

SENATE JOURNAL  
Sixty-third General Assembly  
STATE OF COLORADO  
First Regular Session

Twenty-third Legislative Day Thursday, February 1, 2001

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

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

Roll Call Present--Total, 30.  
Absent/Excused--Lamborn, Musgrave, Nichol, Phillips, Windels--Total 5.  
Present later--Phillips, Windels.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Fitz-Gerald, reading of the Journal of Wednesday, January 31, 2001 was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly reengrossed SB01-015, 020.

COMMITTEE OF REFERENCE REPORTS

The committee recommend the following:

Education After consideration on the merits, the committee recommends that **SB01-091** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 3, line 2, strike "2005." and substitute "2006.".

Page 4, line 18, strike "2005," and substitute "2006,";

line 25, strike "2005," and substitute "2006,";

line 26, strike "PROGRAMS" and substitute "PROGRAMS, IN ADDITION TO ANY OTHER FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAMS EXISTING ON OR BEFORE THE EFFECTIVE DATE OF THIS ACT,".

Page 5, line 2, strike "YEAR AND ARE ELIGIBLE FOR FREE LUNCH PURSUANT TO" and substitute "YEAR.";

strike line 3;

line 4, strike "2004," and substitute "2005,";

line 9, strike "2004." and substitute "2005.";

line 21, strike "2005." and substitute "2006.".

Page 6, line 23, strike "S.B. 01-\_\_\_\_" and substitute "SENATE BILL 01-\_\_\_\_, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY,".

Education After consideration on the merits, the committee recommends that **SB01-089** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, strike everything below the enacting clause, and

SB01-089

substitute the following:

"SECTION 1. Part 1 of article 2 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**22-2-114.3. Successful students - legislative declaration - collection and dissemination of class composition data for kindergarten through grade twelve.** (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(I) THE EFFECTIVE EDUCATION OF CHILDREN IS OF GREAT IMPORTANCE TO THOSE CHILDREN AND THEIR FUTURE SUCCESS AND TO THE OVERALL WELL-BEING OF THE CITIZENS OF THE STATE OF COLORADO.

(II) AS REPORTED IN A NATIONAL EDUCATION ASSOCIATION STUDY FINDING COLORADO HAS A HIGH RATIO OF ENROLLED STUDENTS TO TEACHERS IN PUBLIC ELEMENTARY AND SECONDARY SCHOOLS AND, IN RECENT STATISTICS, WAS WELL ABOVE THE NATIONAL AVERAGE WITH THE EIGHTH LARGEST STUDENT-TO-TEACHER RATIO OF ALL STATES AND THE DISTRICT OF COLUMBIA.

(III) SMALLER CLASS SIZES ARE ONE OF THE GOVERNOR'S PRIORITIES FOR THE STATE OF COLORADO, ESPECIALLY FOR EARLY GRADES WHEN INDIVIDUALIZED ATTENTION IS CRUCIAL.

(IV) NUMEROUS STUDIES SHOW SMALLER CLASS SIZE IS ONE FACTOR POSITIVELY AFFECTING STUDENT ACHIEVEMENT AND CONTRIBUTING TO SUCCESSFUL CHILDHOOD EDUCATIONAL EXPERIENCES. IN ADDITION, THE GENERAL ASSEMBLY SPECIFICALLY FINDS THAT:

(A) SMALLER CLASS SIZE ENHANCES TEACHING AND LEARNING BY PROVIDING GREATER OPPORTUNITIES FOR INDIVIDUALIZED ATTENTION, INCREASED STUDENT PARTICIPATION, AND AN ENHANCED ABILITY FOR THE TEACHER TO COVER MORE MATERIAL IN GREATER DEPTH;

(B) TEACHING FEWER STUDENTS IN A SINGLE CLASS GIVES TEACHERS MORE FLEXIBILITY IN THE TEACHING METHODS THEY EMPLOY, INCREASES CLASSROOM SPACE AND MANAGEMENT OPTIONS, AND DECREASES DISCIPLINE PROBLEMS;

(C) A REDUCED CLASS SIZE FOSTERS MORE FREQUENT AND SUBSTANTIVE PARENT AND TEACHER COMMUNICATION; AND

(D) SMALLER CLASSES CORRESPOND WITH POSITIVE EMOTIONAL DEVELOPMENT, HEALTHIER SELF-CONCEPTS, AND GREATER INTEREST IN SCHOOL ON THE PART OF STUDENTS, AS WELL AS INCREASED MORALE OF TEACHERS.

(V) CURRENTLY, THERE ARE NO ACCURATE STATISTICS FOR CLASS SIZE IN CORE CLASSES IN COLORADO. THE COLORADO DEPARTMENT OF EDUCATION KEEPS STATISTICS REGARDING TEACHER-TO-PUPIL RATIO, HOWEVER THOSE STATISTICS ARE NOT AN ACCURATE MEASURE OF CLASS SIZE. TEACHER-TO-PUPIL RATIO INCLUDES TEACHERS WHO ARE NOT PRIMARILY INVOLVED IN TEACHING CORE CLASSES DURING THE REGULAR SCHOOL DAY, CREATING A LOWER TEACHER-TO-PUPIL RATIO THAN ACTUAL CLASS SIZE.

(b) ACCORDINGLY, THE GENERAL ASSEMBLY HEREBY DETERMINES IT IS NECESSARY TO THE CITIZENS OF THE STATE OF COLORADO TO STUDY CLASS SIZE FOR KINDERGARTEN, ELEMENTARY, MIDDLE, JUNIOR HIGH, AND SENIOR HIGH SCHOOL CLASSES FOR INFORMATIONAL PURPOSES AND TO DETERMINE WHETHER CLASS SIZE REDUCTION SHOULD OR COULD BE IMPLEMENTED.

(2) AS USED IN THIS SECTION:

(a) "CLASS SIZE" MEANS THE AVERAGE NUMBER OF STUDENTS ENROLLED IN A CLASS.

(b) "CORE CLASS" MEANS A NONELECTIVE CLASS OFFERED IN A

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PUBLIC SCHOOL PROVIDING INSTRUCTION IN ONE OR MORE OF THE FIRST PRIORITY STATE MODEL CONTENT STANDARDS IN THE AREAS OF READING, WRITING, MATHEMATICS, SCIENCE, HISTORY, OR GEOGRAPHY, AS DESCRIBED IN SECTION 22-7-406 (1) (a).

(3) IN COOPERATION WITH SCHOOL DISTRICT BOARDS OF EDUCATION, THE STATE BOARD OF EDUCATION SHALL, SUBJECT TO SUBSECTION (5) OF THIS SECTION:

(a) COLLECT AND REPORT AGGREGATE DATA FROM EACH SCHOOL AND SCHOOL DISTRICT ON CLASS SIZE FOR STUDENTS ENROLLED IN KINDERGARTEN THROUGH GRADE TWELVE. THE DATA SHALL REFLECT CLASS SIZE FOR EACH CORE CLASS SUBJECT AND A TOTAL FOR ALL CLASSES IN THE SCHOOL.

(b) ANALYZE THE AGGREGATE DATA AND MAKE A DETERMINATION WHETHER INCREASED EXPENDITURES TO REDUCE CLASS SIZE WILL RESULT IN IMPROVED STUDENT ACHIEVEMENT;

(c) CALCULATE A RANGE OF OPTIONS FOR THE STATE, INCLUDING GOALS OF OPTIMUM CLASS SIZES, MAXIMUM CLASS SIZES, AND SMALLER THAN CURRENT CLASS SIZES FOR ELEMENTARY, MIDDLE, JUNIOR HIGH, AND SENIOR HIGH SCHOOLS, AND FOR VARIOUS SUBJECTS, AND THE RELATIVE COSTS IN DOLLARS OF MEETING THOSE GOALS;

(d) REVIEW EFFORTS BY OTHER STATES TO DECREASE CLASS SIZES IN THEIR SCHOOLS AND ANALYZE WHETHER ANY OF THOSE APPROACHES WOULD BE SUCCESSFUL IN COLORADO;

(e) DETERMINE THE FEASIBILITY AND COST ASSOCIATED WITH CAPPING CLASS SIZE AT A RANGE OF STUDENTS FOR KINDERGARTEN THROUGH GRADE THREE, TAKING INTO ACCOUNT FUNDING FROM CURRENT FUNDING SOURCES, ECONOMIC PROJECTIONS, AND SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION.

(4) ON OR BEFORE JULY 1, 2002, THE DEPARTMENT OF EDUCATION, PURSUANT TO PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION, SHALL PREPARE AND SUBMIT TO THE GOVERNOR AND THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES A REPORT ON CLASS SIZE IN PUBLIC SCHOOLS IN THE STATE.

(5) SUBJECT TO AN APPROPRIATION BY THE GENERAL ASSEMBLY OR WITHIN EXISTING BUDGET, THE DEPARTMENT SHALL PERFORM THE FUNCTIONS DESIGNATED IN PARAGRAPHS (b), (c), (d), AND (e) OF SUBSECTION (3) OF THIS SECTION AND MAY CONTRACT FOR THE SERVICES AND LABOR NECESSARY TO PERFORM SAID FUNCTIONS.

**SECTION 2.** 22-2-112 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**22-2-112. Commissioner - duties.** (1) Subject to the supervision of the state board, the commissioner has the following duties:

(p) TO MAINTAIN INFORMATION COLLECTED BY THE STATE BOARD PURSUANT TO SECTION 22-2-114.3, AND TO MAKE THIS INFORMATION AVAILABLE UPON REQUEST BY ANY STATE OR FEDERAL AGENCY OR MEMBER OF THE GENERAL PUBLIC.

**SECTION 3. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2001, the sum of \_\_\_\_\_dollars (\$) and \_\_\_\_\_ FTE, or so much thereof as may be necessary, for the implementation of this act.

**SECTION 4. Effective date.** 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,

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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."

Education

After consideration on the merits, the committee recommends that **SB01-076** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 4, strike "**Spending**" and substitute "**Collective Bargaining Agreement**";

line 6, strike "SPENDING" and substitute "COLLECTIVE BARGAINING AGREEMENT";

after line 6, insert the following:

"(2) "COLLECTIVE BARGAINING AGREEMENT" MEANS, FOR THE PURPOSE OF THIS SECTION, A MASTER AGREEMENT, AND ANY AMENDMENTS, ADDENDUMS, MEMORANDUMS, OR ANY OTHER DOCUMENTS MODIFYING THE MASTER AGREEMENT.";

Renumber succeeding subsection accordingly.

Page 2, strike line 13, and substitute the following:

"BOARD OF EDUCATION, WITHIN TEN WORKING DAYS FOLLOWING THE DATE OF RATIFICATION OF EACH".

Page 3, line 4, strike "SPENDING" and substitute "COLLECTIVE BARGAINING AGREEMENT";

line 20, strike "SPENDING" and substitute "COLLECTIVE BARGAINING AGREEMENT".

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Second Reading Calendar (**SB01-080, SB01-001, SB01-044, SB01-003, SB01-118, SB01-025, SB01-051**) of Thursday, February 1, was laid over until Friday, February 2, retaining its place on the calendar.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Consideration of Resolution calendar of Thursday, February 1, was laid over until Friday, February 2, retaining its place on the calendar.

Senate in Recess--Senate Reconvened.

MESSAGE FROM THE GOVERNOR

Appointments Letters of designation and appointments from Governor Owens were read and assigned to committee as follows:

August 31, 2000

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

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

MEMBERS OF THE  
SPECIAL FUNDS BOARD FOR

WORKERS' COMPENSATION SELF INSURERS

for a term expiring July 1, 2004:

Elda M. de la Pena of Longmont, Colorado, to serve as an employee of a self-insured employer and as a Democrat, appointed;

for a term expiring July 1, 2003:

Terry Michael Lee of Castle Rock, Colorado, to fill the vacancy occasioned by the resignation of Marc T. Gallegos and to serve as a member with knowledge of risk management and as a Republican, appointed.

Sincerely,  
(Signed)  
Bill Owens  
Governor

Rec'd 9/13/00  
B. Streeter, Office of the Secretary

Committee on Business, Labor and Finance.

July 25, 2000

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

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

MEMBERS OF THE  
COLORADO STUDENT OBLIGATION BOND  
AUTHORITY BOARD OF DIRECTORS

for terms expiring July 31, 2002:

Robert W. Gair of Golden, Colorado, to serve as a Democrat, reappointed.

Andrea L. Aragon of Pueblo, to serve as a Republican, appointed;

for a term expiring July 31, 2003:

Steven J. Schwartz of Durango, Colorado, to serve as an Unaffiliated, appointed;

for terms expiring July 31, 2004:

T.R. Rice of Englewood, Colorado, to serve as a Republican, appointed;

Douglas S. Sparks of Denver, Colorado, to serve as a Republican, reappointed;

Knute S. Knudson of Grand Junction, Colorado, to serve as a Republican, appointed.

Sincerely,  
(Signed)  
Bill Owens  
Governor

Rec'd 8/11/00  
P. Dicks, Secretary

Committee on Education.

August 31, 2000

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

Ladies and Gentlemen:

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

MEMBER OF THE

COLORADO STUDENT OBLIGATION BOND

AUTHORITY BOARD OF DIRECTORS

for a term expiring July 31, 2002:

Willie E. Shepherd of Denver, Colorado, to serve as a Democrat, appointed.

Sincerely,

(Signed)

Bill Owens

Governor

Rec'd 9/13/00

B. Streeter, Office of the Secretary

Committee on Education.

September 26, 2000

To the Honorable

Colorado Senate

Colorado General Assembly

State Capitol Building

Denver, CO 80203

Ladies and Gentlemen:

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

MEMBER OF THE

COLORADO STUDENT OBLIGATION BOND

AUTHORITY BOARD OF DIRECTORS

for a term expiring July 31, 2003:

Brett Alan Siegel of Englewood, Colorado, to serve as an Unaffiliated, appointed.

Sincerely,

(Signed)

Bill Owens

Governor

Rec'd 10/13/00

P. Dicks, Secretary

Committee on Education.

September 20, 2000

To the Honorable

Colorado Senate

Colorado General Assembly

State Capitol Building

Denver, CO 80203

Ladies and Gentlemen:

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

MEMBERS OF THE

TEACHER DEVELOPMENT ADVISORY COUNCIL

for terms expiring July 1, 2002:

Patricia Lorraine Martinez of Walsenburg, Colorado, to serve as a teacher who is a leader in education reform from a school in a rural area of the state that has demonstrated improvements in student achievement, appointed;

Libby Hiza of Ordway, Colorado, to serve as a member with expertise in instructional strategies and techniques, appointed;

Judy P. Weaver of Pueblo, Colorado, to serve as a member of a school district board of education who is a leader in education reform and can demonstrate improvement in student achievement in the school district, appointed;

for terms expiring July 1, 2004:

Dr. Elliot Asp of Highlands Ranch, Colorado, to serve as member with expertise in the area of student assessments and measuring student progress, appointed;

Kelly C. Card of Littleton, Colorado, to serve as a teacher who is a leader in education reform from a school in an urban area of the state that has demonstrated improvements in student achievement, appointed;

Cynthia A. Haws of Denver, Colorado, to serve as a principal who is a leader in education reform from a school in an urban area of the state that demonstrated improvements in student achievement, appointed;

Francis E. Salazar of Pueblo, Colorado, to serve as a principal who is a leader in education reform from a school in a rural area of that state that demonstrated improvements in student achievement.

Sincerely,  
(Signed)  
Bill Owens  
Governor

Rec'd 9/27/00  
P. Dicks, Secretary

Committee on Education.

June 1, 2000

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

Ladies and Gentlemen:

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

MEMBERS OF THE  
COLORADO TOURISM OFFICE

for terms expiring June 1, 2001:

Eugene Dilbeck of Denver, Colorado to serve as a representative of Cultural Event and Facility Groups and as a Democrat, appointed;

Robert B. Weisenbach of Boulder, Colorado to serve as an at large representative of the Tourism Industry and as a Republican, appointed;

for terms expiring June 1, 2002:

Terry Hunt of Carbondale, Colorado to serve as a representative of the Destination Marketing Industry and as a Republican, appointed;

William A. Jensen of Vail, Colorado to serve as a representative of the Ski Industry and as an Unaffiliated, appointed;

Kathy Palmeri of Estes Park, Colorado to serve as a representative of Other Outdoor Recreation Industries, and as a Republican, appointed;

for terms expiring June 1, 2003:

Kristi Nelson Cohen of Durango, Colorado to serve as a representative of Tourism-Related Transportation Industries, appointed;

Robert B. Hahn of Denver, Colorado to serve as a representative of the Food, Beverage and Restaurant Industry and as a Republican, appointed;

Robert W. Keesler of Colorado Springs, Colorado to serve as a representative of the Hotel, Motel, and Lodging Industry and as a Republican, appointed;

for terms expiring June 1, 2004:

Douglas L. Jones of Denver, Colorado to serve as an at large representative of the Tourism Industry and as a Republican, appointed;

Nancy E. Lewis of Colorado Springs, Colorado to serve as a representative of the Tourism-Related Retail Industry and as a Republican, appointed;

Stephen J. Szapor, Jr. of Highlands Ranch, Colorado to serve as a representative of the Private Travel Attractions and Casinos and as a Republican, appointed.

Sincerely,  
(Signed)  
Bill Owens  
Governor

Rec'd 6/14/00  
P. Dicks, Secretary

Committee on Government, Veterans and Military Relations and Transportation.

October 16, 2000

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

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

MEMBER OF THE  
COLORADO TOURISM OFFICE

for a term expiring June 1, 2002:

Sarah Louise MacQuiddy of Greeley, Colorado, to fill the vacancy occasioned by the resignation of Terry Hunt, to serve as a representative of the Destination Marketing Industry and as a Republican, appointed.

Sincerely,  
(signed)  
Bill Owens  
Governor

Rec'd: 10/26/00  
P. Dicks, Secretary

Committee on Government, Veterans and Military Relations and Transportation.

January 9, 2001

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

Ladies and Gentlemen:  
Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I hereby withdraw the following:

MEMBERS OF THE  
COLORADO TOURISM OFFICE

effective October 16, 2000.

Terry Hunt of Carbondale, Colorado.



Sincerely,  
(Signed)  
Bill Owens  
Governor

Rec'd 1/12/01  
H. Horvath, Assist. to the Secretary

Committee on Government, Veterans and Military Relations and Transportation.

November 2, 2000

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

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

**MEMBER OF THE  
COLORADO AERONAUTICAL BOARD**

for a term expiring December 19, 2002:

Corinne Carol Nystrom of Mesa, Colorado, to fill the vacancy occasioned by the resignation of Terrance M. Sargeant and to serve as a representative of the western slope and as a member representing a statewide association of airport managers, appointed.

Sincerely,  
(Signed)  
Bill Owens  
Governor

Rec'd 11/16/00  
P. Dicks, Secretary

Committee on Government, Veterans and Military Relations and Transportation.

**COMMITTEE OF REFERENCE REPORTS**

The committees recommend the following:

Business, Labor and Finance      The committee has had under consideration and has had a hearing on the following appointments and recommends that the appointment be confirmed:

**MEMBERS OF THE  
ADVISORY COMMITTEE ON  
GOVERNMENTAL ACCOUNTING**

for terms expiring May 18, 2003:

Michael Steven Clark of Denver, Colorado, to serve as a representative of city and county government, appointed;

Kevin F. Collins of Franktown, Colorado, to serve as a member of the Colorado Society of Certified Public Accountants, appointed.

Business, Labor, and Finance      After consideration on the merits, the committee recommends that **SB01-042** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, strike lines 7 through 10 and substitute the following:

"(3.7) "CONSTRUCTION INDUSTRY" MEANS BUILDING TRADES, AS SUCH TERM IS USED IN TITLE 29 OF THE UNITED STATES CODE.";

line 16, after the period, add ""TEMPORARY WORKER" ALSO INCLUDES WORKERS WHO ARE LEASED FROM AN ENTITY THAT PROVIDES TEMPORARY

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LABOR FOR THE CONSTRUCTION INDUSTRY."

Page 3, line 19, after "TRAINING," insert "AN INSURANCE COMPANY,".

Page 4, after line 24, insert the following:

"(4) AN EMPLOYER MAY SUBMIT TO THE BOARD VERIFICATION FROM THE EMPLOYER'S INSURER THAT THE EMPLOYER'S COST CONTAINMENT AND RISK MANAGEMENT PROGRAM MEETS THE REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION.";

strike lines 25 through 27.

Page 5, strike lines 1 through 17 and substitute the following:

**"SECTION 3. Effective date - applicability.** (1) (a) This act shall take effect July 1, 2002, 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, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(b) Notwithstanding paragraph (a) of this subsection (1), this act shall not take effect unless moneys are appropriated for the cost containment and risk management program in the division of workers' compensation in the department of labor and employment as specified in the annual general appropriations act or in any other act making an appropriation for the fiscal year beginning July 1, 2002.

(2) The provisions of this act shall apply to all new applications for cost containment and risk management certification from the workers' compensation cost containment board in the division of workers' compensation submitted on or after the effective date of this act."

Business,  
Labor, and  
Finance

After consideration on the merits, the committee recommends that **SB01-121** 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 20, insert the following:

**"SECTION 4.** 25-7-502 (1) and (6), Colorado Revised Statutes, are amended to read:

**25-7-502. Definitions.** As used in this part 5, unless the context otherwise requires:

(1) "Area of public access" ~~means any building, facility, or property, or only that portion thereof, which any member of the general public can enter without limitation or restriction by the owner or lessee under normal business conditions; except that "area of public access" includes any facility which charges the general public a fee for admission, such as any theater or arena. For purposes of this subsection (1), "general public" does not include employees of the entity which owns, leases, or operates such building, facility, or property, or such portion thereof, or any service personnel or vendors connected therewith.~~ SHALL HAVE THE MEANING, IN COMPLIANCE WITH SECTION 25-7-501 (1), AS DETERMINED BY THE COMMISSION ACTING BY RULE AFTER RECEIVING INPUT FROM STAKEHOLDERS.

(6) "Friable asbestos-containing material" means any material that contains asbestos and when dry can be crumbled, pulverized, or reduced to powder by hand pressure and ~~which~~ THAT contains more than one percent asbestos by weight, AREA, OR VOLUME. The term includes nonfriable forms of asbestos after such previously nonfriable material becomes damaged to the extent that when dry it can be crumbled, pulverized, or reduced to powder by hand pressure.

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**SECTION 5.** 25-7-503 (1) (b) (III), Colorado Revised Statutes, is amended to read:

**25-7-503. Powers and duties of the commission - rules and regulations - delegation of authority to division.** (1) The commission has the following powers and duties:

(b) To promulgate rules and regulations pursuant to section 24-4-103, C.R.S., regarding the following, as are necessary to implement the provisions of this part 5, as required by the federal "Clean Air Act", 42 U.S.C. section 7412, et. seq., as amended:

(III) (A) Procedures for the inspection and monitoring of sites where demolition, renovation, or the performance of asbestos abatement is taking place, including rules assuring that aggressive air monitoring shall be utilized only in the context of conducting final clearance of an abatement project as outlined in the FEDERAL "Asbestos Hazardous Emergency Response Act OF 1986", 42 U.S.C. SEC. 2641 ET SEQ., and pursuant to the regulations found at 40 C.F.R. part 763. Specifications as listed in "measuring airborne asbestos following an abatement action", published by the environmental protection agency in 1985, shall be adopted by the commission as criteria for aggressive sampling.

(B) THE DIVISION SHALL PROVIDE INFORMATION TO LOCAL GOVERNMENTS TO BE USED IN CONNECTION WITH THE ISSUANCE OF A BUILDING PERMIT REGARDING THE NEED FOR AN INSPECTION FOR THE PRESENCE OF ASBESTOS-CONTAINING MATERIALS PRIOR TO RENOVATION OR DEMOLITION OF ANY BUILDING, STRUCTURE, FACILITY, OR INSTALLATION THAT MAY CONTAIN ASBESTOS.

**SECTION 6.** Part 5 of article 7 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**25-7-506.5. Certification of air monitoring specialist.** (1) NO PERSON MAY PERFORM AIR MONITORING OR AIR MONITORING SPECIALIST ACTIVITIES FOR ASBESTOS, AS SET FORTH IN RULES PROMULGATED BY THE COMMISSION, INCLUDING VISUAL CLEARANCE INSPECTIONS OF AN ASBESTOS ABATEMENT PROJECT, WITHOUT FIRST OBTAINING A CERTIFICATE PURSUANT TO THIS SECTION.

(2) ANY INDIVIDUAL MAY APPLY TO THE DIVISION TO BE CERTIFIED AS AN AIR MONITORING SPECIALIST BY SUBMITTING AN APPLICATION IN THE FORM SPECIFIED BY THE DIVISION AND PAYING A FEE SET BY THE COMMISSION. WITHIN FIFTEEN DAYS AFTER RECEIVING AN APPLICATION, THE DIVISION SHALL NOTIFY THE APPLICANT AS TO WHETHER THE APPLICATION IS COMPLETE.

(3) WITHIN THIRTY DAYS AFTER RECEIVING A COMPLETED APPLICATION, THE DIVISION SHALL ISSUE A CERTIFICATION VALID FOR A ONE-, THREE-, OR FIVE-YEAR PERIOD FROM THE DATE OF ISSUANCE UPON A FINDING THAT THE APPLICANT HAS SUCCESSFULLY MET THE EXPERIENCE, EDUCATION, AND TRAINING REQUIREMENTS AND HAS PAID A FEE, AS SET FORTH IN RULES PROMULGATED BY THE COMMISSION.

**SECTION 7.** The introductory portion to 25-7-508 (2) (a), Colorado Revised Statutes, is amended to read:

**25-7-508. Grounds for disciplinary action - letters of admonition - denial of certification - suspension, revocation, or refusal to renew - requirement for corrective education - administrative fines.** (2) (a) The division may take disciplinary action in the form of the issuance of a letter of admonition or, in conformity with the provisions of article 4 of title 24, C.R.S., the suspension, revocation, or refusal to renew certification pursuant to section 25-7-505, 25-7-506, 25-7-506.5, or 25-7-507 should the division find that a person certified under this part 5:".

Renumber succeeding section accordingly.

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Business, Labor, and Finance	After consideration on the merits, the committee recommends that <b>SB01-034</b> be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4 5
	Amend printed bill, page 8, line 26, strike "PERSON'S" and substitute "PERSON DOES NOT SELL, SOLICIT, OR GIVE ADVICE, AND SUCH PERSON'S".	6 7 8 9
Business, Labor, and Finance	After consideration on the merits, the committee recommends that <b>SB01-028</b> be postponed indefinitely.	10 11 12 13 14 15
Judiciary	After consideration on the merits, the committee recommends that <b>SB01-070</b> be postponed indefinitely.	16 17 18 19 20
Judiciary	After consideration on the merits, the committee recommends that <b>SB01-117</b> be referred favorably to the Committee of the Whole.	21 22 23 24 25
Judiciary	After consideration on the merits, the committee recommends that <b>SB01-016</b> be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.	26 27 28 29 30
	Amend printed bill, page 2, strike lines 9 and 10 and substitute the following:	31 32 33
	" <b>SECTION 2.</b> 24-31-305 (1.5) and (2), Colorado Revised Statutes, are amended, and the said 24-31-305 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:";	34 35 36 37
	after line 26, insert the following:	38 39
	"(1.6) (a) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1.5) OF THIS SECTION, IF AN APPLICANT ANTICIPATES PRIOR TO THE DENIAL OF CERTIFICATION THAT HE OR SHE WILL BE DENIED CERTIFICATION ON THE GROUND THAT THE APPLICANT HAS BEEN CONVICTED ON OR AFTER JULY 1, 2001, OF ANY MISDEMEANOR OR MISDEMEANORS DESCRIBED IN SUBSECTION (1.5) OF THIS SECTION, THE APPLICANT OR THE CHIEF LAW ENFORCEMENT OFFICER OF THE AGENCY, IF ANY, EMPLOYING SUCH APPLICANT MAY, AT THE TIME OF THE APPLICATION FOR CERTIFICATION, NOTIFY THE P.O.S.T. BOARD OF SUCH CONVICTION OR CONVICTIONS AND REQUEST THE BOARD TO GRANT THE APPLICANT AN EXEMPTION FROM DENIAL OF CERTIFICATION.	40 41 42 43 44 45 46 47 48 49 50 51
	(b) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1.5) OF THIS SECTION, IF AN APPLICANT IS DENIED CERTIFICATION ON THE GROUND THAT THE APPLICANT HAS BEEN CONVICTED ON OR AFTER JULY 1, 2001, OF ANY MISDEMEANOR OR MISDEMEANORS DESCRIBED IN SUBSECTION (1.5) OF THIS SECTION, THE APPLICANT OR THE CHIEF LAW ENFORCEMENT OFFICER OF THE AGENCY, IF ANY, EMPLOYING SUCH APPLICANT MAY, WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF DENIAL, REQUEST THAT THE P.O.S.T. BOARD WITHDRAW THE DENIAL OF CERTIFICATION.	52 53 54 55 56 57 58 59 60
	(c) THE P.O.S.T. BOARD SHALL PROMULGATE RULES AND REGULATIONS DEEMED NECESSARY BY THE BOARD CONCERNING THE PROCEDURES FOR THE GRANTING OF EXEMPTIONS TO DENIALS OF CERTIFICATION AND THE WITHDRAWAL OF DENIALS OF CERTIFICATION UNDER THIS SUBSECTION (1.6).";	61 62 63 64 65 66
	line 27, after "(2)", insert "(a)".	67 68
	Page 3, strike lines 3 through 5 and substitute the following:	69 70 71 72

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"AT ANY TIME, OR HAS BEEN CONVICTED ON OR AFTER JULY 1, 2001, OF ANY MISDEMEANOR OR MISDEMEANORS DESCRIBED IN SUBSECTION (1.5) OF THIS SECTION, or has otherwise failed to meet the certification requirements established by the board.

(b) (I) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (2), IF THE CERTIFICATION OF A CERTIFICATE HOLDER IS REVOKED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) ON THE GROUND THAT THE CERTIFICATE HOLDER HAS BEEN CONVICTED ON OR AFTER JULY 1, 2001, OF ANY MISDEMEANOR OR MISDEMEANORS DESCRIBED IN SUBSECTION (1.5) OF THIS SECTION, THE CERTIFICATE HOLDER OR THE CHIEF LAW ENFORCEMENT OFFICER OF THE AGENCY, IF ANY, EMPLOYING SUCH CERTIFICATE HOLDER MAY, WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THE REVOCATION, REQUEST THE P.O.S.T. BOARD TO REINSTATE THE CERTIFICATION.

(II) THE P.O.S.T. BOARD SHALL PROMULGATE RULES AND REGULATIONS DEEMED NECESSARY BY THE BOARD CONCERNING THE PROCEDURES FOR THE REINSTATEMENT OF REVOCATIONS OF CERTIFICATION.

SECTION 3. Effective date. This act shall take effect July 1, 2001."

Renumber succeeding section accordingly.

Judiciary

After consideration on the merits, the committee recommends that SB01-079 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, line 14, strike "IN COLORADO," and substitute "WHOSE HOME STATE, AS DEFINED IN SECTION 14-13-102 (7), C.R.S., IS COLORADO,";

line 25, strike "CHILD RESIDES IN" and substitute "CHILD'S HOME STATE, AS DEFINED IN SECTION 14-13-102 (7), IS".

Agriculture and Natural Resources

After consideration on the merits, the committee recommends that SB01-126 be postponed indefinitely.

Agriculture and Natural Resources

After consideration on the merits, the committee recommends that HB01-1020 be referred favorably to the Committee of the Whole.

Agriculture and Natural Resources

After consideration on the merits, the committee recommends that HB01-1203 be referred with favorable recommendation to the Committee of the Whole, and recommends that the bill be placed on the consent calendar.

TRIBUTE--A POINT OF INTEREST

Honoring Earl M. Eschenfelder by Senator Musgrave.

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Friday, February 2, 2001.

Attest:

Approved:

Karen Goldman  
Secretary of the Senate

Stan Matsunaka  
President of the Senate