

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

80th Legislative Day Friday, March 24, 2000

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

Prayer By the chaplain, Reverend Arlyn Tolzmann, Holy Cross Lutheran Church, Wheat Ridge.

Roll Call Present--Total, 33.
Absent/Excused--Lacy, Matsunaka--Total, 2.
Present later--Lacy.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Anderson, reading of the Journal of Thursday, March 23rd was dispensed with and the Journal stands approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly printed: SJR 00-013; SB 00-210; SM 00-002.
Correctly enrolled: SB 00-009.

COMMITTEE OF REFERENCE REPORTS

Health, Environment, Welfare and Institutions The Committee on Health, Environment, Welfare and Institutions has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

AIR QUALITY
CONTROL COMMISSION

for terms expiring January 31, 2003:

Marian I. Smith of Glenwood Springs, Colorado, to serve as a member with industrial training and as an Unaffiliated, appointed;

Michael J. Mueller of Littleton, Colorado, to serve as a member with technical experience and as a Democrat, reappointed;

Douglas R. Lawson of Littleton, Colorado, to serve as a member with scientific experience and as a Republican, reappointed.

Health, Environment, Welfare and Institutions After consideration on the merits, the committee recommends that SB00-148 be amended as follows and, as so amended, be referred to the Committee of the Whole with favorable recommendation:

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

"SECTION 1. Legislative declaration. (1) The general assembly hereby finds, determines, and declares that:

(a) The services performed by health care providers are essential to the continued health of the citizens of Colorado;

(b) Health care providers not only diagnose, treat, and cure individual patients, but also contribute economically to the community;

(c) The ability of health care providers to meet the needs of their patients and serve the community is artificially stifled by provisions in managed care contracts, motivated by purely financial concerns, that restrict the providers' freedom to offer and provide their services as needed in the marketplace; and

(d) Agreements between health care providers and insurance carriers that affect a health care provider's ability to refer patients to specialists who provide necessary and beneficial treatment hinders the effectiveness of health care providers. Therefore, the general assembly declares that financial disincentives or the withholding of full compensation to a health care provider because of the number or type of referrals made by the health care provider to a specialist do not serve the interests of the insureds of this state and should be eliminated.

SECTION 2. 10-16-121 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

10-16-121. Required contract provisions in contracts between carriers and providers. (1) A contract between a carrier and a provider or its representative concerning the delivery, provision, payment, or offering of care or services covered by a managed care plan shall make provisions for the following requirements:

(d) THE CONTRACT SHALL CONTAIN A PROVISION THAT THE PROVIDER SHALL NOT BE SUBJECTED TO FINANCIAL DISINCENTIVES BASED ON THE NUMBER OF REFERRALS MADE TO PARTICIPATING PROVIDERS IN THE HEALTH PLAN FOR COVERED BENEFITS SO LONG AS THE PROVIDER MAKING THE REFERRAL ADHERES TO THE CARRIER'S OR THE CARRIER'S INTERMEDIARY'S UTILIZATION REVIEW POLICIES AND PROCEDURES.

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

(2) The provisions of this act shall apply to all contracts between providers and carriers executed on or after the applicable effective date of this act."

Health,
Environment,
Welfare and
Institutions

After consideration on the merits, the committee recommends that the following be referred favorably to the Committee on Appropriations: SB00-207

Health,
Environment,
Welfare and
Institutions

After consideration on the merits, the committee recommends that the following be referred favorably to the Committee on Appropriations: HB00-1294

SIGNING OF BILLS

The President has signed: SB00-009, 039, 055, 058, 067, 075, 086, 093, 101, 138, 187.

SENATE SERVICES REPORT

Senate To the governor for signature on Friday, March 24, 2000, at 8:35 a.m:
Services SB 00-009, 039, 055, 058, 067, 075, 086, 093, 101, 138, 187.

THIRD READING OF BILLS--FINAL PASSAGE

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

HB 00-1057 by Rep. Swenson; Senator Musgrave--Allow At-grade Intersections If Approved

The question being "Shall the bill pass?" the roll was called with the following result:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	E	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	E	Sullivan	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared PASSED.

HB 00-1234 by Rep. Mitchell; Sen. Hillman--Death Penalty Aggravator

The question being "Shall the bill pass?" the roll was called with the following result:

YES	26	NO	7	EXCUSED	2	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	N
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	N	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	N	Thiebaut	N
Chlouber	Y	Lacy	E	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	N	Reeves	Y	Wham	N
Dyer	Y	Martinez	Y	Rupert	N	Mr. President	Y
Epps	Y	Matsunaka	E	Sullivan	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared PASSED.

Co-sponsors added: Chlouber, Congrove, Epps, Evans, Lamborn, Musgrave, Owen, Powers, Teck.

HB 00-1095 by Rep. Berry; Senator Blickensderfer--Municipal Elections Revisions

The question being "Shall the bill pass?" the roll was called with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	Y	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	E	Sullivan	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared PASSED.

HB 00-1319 by Rep. Takis; Sen. Weddig--Notice Of Election Requirements

The question being "Shall the bill pass?" the roll was called with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	Y	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	E	Sullivan	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared PASSED.

HB 00-1096 by Rep. Leyba; Senator Reeves--Agency-Based Human Resources

The question being "Shall the bill pass?" the roll was called with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	Y	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	E	Sullivan	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared PASSED.

Co-sponsor added: Lamborn.

HB 00-1284 by Rep. Tate; Sen. Tanner--Modify Housing Authority Laws

The question being "Shall the bill pass?" the roll was called with the following result:

YES	30	NO	4	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	N	Tanner	Y
Andrews	N	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	N	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	Y	Perlmutter	Y	Wattenberg	Y
Congrove	N	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	E	Sullivan	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared PASSED.

Co-sponsor added: Hernandez.

SB 00-141 by Sen. Wham; Rep. Lawrence--Enforcement Authority Of Cap Adv Comm

The question being "Shall the bill pass?" the roll was called with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	Y	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	E	Sullivan	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared PASSED.

Co-sponsors added: Congrove, Rupert.

SB 00-178 by Sen. Teck; Rep. Spence--Teacher Employment

The question being "Shall the bill pass?" the roll was called with the following result:

YES	26	NO	8	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	N
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	N	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	N	Thiebaut	N
Chlouber	Y	Lacy	Y	Perlmutter	N	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	N	Weddig	Y
Dennis	Y	Linkhart	N	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	N	Mr. President	Y
Epps	Y	Matsunaka	E	Sullivant	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared PASSED.

Co-sponsor added: Tebedo.

HB 00-1056 by Rep. Spradley; Senator Teck--Funding For Unemployment Insurance Fraud

The question being "Shall the bill pass?" the roll was called with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	Y	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	E	Sullivant	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared PASSED.

HB 00-1122 by Rep. Witwer; Senator Owen--Colo School Of Mines Interest Earnings

The question being "Shall the bill pass?" the roll was called with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	Y	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	E	Sullivant	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared PASSED.

Co-sponsor added: Sullivant.

HB 00-1333 by Rep. McPherson; Senator Epps--State Board Of Parole

The question being "Shall the bill pass?" the roll was called with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	Y	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	E	Sullivant	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared PASSED.

Co-sponsor added: Hernandez.

HB 00-1001 by Rep. Gotlieb; Senator Reeves--Master Plan Criteria

The question being "Shall the bill pass?" the roll was called with the following result:

YES	26	NO	7	EXCUSED	2	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	N	Tanner	Y
Andrews	N	Feeley	Y	Nichol	Y	Tebedo	N
Arnold	N	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	N	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	Y	Perlmutter	Y	Wattenberg	Y
Congrove	N	Lamborn	N	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	*
Epps	Y	Matsunaka	E	Sullivant	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared PASSED.

Abstaining (*) from voting under Senate Rule 17(c) -- Senator Powers.

Co-sponsors added: Hernandez, Pascoe, Rupert, Sullivant, Wham.

HB 00-1352 by Rep. Dean; Senator Blickensderfer--Legislative Appropriation

The question being "Shall the bill pass?" the roll was called with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	Y	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	E	Sullivant	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared PASSED.

HB 00-1347 by Rep. Spradley; Senator Perlmutter--Sweepstakes And Contests

The question being "Shall the bill pass?" the roll was called with the following result:

YES	33	NO	1	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	Y	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	N	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	E	Sullivant	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared PASSED.

Co-sponsors added: Anderson, Arnold, Dyer, Epps, Evans, Feeley, Hernandez, Linkhart, Martinez, Musgrave, Nichol, Owen, Pascoe, Phillips, Powers, Reeves, Rupert, Tanner, Teck, Wattenberg, Wham.

HB 00-1322 by Rep. McKay; Sen. Musgrave--Species Introduction Limits

The question being "Shall the bill pass?" the roll was called with the following result:

YES	26	NO	8	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	N	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	N	Thiebaut	N
Chlouber	Y	Lacy	Y	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	N	Weddig	Y
Dennis	Y	Linkhart	N	Reeves	N	Wham	Y
Dyer	Y	Martinez	N	Rupert	N	Mr. President	Y
Epps	Y	Matsunaka	E	Sullivant	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared PASSED.

Co-sponsors added: Epps, Hillman, Lamborn, Tebedo.

(For further action, see page 738, where Reconsideration of HB00-1322 was granted and HB00-1322 was declared passed on Third Reading.)

HB 00-1291 by Rep. Kester; Senator Dennis--Wages Due Upon Employee Termination

A majority of those elected to the Senate having voted in the affirmative, Senator Feeley was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 1, by Senator Feeley

Amend revised bill, page 1, line 2, strike "(1) (a)," and substitute "(1)".

Page 2, strike line 8 and substitute the following:

"TO ONE OF THE FOLLOWING LOCATIONS SELECTED BY THE EMPLOYER:

- (I) THE WORK SITE;
- (II) THE EMPLOYER’S LOCAL OFFICE; OR
- (III) THE EMPLOYEE’S LAST-KNOWN MAILING ADDRESS.

(b) When an employee quits or resigns such employee’s employment, the wages or compensation shall become due and payable upon the next regular payday. When a separation of employment occurs, the employer shall make the separated employee’s check for wages due available AT ONE OF THE FOLLOWING LOCATIONS SELECTED BY THE EMPLOYER:

- (I) at The work site;
- (II) The employer’s LOCAL office; or
- (III) ~~by mail to~~ The employee’s last-known mailing address. ~~if requested by such employee."~~

A majority of all members elected to the Senate having voted in the affirmative, the amendment was declared ADOPTED.

The question being "Shall the bill, as amended, pass?" the roll was called with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	Y	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	E	Sullivan	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared PASSED.

Committee of the Whole

On motion of Senator Owen, the Senate resolved itself into Committee of the Whole for consideration of General Orders and Senator Owen 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:

SB00-196

by Sen. Wattenberg; Rep. George--Utility Service For Subdivisions

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

SB00-197

by Sen. Wattenberg; Rep. George--Utility Siting Of Electrical Facility

Amendment No. 1, State, Veterans, and Military Affairs Committee Amendment
(Printed in Senate Journal, March 17, page 663.)

Amendment No. 2, by Senator Wattenberg

Amend printed bill, page 2, line 11, strike "NINETY" and substitute "ONE HUNDRED TWENTY";

line13, strike "THIRTY" and substitute "NINETY".

As amended, declared LOST on Second Reading. (For further action, see page 734, where the Wattenberg amendment to the Report of the Committee of the Whole was adopted, and SB00-197, as amended, was ordered laid over until Monday, March 27, retaining its place on the calendar.)

HB00-1336

by Rep. Coleman; Senator Linkhart--Access To Adoption Records

Amendment No. 1, State, Veterans, and Military Affairs Committee Amendment
(Printed in Senate Journal, March 17, pages 665-666.)

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

HB00-1299

by Rep. McPherson; Senator Powers--Trial Judge Impose Death Penalty

Ordered revised and placed on the calendar for Third Reading and Final Passage. (For further action, see page 737, Roll Call Vote, where HB00-1299 was declared LOST on Second Reading, and page 737-738, where reconsideration was denied.)

HB 00-1202 by Rep. Clapp; Sen. Musgrave--Access To Student Records

Amendment No. 1, Education Committee Amendment
(Printed in Senate Journal, March 13, pages 598-599.)

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

HB 00-1150 by Rep. Leyba; Sen. Feeley--Parole For Special Needs Offenders
(Amended in General Orders as printed in Senate Journal, March 23, page 717.)

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. (For further action, see page 735, where the Lamborn amendment to the Report of the Committee of the Whole was adopted.)

HB 00-1208 by Rep. Clapp; Senator Teck--Lawsuits Against Firearms Manufacturers

Amendment No. 1, by Senator Teck

Amend reengrossed bill, page 2, after line 16, insert the following:

"(4) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION, A FIREARMS OR AMMUNITION MANUFACTURER, IMPORTER, OR DEALER OR A FIREARMS TRADE ASSOCIATION MAY BE SUED IN TORT FOR ANY DAMAGES PROXIMATELY CAUSED BY AN ACT OF THE MANUFACTURER, IMPORTER, DEALER, OR ASSOCIATION IN VIOLATION OF A STATE OR FEDERAL STATUTE OR REGULATION. IN ANY ACTION BROUGHT PURSUANT TO THE PROVISIONS OF THIS SUBSECTION (4), THE PLAINTIFF SHALL HAVE THE BURDEN OF PROVING BY CLEAR AND CONVINCING EVIDENCE THAT THE DEFENDANT VIOLATED THE STATE OR FEDERAL STATUTE OR REGULATION."

Page 3, line 5, after "AMMUNITION", insert "OR UPON THE COMMISSION OF A VIOLATION OF A STATE OR FEDERAL STATUTE OR REGULATION".

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

HB 00-1167 by Rep. Swenson; Sen. Musgrave--Waste Tire Cleanup Fund

Amendment No. 1, by Senator Musgrave

Amend reengrossed bill, page 6, line 12, after the period, add "MONEYS ALLOCATED PURSUANT TO THIS PARAGRAPH (d), IF UNEXPENDED IN THE YEAR IN WHICH ALLOCATED, SHALL ROLL FORWARD INTO THE FOLLOWING FISCAL YEAR AND SHALL BE AVAILABLE TO THE COMMISSION FOR THE USES SPECIFIED BY THIS PARAGRAPH (d) IN SUCH FOLLOWING FISCAL YEAR."

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

HB 00-1394 by Rep. McPherson; Sen. Blickensderfer--Prevent Voter Fraud

Ordered revised and placed on the calendar for Third Reading and Final Passage. (For further action, see pages 735-736, where the Anderson/Feeley amendment to the Report of the Committee of the Whole was adopted, and page 737, where the Hillman amendment to the Report of the Committee of the Whole was adopted and HB00-1394, as amended, was referred to the Committee on State, Veterans, and Military Affairs.)

HB 00-1249 by Rep. Paschall; Senator Andrews--Strengthen The Marriage Relationship

Amendment No. 1, by Senators Perlmutter and Andrews

Amend reengrossed bill, page 2, after line 10, insert the following:

"(4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO IMPAIR OR INFRINGE UPON RIGHTS AND BENEFITS CONFERRED BY CONTRACT, INCLUDING BUT NOT LIMITED TO PRENUPTIAL AND POSTNUPTIAL AGREEMENTS, OR BY LAWS OR POLICIES OF THE STATE OF COLORADO OR ANY POLITICAL SUBDIVISION THEREOF."

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

HB 00-1229 by Rep. McPherson; Sen. Chlouber--Gov Cand Selects Lieut Gov Cand

Amendment No. 1, by Senator Thiebaut

Amend reengrossed bill, page 3, line 9, strike everything after the period; strike lines 10 through 22.

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

HB 00-1144 by Rep. Sinclair; Sen. Tebedo--Gov Cand Selects Lieut Gov Cand

Declared LOST on Second Reading.

SB 00-203 by Sen. Powers; Rep. George--Util Relocate For Design-Build Projects

Laid over until Monday, March 27, retaining its place on the calendar.

HB 00-1216 by Rep. Lawrence; Senator Arnold--Criminal Procedural Laws

Amendment No. 1, Judiciary Committee Amendment
(Printed in Senate Journal, March 22, page 709.)

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

The following bills on the General Orders calendar of Friday, March 24, were laid over until Monday, March 27:

SB00-170, SB00-020, HB00-1020, HB00-1161.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB 00-197 by Sen. Wattenberg; Rep. George--Utility Siting Of Electrical Facility

Senator Wattenberg moved to amend the Report of the Committee of the Whole to show that SB00-197, as amended, was laid over to Monday, March 27.

A majority of all members elected to the Senate having voted in the affirmative, the motion was declared ADOPTED.

HB 00-1150 by Rep. Leyba; Sen. Feeley--Parole For Special Needs Offenders

Senator Lamborn moved to amend the Report of the Committee of the Whole to show that the following Lamborn floor amendment to HB00-1150, did pass, and that HB00-1150, as amended, did pass:

Amend the committee amendment, as printed in Senate Journal, March 16, page 648, strike lines 24 through 27 and substitute the following:

"Amend reengrossed bill, page 2, line 7, strike "PHYSICALLY HANDICAPPED";

strike line 8 and substitute the following:

"TERMINALLY ILL, AS DETERMINED IN WRITING BY TWO PHYSICIANS, OR IS";".

Call of Senate
Call of Senate.
Call Raised.

Call of Senate
Call of Senate.
Call Raised.

The motion was adopted by the following roll call vote:

YES	18	NO	16	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	N
Andrews	Y	Feeley	N	Nichol	N	Tebedo	Y
Arnold	Y	Hernandez	N	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	N	Thiebaut	N
Chlouber	Y	Lacy	Y	Perlmutter	N	Wattenberg	N
Congrove	Y	Lamborn	Y	Phillips	N	Weddig	N
Dennis	Y	Linkhart	N	Reeves	N	Wham	N
Dyer	N	Martinez	N	Rupert	N	Mr. President	Y
Epps	Y	Matsunaka	E	Sullivan	Y		

HB 00-1394 by Rep. McPherson; Sen. Blickensderfer--Prevent Voter Fraud

Senators Anderson and Feeley moved to amend the Report of the Committee of the Whole to show that the following Anderson floor amendment to HB00-1394 did pass:

Amend reengrossed bill, page 3, strike lines 19 through 26 and substitute the following:

"SECTION 4. 1-4-101 (4), Colorado Revised Statutes, is amended, and the said 1-4-101 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

1-4-101. Primary election nominations made. (1.5) A PRIMARY ELECTION HELD PURSUANT TO SUBSECTION (1) OF THIS SECTION MAY BE CONDUCTED BY MAIL BALLOT AS PROVIDED IN ARTICLE 7.5 OF THIS TITLE TO THE EXTENT THAT THOSE PROVISIONS ARE APPLICABLE.

(4) Except as otherwise provided in this code, all primary elections shall be conducted in the same manner as general elections OR BY A MAIL BALLOT AS PROVIDED IN ARTICLE 7.5 OF THIS TITLE insofar as the general election AND MAIL BALLOT ELECTION provisions are applicable, and the election officers for primary elections have the same powers and shall perform the same duties as those provided by law for general elections AND MAIL BALLOT ELECTIONS.

(6) THE DESIGNATED ELECTION OFFICIAL SHALL INCLUDE THE ELECTORS WHO VOTED BY MAIL BALLOT IN A PRIMARY ELECTION IN THE LIST AND INFORMATION REQUIRED PURSUANT TO SECTION 1-8-311.

SECTION 5. Effective date. This act shall take effect January 1, 2001, unless a referendum petition is filed during the ninety-day period

after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, shall take effect on the specified date only if approved by the people."

The motion was adopted by the following roll call vote:

YES	21	NO	13	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	N	Tanner	Y
Andrews	N	Feeley	Y	Nichol	N	Tebedo	N
Arnold	N	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	N	Pascoe	N	Thiebaut	N
Chlouber	N	Lacy	Y	Perlmutter	N	Wattenberg	Y
Congrove	N	Lamborn	N	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	N	Matsunaka	E	Sullivan	Y		

HB 00-1216 by Rep. Lawrence; Senator Arnold--Criminal Procedural Laws

Senator Thiebaut moved to amend the Report of the Committee of the Whole to show that the following Thiebaut floor amendment to HB00-1216, as amended, did pass:

Strike the committee amendment, as printed in Senate Journal, March 21, page 709, lines 5 through 8 and substitute the following:

"Amend reengrossed bill, page 7 strike lines 22 through 26 and substitute the following:

"SECTION 12. 16-5-209, Colorado Revised Statutes, is amended to read:

16-5-209. Judge may require prosecution. The judge of a court having jurisdiction of the alleged offense, upon affidavit filed with him THE JUDGE alleging the commission of a crime and the unjustified refusal of the prosecuting attorney to prosecute any person for the crime, may require the prosecuting attorney to appear before him THE JUDGE and explain his THE refusal. If after a hearing THAT PROCEEDING, BASED ON THE COMPETENT EVIDENCE IN THE AFFIDAVIT, THE EXPLANATION OF THE PROSECUTING ATTORNEY, AND ANY ARGUMENT OF THE PARTIES, OR AFTER A FULL HEARING WHEN THE JUDGE SO REQUIRES IN HIS OR HER DISCRETION, the judge finds that the refusal of the prosecuting attorney to prosecute was arbitrary or capricious and without reasonable excuse, he THE JUDGE may order the prosecuting attorney to file an information and prosecute the case or may appoint a special prosecutor to do so. The judge shall appoint the special prosecutor from among the full-time district attorneys, assistant district attorneys, or deputy district attorneys who serve in judicial districts other than where the appointment is made; except that, upon the written approval of the chief justice of the supreme court, the judge may appoint any disinterested private attorney who is licensed to practice law in the state of Colorado to serve as the special prosecutor. Any special prosecutor appointed pursuant to this section shall be compensated as provided in section 20-1-308, C.R.S."

Page 8, strike lines 1 through 15."

The motion was declared LOST by the following roll call vote:

YES	15	NO	19	EXCUSED	1	ABSENT	0
Anderson	N	Evans	N	Musgrave	N	Tanner	Y
Andrews	N	Feeley	Y	Nichol	Y	Tebedo	N
Arnold	N	Hernandez	Y	Owen	N	Teck	N
Blickensderfer	N	Hillman	N	Pascoe	Y	Thiebaut	Y
Chlouber	N	Lacy	N	Perlmutter	Y	Wattenberg	N
Congrove	N	Lamborn	N	Phillips	Y	Weddig	Y
Dennis	N	Linkhart	Y	Reeves	Y	Wham	N
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	N
Epps	N	Matsunaka	E	Sullivan	Y		

HB 00-1394 by Rep. McPherson; Sen. Blickensderfer--Prevent Voter Fraud

Senator Hillman moved to amend the Report of the Committee of the Whole to show that HB00-1394, as amended, was referred to the Committee on State, Veterans, and Military Affairs.

A majority of all members elected to the Senate having voted in the affirmative, the motion was declared ADOPTED.

ROLL CALL VOTE ON HB00-1208

HB 00-1208 by Rep. Clapp; Senator Teck--Lawsuits Against Firearms Manufacturers

On request of Senator Pascoe, the President ordered a roll call vote on HB00-1208.

YES	21	NO	13	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	N
Andrews	Y	Feeley	N	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	N	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	N	Thiebaut	N
Chlouber	Y	Lacy	Y	Perlmutter	N	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	N	Weddig	N
Dennis	Y	Linkhart	N	Reeves	N	Wham	N
Dyer	Y	Martinez	N	Rupert	N	Mr. President	Y
Epps	Y	Matsunaka	E	Sullivan	Y		

ROLL CALL VOTE ON HB00-1299

HB 00-1299 by Rep. McPherson; Senator Powers--Trial Judge Impose Death Penalty

On request of Senator Feeley, the President ordered a roll call vote on HB00-1299.

YES	16	NO	18	EXCUSED	1	ABSENT	0
Anderson	N	Evans	Y	Musgrave	Y	Tanner	N
Andrews	Y	Feeley	N	Nichol	N	Tebedo	Y
Arnold	Y	Hernandez	N	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	N	Thiebaut	N
Chlouber	Y	Lacy	Y	Perlmutter	N	Wattenberg	N
Congrove	Y	Lamborn	Y	Phillips	N	Weddig	Y
Dennis	N	Linkhart	N	Reeves	N	Wham	N
Dyer	Y	Martinez	N	Rupert	N	Mr. President	N
Epps	Y	Matsunaka	E	Sullivan	N		

HB00-1299 declared LOST on Second Reading.

NOTICE OF INTENT TO MOVE FOR RECONSIDERATION OF HB00-1299

HB 00-1299 by Rep. McPherson; Senator Powers--Trial Judge Impose Death Penalty

Having voted on the prevailing side, Senator Powers gave notice of intent to move for reconsideration of HB00-1299.

RECONSIDERATION OF HB00-1299

Having voted on the prevailing side, Senator Powers moved for reconsideration of HB00-1299.

Reconsideration was denied by the following roll call vote:

YES	16	NO	18	EXCUSED	1	ABSENT	0
Anderson	N	Evans	Y	Musgrave	Y	Tanner	N
Andrews	Y	Feeley	N	Nichol	N	Tebedo	Y
Arnold	Y	Hernandez	N	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	N	Thiebaut	N
Chlouber	Y	Lacy	Y	Perlmutter	N	Wattenberg	N
Congrove	Y	Lamborn	Y	Phillips	N	Weddig	N
Dennis	N	Linkhart	N	Reeves	N	Wham	N
Dyer	Y	Martinez	N	Rupert	N	Mr. President	Y
Epps	Y	Matsunaka	E	Sullivant	N		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Owen, 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:

SB00-196, declared passed on Second Reading.
HB00-1336, as amended; HB00-1202, as amended; HB00-1150 as amended;
HB00-1208, as amended; HB-001167, as amended; HB00-1249, as amended;
HB00-1229, as amended, HB00-1216, as amended; declared passed on Second Reading.
HB00-1144, HB00-1299 declared lost on Second Reading.
HB00-1394, as amended, referred to the Committee on State, Veterans, and Military Affairs.
SB00-203, SB00-170, SB00-020, HB00-1020, HB00-1161 laid over until Monday, March 27, retaining their place on the calendar.
SB00-197, as amended, laid over until Monday, March 27, retaining its place on the calendar.

RECONSIDERATION OF HB00-1322

HB 00-1322 by Rep. McKay; Sen. Musgrave--Species Introduction Limits

Having voted on the prevailing side, Senator Sullivant moved for reconsideration of HB00-1322.

A majority of all members elected to the Senate having voted in the affirmative, the motion was declared ADOPTED.

THIRD READING OF BILL--FINAL PASSAGE

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

HB 00-1322 by Rep. McKay; Sen. Musgrave--Species Introduction Limits

The question being "Shall the bill pass?" the roll was called with the following result:

YES	23	NO	11	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	N
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	N	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	N	Thiebaut	N
Chlouber	Y	Lacy	Y	Perlmutter	N	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	N	Weddig	Y
Dennis	Y	Linkhart	N	Reeves	N	Wham	Y
Dyer	Y	Martinez	N	Rupert	N	Mr. President	Y
Epps	Y	Matsunaka	E	Sullivant	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared PASSED.

Co-sponsor added: Dennis.

MESSAGE FROM THE HOUSE:

March 24, 2000

Mr. President:

The House has adopted and transmits herewith HJR00-1011, as printed in House Journal, March 3, pages 832-834.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB00-1452.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB00-1451, amended as printed in House Journal, March 23, pages 1060-1067.

INTRODUCTION AND IMMEDIATE CONSIDERATION OF RESOLUTION

The following resolution was read by title and taken upon immediate consideration:

HJR 00-1011 by Rep. Paschall; Sen. Hernandez--Concerning an urgent request for relief on behalf of Hannah Barkat.
(Printed in House Journal, March 3, pages 832-834.)

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

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

On motion of Senator Hernandez, the Resolution was ADOPTED by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	Y	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	E	Sullivant	Y		

Co-sponsors added: Anderson, Andrews, Arnold, Blickensderfer, Chlouber, Congrove, Dennis, Dyer, Epps, Evans, Feeley, Hillman, Lacy, Lamborn, Linkhart, Martinez, Musgrave, Nichol, Owen, Pascoe, Perlmutter, Phillips, Powers, Reeves, Rupert, Sullivant, Tanner, Tebedo, Teck, Thiebaut, Wattenberg, Weddig, Wham.

MESSAGE FROM THE HOUSE

March 24, 2000

Mr. President:

The House has adopted the First Report of the First Conference Committee on SB00-186, as printed in House Journal, March 21, page 1048, and has repassed the bill as so amended. The bill is returned herewith.

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB00-186

THIS REPORT AMENDS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on SB00-186, concerning education reform,
and making an appropriation therefor, has met and reports that it has agreed upon the
following:

1. That the Senate accedes to the House amendments made to the bill, as said
amendments appear in the rerevised bill, with the following changes:

Amend rerevised bill, page 9, line 25, after "PERFORMANCE", insert "AND IMPROVEMENT".

Page 10, line 13, strike "BID, BUT" and substitute "BID; EXCEPT THAT".

Page 14, strike line 19 and substitute the following:

**"22-7-604. Academic performance - academic improvement - grading - designation
and";**

line 20, strike "(a)";

line 26, strike "(I)" and substitute "(a)".

Page 15, line 1, strike "(II)" and substitute "(b)";

line 2, strike "(III)" and substitute "(c)";

line 3, strike "(IV)" and substitute "(d)" and strike "UNSATISFACTORY" and substitute
"BELOW AVERAGE";

line 4, strike "(V)" and substitute "(e)";

strike lines 5 through 11;

strike lines 24 and 25 and substitute the following:

"EACH GRADE LEVEL: UNSATISFACTORY, PARTIALLY PROFICIENT, PROFICIENT, AND
ADVANCED."

Page 20, strike lines 1 through 12;

line 13, strike "(III)" and substitute "(II)";

line 14, strike "SUBPARAGRAPHS (I) AND (II)" and substitute "SUBPARAGRAPH (I)".

Page 21, line 3, strike "SUBSECTION (6)" and substitute "SUBSECTIONS (6) AND (7)";

strike lines 24 through 26 and substitute the following:

"(6) School improvement grade - "C" and below schools. (a) BEGINNING WITH THE
2001-02 SCHOOL YEAR, THE DEPARTMENT SHALL ANNUALLY ASSIGN A LETTER GRADE FOR
ACADEMIC IMPROVEMENT TO EACH PUBLIC SCHOOL THAT IN THE IMMEDIATELY PRECEDING
SCHOOL YEAR RECEIVED AN ACADEMIC PERFORMANCE GRADE OF "C" OR BELOW AS
CALCULATED PURSUANT TO SUBSECTION (5) OF THIS SECTION. THE ACADEMIC
IMPROVEMENT GRADES SHALL CORRESPOND TO THE CATEGORIES DESCRIBED IN SUBSECTION
(1) OF THIS SECTION. THE ACADEMIC IMPROVEMENT GRADE SHALL BE BASED UPON THE
CHANGE IN THE SCHOOL'S STANDARDIZED, WEIGHTED TOTAL SCORE CALCULATED PURSUANT
TO SUBSECTION (5) OF THIS SECTION.

(b) FOR EACH PUBLIC SCHOOL DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (6), THE
DEPARTMENT SHALL ASSIGN AN ACADEMIC IMPROVEMENT GRADE AS FOLLOWS:

(I) AN ACADEMIC IMPROVEMENT GRADE OF "A" SHALL BE ASSIGNED TO EACH SUCH
PUBLIC SCHOOL THAT SHOWS AN IMPROVEMENT OF 0.5 OF A POINT OR GREATER FROM THE
STANDARD DEVIATION OVER THE IMMEDIATELY PRECEDING YEAR'S STANDARDIZED,
WEIGHTED TOTAL SCORE;

(II) AN ACADEMIC IMPROVEMENT GRADE OF "B" SHALL BE ASSIGNED TO EACH SUCH
PUBLIC SCHOOL THAT SHOWS AN IMPROVEMENT OF LESS THAN 0.5 OF A POINT BUT 0.3 OF A
POINT OR GREATER FROM THE STANDARD DEVIATION OVER THE IMMEDIATELY PRECEDING

YEAR'S STANDARDIZED, WEIGHTED TOTAL SCORE;

(III) AN ACADEMIC IMPROVEMENT GRADE OF "C" SHALL BE ASSIGNED TO EACH SUCH PUBLIC SCHOOL THAT SHOWS AN IMPROVEMENT OF LESS THAN 0.3 OF A POINT FROM THE STANDARD DEVIATION OVER THE IMMEDIATELY PRECEDING YEAR'S STANDARDIZED, WEIGHTED TOTAL SCORE OR THAT SHOW A DECLINE OF LESS THAN -0.3 OF A POINT FROM THE STANDARD DEVIATION OVER THE IMMEDIATELY PRECEDING YEAR'S STANDARDIZED, WEIGHTED TOTAL SCORE;

(IV) AN ACADEMIC IMPROVEMENT GRADE OF "D" SHALL BE ASSIGNED TO EACH SUCH PUBLIC SCHOOL THAT SHOWS A DECLINE OF -0.3 OF A POINT OR MORE BUT LESS THAN -0.5 OF A POINT FROM THE STANDARD DEVIATION OVER THE IMMEDIATELY PRECEDING YEAR'S STANDARDIZED, WEIGHTED TOTAL SCORE; AND

(V) AN ACADEMIC IMPROVEMENT GRADE OF "F" SHALL BE ASSIGNED TO EACH SUCH PUBLIC SCHOOL THAT SHOWS A DECLINE OF -0.5 OF A POINT OR MORE FROM THE STANDARD DEVIATION OVER THE IMMEDIATELY PRECEDING YEAR'S STANDARDIZED, WEIGHTED TOTAL SCORE.

(7) **School improvement designation - "A" and "B" schools - determination.** (a) BEGINNING WITH THE 2001-02 SCHOOL YEAR, THE DEPARTMENT SHALL ANNUALLY DESIGNATE THE IMPROVEMENT OF EACH PUBLIC SCHOOL THAT RECEIVED AN ACADEMIC PERFORMANCE GRADE OF "A" OR "B", CALCULATED PURSUANT TO SUBSECTION (5) OF THIS SECTION. THE DESIGNATIONS SHALL BE "SIGNIFICANT IMPROVEMENT IN SCHOOL PERFORMANCE", "DECLINE IN SCHOOL PERFORMANCE", OR "SIGNIFICANT DECLINE IN SCHOOL PERFORMANCE". EACH SUCH PUBLIC SCHOOL SHALL BE ASSIGNED SUCH DESIGNATION BASED ON ITS CSAP-AREA STANDARDIZED, WEIGHTED TOTAL SCORE CALCULATED PURSUANT TO SUBSECTION (5) OF THIS SECTION.

(b) THE DEPARTMENT SHALL ASSIGN DESIGNATIONS FOR EACH PUBLIC SCHOOL DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (7) ACCORDING TO ITS DEMONSTRATION OF THE FOLLOWING:

(I) A SCHOOL IMPROVEMENT DESIGNATION OF "SIGNIFICANT IMPROVEMENT IN SCHOOL PERFORMANCE" SHALL BE ASSIGNED TO EACH SUCH PUBLIC SCHOOL THAT SHOWS AN IMPROVEMENT OF 0.5 OF A POINT OR GREATER FROM THE STANDARD DEVIATION OVER THE IMMEDIATELY PRECEDING YEAR'S STANDARDIZED, WEIGHTED TOTAL SCORE;

(II) A SCHOOL IMPROVEMENT DESIGNATION OF "DECLINE IN SCHOOL PERFORMANCE" SHALL BE ASSIGNED TO EACH SUCH PUBLIC SCHOOL THAT SHOWS A DECLINE OF -0.3 OF A POINT OR MORE BUT LESS THAN -0.5 OF A POINT FROM THE STANDARD DEVIATION OVER THE IMMEDIATELY PRECEDING YEAR'S STANDARDIZED, WEIGHTED TOTAL SCORE; AND

(III) A SCHOOL IMPROVEMENT DESIGNATION OF "SIGNIFICANT DECLINE IN SCHOOL PERFORMANCE" SHALL BE ASSIGNED TO EACH SUCH PUBLIC SCHOOL THAT SHOWS A DECLINE OF -0.5 OR MORE OF A POINT FROM THE STANDARD DEVIATION OVER THE IMMEDIATELY PRECEDING YEAR'S STANDARDIZED, WEIGHTED TOTAL SCORE."

Strike page 22.

Page 23, strike lines 1 through 21;

strike lines 25 and 26.

Page 24, strike lines 1 through 24.

Page 28, line 3, after "**Grades.**", insert "(I)";

strike lines 8 through 18 and substitute the following:

"(II) (A) IF THE SCHOOL RECEIVED AN OVERALL ACADEMIC PERFORMANCE GRADE OF "C", "D", OR "F" FOR THE IMMEDIATELY PRECEDING SCHOOL YEAR, IMMEDIATELY BELOW THE WORDS "OVERALL ACADEMIC PERFORMANCE" SHALL APPEAR IN SMALLER TYPE "ACADEMIC IMPROVEMENT: [LETTER GRADE CALCULATED PURSUANT TO SECTION 22-7-604 (6)]". THE LETTER GRADE SHALL BE IN THE SAME SIZE TYPE AS THE WORDS "ACADEMIC IMPROVEMENT".

(B) IF THE SCHOOL RECEIVED AN OVERALL ACADEMIC PERFORMANCE GRADE OF "A" OR "B" FOR THE IMMEDIATELY PRECEDING SCHOOL YEAR AND QUALIFIED FOR A DESIGNATION PURSUANT TO SECTION 22-7-604 (7), IMMEDIATELY BELOW THE WORDS "OVERALL ACADEMIC PERFORMANCE" SHALL APPEAR IN SMALLER TYPE "ACADEMIC IMPROVEMENT: [DESIGNATION PURSUANT TO SECTION 22-7-604 (7)]".

(C) IF THE SCHOOL QUALIFIES FOR AN AWARD PURSUANT TO PART 3 OF ARTICLE 11 OF THIS TITLE, IMMEDIATELY BELOW THE WORDS "OVERALL ACADEMIC PERFORMANCE" OR, IF APPLICABLE, "ACADEMIC IMPROVEMENT" SHALL APPEAR THE WORDS:"WINNER OF A JOHN IRWIN SCHOOL OF EXCELLENCE AWARD FOR THE [YEAR - YEAR] SCHOOL YEAR." OR "WINNER OF A GOVERNOR'S DISTINGUISHED IMPROVEMENT AWARD FOR THE [YEAR - YEAR] SCHOOL YEAR.", WHICHEVER IS APPROPRIATE.";

strike lines 21 through 25 and substitute the following:

"TO NEARBY [SCHOOL LEVEL] SCHOOLS". BELOW THIS".

Page 30, line 19, strike "RECORDS" and substitute "RECORD";

strike line 20 and substitute the following:

"SCHOOL YEAR IS:". "

Page 38, line 19, strike "HAVE BEEN" and substitute "ENROLLED";

line 20, strike "FOR FEWER THAN NINETY DAYS." and substitute "AFTER OCTOBER 1 OF THIS SCHOOL YEAR."

Page 45, line 8, strike "BID, BUT" and substitute "BID; EXCEPT THAT".

Page 46, line 9, strike "BID, BUT" and substitute "BID; EXCEPT THAT";

line 18, strike "BID, BUT" and substitute "BID; EXCEPT THAT".

Page 49, line 20, after "PROGRESS;", insert "OR";

strike lines 21 through 26.

Page 50, strike line 1.

Reletter succeeding paragraph accordingly.

Page 50, strike lines 19 through 22 and substitute the following:

"(2) ON OR BEFORE JUNE 15, 2001, AND ON OR BEFORE EACH JUNE 15 THEREAFTER, THE STATE BOARD SHALL NOTIFY A LOCAL BOARD OF EDUCATION WHAT SCHOOL, IF ANY, IN ITS DISTRICT WILL RECEIVE AN ACADEMIC PERFORMANCE GRADE OF "F", PURSUANT TO SECTION 22-7-604 (5), ON THE SCHOOL REPORT CARD BEING PREPARED FOR THAT ACADEMIC YEAR. THE STATE BOARD SHALL NOTIFY THE LOCAL BOARD OF EDUCATION THAT".

Page 52, strike lines 11 through 26 and substitute the following:

"(5) (a) IF, UPON COMPLETION OF THE FIRST SCHOOL YEAR OF OPERATION UNDER A SCHOOL IMPROVEMENT PLAN PURSUANT TO THIS SECTION, A PUBLIC SCHOOL RECEIVES AN OVERALL ACADEMIC PERFORMANCE GRADE OF "F" PURSUANT TO SECTION 22-7-604 (5), THE STATE BOARD SHALL PROCEED WITH THE RECOMMENDATION FOR THE CONVERSION TO AN INDEPENDENT CHARTER SCHOOL PURSUANT TO PART 3 OF ARTICLE 30.5 OF THIS TITLE; EXCEPT THAT THE STATE BOARD SHALL NOT PROCEED WITH THE RECOMMENDATION IF THE PUBLIC SCHOOL HAD AN IMPROVEMENT OF 0.5 OF A POINT OR GREATER FROM THE STANDARD DEVIATION OVER THE IMMEDIATELY PRECEDING YEAR'S OVERALL STANDARDIZED, WEIGHTED TOTAL SCORE PURSUANT TO 22-7-604 (6), AND THE SCHOOL DISTRICT SHALL BE ALLOWED TO CONTINUE TO OPERATE THAT SCHOOL UNDER THE SCHOOL IMPROVEMENT PLAN FOR ANOTHER YEAR.

(b) IF, UPON COMPLETION OF THE SECOND SCHOOL YEAR OF OPERATION UNDER A SCHOOL IMPROVEMENT PLAN PURSUANT TO THIS SECTION, A PUBLIC SCHOOL RECEIVES AN OVERALL ACADEMIC PERFORMANCE GRADE OF "F" PURSUANT TO SECTION 22-7-604 (5), THE STATE BOARD SHALL PROCEED WITH THE RECOMMENDATION FOR THE CONVERSION TO AN INDEPENDENT CHARTER SCHOOL PURSUANT TO PART 3 OF ARTICLE 30.5 OF THIS TITLE."

Page 53, strike lines 1 through 8;

line 15, strike "(a)";

strike lines 18 through 26 and substitute the following:

"OF EACH PUBLIC SCHOOL WITHIN THE SCHOOL DISTRICT THAT IS ELIGIBLE FOR A MONETARY

AWARD PURSUANT TO PART 3 OF ARTICLE 11 OF THIS TITLE.".

Page 54, strike lines 1 through 8.

Page 59, line 1, strike "BECAUSE A LOCAL" and substitute "PURSUANT TO THE PROVISIONS OF SECTION 22-7-609 (5),";

strike lines 2 through 6;

line 7, strike "22-7-604,".

Page 61, strike lines 9 through 12.

Renumber succeeding subparagraphs accordingly.

Page 65, line 24, after "(3)", insert "(a)".

Page 66, line 3, strike "(a)" and substitute "(b)";

line 6, strike "BETTER OR AND DOES NOT" and substitute "BETTER,";

strike lines 7 and 8 and substitute the following:

"THE LOCAL BOARD OF EDUCATION AND THE APPLICANT MAY JOINTLY AGREE TO ALLOW THE SCHOOL TO";

line 9, strike "SCHOOL." and substitute "BOARD OF EDUCATION.".

Page 69, line 26, after "YEAR", insert "AND".

Page 70, line 2, strike "GARDE" and substitute "GRADE";

strike lines 5 through 10 and substitute the following:

"22-33-104 (4).".

Page 74, line 26, strike "ONE-HALF" and substitute "ONE-THIRD".

Page 75, line 15, strike "ONE-HALF" and substitute "TWO-THIRDS";

line 19, strike "WHOSE OVERALL" and substitute "THAT RECEIVED AN ACADEMIC IMPROVEMENT GRADE OF "A", PURSUANT TO SECTION 22-7-604 (6).";

strike lines 20 through 22.

Page 76, line 3, strike "SUBSECTION (3)," and substitute "PARAGRAPH (c),";

strike lines 6 through 8 and substitute the following:

"THE PREVIOUS SCHOOL YEAR AND THE SCHOOL MUST NOT HAVE RECEIVED";

line 9, strike "(a)" and substitute "(b)".

Page 80, strike lines 11 through 15 and substitute the following:

"PERFORMANCE ON EACH ASSESSMENT, INCLUDING BUT NOT LIMITED TO CONTENT-BASED SUB-TEST SCORES FOR SEVERAL COMPONENTS OF EACH OF THE STANDARDS ASSESSED PURSUANT TO THIS SECTION.";

line 17, after "DATA", insert "OF INDIVIDUAL STUDENTS".

Page 81, line 14, strike "SECTION." and substitute "SECTION; EXCEPT THAT THE STUDENTS DESCRIBED IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I) SHALL BE REQUIRED ONLY TO TAKE THE ASSESSMENTS REQUIRED BY SAID SUB-SUBPARAGRAPH.";

strike lines 19 through 24 and substitute the following:

"(A) ANY STUDENT WHO IS ELIGIBLE FOR THE STATE'S ALTERNATIVE ASSESSMENT FOR STUDENTS WITH DISABILITIES AS STATED IN THE STUDENT'S INDIVIDUAL EDUCATION PROGRAM PURSUANT TO SECTION 22-20-108; EXCEPT THAT THE RESULTS OF ANY ALTERNATIVE ASSESSMENT SHALL BE REPORTED TO THE DEPARTMENT;".

Page 82, line 6, after "USED", insert "FOR CALCULATING ACADEMIC PERFORMANCE AND IMPROVEMENT GRADES AND FOR ACCREDITATION PURPOSES";

line 9, after "USED", insert "FOR CALCULATING ACADEMIC PERFORMANCE AND IMPROVEMENT GRADES AND FOR ACCREDITATION PURPOSES";

after line 11, insert the following:

"(II) ANY STUDENT WITH A DISABILITY WHO IS NOT ELIGIBLE FOR THE STATE'S ALTERNATIVE ASSESSMENT BUT WHO HAS AN INDIVIDUAL EDUCATIONAL PROGRAM PURSUANT TO SECTION 22-20-108 SHALL BE ASSESSED IN EACH CSAP AREA AT THE APPROPRIATE GRADE LEVEL, AS DETERMINED BY THE STUDENT'S INDIVIDUAL EDUCATIONAL PROGRAM. TO THE EXTENT APPLICABLE FOR THE PUBLIC SCHOOL'S SCHOOL LEVEL, AS DEFINED IN SECTION 22-7-602, THE SCORES OF ASSESSMENTS ADMINISTERED PURSUANT TO THIS SUBPARAGRAPH (II) SHALL BE USED AT THE GRADE LEVEL SPECIFIED IN THE STUDENT'S INDIVIDUAL EDUCATION PLAN FOR PURPOSES OF CALCULATING ACADEMIC PERFORMANCE AND IMPROVEMENT GRADES PURSUANT TO SECTION 22-7-604 AND FOR ACCREDITATION PURSUANT TO ARTICLE 11 OF THIS TITLE."

Renumber succeeding subparagraph accordingly.

Page 82, strike lines 16 through 18.

Page 87, line 17, strike "(5)" and substitute "(4)".

Page 89, line 11, strike "(5)" and substitute "(4)";

line 17, strike "(6)" and substitute "(5)".

Page 97, strike lines 18 through 21 and substitute the following:

"children. SCHOOL OFFICIALS SHALL RECEIVE PRIOR WRITTEN APPROVAL FROM A PARENT OR GUARDIAN BEFORE HIS OR HER CHILD MAY PARTICIPATE IN ANY PROGRAM DISCUSSING OR TEACHING SEXUALITY AND HUMAN REPRODUCTION. PARENTS MUST RECEIVE, WITH THE WRITTEN PERMISSION SLIP, AN OVERVIEW OF THE TOPICS AND MATERIALS TO BE PRESENTED IN THE CURRICULUM."

Page 98, strike lines 8 through 26.

Strike pages 99 through 108.

Page 109, strike lines 1 through 15.

Renumber succeeding sections accordingly.

Page 109, line 25, after "AND", insert "THE" and after "REPRESENTATIVES", insert "AND TO THE GOVERNOR".

Page 114, line 20, strike "seventy-seven thousand six hundred" and substitute "eighteen thousand nine hundred seventy-three dollars (\$5,518,973)";

line 21, strike "twelve dollars (\$5,577,612)".

2. That, under the power granted the committee to consider matters not at issue between the two houses, the following amendment is recommended:

Amend rerevised bill, page 7, line 23, after "PERFORMANCE", insert "AND IMPROVEMENT".

Page 10, line 4, strike "THAT" and substitute "THE".

Page 15, line 14, after "ACHIEVEMENT", insert "AND IMPROVEMENT".

Page 17, strike lines 10 through 14 and substitute the following:

"FOR EACH ACADEMIC AREA. THE AVERAGE SHALL BE WEIGHTED TO CONTROL FOR DIFFERENCES IN SCHOOL SIZE AND DIFFERENCES IN THE NUMBER OF STUDENTS WITH VALID SCORES ACROSS GRADE LEVELS. THE NUMBER OF STUDENTS WITH VALID SCORES AT A GRADE LEVEL WITHIN AN ACADEMIC AREA, WILL BE MULTIPLIED BY THE STANDARDIZED, WEIGHTED TOTAL FOR THAT ACADEMIC AREA AND GRADE LEVEL. THIS PRODUCT WILL BE SUMMED WITH ALL OTHER PRODUCTS FOR GRADE LEVELS WITHIN THIS ACADEMIC AREA AND DIVIDED BY THE SUM OF THE NUMBER OF STUDENTS WITH VALID SCORES ACROSS ALL GRADE LEVELS WITHIN THIS ACADEMIC AREA. THE RESULTING WEIGHTED AVERAGE, ROUNDED TO

TWO DECIMAL PLACES, IS THE CSAP-AREA STANDARDIZED, WEIGHTED TOTAL SCORE FOR THE PUBLIC SCHOOL.";

strike lines 22 through 25 and substitute the following:

"ASSESSED STUDENTS."

Page 18, line 9, strike "DEVIATION" and substitute "NORMAL DISTRIBUTION";

line 12, strike "WEIGHT AND";

strike lines 15 through 20 and substitute the following:

"SCHOOL, SHALL AVERAGE ITS CSAP-AREA STANDARDIZED, WEIGHTED TOTAL SCORE CALCULATED PURSUANT TO SUBSECTION (3) OF THIS SECTION AND ITS STANDARDIZED MEAN SCORES FOR THE SAME ACADEMIC AREA CALCULATED PURSUANT TO SUBSECTION (4) OF THIS SECTION. THE AVERAGE SHALL BE WEIGHTED TO CONTROL FOR DIFFERENCES IN SCHOOL SIZE AND DIFFERENCES IN THE NUMBER OF STUDENTS WITH VALID SCORES ACROSS ACADEMIC AREAS. THE NUMBER OF STUDENTS WITH VALID SCORES WITHIN AN ACADEMIC AREA WILL BE MULTIPLIED BY THE CSAP-AREA OR CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM STANDARD MEAN SCORE FOR THAT ACADEMIC AREA. THIS PRODUCT WILL BE SUMMED WITH ALL OTHER PRODUCTS FOR ACADEMIC AREAS AND DIVIDED BY THE SUM OF THE NUMBER OF STUDENTS WITH VALID SCORES ACROSS ALL ACADEMIC AREAS. THE DEPARTMENT SHALL USE THE RESULTING OVERALL STANDARDIZED, WEIGHTED TOTAL SCORE TO ASSIGN AN ACADEMIC PERFORMANCE GRADE TO EACH PUBLIC SCHOOL."

Page 21, strike line 4 and substitute the following:

"SECTION. IN FEBRUARY, 2005, AND IN FEBRUARY EVERY";

line 7, after "REPRESENTATIVES", insert "AND TO THE GOVERNOR";

line 13, after "REPRESENTATIVES", insert "AND THE GOVERNOR".

Page 25, line 8, strike "UNLESS SPECIFIED IN STATUTE," and substitute "ON OR BEFORE SEPTEMBER 1, 2000,";

line 9, strike "DEFINE" and substitute "DEFINE, CONSISTENT WITH THE PROVISIONS OF THIS PART 6,".

Page 27, strike lines 10 and 11;

line 12, strike "(B)" and substitute "(A)";

line 13, strike "AND";

line 14, strike "(C)" and substitute "(B)";

strike line 15 and substitute the following:

"SECTION; AND

(C) "ABOUT OUR STAFF", AS DESCRIBED IN SUBSECTION (6) OF THIS SECTION."

Page 28, line 26, strike "SCHOOLS" and substitute "SCHOOLS, WHETHER PUBLIC OR PRIVATE,".

Page 29, line 2, strike "SCHOOL." and substitute "SCHOOL AND THAT RECEIVED A REPORT CARD PURSUANT TO THIS PART 6; EXCEPT THAT NO SCHOOL SHALL BE LISTED IF IT IS LOCATED MORE THAN SEVENTY-FIVE MILES FROM THE SUBJECT PUBLIC SCHOOL."

Page 31, line 20, strike "FIVE" and substitute "SIX".

Page 32, after line 24, insert the following:

"(e) **Letter grade key.** DIRECTLY BELOW THE INFORMATION CONTAINED IN PARAGRAPH (d) OF THIS SUBSECTION (5) SHALL APPEAR A CHART CONTAINING THE FOLLOWING LINES:

(I) "Key: ACADEMIC PERFORMANCE LETTER GRADES:";

(II) "A = EXCELLENT ACADEMIC PERFORMANCE;"

(III) "B = ABOVE AVERAGE ACADEMIC PERFORMANCE;";
(IV) "C = AVERAGE ACADEMIC PERFORMANCE;";
(V) "D = BELOW AVERAGE ACADEMIC PERFORMANCE;"; AND
(VI) "F = FAILING ACADEMIC PERFORMANCE.".".

Page 34, line 24, strike "SHALL BE TEACHERS DEFINED AS" and substitute "SHALL DESCRIBE
TEACHERS WHO HAVE OBTAINED NONPROBATIONARY STATUS PURSUANT TO THE PROVISIONS
OF PART 2 OF ARTICLE 63 OF THIS TITLE;";

strike line 25.

Page 35, line 1, strike "BE TEACHERS WITH A" and substitute "REFLECT TEACHERS WHO
HAVE NOT OBTAINED NONPROBATIONARY STATUS PURSUANT TO THE PROVISIONS OF PART 2
OF ARTICLE 63 OF THIS TITLE;";

strike lines 2 and 3.

Page 39, strike lines 4 and 5 and substitute the following:

"COMPARING THIS SCHOOL TO ALL OTHER [SCHOOL LEVEL] SCHOOLS FOR THE";

line 7, strike "BE";

line 11, strike "22-7-409" and substitute "22-7-604 (5)";

strike lines 12 through 26 and substitute the following:

"(8) **School history.** (a) THE REPORT CARD SHALL CONTAIN A PAGE CLEARLY MARKED
IN LARGE FONT AS THE "SCHOOL HISTORY" PAGE. BELOW THE TITLE "SCHOOL HISTORY"
SHALL APPEAR THE WORDS "OVERALL ACADEMIC PERFORMANCE" FOLLOWED BY THE
GRADES RECEIVED BY THE SCHOOL PURSUANT TO SECTION 22-7-604 (5) IN THE CURRENT
YEAR, THE IMMEDIATELY PRECEDING YEAR, AND THE YEAR BEFORE THE IMMEDIATELY
PRECEDING YEAR. THE THREE GRADES SHALL FORM THREE COLUMNS. THE COLUMNS SHALL
BE LABELED BY THE APPROPRIATE SCHOOL YEAR.

(b) IF THE PUBLIC SCHOOL HAS RECEIVED IN THE CURRENT YEAR OR THE TWO PRECEDING
YEARS A GRADE FOR SCHOOL IMPROVEMENT PURSUANT TO SECTION 22-7-604 (6), THERE
SHALL APPEAR A SECOND ROW ENTITLED "SCHOOL IMPROVEMENT". THE WORDS "SCHOOL
IMPROVEMENT" SHALL BE FOLLOWED BY THE GRADE THE PUBLIC SCHOOL RECEIVED
PURSUANT TO SECTION 22-7-604 (6), WHEN APPLICABLE, IN THE CURRENT YEAR, THE
IMMEDIATELY PRECEDING YEAR, AND THE YEAR BEFORE THE IMMEDIATELY PRECEDING
YEAR.

(c) IF THE PUBLIC SCHOOL RECEIVED A DESIGNATION IN THE CURRENT YEAR PURSUANT
TO SECTION 22-7-604 (7), THEN IMMEDIATELY BELOW THE ONE OR TWO ROWS DESCRIBED IN
PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (8), WHICHEVER IS APPLICABLE, THE
FOLLOWING WORDS SHALL APPEAR: "DURING THE [CURRENT SCHOOL YEAR] [NAME OF
SCHOOL] WAS NOTED FOR ["IMPROVEMENT IN SCHOOL PERFORMANCE", "DECLINE IN
SCHOOL PERFORMANCE", OR "SIGNIFICANT DECLINE IN SCHOOL PERFORMANCE",
WHICHEVER IS APPLICABLE PURSUANT TO SECTION 22-7-604 (7)].".

(d) DIRECTLY BELOW THE INFORMATION CONTAINED IN PARAGRAPHS (a) TO (c) OF THIS
SUBSECTION (8) SHALL APPEAR A PARAGRAPH IN SMALL POINT SIZE THAT STATES: "A
SCHOOL THAT RECEIVED A GRADE OF "C", "D", OR "F" FOR ACADEMIC PERFORMANCE IS
GRADED FOR SCHOOL IMPROVEMENT FROM THE PREVIOUS YEAR. A SCHOOL THAT RECEIVED
A GRADE OF "A" OR "B" FOR ACADEMIC PERFORMANCE MAY BE DESIGNATED FOR
IMPROVEMENT OR DECLINE IN PERFORMANCE IF ITS OVERALL ACADEMIC PERFORMANCE
IMPROVES OR DECLINES NOTABLY. EACH".

Page 40, strike lines 1 through 18;

line 22, strike "(V)" and substitute "(e)" and strike "SUBPARAGRAPH (III) OF" and substitute
"PARAGRAPH (d) OF THIS SUBSECTION (8)";

line 23, strike "THIS PARAGRAPH (b)".

Page 42, line 20, strike "HAND".

Page 44, line 8, strike "(7)" and substitute "(9)".

Page 47, strike line 1, and substitute the following: 1
"LIMITED TO:"; 2
line 2, strike "THE" and substitute "WHETHER THE"; 3
strike lines 4 through 7 and substitute the following: 4
"(II) DATA ON SAFETY INCIDENTS INVOLVING STUDENTS;". 5
Renumber succeeding subparagraphs accordingly. 6
Page 47, line 8, strike "THE" and substitute "WHETHER THE"; 7
line 10, strike "THE" and substitute "WHETHER THE"; 8
line 12, strike "THE" and substitute "WHETHER THE". 9
Page 48, line 22, strike "AT THE SAME"; 10
line 23, strike "SCHOOL LEVEL". 11
Page 50, line 2, strike "ACTION APPROPRIATE" and substitute "APPROPRIATE ACTION, 12
INCLUDING INCREASED FUNDING FROM THE STATE OR SCHOOL DISTRICT,". 13
Page 51, line 22, strike "DOLLARS," and substitute "I MONEYS". 14
Page 52, line 8, after "TITLE", insert "I". 15
Page 54, line 23, after "IN", insert "PART 6 OF ARTICLE 7 OF THIS TITLE OR" and strike 16
"22-7-603,"; 17
line 24, strike "22-7-606,". 18
Page 58, line 1, after the second "A", insert "NONPROFIT OR FOR-PROFIT"; 19
strike line 2 and substitute the following: 20
"PUBLIC SCHOOL, A SCHOOL DISTRICT, OR AN INSTITUTION OF HIGHER EDUCATION."; 21
line 26, after "RECOMMEND", insert "CONVERSION OF A PUBLIC SCHOOL TO". 22
Page 59, strike line 16 and substitute the following: 23
"PERSONS, NONPROFIT OR FOR-PROFIT COMPANIES, EXISTING PUBLIC SCHOOLS OR SCHOOL 24
DISTRICTS, AND INSTITUTIONS OF HIGHER EDUCATION,". 25
Page 63, strike line 26 and substitute the following: 26
"SECTION 22-7-604; AND". 27
Page 64, strike lines 1 and 2; 28
line 5, strike "COMMISSIONER" and substitute "CHAIR OF THE REVIEW COMMITTEE". 29
Page 67, line 6, strike "22-30.5-304 (2)," and substitute "22-30.5-303 (2)," . 30
Page 72, line 22, strike "22-4-604;" and substitute "22-7-604;". 31
Page 78, line 15, strike "science" and substitute the following: 32
"science. THE DEPARTMENT SHALL ADMINISTER THE ENGLISH VERSIONS OF THE STATE 33
ASSESSMENTS AND MAY ADMINISTER ANY ASSESSMENTS ADOPTED BY THE BOARD IN 34
LANGUAGES OTHER THAN ENGLISH, AS MAY BE APPROPRIATE FOR STUDENTS WHOSE 35
DOMINANT LANGUAGE IS NOT ENGLISH; EXCEPT THAT ANY STUDENT WHO HAS PARTICIPATED 36
IN THE ENGLISH LANGUAGE PROFICIENCY PROGRAM, CREATED PURSUANT TO SECTION 37
22-24-104, FOR MORE THAN A TOTAL OF THREE SCHOOL YEARS SHALL BE INELIGIBLE TO 38
TAKE THE ASSESSMENTS IN A LANGUAGE OTHER THAN ENGLISH. THE STATEWIDE 39
ASSESSMENTS SHALL BE ADMINISTERED". 40
Page 84, strike line 23 and substitute the following: 41

"SECTION 15. 22-7-102 (1), the introductory portion to 22-7-102 (2), and";
line 24, strike "22-7-102, (1), (2) (d)," and substitute "22-7-102 (2) (d)".
Page 86, strike line 4 and substitute the following:
"OF THE FOLLOWING NEW SUBSECTIONS, to read:";
line 8, strike "The" and substitute "EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION, the";
strike line 9 and substitute the following:
"shall appoint an advisory OR CREATE A PROCESS FOR THE ELECTION OF A SCHOOL DISTRICT";
line 16, strike "advisory" and substitute "advisory SCHOOL DISTRICT";
after line 24, insert the following:
"(4) ANY SCHOOL DISTRICT THAT DEMONSTRATES THAT, PRIOR TO JANUARY 1, 2000, THE SCHOOL DISTRICT HAD IN PLACE A COMMITTEE OR COUNCIL THAT PERFORMED AT LEAST THE DUTIES SPECIFIED FOR A SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE IN THIS SECTION AND SECTION 22-7-105 IS NOT REQUIRED TO APPOINT OR ELECT A SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE PURSUANT TO SUBSECTION (1) OF THIS SECTION."
Page 88, line 23, strike "(3)" and substitute "(2)".
Page 89, line 4, strike "(4)" and substitute "(3)".
Page 93, line 15, strike "SECTION." and substitute "SUBSECTION (3).".
Page 97, line 23, after "and", insert "22-25-104.5".
Page 114, after line 5, insert the following:
"SECTION 33. 22-2-117 (1) (b), Colorado Revised Statutes, as repealed and reenacted in House Bill 00-1040, enacted in the Second Regular Session of the Sixty-second General Assembly, is amended to read:
22-2-117. Additional power - state board - waiver of requirements - rules.
(1) (b) The state board shall not waive any of the requirements specified in any of the following statutory provisions:
(I) The "Public School Finance Act of 1994", article 54 of this title; or
(II) The "Exceptional Children's Educational Act", article 20 of this title; OR
(III) ANY PROVISION OF PART 6 OF ARTICLE 7 OF THIS TITLE PERTAINING TO THE DATA NECESSARY FOR SCHOOL REPORT CARDS."
Renumber succeeding sections accordingly.
Page 114, after line 24, insert the following:
"SECTION 35. Effective date. This act shall take effect upon passage; except that section 33 of this act shall take effect on the same date that House Bill 00-1040, enacted in the Second Regular Session of the Sixty-second General Assembly takes effect and only if House Bill 00-1040 becomes law."
Renumber succeeding section accordingly.

Respectfully submitted,

Senate Committee:	House Committee:
(Signed)	(Signed)
Sen. Norma Anderson, Chair	Rep. Debbie Allen, Chair
Sen. Ronald J. Teck	Rep. Doug Dean
Sen. Robert M. Hernandez	Rep. Frana Mace

On motion of Senator Blickensderfer, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Conference Committee Report on SB00-186.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SB 00-186 by Sen. Anderson; Rep. Allen--Education Reform

Senator Anderson moved for the adoption of the First Report of the First Conference Committee Report on SB00-186, as printed in Senate Journal, March 24, pages 739-748.

Senate in recess.

Senate reconvened.

Senator Anderson moved to lay over the First Report of the First Conference Committee Report on SB00-186 until Monday, March 27.

A majority of all members elected to the Senate having voted in the affirmative, the motion was declared ADOPTED.

COMMITTEE OF REFERENCE REPORTS

Agriculture,
Natural
Resources
and Energy

After consideration on the merits, the committee recommends that SB00-205 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 2, after line 1, insert the following:

"SECTION 2. Repeal. 33-3-103 (1) (g), Colorado Revised Statutes, is repealed as follows:

33-3-103. No liability for damage - when. (1) The state shall not be liable for:

(g) ~~Damages caused by wildlife, if claimant charges a fee in excess of one hundred dollars per person, per season for the purpose of big game hunting access on or across claimant's property.~~".

Agriculture,
Natural
Resources
and Energy

After consideration on the merits, the committee recommends that HB00-1255 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend reengrossed bill, page 2, line 20, strike "TEN" and substitute "EIGHTY", and strike "COVER EXPENSES." and substitute "BE USED ONLY FOR THE PURPOSES SPECIFIED IN SUBSECTION (2) OF THIS SECTION. THE ORGANIZATION SHALL ACCOUNT FOR ALL PROCEEDS RETAINED BY THE ORGANIZATION AND SHALL PRESENT SUCH ACCOUNTING TO THE COMMISSION NO LESS FREQUENTLY THAN ANNUALLY, EITHER AT THE COMMISSION'S FIRST MEETING OF EACH CALENDAR YEAR OR AT SUCH OTHER TIMES AS THE COMMISSION SHALL DIRECT.".

Agriculture,
Natural
Resources
and Energy

After consideration on the merits, the committee recommends that the following be referred to the Senate for final action: SJR00-009

MESSAGE FROM THE HOUSE:

March 24, 2000

Mr. President:

The House has voted to concur in the Senate amendments to HB00-1029,1047,1267,1271,1283,1297, and has repassed the bills as so amended.

The House has voted not to concur in the Senate amendments to HB00-1138 and requests that a conference committee be appointed. The Speaker has appointed Representatives Stengel, chairman, Hefley, and Leyba as House conferees on the First Conference Committee on HB00-1138. The House has granted authorization to go beyond the scope of the differences. The bill is transmitted herewith.

On reconsideration the House has voted not to concur in Senate amendments to HB00-1151, and requests that a conference committee be appointed. The Speaker has appointed Representatives Gotlieb, chairman, and Allen, and Tupa as House conferees on the First Conference Committee on HB00-1151. The bill is transmitted herewith.

On reconsideration the House has voted not to concur in Senate amendments to HB00-1268, and requests that a conference committee be appointed. The Speaker has appointed Representatives McKay, chairman, and George, and Miller as House conferees on the First Conference Committee on HB00-1268. The bill is transmitted herewith.

MESSAGE FROM THE REVISOR

March 24, 2000

We herewith transmit:

without comment, as amended, HB00-1451 and 1452.

INTRODUCTION OF BILLS

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

HB 00-1451 by Representatives Tool, Berry and Saliman; also Senators Lacy, Owen and Tanner-- Concerning the provision for payment of the expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2000, except as otherwise noted. Appropriations

HB 00-1452 by Representatives Tool, Berry and Saliman; also Senators Lacy, Owen and Tanner-- Concerning an increase in the transfer of moneys from the general fund to the capital construction fund. Appropriations

APPOINTMENTS TO CONFERENCE COMMITTEES

HB 00-1268 by Rep. McKay; Senator Teck--Property Tax Assessment

The President appointed Senators Teck, Chairman, Congrove and Phillips as Senate Conferees on the First Conference Committee on HB00-1268.

HB 00-1151 by Rep. Gotlieb; Senator Evans--Licenses For Out-of-state Educators

The President appointed Senators Evans, Chairman, Andrews and Dyer as Senate Conferees on the First Conference Committee on HB00-1151.

HB 00-1138 by Rep. Leyba; Sen. Linkhart--Ltd Liability Of Foster Care Providers

The President appointed Senators Wham, Chairman, Evans and Linkhart as Senate Conferees on the First Conference Committee on HB00-1138.

Senator Linkhart moved that the Senate Conferees on the First Conference Committee on HB00-1138 be given the powers to go beyond the scope of the differences between the two Houses.

A majority of all members elected to the Senate having voted in the affirmative, the motion was declared ADOPTED.

**MEMORANDUM
REPORT FROM THE HOUSE AND SENATE
COMMITTEES ON DELAYED BILLS**

Pursuant to Joint rule 23(c), the House and Senate Committees on Delayed bills, acting jointly, extend the following deadline for House Bill 00-1159, Concerning the Financing of Public Schools and Making an Appropriation in Connection Therewith:

The Friday, March 10 deadline (the 66th legislative day) for final passage, including any conference committee report, for any bill prescribing all or a substantial portion of the total funding for public schools pursuant to the "Public School Finance Act of 1994", article 54 of title 22, Colorado Revised Statutes, is extended until Friday, April 7, 2000 (the 94th legislative day).

This memorandum shall be printed in the journal of each house as is required by said Joint Rule 23 (c).

(Signed)

Representative George Speaker of the House	Senator Powers President of the Senate
Representative Dean House Majority Leader	Senator Blickensderfer Senate Majority Leader
Representative Gordon House Minority Leader	Senator Feeley Senate Minority Leader

TRIBUTES--A POINT OF INTEREST

Memorializing Arthur "Art" Varnado by Senator Tanner

Honoring Assistant Coach Caryl Pearce by Senator Hillman

Honoring Catie Froese by Senator Hillman

Honoring Kirsten Broce by Senator Hillman

Honoring Tara Wynne by Senator Hillman

Honoring Jill Crowder by Senator Hillman

Honoring Alisha Ehrlich by Senator Hillman

Honoring Misty Jones by Senator Hillman

Honoring Dee Dee Martin by Senator Hillman

Honoring Lindsay Brown by Senator Hillman

Honoring Amber Elliott by Senator Hillman

Honoring Misty Elliott by Senator Hillman

Honoring Hanna Hansen by Senator Hillman

Honoring Erin Chiaramonte by Senator Hillman

On motion of Senator Blickensderfer, the Senate adjourned until 9:00 a.m., Monday, March 27, 2000.

Approved:

Ray Powers
President of the Senate

Attest:

Patricia K. Dicks
Secretary of the Senate

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