHOUT THE STATE;

(b) IT IS DIFFICULT FOR MOST PARENTS TO DETERMINE WHETHER THE PUBLIC SCHOOLS IN WHICH THEIR CHILDREN ARE ENROLLED ARE PROVIDING QUALITY ACADEMIC INSTRUCTION IN AN ENVIRONMENT THAT IS CONDUCTIVE TO LEARNING;

(c) BUSINESS OWNERS AND OTHER TAXPAYERS IN EACH SCHOOL DISTRICT HAVE A RIGHT TO KNOW WHETHER THEIR TAX DOLLARS ARE

BEING APPROPRIATELY SPENT BY THE SCHOOL DISTRICT TO PROVIDE STUDENTS WITHIN THE DISTRICT WITH AN OPPORTUNITY FOR A QUALITY EDUCATION;

(d) DIRECTING THE DEPARTMENT OF EDUCATION TO COMPILE OBJECTIVE INDICATORS OF EVERY PUBLIC SCHOOL'S ACADEMIC AND SAFETY ENVIRONMENT PERFORMANCE AND MAKING THOSE COMPILATIONS READILY AVAILABLE WILL ASSIST THE GENERAL ASSEMBLY, PARENTS, AND TAXPAYERS IN MAKING CHOICES THAT WILL ENABLE ALL CHILDREN TO HAVE AN OPPORTUNITY FOR A QUALITY EDUCATION;

(e) GIVING EACH PUBLIC SCHOOL A REPORT CARD GRADING ITS PERFORMANCE BOTH IN ACADEMIC ACHIEVEMENT AND IN PROVIDING A SAFE LEARNING ENVIRONMENT WILL ASSIST THE GENERAL ASSEMBLY, PARENTS, AND TAXPAYERS IN IDENTIFYING THOSE PUBLIC SCHOOLS THAT ARE PROVIDING STUDENTS WITH AN OPPORTUNITY FOR A QUALITY EDUCATION; AND

(f) BY REQUIRING ANNUAL SCHOOL REPORT CARDS, THE GENERAL ASSEMBLY, PARENTS, AND TAXPAYERS WILL BE ABLE TO MONITOR THE PROGRESS THAT SCHOOLS MAKE TOWARD PROVIDING STUDENTS WITH AN OPPORTUNITY FOR A QUALITY EDUCATION.

(2) THE GENERAL ASSEMBLY RECOGNIZES THAT THE GRADING OF PUBLIC SCHOOLS WILL BE CONTROVERSIAL. THEREFORE, THE GENERAL ASSEMBLY FINDS THAT IT IS IMPORTANT THAT OBJECTIVE INDICATORS BE USED IN A MANNER THAT WILL ENSURE CONSISTENT APPLICATION THROUGHOUT THE STATE. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT, IN CALCULATING A SCHOOL'S ACADEMIC AND SAFETY ENVIRONMENT PERFORMANCE GRADES, THE DEPARTMENT OF EDUCATION SHALL USE, EXCEPT FOR LIMITED STATUTORY EXCEPTIONS, THE SCORES AND OTHER OBJECTIVE INDICATORS OF ALL STUDENTS ENROLLED IN THE SCHOOL."

Strike pages 7 through 10.

Page 11, strike lines 1 through 16.

Page 12, strike line 1 and substitute the following:

"(3) "COMMISSIONER" MEANS";

strike line 6 and substitute the following:

"(5) "DEPARTMENT" MEANS THE";

strike lines 11 and 12 and substitute the following:

"(7) "PUBLIC SCHOOL" MEANS A SCHOOL THAT DERIVES ITS SUPPORT, IN WHOLE OR IN PART, FROM MONEYS RAISED BY A GENERAL STATE, COUNTY, OR DISTRICT TAX.";

strike line 15 and substitute the following:

"(9) "STATE BOARD" MEANS THE".

Page 22, line 1, after the period, add "THE CONVERSION TABLES ESTABLISHED IN THE BASELINE PERFORMANCE YEAR FOR CONVERTING WEIGHTED TOTALS TO STANDARDIZED WEIGHTED TOTALS SHALL BE USED IN FUTURE YEARS UNTIL SUCH TIME AS A NEW BASELINE YEAR IS ESTABLISHED. IN ADDITION, THE CONVERSION TABLES ESTABLISHED IN THE BASELINE PERFORMANCE YEAR FOR CONVERTING STANDARDIZED, WEIGHTED TOTALS TO LETTER GRADES SHALL BE USED IN FUTURE YEARS UNTIL SUCH TIME AS A NEW BASELINE YEAR IS ESTABLISHED.";

strike lines 7 through 10 and substitute the following:

"SECTION. DURING FEBRUARY, 2005, AND DURING FEBRUARY OF EVERY THREE YEARS THEREAFTER, THE STATE BOARD SHALL REPORT TO THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES ON WHETHER IT BELIEVES THAT A NEW YEAR SHOULD BE USED AS THE BASELINE PERFORMANCE YEAR TO RECALCULATE THE OVERALL STANDARDIZED";

line 12, after the period, add " THE STATE BOARD SHALL NOT ESTABLISH A NEW YEAR AS THE BASELINE PERFORMANCE YEAR UNLESS IT NOTIFIES THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES ON OR BEFORE FEBRUARY 1 OF THE YEAR IN WHICH SCHOOL REPORT CARDS WOULD REFLECT THE NEW BASELINE PERFORMANCE YEAR."

Page 27, line 1, strike "EIGHT" and substitute "NINE";

line 11, strike "AN ACADEMIC" and substitute "A SAFETY";

line 13, strike "HIGHEST" and substitute "TOP";

line 16, strike "AN ACADEMIC" and substitute "A SAFETY";

line 21, strike "AN ACADEMIC" and substitute "A SAFETY";

line 26, strike "AN ACADEMIC" and substitute "A SAFETY".

Page 28, line 5, strike "AN ACADEMIC" and substitute "A SAFETY";

line 13, after the period, add "THE CONVERSION TABLES ESTABLISHED IN THE BASELINE PERFORMANCE YEAR FOR CONVERTING WEIGHTED TOTALS TO STANDARDIZED WEIGHTED TOTALS SHALL BE USED IN FUTURE YEARS UNTIL SUCH TIME AS A NEW BASELINE YEAR IS ESTABLISHED. IN ADDITION, THE CONVERSION TABLES ESTABLISHED IN THE BASELINE PERFORMANCE YEAR FOR CONVERTING STANDARDIZED, WEIGHTED TOTALS TO LETTER GRADES SHALL BE USED IN FUTURE YEARS UNTIL SUCH TIME AS A NEW BASELINE YEAR IS ESTABLISHED.";

line 14, after "(c)", insert "AS SCHOOL SAFETY PERFORMANCE IMPROVES, THE STANDARD FOR ASSESSING SAFETY PERFORMANCE GRADES SHALL BE RAISED.";

line 18, after the period, add "DURING FEBRUARY, 2005, AND DURING FEBRUARY OF EVERY THREE YEARS THEREAFTER, THE STATE BOARD SHALL REPORT TO THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES ON WHETHER IT BELIEVES THAT A NEW YEAR SHOULD BE USED AS THE BASELINE PERFORMANCE YEAR TO RECALCULATE THE OVERALL STANDARDIZED WEIGHTED TOTAL SCORES ASSIGNED TO EACH SAFETY PERFORMANCE GRADE. THE STATE BOARD SHALL NOT ESTABLISH A NEW YEAR AS THE BASELINE PERFORMANCE YEAR UNLESS IT NOTIFIES THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES ON OR BEFORE FEBRUARY 1 OF THE YEAR IN WHICH SCHOOL REPORT CARDS WOULD REFLECT THE NEW BASELINE PERFORMANCE YEAR."

Page 54, line 23, strike "BECOME";

strike line 24;

line 25, strike "AND SHALL".

Page 61, line 15, strike "GIVING PREFERENCE" and substitute "OFFERING ENROLLMENT".

Page 64, strike lines 25 and 26, and substitute the following:

"(a) THE INDEPENDENT CHARTER SCHOOL SHALL BE ENTITLED TO USE THE SCHOOL BUILDING IN WHICH THE PUBLIC SCHOOL THAT RECEIVED AN ACADEMIC PERFORMANCE GRADE OF "F" WAS OPERATED. THE INDEPENDENT CHARTER SCHOOL AND THE LOCAL BOARD OF EDUCATION SHALL NEGOTIATE AN AMOUNT OF RENT TO BE PAID, WHICH SHALL BE NOT MORE THAN TWELVE DOLLARS PER YEAR, AND ALL OTHER COSTS FOR THE OPERATION AND MAINTENANCE OF THE BUILDING AND RELATED FACILITIES; AND".

Page 65, strike lines 1 through 7.

Page 77, strike lines 2 through 26.

Strike page 78.

Page 79, strike line 1.
Renumber succeeding sections accordingly.
Page 81, line 12, strike "NO SUBJECT" and substitute "EACH";
line 13, strike "AREA" and after "TAKE", insert "NO";
line 14, strike "COMPLETE." and substitute "COMPLETE; EXCEPT THAT THIS
LIMITATION SHALL NOT APPLY TO THE CURRICULUM-BASED, ACHIEVEMENT
COLLEGE ENTRANCE EXAMINATION."
Page 84, line 26, strike "FALL SEMESTER 2000," and substitute "SPRING
SEMESTER 2001,".
Page 85, line 1, after "EDUCATION", insert "OR LOCAL DISTRICT COLLEGE";
line 2, after "ASSESSMENT", insert "OF FOUNDATIONAL AND BASIC SKILLS
COMPETENCY".
Page 103, strike lines 19 through 22, and substitute the following:
"a majority of the appropriate accountability committee, a majority of the
affected certified administrators, and a majority of the teachers of the
affected school or district concurring therein, the state board may waive
any requirements";
line 26, strike "or" and substitute "or".
Page 104, line 1, strike "OR SCHOOL";
line 4, strike "OR PRINCIPAL".

Senate in recess.
Senate reconvened.

MESSAGE FROM THE GOVERNOR

Appoint- A letter of designation and appointment from Governor Owens was read and assigned to
ment the Committees as follows:

January 25, 2000

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

Ladies and Gentlemen:

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

STATE BOARD OF AGRICULTURE

for terms expiring January 17, 2004:

Wesley A. Segelke of Englewood, Colorado, appointed;

Ronald W. Pettigrew of Durango, Colorado, appointed.

Sincerely,

(Signed)
Bill Owens
Governor
Rec'd 2/15/00
P. Dicks, Secretary

Committee on Agriculture, Natural Resources and Energy
Committee on Education

TRIBUTES--A POINT OF INTEREST

Honoring Kyle James Danforth by Senator Matsunaka
Honoring W. H. Heaton Middle School by Senator Thiebaut

On motion of Senator Anderson, the Senate adjourned until 8:00 a.m., Tuesday,
February 22, 2000.

Approved:

Ray Powers
President of the Senate

Attest:

Patricia K. Dicks
Secretary of the Senate

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