
42nd Legislative Day
Tuesday, February 15, 2000

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 House Amendments to Senate Bill.

SB 00-125 by Sen. Owen; Rep. Tool--CBI Firearms Background Check System

YES		NO		EXCUSED		ABSENT	
32		0		3		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	E	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivant	E		

YES	24	NO	8	EXCUSED	3	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	N	Tanner	Y
Andrews	N	Feeley	Y	Nichol	Y	Tebedo	N
Arnold	Y	Hernandez	Y	Owen	Y	Teck	N
Blickensderfer	Y	Hillman	N	Pascoe	Y	Thiebaut	Y
Chlouber	N	Lacy	E	Perlmutter	Y	Wattenberg	Y
Congrove	N	Lamborn	N	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	E	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivant	E		

Co-sponsors added: Weddig.

INTRODUCTION OF BILLS

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

- HB 00-1208
- by Representatives Clapp, Berry, Dean, Decker, Fairbank, Hefley, Hoppe, Johnson, King, Larson, Lee, May, McKay, Nunez, Paschall, Scott, Sinclair, Spence, Spradley, Taylor, Witwer and Young; also Senator Teck--Concerning limitations on civil actions regarding firearms.
- State, Veterans, & Military Affairs
- HB 00-1396
- by Representatives Tool, Berry and Saliman; also Senators Lacy, Owen and Tanner--Concerning a supplemental appropriation to the department of agriculture.
- Appropriations
- HB 00-1397
- by Representatives Tool, Berry and Saliman; also Senators Lacy, Owen and Tanner--Concerning a supplemental appropriation to the department of corrections.
- Appropriations
- HB 00-1398
- by Representatives Tool, Berry and Saliman; also Senators Lacy, Owen and Tanner--Concerning a supplemental appropriation to the department of education.
- Appropriations
- HB 00-1399
- by Representatives Tool, Berry and Saliman; also Senators Lacy, Owen and Tanner--Concerning a supplemental appropriation to the offices of the governor, lieutenant governor, and state planning and budgeting.
- Appropriations
- HB 00-1400
- by Representatives Tool, Berry and Saliman; also Senators Lacy, Owen and Tanner--Concerning a supplemental appropriation to the department of health care policy and financing.
- Appropriations
- HB 00-1401
- by Representatives Tool, Berry and Saliman; also Senators Lacy, Owen and Tanner--Concerning a supplemental appropriation to the department of higher education.
- Appropriations
- HB 00-1402
- by Representatives Tool, Berry and Saliman; also Senators Lacy, Owen and Tanner--Concerning a supplemental appropriation to the department of human services.
- Appropriations
- HB 00-1403
- by Representatives Tool, Berry and Saliman; also Senators Lacy, Owen and Tanner--Concerning a supplemental appropriation to the judicial department.
- Appropriations
- HB 00-1404
- by Representatives Tool, Berry and Saliman; also Senators Lacy, Owen and Tanner--Concerning a supplemental appropriation to the department of labor and employment.
- Appropriations
- HB 00-1405
- by Representatives Tool, Berry and Saliman; also Senators Lacy, Owen and Tanner--Concerning a supplemental appropriation to the department of law.
- Appropriations
- HB 00-1406
- by Representatives Tool, Berry and Saliman; also Senators Lacy, Owen and Tanner--Concerning a supplemental appropriation to the department of military affairs.
- Appropriations
- HB 00-1407
- by Representatives Tool, Berry and Saliman; also Senators Lacy, Owen and Tanner--Concerning a supplemental appropriation to the department of natural resources.
- Appropriations
- HB 00-1408
- by Representatives Tool, Berry and Saliman; also Senators Lacy, Owen and Tanner--Concerning a supplemental appropriation to the department of personnel.
- Appropriations
- HB 00-1409
- by Representatives Tool, Berry and Saliman; also Senators Lacy, Owen and Tanner--Concerning a supplemental appropriation to the department of public health and environment.
- Appropriations

- HB

00-1410

by Representatives Tool, Berry and Saliman; also Senators Lacy, Owen and Tanner--
Concerning a supplemental appropriation to the department of public safety.
Appropriations
- HB

00-1411

by Representatives Tool, Berry and Saliman; also Senators Lacy, Owen and Tanner--
Concerning a supplemental appropriation to the department of regulatory agencies.
Appropriations
- HB

00-1412

by Representatives Tool, Berry and Saliman; also Senators Lacy, Owen and Tanner--
Concerning a supplemental appropriation to the department of revenue.
Appropriations
- HB

00-1413

by Representatives Tool, Berry and Saliman; also Senators Lacy, Owen and Tanner--
Concerning a supplemental appropriation to the department of state.
Appropriations
- HB

00-1414

by Representatives Tool, Berry and Saliman; also Senators Lacy, Owen and Tanner--
Concerning a supplemental appropriation to the department of transportation.
Appropriations
- HB

00-1415

by Representatives Tool, Berry and Saliman; also Senators Lacy, Owen and Tanner--
Concerning a supplemental appropriation to the department of the treasury.
Appropriations
- HB

00-1416

by Representatives Tool, Berry and Saliman; also Senators Lacy, Owen and Tanner--
Concerning funding for capital construction, and making supplemental appropriations in
connection therewith.
Appropriations

CONSIDERATION OF GOVERNOR’S APPOINTMENTS

On motion of Senator Wham, the following Governor’s appointment was confirmed by a roll call vote:

JUVENILE PAROLE BOARD

for a term expiring at the pleasure of the Governor:

Paul W. Nelson of Grand Junction, Colorado, to serve as a public member, and to fill a vacancy occasioned by the resignation of Stephanie Quintana, appointed.

YES	32	NO	0	EXCUSED	3	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	E	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivant	E		

On motion of Senator Tebedo, the following Governor’s appointment was confirmed by a roll call vote:

EXECUTIVE DIRECTOR
OF MILITARY AFFAIRS

effective February 7, 2000 for a term expiring at the pleasure of the Governor:

General Mason C. Whitney of Aurora, Colorado.

YES	32	NO	0	EXCUSED	3	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	E	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivan	E		

On motion of Senator Tebedo, the following Governor’s appointments were confirmed by a roll call vote:

COLORADO BOARD OF
VETERANS AFFAIRS

for terms expiring June 30, 2003:

Thomas Edward “Ted” Johnson of Durango, Colorado, to serve as a veteran and a Republican, appointed;

Robert C. Adams of Denver, Colorado, to serve as a veteran and a Republican, appointed.

YES	32	NO	0	EXCUSED	3	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	E	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivan	E		

On motion of Senator Tebedo, the following Governor's appointments were confirmed by a roll call vote:

COLORADO LOTTERY COMMISSION

for a term expiring July 1, 2002:

John T. Aguilera of Pueblo, Colorado, to serve as a representative of the retail industry and as a Democrat member, appointed.

effective June 9, 1999, for a term expiring July 1, 2002:

Timothy D. Bachicha of Alamosa, Colorado, to serve as a certified public accountant and as a Republican, appointed;

effective July 1, 1999, for a term expiring July 1, 2003:

Michael L. Acree of Parker, Colorado, to serve as a representative of law enforcement and as a Republican, appointed.

YES	32	NO	0	EXCUSED	3	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	E	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivan	E		

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 Tuesday, February 15, was laid over until Wednesday, February 16, retaining its place on the calendar.

Senate in recess.

Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Education

After consideration on the merits, the committee recommends that SB00-133 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 5, strike lines 8 through 26.

Strike pages 6 through 8.

Page 9, strike lines 1 through 18 and substitute the following:

"SECTION 3. Part 1 of article 33 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-33-105.5. Removal from class and removal from class for the remainder of the term - teacher's authority - appeal. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT, IN ORDER FOR PUBLIC SCHOOL TEACHERS TO MANAGE THE ORDERLY FLOW OF INFORMATION IN THE CLASSROOMS AND TO ENSURE THAT STUDENTS ADVANCE IN DEVELOPMENT OF THEIR KNOWLEDGE AND SKILLS, TEACHERS MUST HAVE ADEQUATE AUTHORITY TO CONTROL THEIR CLASSROOMS AND TO PREVENT THE BEHAVIOR OF SOME STUDENTS FROM INTERRUPTING THE FLOW OF INFORMATION AND THE PROCESS OF LEARNING FOR THE REST OF THE CLASS, INCLUDING THE AUTHORITY TO REMOVE STUDENTS FROM THEIR CLASSROOMS WHO VIOLATE THE WRITTEN CONDUCT AND DISCIPLINE CODE.

(2) EACH SCHOOL DISTRICT BOARD OF EDUCATION SHALL ADOPT A POLICY, WHICH SHALL BE INCLUDED IN THE WRITTEN CONDUCT AND DISCIPLINE CODE ADOPTED PURSUANT TO SECTION 22-32-109 (1) (w), THAT SHALL INCLUDE:

(a) A PROVISION THAT GRANTS ANY TEACHER IN A PUBLIC SCHOOL THE AUTHORITY TO REMOVE ANY STUDENT FROM SUCH TEACHER'S CLASS FOR ONE DAY UPON DETERMINING THAT THE STUDENT'S ACTIONS ARE VIOLATING THE WRITTEN CONDUCT AND DISCIPLINE CODE; AND

(b) A PROVISION THAT GRANTS ANY TEACHER IN A PUBLIC SCHOOL THE AUTHORITY TO REMOVE A STUDENT FROM SUCH TEACHER'S CLASS FOR THE REMAINDER OF THE TERM OF THE CLASS UPON THE THIRD CLASS REMOVAL FROM SUCH TEACHER'S CLASS.

(3) ANY TEACHER WHO REMOVES A STUDENT UNDER THE PROVISIONS OF THIS SECTION SHALL DOCUMENT THE REASONS FOR THE CLASS REMOVAL NO LATER THAN THE END OF THE SCHOOL DAY ON WHICH THE CLASS REMOVAL OCCURS. SUCH DOCUMENTATION SHALL BE PLACED IN THE REMOVED STUDENT'S PERMANENT FILE AND SHALL BE AVAILABLE FOR REVIEW BY AUTHORIZED SCHOOL DISTRICT EMPLOYEES, BY THE PARENT OR LEGAL GUARDIAN OF THE STUDENT, AND BY THE STUDENT.

(4) (a) NO LATER THAN THE NEXT SCHOOL DAY AFTER A STUDENT IS REMOVED FROM CLASS, THE SCHOOL IN WHICH THE REMOVED STUDENT IS ENROLLED SHALL SEND A WRITTEN NOTICE OF CLASS REMOVAL TO SUCH STUDENT'S PARENT OR LEGAL GUARDIAN AT THE PARENT'S OR LEGAL GUARDIAN'S MOST RECENT ADDRESS ON FILE AT THE SCHOOL. THE NOTICE OF CLASS REMOVAL SHALL INCLUDE THE NAME OF THE CLASS FROM WHICH THE STUDENT WAS REMOVED, THE NAME OF THE TEACHER WHO REMOVED THE STUDENT, THE DATE THE STUDENT WAS REMOVED, THE REASON FOR WHICH THE STUDENT WAS REMOVED, AND THE NUMBER OF TIMES THE

STUDENT HAS PREVIOUSLY BEEN REMOVED FROM THE CLASS. THE NOTICE SHALL ALSO STATE THAT, UPON THE THIRD REMOVAL FROM CLASS DURING THE TERM OF THE CLASS, THE STUDENT MAY BE REMOVED FROM THE CLASS FOR THE REMAINDER OF THE TERM. IN ADDITION TO SENDING THE WRITTEN NOTICE, THE SCHOOL SHALL MAKE EVERY REASONABLE EFFORT TO CONTACT THE STUDENT’S PARENT OR LEGAL GUARDIAN BY TELEPHONE OR OTHER MEANS, AT THE HOME OR THE PLACE OF EMPLOYMENT OF THE PARENT OR LEGAL GUARDIAN, ON THE DATE OF THE CLASS REMOVAL.

(b) THE NOTICE REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (4) SHALL ALSO CONTAIN A PROVISION REQUESTING THAT THE PARENT OR LEGAL GUARDIAN OF THE REMOVED STUDENT ATTEND A CONFERENCE WITH THE TEACHER TO DISCUSS THE EVENTS LEADING TO THE STUDENT’S REMOVAL AND POSSIBLE REMEDIAL ACTIONS TO BE PERFORMED BY THE STUDENT. BASED ON THE PARENT-TEACHER CONFERENCE AND ON SUCCESSFUL PERFORMANCE OF REMEDIAL ACTIONS, THE TEACHER, AT HIS OR HER DISCRETION, MAY DELETE THE STUDENT’S CLASS REMOVAL FROM THE STUDENT’S RECORD, AND THE REMOVAL SHALL NOT COUNT TOWARD THE POSSIBLE REMOVAL OF THE STUDENT FROM THE CLASSROOM FOR THE REMAINDER OF THE TERM. IN THE EVENT OF A DISAGREEMENT BETWEEN THE PARENT OR LEGAL GUARDIAN AND THE TEACHER, THE PRINCIPAL OF THE SCHOOL OR THE PRINCIPAL’S DESIGNEE SHALL ACT AS AN ARBITER. THE PRINCIPAL, AS ARBITER, SHALL MAKE THE FINAL DECISION AS TO WHETHER THE REMOVAL SHALL REMAIN ON THE STUDENT’S RECORD AFTER CONSULTATION WITH THE TEACHER AND THE PARENT OR LEGAL GUARDIAN.

(c) NO LATER THAN THE NEXT SCHOOL DAY AFTER A STUDENT IS REMOVED FROM A CLASS FOR THE REMAINDER OF THE TERM, THE STUDENT’S SCHOOL SHALL SEND A NOTICE OF CLASS REMOVAL FOR THE REMAINDER OF THE TERM TO THE STUDENT’S PARENT OR LEGAL GUARDIAN AT THE PARENT’S OR LEGAL GUARDIAN’S MOST RECENT ADDRESS ON FILE AT THE SCHOOL. THE NOTICE OF CLASS REMOVAL FOR THE REMAINDER OF THE TERM SHALL INCLUDE THE NAME OF THE CLASS FROM WHICH THE STUDENT WAS REMOVED FOR THE REMAINDER OF THE TERM, THE NAME OF THE TEACHER THAT REMOVED THE STUDENT, THE DATES AND REASONS THAT THE STUDENT WAS REMOVED FROM CLASS PRIOR TO REMOVAL FOR THE REMAINDER OF THE TERM, AND THE DATE AND REASON THE STUDENT WAS REMOVED FROM CLASS FOR THE REMAINDER OF THE TERM. THE NOTICE SHALL ALSO REQUEST THAT THE PARENT OR LEGAL GUARDIAN ATTEND A CONFERENCE WITH THE PRINCIPAL OR THE PRINCIPAL’S DESIGNEE TO DISCUSS OPTIONS AVAILABLE TO THE STUDENT REGARDING ENROLLMENT IN ANOTHER CLASS. IN ADDITION TO SENDING THE WRITTEN NOTICE, THE SCHOOL SHALL MAKE EVERY REASONABLE EFFORT TO CONTACT THE STUDENT’S PARENT OR LEGAL GUARDIAN BY TELEPHONE OR OTHER MEANS, AT THE HOME OR THE PLACE OF EMPLOYMENT OF THE PARENT OR LEGAL GUARDIAN, ON THE DAY OF THE REMOVAL FOR THE REMAINDER OF THE TERM.

(5) THE SCHOOL PRINCIPAL OR SUCH PRINCIPAL’S DESIGNEE SHALL DESIGNATE ACTIVITIES TO OCCUPY ANY STUDENT REMOVED PURSUANT TO THIS SECTION DURING THE CLASS PERIOD FOR WHICH SUCH STUDENT IS REMOVED.

(6) (a) ANY PERSON ACTING IN GOOD FAITH IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION IN CARRYING OUT ANY POWERS OR DUTIES AUTHORIZED BY THIS SECTION SHALL BE IMMUNE FROM CIVIL OR CRIMINAL LIABILITY FOR ANY DAMAGES ARISING FROM ACTIONS TAKEN IN CARRYING OUT THIS SECTION; EXCEPT THAT A PERSON ACTING WILLFULLY OR WANTONLY IN VIOLATION OF THIS SECTION SHALL NOT BE IMMUNE FROM LIABILITY.

(b) THE COURT SHALL DISMISS ANY CIVIL ACTION RESULTING FROM ACTIONS TAKEN BY A TEACHER OR ANY OTHER PERSON PURSUANT TO THIS SECTION UPON A FINDING BY THE COURT THAT THE PERSON ACTED IN GOOD FAITH AND IN COMPLIANCE WITH THIS SECTION AND WAS THEREFORE IMMUNE FROM CIVIL LIABILITY PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (6). THE COURT SHALL AWARD COURT COSTS AND REASONABLE ATTORNEY FEES TO THE PREVAILING PARTY IN SUCH A CIVIL ACTION.

(c) IF A CRIMINAL ACTION IS BROUGHT AGAINST A TEACHER OR ANY OTHER PERSON FOR ACTIONS TAKEN IN ACCORDANCE WITH THE

PROVISIONS OF THIS SECTION, IT SHALL BE AN AFFIRMATIVE DEFENSE IN SUCH CRIMINAL ACTION THAT THE TEACHER OR SUCH OTHER PERSON WAS ACTING IN GOOD FAITH AND IN COMPLIANCE WITH THIS SECTION AND WAS NOT ACTING IN A WILLFUL OR WANTON MANNER.

(d) A TEACHER OR ANY OTHER PERSON WHO ACTS IN GOOD FAITH AND IN COMPLIANCE WITH THIS SECTION SHALL NOT HAVE HIS OR HER CONTRACT NONRENEWED OR BE SUBJECT TO ANY DISCIPLINARY PROCEEDINGS, INCLUDING DISMISSAL, AS A RESULT OF SUCH LAWFUL ACTIONS, NOR SHALL THE ACTIONS OF SUCH PERSON BE REFLECTED IN ANY WRITTEN EVALUATION OR OTHER PERSONNEL RECORD CONCERNING SUCH PERSON. HOWEVER, IF A SCHOOL DISTRICT DEEMS THAT A TEACHER HAS ABUSED AND EXCESSIVELY USED THE AUTHORITY TO REMOVE STUDENTS FROM THE CLASSROOM UNDER THIS SECTION, SUCH A DETERMINATION MAY RESULT IN, AND BE CONSIDERED IN, DISCIPLINARY PROCEEDINGS, INCLUDING DISMISSAL."

Page 11, strike lines 23 through 26 and substitute the following:

"(VII) WRITTEN PROHIBITION, CONSISTENT WITH SECTIONS 22-33-106 AND 22-14-103.5, C.R.S., OF STUDENTS FROM BRINGING DANGEROUS WEAPONS, DRUGS, OR OTHER CONTROLLED SUBSTANCES TO SCHOOL, ON SCHOOL GROUNDS, IN SCHOOL VEHICLES, OR AT SCHOOL ACTIVITIES OR SANCTIONED EVENTS AND FROM USING DRUGS, OTHER CONTROLLED SUBSTANCES, OR TOBACCO PRODUCTS ON SCHOOL GROUNDS, IN SCHOOL VEHICLES, OR AT SCHOOL ACTIVITIES OR SANCTIONED EVENTS."

Page 12, strike lines 1 through 5.

Page 37, line 8, strike "WITH SEVEN" and substitute "AS NEEDED WITH".

Page 38, line 2, strike "(a)";

line 3, strike "SEVEN";

line 7, strike "SEVEN" and substitute "THE";

strike lines 8 through 23.

Page 45, line 23, after "(1)", insert "(a)";

line 25, after "FUNDING", insert "FOR EACH PUPIL INCLUDED IN THE STATE ALTERNATIVE CHARTER SCHOOL'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR, PLUS THE STATE AVERAGE PER PUPIL FUNDING".

Page 46, line 4, after "TO", insert "THE SCHOOL DISTRICT OF RESIDENCE OF EACH PUPIL AND TO";

after line 7, insert the following:

"(b) IN ADDITION TO THE AMOUNT SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1), A STATE ALTERNATIVE CHARTER SCHOOL SHALL RECEIVE, FOR EACH PUPIL WHO ENROLLS IN THE STATE ALTERNATIVE CHARTER SCHOOL AFTER OCTOBER 1, AN AMOUNT EQUAL TO THE STATE AVERAGE PER PUPIL FUNDING PLUS AN ADDITIONAL ELEVEN AND FIVE TENTHS PERCENT OF SAID AMOUNT, PRO RATED FOR THE PERIOD REMAINING IN THE BUDGET YEAR AFTER THE PUPIL ENROLLS IN THE STATE ALTERNATIVE CHARTER SCHOOL. THE STATE ALTERNATIVE CHARTER SCHOOL SHALL NOTIFY THE DEPARTMENT OF THE DATE SAID PUPIL ENROLLS AND THE SCHOOL DISTRICT IN WHICH HE OR SHE WAS ENROLLED AS OF OCTOBER 1 OF THE APPLICABLE BUDGET YEAR. THE DEPARTMENT SHALL DEDUCT SUCH AMOUNT FROM THE AMOUNT PREVIOUSLY ALLOCATED TO THE SCHOOL DISTRICT IN WHICH THE PUPIL WAS ENROLLED AS OF OCTOBER 1 OF THE APPLICABLE BUDGET YEAR."

Page 48, line 14, strike "COMMISSIONER" and substitute "STATE BOARD";

line 20, strike "STATE BOARD" and substitute "COMMISSIONER".

Page 49, after line 9, insert the following:

"**SECTION 13.** 22-54-103 (10) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

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

(10) (a) (III) "PUPIL ENROLLMENT" SHALL INCLUDE A PUPIL WHO IS ENROLLED IN A STATE ALTERNATIVE CHARTER SCHOOL. SUCH PUPIL SHALL BE INCLUDED IN THE PUPIL ENROLLMENT OF THE PUPIL'S SCHOOL DISTRICT OF RESIDENCE. INCLUSION OF PUPILS ENROLLED IN STATE ALTERNATIVE CHARTER SCHOOLS IN THE PUPIL ENROLLMENT OF THEIR RESPECTIVE SCHOOL DISTRICTS OF RESIDENCE IS FOR PURPOSES OF FUNDING SAID PUPILS AS PROVIDED IN SECTION 22-54-109 AND SHALL NOT BE CONSTRUED AS AFFECTING THE STATUS OF A STATE ALTERNATIVE CHARTER SCHOOL AS A PUBLIC SCHOOL OF THE STATE."

Renumber succeeding sections accordingly.

Page 49, line 13, after "(5)", insert "(a)";

line 24, after "22-30.5-302 (11)," , insert "FOR EACH PUPIL PLUS THE STATE AVERAGE PER PUPIL FUNDING, AS DEFINED IN SECTION 22-30.5-302 (11)," ;

after line 25, insert the following:

"(b) A STATE ALTERNATIVE CHARTER SCHOOL, ON A MONTHLY BASIS, SHALL NOTIFY THE DEPARTMENT OF EDUCATION OF ANY PUPIL WHO ENROLLS IN THE STATE ALTERNATIVE CHARTER SCHOOL AFTER OCTOBER 1, SPECIFYING THE DATE THE PUPIL ENROLLED AND THE SCHOOL DISTRICT IN WHICH THE PUPIL WAS ENROLLED AS OF OCTOBER 1. THE DEPARTMENT OF EDUCATION, IN ADDITION TO THE AMOUNT SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (5), SHALL FORWARD TO THE STATE ALTERNATIVE CHARTER SCHOOL AN AMOUNT EQUAL TO THE STATE AVERAGE PER PUPIL FUNDING PLUS AN ADDITIONAL ELEVEN AND FIVE TENTHS PERCENT OF SAID AMOUNT, PRO RATED FOR THE PERIOD REMAINING IN THE BUDGET YEAR AFTER THE PUPIL ENROLLS IN THE STATE ALTERNATIVE CHARTER SCHOOL. THE DEPARTMENT SHALL DEDUCT SUCH AMOUNT FROM THE AMOUNT PREVIOUSLY ALLOCATED TO THE SCHOOL DISTRICT IN WHICH THE PUPIL WAS ENROLLED AS OF OCTOBER 1 OF THE APPLICABLE BUDGET YEAR."

Page 57, strike lines 13 through 25.

Renumber succeeding sections accordingly.

Page 59, after line 7, insert the following:

"**SECTION 25.** 22-1-120 (3), Colorado Revised Statutes, is amended, and the said 22-1-120 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

22-1-120. Rights of free expression for public school students. (3) Nothing in this section shall be interpreted to authorize the publication or distribution IN ANY MEDIA by students of the following:

- (a) Expression ~~which~~ THAT is obscene;
- (b) Expression ~~which~~ THAT is libelous, slanderous, or defamatory under state law;
- (c) Expression ~~which~~ THAT is false as to any person who is not a public figure or involved in a matter of public concern; or
- (d) Expression ~~which~~ THAT creates a clear and present danger of the commission of unlawful acts, the violation of lawful school regulations, or the material and substantial disruption of the orderly operation of the school or ~~which~~ THAT violates the rights of others to privacy OR THAT THREATENS VIOLENCE TO PROPERTY OR PERSONS."

Renumber succeeding sections accordingly.

Page 59, line 8, after "**Appropriation.**", insert "(1)";

after line 16, insert the following:

"(2) After April 1, 2001, the department of education shall determine whether any portion of the amount appropriated pursuant to subsection (1) of this section is not needed for implementation of part 3 of article 30.5 of title 22, Colorado Revised Statutes, as enacted in this act, and is authorized to allocate said portion to the expelled student services grant program created in section 22-33-205, Colorado Revised Statutes, for expenditure during the 2000-01 fiscal year."

Judiciary After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: SB00-191

Judiciary After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1152

Judiciary After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1113

Judiciary After consideration on the merits, the committee recommends that the following be referred favorably to the Committee on Appropriations: HB00-1109

Business Affairs and Labor After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1226

Business Affairs and Labor After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1092

Business Affairs and Labor After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1091

Business Affairs and Labor After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1087

Business Affairs and Labor After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1027

MESSAGE FROM THE HOUSE:

February 15, 2000

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB00-1108,1324,1325.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB00-1029, amended as printed in House Journal, February 14, page 475.

HB00-1089, amended as printed in House Journal, January 21, page 131.
HB00-1138, amended as printed in House Journal, February 14, page 473.
HB00-1218, amended as printed in House Journal, January 25, page 184.

The House has passed on Third Reading and transmitted to the Revisor of Statutes
HB00-1001, amended as printed in House Journal, February 14, page 474, and on
Third Reading as printed in House Journal, February 15.

MESSAGE FROM THE REVISOR

February 15, 2000

We herewith transmit:

without comment, HB00-1108, 1324 and 1325, and;
without comment, as amended, HB00-1001, 1029, 1089, 1138 and 1218.

INTRODUCTION OF BILLS

- HB 00-1001 by Representative Gotlieb; also Senator Reeves--Concerning specific criteria that may be included in local government master plans.
Local Government
Agriculture, Natural Resources, and Energy
- HB 00-1029 by Representatives Tupa, Alexander, Hefley and Williams S.; also Senators Pascoe, Linkhart and Wham--Concerning eligibility for the Colorado child care assistance program.
Health, Environment, Welfare & Institutions
- HB 00-1089 by Representative Tapia; also Senator Hernandez--Concerning the ability of a person who performs work on a public works project to substitute a bond approved by a district court judge for a claim filed against the contract.
Business Affairs & Labor
- HB 00-1108 by Representatives Ragsdale and Coleman; also Senator Evans--Concerning placement decisions involving children who are siblings.
Judiciary
- HB 00-1114 by Representative Lee; also Senator Chlouber--Concerning a requirement that information identifying persons who hold permits to carry concealed weapons be kept confidential.
State, Veterans, & Military Affairs
- HB 00-1138 by Representative Leyba; also Senator Linkhart--Concerning limitations on civil liability of foster care providers for the actions of the foster children in their care.
Judiciary
- HB 00-1201 by Representative McElhany; also Senator Epps--Concerning prohibition of the possession of a weapon by a previous offender, and making an appropriation therefor.
Judiciary
Appropriations
- HB 00-1214 by Representatives Decker, Dean, Gordon, Lee, McKay, Scott, Sinclair, Stengel, Swenson, Bacon, Hefley, King, May, Williams S., Windels, Young and Zimmerman; also Senator Sullivant--Concerning prohibition of the purchase of firearms by persons on behalf of other persons who are ineligible to purchase firearms, and making an appropriation therefor.
Judiciary
Appropriations
- HB 00-1218 by Representatives Saliman, Smith and Tochtrop; also Senator Reeves--Concerning a requirement that notice of certain provisions of the "Mobile Home Park Act" be provided to a mobile home owner whose tenancy is being terminated.
Local Government
- HB 00-1235 by Representatives Lee, Dean, Fairbank, George, King, Larson, McKay, McPherson, Mitchell, Scott, Spence, Spradley, Witwer and Young; also Senator Arnold--Concerning the fingerprinting of juveniles and making an appropriation therewith.
Judiciary
Appropriations

- HB

00-1240

by Representative Chavez; also Senator Perlmutter--Concerning the inspection of juvenile delinquency records by the Colorado bureau of investigation.
Judiciary

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- HB

00-1241

by Representatives Lee, Dean, George, Gotlieb, Larson, McElhany, McPherson, Spence, Witwer and Young; also Senator Epps--Concerning the possession of a weapon by a previous offender, and making an appropriation therefor.
Judiciary
Appropriations

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- HB

00-1243

by Representatives Lee, Clapp, Dean, Fairbank, McElhany, McPherson, Pfiffner, Spence, Spradley, Witwer and Young; also Senator Teck--Concerning restrictions on providing firearms to juveniles.
Judiciary

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- HB

00-1247

by Representatives Fairbank and Lee; also Senator Sullivant--Concerning actions of persons that result in unlawful possession of a handgun by a juvenile, and making an appropriation therefor.
Judiciary
Appropriations

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- HB

00-1324

by Representative Larson; also Senator Dyer--Concerning the approval of the intergovernmental agreement between the Southern Ute Indian tribe and the state of Colorado on air quality control on the Southern Ute Indian reservation.
Business Affairs & Labor

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- HB

00-1325

by Representative Larson; also Senator Dyer--Concerning the creation of the Southern Ute Indian tribe/state of Colorado environmental commission, and, in connection therewith, setting forth the authority of the commission to establish and administer an air quality program for all lands within the exterior boundaries of the Southern Ute Indian reservation.
Local Government

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INTRODUCTION OF RESOLUTION

The following resolution was read by title and referred to the committee indicated:

- SJR

00-005

by Senators Arnold, Anderson, Blickensderfer, Dennis, Epps, Evans, Hillman, Lacy, Musgrave, Owen, Powers, Tebedo and Wham; also Representative McElhany--Concerning congressional consideration of legislation to eliminate the federal marriage tax penalty.
State, Veterans, & Military Affairs

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INTRODUCTION OF MEMORIAL

The following memorial was read by title:

- SM

00-001

by Senators Owen, Powers, Blickensderfer and Feeley--Memorializing William S. "Bill" Garnsey III

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- WHEREAS, By the will of Divine Providence, our beloved former member, the Honorable William S. "Bill" Garnsey III, departed this life on January 6, 2000, at the age of 88; and

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- WHEREAS, Senator Garnsey was born on November 5, 1911, in Billings, Montana; and

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- WHEREAS, In 1919, Senator Garnsey came with his parents from Montana to Greeley, where his father and a partner, Hugh Wheeler, acquired the car dealership that became Garnsey and Wheeler Ford; and

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- WHEREAS, Senator Garnsey attended local schools in Greeley, finishing high school at Greeley High School in 1928. After studying one year at Phillips Exeter Academy, Senator Garnsey became a student at Yale University where he lettered in both football and crew; and

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- WHEREAS, Upon graduating from Yale in 1933, Senator Garnsey became a property manager for Van Schaack and Company in Denver; and

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WHEREAS, During World War II, Senator Garnsey served in Naval Intelligence and rose to the rank of lieutenant commander. On the day of the Japanese surrender in 1945, he was serving aboard a ship anchored near the USS Missouri in Tokyo Bay; and

WHEREAS, After the war, Senator Garnsey returned to Denver to work for the Capital Life Insurance Company. Soon after, in 1947, Senator Garnsey moved to Greeley and took over the family business with a partner, John M. Wheeler. In 1997, with Senator Garnsey's son, Herrick Garnsey, as the sole owner, the dealership marked its seventy-fifth anniversary and earned recognition from Ford Motor Company as the second oldest Ford dealership in Colorado; and

WHEREAS, Before entering partisan politics, Senator Garnsey served on the boards of both the Greeley Library District and the Greeley-Evans School District 6; and

WHEREAS, Senator Garnsey was instrumental in forming the Colorado Association of Commerce and Industry, established in a merger of the statewide Chambers of Commerce, of which he was president, and the Colorado branch of the National Association of Manufacturing. In addition, Senator Garnsey served on the National Ford Dealer Council and was president of the Colorado Auto Dealers' Association. Senator Garnsey also served on the board of directors of Colorado National Bank and First National Bank of Greeley; and

WHEREAS, Long active in the Republican Party, William Garnsey III was elected to the Colorado State Senate in 1966 and represented Greeley from 1967 to 1975; and

WHEREAS, During his time in office, Senator Garnsey served on the Transportation Committee and was chair of the Finance and the Business and Labor committees. He was the prime sponsor of the bill that, in 1972, gave university status and an independent governing board to Colorado State College, now the University of Northern Colorado; and

WHEREAS, In recognition of his services to public education and to Colorado, Senator Garnsey was awarded an honorary Doctorate of Humane Letters by the University of Northern Colorado in 1996; and

WHEREAS, In addition to the Republican Party, Senator Garnsey was a valued member of the Greeley Rotary Club, the Greeley Country Club, the University Club of Denver, and the Grand Lake Yacht Club, where he was a former commodore. He also belonged to Trinity Episcopal Church, where he served for several years on the vestry; now, therefore,

Be It Resolved by the Senate of the Sixty-second General Assembly of the State of Colorado:

That, in the death of William S. "Bill" Garnsey III, the people of the State of Colorado have lost an outstanding citizen and a devoted public servant and that we, the members of the Senate of the Sixty-second General Assembly, do hereby extend our deep and heartfelt sympathy to the members of his family and to his friends, and pay tribute to a man who served his community, his country, and the State of Colorado well and faithfully.

Be It Further Resolved, That a copy of this Memorial be sent to Senator Garnsey's wife, Roseanne, to his children W. Herrick Garnsey of Greeley, Anson H. Garnsey of Denver, and Louisa G. Lambert of Pennington, New Jersey, and to his three stepchildren, Geoffrey Ball of Denver, Melissa Frakes of Parker, and Wendy Panfil of Oija, California.

Laid over one day under Senate Rule 30(d), and placed on the calendar of Wednesday, February 16.

TRIBUTES--A POINT OF INTEREST

Honoring Beulah Middle School by Senator Thiebaut

Honoring Vineland Elementary School by Senator Thiebaut

Honoring South Mesa Elementary School by Senator Thiebaut

Honoring Sierra Vista Primary School by Senator Thiebaut

Honoring Rye Elementary School by Senator Thiebaut

Honoring Pueblo West Elementary School by Senator Thiebaut

Honoring North Mesa Elementary School by Senator Thiebaut

Honoring Beulah Elementary School by Senator Thiebaut

Honoring Avondale Elementary School by Senator Thiebaut

Honoring South High School by Senator Thiebaut

Memorializing Gary Allison by Senator Thiebaut

JOURNAL CORRECTION

Amend Senate Journal, February 14, page 310, line 46, strike "1235,";

After line 52, insert "HB00-1235, amended as printed in House Journal, January 31, pages 241-242.".

On motion of Senator Hillman, the Senate adjourned until 9:00 a.m., Wednesday, February 16, 2000.

Approved:

Ray Powers
President of the Senate

Attest:

Patricia K. Dicks
Secretary of the Senate