

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

83<sup>rd</sup> Legislative Day Monday, March 27, 2000

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

Prayer By the chaplain, Rabbi Gorden Rubenstein, Aurora.

Roll Call Present--Total, 29.  
Absent/Excused--Lacy, Matsunaka, Musgrave, Rupert, Tanner, Tebedo--Total, 6.  
Present later--Lacy, Musgrave, Rupert, Tanner, Tebedo.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Andrews, reading of the Journal of Friday, March 24<sup>th</sup> was dispensed with and the Journal stands approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly revised: HB 00-1150, 1167, 1202, 1208, 1216, 1229, 1249, 1336; HJR 00-1011.

Correctly engrossed: SB 00-196.

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The President has signed: HB00-1080, 1139, 1148, 1264, 1304.

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:

SB 00-196 by Sen. Wattenberg; Rep. George--Utility Service For Subdivisions

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

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	Y	Martinez	Y	Rupert	E	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: Perlmutter, Sullivant, Weddig.

HB 00-1336 by Rep. Coleman; Senator Linkhart--Access To Adoption Records

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

YES	20	NO	13	EXCUSED	2	ABSENT	0
Anderson	N	Evans	Y	Musgrave	N	Tanner	Y
Andrews	N	Feeley	Y	Nichol	Y	Tebedo	N
Arnold	N	Hernandez	Y	Owen	N	Teck	Y
Blickensderfer	Y	Hillman	N	Pascoe	Y	Thiebaut	Y
Chlouber	N	Lacy	E	Perlmutter	Y	Wattenberg	Y
Congrove	N	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	N	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	N	Martinez	Y	Rupert	Y	Mr. President	N
Epps	Y	Matsunaka	E	Sullivan	N		

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

Co-sponsors added: Hernandez, Rupert, Weddig, Wham.

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

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

YES	22	NO	11	EXCUSED	2	ABSENT	0
Anderson	Y	Evans	N	Musgrave	N	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	N
Arnold	N	Hernandez	Y	Owen	N	Teck	Y
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	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	N	Matsunaka	E	Sullivan	N		

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

Co-sponsors added: Linkhart, Pascoe, Reeves, Rupert, Weddig, Wham.

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

Call of Senate.  
Call Raised.

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

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		

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

Co-sponsors added: Andrews, Arnold, Chlouber, Congrove, Epps, Hillman, Lacy, Lamborn, Musgrave, Owen, Powers, Tebedo.

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

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	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	N
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 00-1249 by Rep. Paschall; Senator Andrews--Strengthen The Marriage Relationship

Call of Senate.  
Call Raised.

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

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	Y	Wattenberg	N
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	Sullivant	Y		

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

Co-sponsors added: Arnold, Lamborn, Musgrave, Sullivant.

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

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

Third Reading Amendment No. 1, by Senator Chlouber

Amend revised bill, page 3, strike line 6, and substitute the following:

"FOR GOVERNOR. NO LATER";

line 8, strike "PROPOSE" and substitute "SELECT".

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	22	NO	12	EXCUSED	1	ABSENT	0
Anderson	N	Evans	Y	Musgrave	N	Tanner	N
Andrews	Y	Feeley	N	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	N	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	N	Pascoe	N	Thiebaut	Y
Chlouber	Y	Lacy	Y	Perlmutter	N	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	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, as amended, was declared PASSED.

Co-sponsors added: Evans, Powers, Teck.

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

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

YES	32	NO	2	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	N
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	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, Epps, Evans, Powers.

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

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

YES	31	NO	3	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	N	Thiebaut	N
Chlouber	Y	Lacy	Y	Perlmutter	N	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, Lamborn.

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 on SB00-186, printed in Senate Journal, March 24, pages 739-748.

On a substitute motion, Senator Pascoe moved that the Senate reject the First Report of the First Conference Committee on SB00-186, that the first conference committee be discharged, and that a new conference committee be appointed.

The substitute motion LOST by the following roll call vote:

YES	12	NO	22	EXCUSED	1	ABSENT	0
Anderson	N	Evans	N	Musgrave	N	Tanner	Y
Andrews	N	Feeley	Y	Nichol	Y	Tebedo	N
Arnold	N	Hernandez	N	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	N	Martinez	Y	Rupert	Y	Mr. President	N
Epps	N	Matsunaka	E	Sullivan	N		

Senator Anderson renewed her motion for the adoption of the First Report of the First Conference Committee on SB00-186. The motion 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	Sullivan	Y		

Call of Senate

Call of Senate.

Call Raised.

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

YES	20	NO	14	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	N
Andrews	Y	Feeley	N	Nichol	N	Tebedo	Y
Arnold	Y	Hernandez	Y	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	Y	Martinez	N	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, as amended, was declared REPASSED.

IMMEDIATE RECONSIDERATION OF SB00-186

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

Having voted on the prevailing side, Senator Anderson moved for immediate reconsideration of SB00-186.

Immediate reconsideration was denied by the following roll call vote:

YES	12	NO	22	EXCUSED	1	ABSENT	0
Anderson	N	Evans	N	Musgrave	N	Tanner	Y
Andrews	N	Feeley	Y	Nichol	Y	Tebedo	N
Arnold	N	Hernandez	N	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	N	Martinez	Y	Rupert	Y	Mr. President	N
Epps	N	Matsunaka	E	Sullivan	N		

MESSAGE FROM THE HOUSE

March 27, 2000

Mr. President:

The House has adopted and transmits herewith HJR00-1019, as printed in House Journal, March 24, page 1084-1085.

INTRODUCTION AND IMMEDIATE CONSIDERATION OF RESOLUTION

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

HJR 00-1019 by Representatives Nunez, Sinclair and May; also Senator Dyer--Concerning Colorado Military and Veterans Appreciation Day.  
(Printed in House Journal, March 27.)

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 Dyer, 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, Epps, Evans, Feeley, Hernandez, Hillman, Lacy, Lamborn, Linkhart, Martinez, Musgrave, Nichol, Owen, Pascoe, Perlmutter, Phillips, Powers, Reeves, Rupert, Sullivant, Tanner, Tebedo, Teck, Thiebaut, Wattenberg, Weddig, Wham.

Senate in recess.

Senate reconvened.

On motion of Senator Blickensderfer, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Monday, March 27, was laid over until Tuesday, March 28, retaining its place on the calendar.

Senate in recess.

Senate reconvened.

SENATE SERVICES REPORT

Senate ServicesCorrectly revised: HJR 00-1019.

COMMITTEE OF REFERENCE REPORTS

Agriculture, Natural Resources and EnergyAfter consideration on the merits, the committee recommends that the following be referred favorably to the Committee on Appropriations: HB00-1417

AppropriationsAfter consideration on the merits, the committee recommends that HB00-1159 be amended as follows and, as so amended, be referred favorably to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, page 9, strike lines 23 through 26.

Page 10, strike lines 1 through 7;  
line 26, after "hundred" insert "fifty".

Page 11, strike line 1 and substitute the following:  
"\$550,000).";  
strike line 4 and substitute the following:

"hundred fifty thousand dollars (\$550,000).".

Appropriations

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

Amend the committee amendment, as printed in Senate Journal, February 15, page 319, strike lines 31 through 72 and substitute the following:

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

"**SECTION 12.** Part 2 of article 33 of title 22, Colorado Revised Statutes, is amended to read:

PART 2  
EXPULSION PREVENTION PROGRAMS

**22-33-201. Legislative declaration.** The general assembly hereby finds that EXCEPT WHEN A STUDENT'S BEHAVIOR WOULD CAUSE IMMINENT HARM TO OTHERS IN THE SCHOOL OR WHEN AN INCIDENT REQUIRES AUTOMATIC EXPULSION AS DEFINED BY STATE LAW OR A SCHOOL'S CONDUCT AND DISCIPLINE CODE, expulsion should be the last step taken after several attempts to deal with a student who has discipline problems. The general assembly further finds that school districts should work with the student's parent or guardian and with state agencies and community-based nonprofit organizations to develop alternatives to help students who are at risk of expulsion before expulsion becomes a necessary step and to support students who are unable to avoid mandatory expulsion.

**22-33-201.5. Definitions.** For purposes of this part 2, unless the context otherwise requires:

(1) "Educational services" means any of the following types of services to provide instruction in the academic areas of reading, writing, mathematics, science, and social studies:

- (a) Tutoring services;
- (b) Alternative educational programs;
- (c) Vocational education programs.

**22-33-202. Identification of at-risk students.** Each school district shall adopt policies to identify students who are at risk of suspension or expulsion from school. Students identified may include those who have been or are likely to be declared habitually truant or are likely to be declared habitually disruptive. The school district shall provide students who are identified as at risk of suspension or expulsion with the necessary support services to help them avoid expulsion. The school district shall work with the student's parent or guardian in providing said services and may provide said services through agreements with appropriate local governmental agencies, appropriate state agencies, community-based organizations, and institutions of higher education entered into pursuant to section 22-33-204. The failure of the school district to identify a student for participation in an expulsion prevention program or the failure of such program to remediate a student's behavior shall not be grounds to prevent school personnel from proceeding with appropriate disciplinary measures or used in any way as a defense in an

expulsion proceeding.

**22-33-203. Educational alternatives for expelled students.**

(1) Upon expelling a student, the school district shall provide information to the student's parent or guardian concerning the educational alternatives available to the student during the period of expulsion. If the parent or guardian chooses to provide a home-based educational program for the student, the school district shall assist the parent in obtaining appropriate curricula for the student if requested by the parent or guardian.

(2) (a) Except as otherwise provided in paragraph (b) of this subsection (2), upon request of a student or the student's parent or guardian, the school district shall provide, for any student who is expelled from the school district, any educational services that are deemed appropriate for the student by the school district. The educational services provided shall be designed to enable the student to return to school or THE SCHOOL IN WHICH HE OR SHE WAS ENROLLED PRIOR TO EXPULSION, to successfully complete the GED, OR TO ENROLL IN AN ALTERNATIVE SCHOOL, INCLUDING BUT NOT LIMITED TO A CHARTER SCHOOL OR A PILOT SCHOOL ESTABLISHED PURSUANT TO ARTICLE 38 OF THIS TITLE. The expelling school district shall determine the amount of credit the student shall receive toward graduation for the educational services provided pursuant to this section.

(b) The educational services provided pursuant to this section are designed to provide a second chance for the student to succeed in achieving an education. While receiving educational services, a student may be suspended or expelled pursuant to the discipline code of the school district providing the educational services and the provisions of part 1 of this article. Except as required by federal law, the expelling school district is not required to provide educational services to any student who is suspended or expelled while receiving educational services pursuant to this section until the period of the suspension or expulsion is completed.

(c) (I) Educational services provided pursuant to this section shall be provided by the expelling school district; except that if the expelling school district expelled fewer than fifty students in the preceding school year, the expelling school district may provide educational services EITHER DIRECTLY OR in cooperation with one or more other school districts, boards of cooperative services, CHARTER SCHOOLS, or pilot schools established pursuant to article 38 of this title under contract with the expelling school district.

(II) Educational services may be provided by the school district through agreements entered into pursuant to section 22-33-204. The expelling school district need not provide the educational services on school district property. Any expelled student receiving educational services shall be included in the expelling school district's pupil enrollment as defined in section 22-54-103 (10).

(d) If an expelled student is receiving educational services delivered by a school district other than the expelling school district, BY A CHARTER SCHOOL IN A SCHOOL DISTRICT OTHER THAN THE EXPELLING SCHOOL DISTRICT, by a board of cooperative services, BY A NONPUBLIC, NONPAROCHIAL SCHOOL, or by a pilot school pursuant to an agreement entered into pursuant to subparagraph (I) of paragraph (c) of this subsection (2), the expelling school district shall transfer eighty NINETY-FIVE percent of the district per pupil operating revenues to the school district, CHARTER SCHOOL, NONPUBLIC, NONPAROCHIAL SCHOOL, board of cooperative services, or pilot school that is providing educational services, reduced in proportion to the amount of time remaining in the school year at the time the student begins receiving educational services.

(e) Any school district, CHARTER SCHOOL, NONPUBLIC, NONPAROCHIAL SCHOOL, BOARD OF COOPERATIVE SERVICES, OR PILOT SCHOOL that is providing educational services within the school district to expelled students pursuant to this subsection (2) OR TO AT-RISK STUDENTS AS IDENTIFIED PURSUANT TO SECTION 22-33-202 may apply for moneys through the expelled student services grant program established in section 22-33-205 to assist in providing educational services.



(3) If a student is expelled for the remainder of the school year and the student is not receiving educational services pursuant to this section, the school district shall contact the expelled student's parent or guardian at least once every sixty days until the beginning of the next school year to determine whether the student is receiving educational services from some other source; except that the school district need not contact a student's parent or guardian after the student is enrolled in another school district or in an independent or parochial school or if the student is committed to the department of human services or is sentenced pursuant to article 2 of title 19, C.R.S.

(4) In addition to the educational services required under this section, a student who is at risk of suspension or expulsion or has been suspended or expelled, or the student's parent or guardian, may request any of the services provided by the school district through an agreement entered into pursuant to section 22-33-204, and the school district may provide such services.

**22-33-204. Services for at-risk students - agreements with state agencies and community organizations.** (1) Each school district, regardless of the number of students expelled by the district, may enter into agreements with appropriate local governmental agencies and, to the extent necessary, with the managing state agencies, including but not limited to the department of human services and the department of public health and environment, with community-based nonprofit AND FAITH-BASED organizations, WITH NONPUBLIC, NONPAROCHIAL SCHOOLS, with the department of military affairs, and with public and private institutions of higher education to work with the student's parent or guardian to provide services to any student who is identified as being at risk of suspension or expulsion or who has been suspended or expelled and to the student's family. Services provided through such agreements may include, but are not limited to:

(a) Educational services required to be provided under section 22-33-203 (2) AND ANY EDUCATIONAL SERVICES PROVIDED TO AT-RISK STUDENTS IDENTIFIED PURSUANT TO SECTION 22-33-202;

(b) Counseling services;

(c) Drug or alcohol-addiction treatment programs;

(d) Family preservation services.

(e) and (f) (Deleted by amendment, L. 98, p. 570, § 3, effective April 30, 1998.)

(2) At a minimum, each agreement entered into pursuant to this section shall specify the services to be provided under the agreement, the entity that will coordinate and oversee provision of the services, and the responsibilities of each entity entering into the agreement. In addition, each agreement shall require each entity entering into the agreement to contribute the services or funds for the provision of the services specified in the agreement. The agreement shall specify the services or the amount and source of funds that each entity will provide and the mechanism for providing said services or funds.

(3) Each school district shall use a portion of its per pupil operating revenue ~~received pursuant to article 54 of this title~~ to provide services under agreements entered into pursuant to this section for each student who is at risk of suspension or expulsion or who is suspended or expelled. In addition, the school district may use federal moneys, moneys received from any other state appropriation, and moneys received from any other public or private grant to provide said services.

**22-33-205. Services for expelled students - grants - criteria.** (1) (a) There is hereby established in the department of education the expelled student services grant program, referred to in this section as the "program". The program shall provide grants to school districts, TO CHARTER SCHOOLS, TO ALTERNATIVE SCHOOLS WITHIN SCHOOL DISTRICTS, TO NONPUBLIC, NONPAROCHIAL SCHOOLS, TO BOARDS OF COOPERATIVE SERVICES, and to pilot schools established pursuant to article 38 of this title to assist them in providing educational services to expelled students

pursuant to section 22-33-203 (2) and to students at risk of expulsion.  
~~Any school district that provides educational services within the school district pursuant to section 22-33-203 (2) and any pilot school that provides educational services pursuant to an agreement entered into pursuant to section 22-33-203 (2) is eligible to participate in the grant program.~~

(b) In addition to school districts, CHARTER SCHOOLS, ALTERNATIVE SCHOOLS WITHIN SCHOOL DISTRICTS, NONPUBLIC, NONPAROCHIAL SCHOOLS, BOARDS OF COOPERATIVE SERVICES, and pilot schools, the department of military affairs may apply for a grant pursuant to the provisions of this section to assist the department with a program to provide educational services to expelled students. The department shall follow application procedures established by the department of education pursuant to subsection (2) of this section. The department of education shall determine whether to award a grant to the department of military affairs and the amount of the grant.

(c) Grants awarded pursuant to this section shall be paid for out of any moneys appropriated to the department of education for implementation of the program.

(2) (a) The state board by rule shall establish application procedures by which a school district, A CHARTER SCHOOL, AN ALTERNATIVE SCHOOL WITHIN A SCHOOL DISTRICT, A NONPUBLIC, NONPAROCHIAL SCHOOL, A BOARD OF COOPERATIVE SERVICES, or a pilot school may annually apply for a grant under the program. At a minimum, the application shall include a plan for provision of educational services, including the type of educational services to be provided, ~~and~~ the estimated cost of providing such educational services, AND THE CRITERIA THAT WILL BE USED TO EVALUATE THE EFFECTIVENESS OF THE EDUCATIONAL SERVICES PROVIDED.

(b) The state board shall determine which of the applying school districts, CHARTER SCHOOLS, ALTERNATIVE SCHOOLS WITHIN SCHOOL DISTRICTS, NONPUBLIC, NONPAROCHIAL SCHOOLS, BOARDS OF COOPERATIVE SERVICES, and pilot schools shall receive grants and the amount of each grant. In awarding grants, the state board shall consider the following criteria:

(I) The costs incurred by the ~~applying school district~~ APPLICANT in providing educational services to ~~expelled~~ students during the school year preceding the school year for which the grant is requested;

(II) (Deleted by amendment, L. 98, p. 570, § 4, effective April 30,1998.)

(III) The number of ~~expelled~~ students IDENTIFIED PURSUANT TO SECTION 22-33-202 WHO ARE receiving educational services through the ~~applying pilot school~~ APPLICANT under agreements entered into pursuant to section 22-33-203 (2) during the school year preceding the year for which the grant is requested;

(IV) The quality of educational services to be provided by the ~~school district or pilot school~~ APPLICANT under the plan;

(V) The cost-effectiveness of the educational services to be provided under the plan; ~~and~~

(VI) The amount of funding received by the ~~school district under article 54 of this title or by the pilot school~~ APPLICANT in relation to the cost of the educational services provided under the plan; AND

(VII) IF THE APPLICANT IS SEEKING TO RENEW A GRANT OR HAS BEEN AWARDED A GRANT PURSUANT TO THIS SECTION IN THE PREVIOUS FIVE YEARS, THE DEMONSTRATED EFFECTIVENESS OF THE EDUCATIONAL SERVICES FUNDED BY THE PREVIOUS GRANT.

(3) THE STATE BOARD SHALL ANNUALLY AWARD AT LEAST FORTY-FIVE PERCENT OF ANY MONEYS APPROPRIATED FOR THIS GRANT PROGRAM TO APPLICANTS WHO PROVIDE EDUCATIONAL SERVICES TO STUDENTS FROM MORE THAN ONE SCHOOL DISTRICT."

Strike pages 27 through 56.

Page 57, strike lines 1 through 12.

Renumber succeeding sections accordingly."

Page 320 of the committee amendment, strike lines 1 through 40;  
strike line 72.

Page 321 of the committee amendment, strike lines 1 through 9 and substitute the following:

"Page 59, strike lines 11 through 16 and substitute the following:

"appropriated, to the department of education, the sum of two million dollars, or so much thereof as may be necessary for implementation of part 2 of article 33 of title 22, Colorado Revised Statutes."."

Appropriations

After consideration on the merits, the committee recommends that SB00-175 be amended as follows and, as so amended, be referred favorably to the Committee of the Whole with favorable recommendation:

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

"GRANTED, AND AVERAGE HOURS OF WEEKLY ATTENDANCE."

Page 3, line 1, strike "SAME COURT LEVEL."

Page 5, line 9, after "SECTION," insert "SUBJECT TO AVAILABLE APPROPRIATIONS AND PARAGRAPH (d) OF THIS SUBSECTION (1.5),"

Page 6, after line 12, insert the following:

"(d) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE EVALUATIONS REQUIRED BY THIS SUBSECTION (1.5) SHALL NOT BE FUNDED THROUGH GENERAL FUND APPROPRIATIONS, BUT SHALL BE FUNDED ONLY THROUGH GIFTS, GRANTS, OR DONATIONS."

Page 7, line 21, strike "In" and substitute "SUBJECT TO AVAILABLE APPROPRIATIONS AND PARAGRAPH (d) OF THIS SUBSECTION (3), in".

Page 8, after line 25, insert the following:

"(d) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE EVALUATIONS REQUIRED BY THIS SUBSECTION (3) SHALL NOT BE FUNDED THROUGH GENERAL FUND APPROPRIATIONS, BUT SHALL BE FUNDED ONLY THROUGH GIFTS, GRANTS, OR DONATIONS."

**SECTION 4. Appropriation - adjustment in 2000 long bill.**  
(1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the judicial department, for the fiscal year beginning July 1, 2000, the sum of sixteen thousand five hundred twenty-four dollars (\$16,524) and 0.4 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, appropriations made in the annual general appropriations act for the fiscal year beginning July 1, 2000, shall be adjusted as follows:

(a) The general fund appropriation to the capital construction fund outlined in section 3 (1) (f) is reduced by sixteen thousand five hundred twenty-four dollars (\$16,524).

(b) The capital construction fund exempt appropriation to the department of transportation, construction projects, is reduced by sixteen thousand five hundred twenty-four dollars (\$16,524)."

	Renumber the succeeding section accordingly.	1
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	Page 1, line 101 strike "PERFORMANCE." and substitute "PERFORMANCE,	3
	AND MAKING AN APPROPRIATION THEREFOR."	4
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Appropriations	After consideration on the merits, the committee recommends that the following be	8
	referred favorably to the Committee of the Whole: <u>SB00-049</u>	9
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Appropriations	After consideration on the merits, the committee recommends that <u>HB00-1025</u> be	13
	amended as follows and, as so amended, be referred favorably to the Committee of the	14
	Whole with favorable recommendation:	15
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	Amend the Health, Environment, Welfare, and Institutions Committee	17
	amendment, as printed in Senate Journal, March 13, page 599, line 68,	18
	strike "14-10-120.7," and substitute "13-32-101 (1) (a),".	19
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	Page 600, line 1, strike "14-10-120.7,;" and substitute	21
	"13-32-101 (1) (a),";	22
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	strike line 4 and substitute the following:	24
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	"13-32-101 (1) (a),".	26
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	strike lines 41 through 52 and substitute the following:	28
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	"SECTION 9. 13-32-101 (1) (a), Colorado Revised Statutes, is	30
	amended to read:	31
		32
	<b>13-32-101. Docket fees in civil actions - support registry fund</b>	33
	<b>created - repeal.</b> (1) At the time of first appearance in all civil actions	34
	and special proceedings in all courts of record, except in the supreme	35
	court and the court of appeals, and except in the probate proceedings in	36
	the district court or probate court of the city and county of Denver, and	37
	except as provided in subsection (2) of this section and in sections	38
	13-32-103 and 13-32-104, there shall be paid in advance the total docket	39
	fees, as follows:	40
		41
	(a) By the petitioner in a proceeding for dissolution of marriage,	42
	legal separation, or declaration of invalidity of marriage and by the	43
	petitioner in an action for a declaratory judgment concerning the status	44
	of marriage, a fee of ninety dollars; FIFTEEN DOLLARS OF SUCH FEE SHALL	45
	BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE	46
	COLORADO CHILDREN'S TRUST FUND, CREATED IN SECTION 19-3.5-106,	47
	C.R.S.;	48
		49
	line 54, strike "appropriation." and substitute "appropriation -	50
	appropriation. (1)";	51
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	after line 60, insert the following:	53
		54
	"(2) In addition to any other appropriation, there is hereby	55
	appropriated to the department of public health and environment, for the	56
	fiscal year beginning July 1, 2000, from reserves in the Colorado	57
	children's trust fund, the sum of fifty thousand dollars (\$50,000), or so	58
	much thereof as may be necessary, for the implementation of section 19-	59
	3.5-109, Colorado Revised Statutes."	60
		61
	Page 601, after line 1, insert the following:	62
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	"Page 1, line 101, strike "FUND." and substitute "FUND, AND MAKING AN	64
	APPROPRIATION IN CONNECTION THEREWITH."	65
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Appropriations	After consideration on the merits, the committee recommends that the following be	69
	postponed indefinitely: <u>SB00-037</u>	70
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MESSAGE FROM THE HOUSE

March 27, 2000

Mr. President:

On reconsideration the House has voted not to concur in Senate amendments to HB00-1267, and requests that a conference committee be appointed. The Speaker has appointed Representatives Johnson, chairman, and Smith, and Grossman as House conferees on the First Conference Committee on HB00-1267. The House has granted authorization to go beyond the scope of the differences. The bill is transmitted herewith.

SIGNING OF BILLS

The President has signed: SB00-078.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title and referred to the committee indicated:

SCR 00-006 by Senators Chlouber and Powers--Concerning the submission to the registered electors of the state of Colorado of an amendment to articles IV, XII, XIII, and XXI of the constitution of the state of Colorado, eliminating the office of lieutenant governor, and, in connection therewith, deleting all references to said office in the constitution and modifying the order of succession to fill a vacancy in the office of governor.  
Judiciary

SCR 00-007 By Senators Rupert, and Wham--Concerning the submission to the registered electors of the state of Colorado of an amendment to the Colorado constitution concerning state capitol building renovation, and, in connection therewith, requiring the general assembly to appropriate one hundred forty million dollars for restoration and renovation of the state capitol building; stating that adoption of this measure constitutes a voter-approved revenue change offset for purposes of section 20 of article X of the Colorado constitution; creating an oversight commission to oversee the restoration and renovation project; providing time frames for the restoration and renovation project; authorizing the acceptance of grants, gifts, donations, and other nongovernmental contributions for the restoration and renovation project; prohibiting the imposition of new taxes for the purposes of the restoration and renovation project; and authorizing the relocation of state governmental offices and the general assembly during the construction period.  
State, Veterans, & Military Affairs  
Appropriations

APPOINTMENTS TO CONFERENCE COMMITTEES

HB 00-1267 by Rep. Johnson; Senator Hillman--Extends Pet Animal Care & Facilities Act  
The President appointed Senators Hillman, Chairman, Dennis and Hernandez, as Senate Conferees on the First Conference Committee on HB00-1267.

TRIBUTES--A POINT OF INTEREST

Honoring Head Coach Charles Phillips by Senator Mark Hillman  
Honoring Clark and Mary Bernhardt by Senator Musgrave  
Honoring Kish and Aiko Otsuka by Senator Musgrave

On motion of Senator Blickensderfer, the Senate adjourned until 9:00 a.m., Tuesday,  
March 28, 2000.

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Approved:

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Ray Powers  
President of the Senate

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Attest:

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Patricia K. Dicks  
Secretary of the Senate

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