

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

One-hundred-seventh Legislative Day Thursday, April 22, 2004

- Prayer 10
 By the chaplain, Pastor Chuck Wysong. 11
- Pledge 12
 By the President. 13
- Call to 14
 Order 15
 By the President at 9:00 a.m. 16
- Roll Call 17
 Present--35. 18
- Quorum 19
 The President announced a quorum present. 20
- Reading of 21
 Journal 22
 On motion of Senator Sandoval, reading of the Journal of April 21, 2004, was 23
 dispensed with and the Journal was approved as corrected by the Secretary. 24

On motion of Senator Hillman, and with a majority of those elected to the Senate having 25
 voted in the affirmative, the Senate proceeded out of order for Consideration of 26
 Resolutions--SJR04-053 and SJR04-055. 27

CONSIDERATION OF RESOLUTIONS
-- SJR04-053 and SJR04-055

SJR04-053 by Senator(s) May R.; also Representative(s) Sinclair--Concerning the designation of April 31
 22, 2004, as "Colorado Space Industry Day". 32

On motion of Senator May, the resolution was read at length and **adopted** by the following 33
 roll call vote: 34

| YES | 35 | NO | 0 | EXCUSED | 0 | ABSENT | 0 |
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| Anderson | Y | Groff | Y | Kester | Y | Takis | Y |
| Arnold | Y | Grossman | Y | Lamborn | Y | Tapia | Y |
| Cairns | Y | Hagedorn | Y | May | Y | Taylor | Y |
| Chlouber | Y | Hanna | Y | McElhany | Y | Teck | Y |
| Dyer | Y | Hillman | Y | Nichol | Y | Tupa | Y |
| Entz | Y | Isgar | Y | Owen | Y | Veiga | Y |
| Evans | Y | Johnson | Y | Phillips | Y | Windels | Y |
| Fitz-Gerald | Y | Jones | Y | Reeves | Y | Mr. President | Y |
| Gordon | Y | Keller | Y | Sandoval | Y | | |

Co-sponsors added: Anderson, Andrews, Arnold, Cairns, Chlouber, Dyer, Entz, Evans, 35
 Fitz-Gerald, Gordon, Groff, Grossman, Hagedorn, Hanna, Hillman, Isgar, Johnson, Jones, 36
 Keller, Kester, Lamborn, McElhany, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, 37
 Tapia, Taylor, Teck, Tupa, Veiga, and Windels. 38

SJR04-055 by Senator(s) Dyer; also Representative(s) Hefley--Concerning recognition by the Colorado 39
 general assembly of the University of Colorado's men's golf team on its 2003-04 season. 40

On motion of Senator Dyer, the resolution was read at length and **adopted** by the 41
 following roll call vote: 42

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| YES | 35 | NO | 0 | EXCUSED | 0 | ABSENT | 0 |
|-------------|----|----------|---|----------|---|---------------|---|
| Anderson | Y | Groff | Y | Kester | Y | Takis | Y |
| Arnold | Y | Grossman | Y | Lamborn | Y | Tapia | Y |
| Cairns | Y | Hagedorn | Y | May | Y | Taylor | Y |
| Chlouber | Y | Hanna | Y | McElhany | Y | Teck | Y |
| Dyer | Y | Hillman | Y | Nichol | Y | Tupa | Y |
| Entz | Y | Isgar | Y | Owen | Y | Veiga | Y |
| Evans | Y | Johnson | Y | Phillips | Y | Windels | Y |
| Fitz-Gerald | Y | Jones | Y | Reeves | Y | Mr. President | Y |
| Gordon | Y | Keller | Y | Sandoval | Y | | |

Co-sponsors added: Anderson, Andrews, Arnold, Cairns, Chlouber, Entz, Evans, Fitz-Gerald, Gordon, Groff, Grossman, Hagedorn, Hanna, Hillman, Isgar, Johnson, Jones, Keller, Kester, Lamborn, May, McElhany, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, Veiga, and Windels.

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions--HJR04-1053 and HJR04-1059.

**CONSIDERATION OF RESOLUTIONS
-- HJR04-1053 and HJR04-1059**

HJR04-1053 by Representative(s) Borodkin, Johnson R., Berry, Cloer, Garcia, Hoppe, Madden, McFadyen, Paccione, Plant, Ragsdale, Rippey, Romanoff, Salazar, Stafford, Weddig; also Senator(s) Grossman--Concerning the declaration of Holocaust Awareness Week.

On motion of Senator Grossman, the resolution was read at length and **adopted** by the following roll call vote:

| YES | 35 | NO | 0 | EXCUSED | 0 | ABSENT | 0 |
|-------------|----|----------|---|----------|---|---------------|---|
| Anderson | Y | Groff | Y | Kester | Y | Takis | Y |
| Arnold | Y | Grossman | Y | Lamborn | Y | Tapia | Y |
| Cairns | Y | Hagedorn | Y | May | Y | Taylor | Y |
| Chlouber | Y | Hanna | Y | McElhany | Y | Teck | Y |
| Dyer | Y | Hillman | Y | Nichol | Y | Tupa | Y |
| Entz | Y | Isgar | Y | Owen | Y | Veiga | Y |
| Evans | Y | Johnson | Y | Phillips | Y | Windels | Y |
| Fitz-Gerald | Y | Jones | Y | Reeves | Y | Mr. President | Y |
| Gordon | Y | Keller | Y | Sandoval | Y | | |

Co-sponsors added: Anderson, Andrews, Arnold, Cairns, Chlouber, Dyer, Entz, Evans, Fitz-Gerald, Gordon, Groff, Hagedorn, Hanna, Hillman, Isgar, Johnson, Jones, Keller, Kester, Lamborn, May, McElhany, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, Veiga, and Windels.

HJR04-1059 by Representative(s) Cloer, Borodkin; also Senator(s) Gordon--Concerning the power of a paper clip.

On motion of Senator Gordon, the resolution was read at length and **adopted** by the following roll call vote:

| YES | 35 | NO | 0 | EXCUSED | 0 | ABSENT | 0 |
|-------------|----|----------|---|----------|---|---------------|---|
| Anderson | Y | Groff | Y | Kester | Y | Takis | Y |
| Arnold | Y | Grossman | Y | Lamborn | Y | Tapia | Y |
| Cairns | Y | Hagedorn | Y | May | Y | Taylor | Y |
| Chlouber | Y | Hanna | Y | McElhany | Y | Teck | Y |
| Dyer | Y | Hillman | Y | Nichol | Y | Tupa | Y |
| Entz | Y | Isgar | Y | Owen | Y | Veiga | Y |
| Evans | Y | Johnson | Y | Phillips | Y | Windels | Y |
| Fitz-Gerald | Y | Jones | Y | Reeves | Y | Mr. President | Y |
| Gordon | Y | Keller | Y | Sandoval | Y | | |

Co-sponsors added: Anderson, Andrews, Arnold, Cairns, Chlouber, Dyer, Entz, Evans, Fitz-Gerald, Groff, Grossman, Hagedorn, Hanna, Hillman, Isgar, Johnson, Jones, Keller, Kester, Lamborn, May, McElhany, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, Veiga, and Windels.

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded to Third Reading--Final Passage of Bills.

THIRD READING--FINAL PASSAGE OF BILLS

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

HCR04-1005 by Representative(s) Marshall, Jahn, Coleman, Carroll, Crane, Hefley, King, Lee, Miller, Mitchell, Paccione, Romanoff, Rose, Schultheis, Spence, Stengel, Weddig, Welker, White, Williams S.; also Senator(s) Anderson, Andrews, Groff, Grossman, Hillman, Sandoval, Takis--Submitting to the registered electors of the state of Colorado an amendment to sections 13, 14, and 15 of article XII, section 22 of article IV, and section 49 (3) of article V of the constitution of the state of Colorado, concerning reform of the state civil service system, and, in connection therewith, modifying the merit principle, exempting certain positions from the system, modifying the number of eligible applicants from which an appointment is to be made, modifying the residency requirement, expanding the duration of temporary employment, specifying the rule-making authority of the state personnel board and the state personnel director, authorizing a modification to the veterans' preference calculation, repealing the requirement that the state auditor's staff be included in the state personnel system, and making conforming amendments.

Laid over until Friday, April 23, retaining its place on the calendar.

HB04-1373 by Representative(s) Marshall, Jahn, Miller; also Senator(s) Anderson--Concerning modifications to the "State Personnel System Act".

Laid over until Friday, April 23, retaining its place on the calendar.

SB04-223 by Senator(s) McElhany; also Representative(s) Briggs--Concerning the designation of public transit officers as peace officers.

The question being "Shall the bill pass?", the roll call was taken with the following result:

| YES | 30 | NO | 5 | EXCUSED | 0 | ABSENT | 0 |
|-------------|----|----------|---|----------|---|---------------|---|
| Anderson | Y | Groff | Y | Kester | Y | Takis | Y |
| Arnold | N | Grossman | Y | Lamborn | Y | Tapia | Y |
| Cairns | Y | Hagedorn | Y | May | Y | Taylor | Y |
| Chlouber | Y | Hanna | Y | McElhany | Y | Teck | Y |
| Dyer | N | Hillman | Y | Nichol | Y | Tupa | Y |
| Entz | N | Isgar | Y | Owen | Y | Veiga | Y |
| Evans | Y | Johnson | Y | Phillips | Y | Windels | Y |
| Fitz-Gerald | Y | Jones | Y | Reeves | N | Mr. President | N |
| Gordon | Y | Keller | Y | Sandoval | Y | | |

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

SB04-224 by Senator(s) Arnold; also Representative(s) Stengel, Larson--Concerning sunrise review of peace officer status.

The question being "Shall the bill pass?", the roll call was taken with the following result:

| YES | 35 | NO | 0 | EXCUSED | 0 | ABSENT | 0 |
|-------------|----|----------|---|----------|---|---------------|---|
| Anderson | Y | Groff | Y | Kester | Y | Takis | Y |
| Arnold | Y | Grossman | Y | Lamborn | Y | Tapia | Y |
| Cairns | Y | Hagedorn | Y | May | Y | Taylor | Y |
| Chlouber | Y | Hanna | Y | McElhany | Y | Teck | Y |
| Dyer | Y | Hillman | Y | Nichol | Y | Tupa | Y |
| Entz | Y | Isgar | Y | Owen | Y | Veiga | Y |
| Evans | Y | Johnson | Y | Phillips | Y | Windels | Y |
| Fitz-Gerald | Y | Jones | Y | Reeves | Y | Mr. President | Y |
| Gordon | Y | Keller | Y | Sandoval | Y | | |

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

SB04-229 by Senator(s) Evans; also Representative(s) Williams T.--Concerning modifications to the "Central Filing of Effective Financing Statement Act".

The question being "Shall the bill pass?", the roll call was taken with the following result:

| YES | 35 | NO | 0 | EXCUSED | 0 | ABSENT | 0 |
|-------------|----|----------|---|----------|---|---------------|---|
| Anderson | Y | Groff | Y | Kester | Y | Takis | Y |
| Arnold | Y | Grossman | Y | Lamborn | Y | Tapia | Y |
| Cairns | Y | Hagedorn | Y | May | Y | Taylor | Y |
| Chlouber | Y | Hanna | Y | McElhany | Y | Teck | Y |
| Dyer | Y | Hillman | Y | Nichol | Y | Tupa | Y |
| Entz | Y | Isgar | Y | Owen | Y | Veiga | Y |
| Evans | Y | Johnson | Y | Phillips | Y | Windels | Y |
| Fitz-Gerald | Y | Jones | Y | Reeves | Y | Mr. President | Y |
| Gordon | Y | Keller | Y | Sandoval | Y | | |

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

SB04-236 by Senator(s) Anderson; also Representative(s) Miller--Concerning the transformation of the office of emergency management into a division of the department of local affairs.

The question being "Shall the bill pass?", the roll call was taken with the following result:

| YES | 35 | NO | 0 | EXCUSED | 0 | ABSENT | 0 |
|-------------|----|----------|---|----------|---|---------------|---|
| Anderson | Y | Groff | Y | Kester | Y | Takis | Y |
| Arnold | Y | Grossman | Y | Lamborn | Y | Tapia | Y |
| Cairns | Y | Hagedorn | Y | May | Y | Taylor | Y |
| Chlouber | Y | Hanna | Y | McElhany | Y | Teck | Y |
| Dyer | Y | Hillman | Y | Nichol | Y | Tupa | Y |
| Entz | Y | Isgar | Y | Owen | Y | Veiga | Y |
| Evans | Y | Johnson | Y | Phillips | Y | Windels | Y |
| Fitz-Gerald | Y | Jones | Y | Reeves | Y | Mr. President | Y |
| Gordon | Y | Keller | Y | Sandoval | Y | | |

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

Co-sponsors added: Entz, Kester, and Taylor.

SB04-237 by Senator(s) Chlouber; also Representative(s) Fairbank--Concerning authorization of an alcohol beverage racetrack licensee to own certain other types of alcohol beverage licenses that authorize on-premise consumption of alcohol.

The question being "Shall the bill pass?", the roll call was taken with the following result:

| YES | 34 | NO | 1 | EXCUSED | 0 | ABSENT | 0 |
|-------------|----|----------|---|----------|---|---------------|---|
| Anderson | Y | Groff | Y | Kester | Y | Takis | Y |
| Arnold | Y | Grossman | N | Lamborn | Y | Tapia | Y |
| Cairns | Y | Hagedorn | Y | May | Y | Taylor | Y |
| Chlouber | Y | Hanna | Y | McElhany | Y | Teck | Y |
| Dyer | Y | Hillman | Y | Nichol | Y | Tupa | Y |
| Entz | Y | Isgar | Y | Owen | Y | Veiga | Y |
| Evans | Y | Johnson | Y | Phillips | Y | Windels | Y |
| Fitz-Gerald | Y | Jones | Y | Reeves | Y | Mr. President | Y |
| Gordon | Y | Keller | Y | Sandoval | Y | | |

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

SB04-065 by Senator(s) Keller, Arnold; also Representative(s) Larson, Coleman--Concerning the "Child Mental Health Treatment Act", and making an appropriation therewith.

The question being "Shall the bill pass?", the roll call was taken with the following result:

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| YES | 32 | NO | 3 | EXCUSED | 0 | ABSENT | 0 |
|-------------|----|----------|---|----------|---|---------------|---|
| Anderson | Y | Groff | Y | Kester | Y | Takis | Y |
| Arnold | Y | Grossman | Y | Lamborn | N | Tapia | Y |
| Cairns | N | Hagedorn | Y | May | N | Taylor | Y |
| Chlouber | Y | Hanna | Y | McElhany | Y | Teck | Y |
| Dyer | Y | Hillman | Y | Nichol | Y | Tupa | Y |
| Entz | Y | Isgar | Y | Owen | Y | Veiga | Y |
| Evans | Y | Johnson | Y | Phillips | Y | Windels | Y |
| Fitz-Gerald | Y | Jones | Y | Reeves | Y | Mr. President | Y |
| Gordon | Y | Keller | Y | Sandoval | Y | | |

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

Co-sponsors added: Fitz-Gerald, Gordon, Groff, Hanna, Isgar, Phillips, Sandoval, Tapia, Taylor, Teck, Tupa, and Windels.

SB04-230 by Senator(s) Cairns, May R., Andrews, Chlouber, Dyer, Entz, Evans, Hagedorn, Hillman, Isgar, Johnson S., Jones, Kester, Lamborn, McElhany, Nichol, Owen, Sandoval, Tapia, Taylor, Teck; also Representative(s) Tochtrop, Salazar, Sinclair, Weddig, Witwer-- Concerning the issuance of a Vietnam veteran special license plate.

The question being "Shall the bill pass?", the roll call was taken with the following result:

| YES | 33 | NO | 2 | EXCUSED | 0 | ABSENT | 0 |
|-------------|----|----------|---|----------|---|---------------|---|
| Anderson | Y | Groff | Y | Kester | Y | Takis | Y |
| Arnold | N | Grossman | Y | Lamborn | Y | Tapia | Y |
| Cairns | Y | Hagedorn | Y | May | Y | Taylor | Y |
| Chlouber | Y | Hanna | Y | McElhany | Y | Teck | Y |
| Dyer | Y | Hillman | Y | Nichol | Y | Tupa | Y |
| Entz | Y | Isgar | Y | Owen | Y | Veiga | Y |
| Evans | Y | Johnson | Y | Phillips | Y | Windels | Y |
| Fitz-Gerald | N | Jones | Y | Reeves | Y | Mr. President | Y |
| Gordon | Y | Keller | Y | Sandoval | Y | | |

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

Co-sponsors added: Gordon, Groff, Grossman, Phillips, and Tupa.

SB04-238 by Senator(s) Andrews, Entz; also Representative(s) Spradley--Concerning legislative approval requirements for additions or modifications to eligibility lists for funding from certain state funds.

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

Third Reading Amendment No. 1(L.004), by Senator Hillman.

Amend engrossed bill, page 3, after line 5, insert the following:

"**SECTION 3.** 24-33-111 (3) (a), Colorado Revised Statutes, is amended to read:

24-33-111. Conservation of native species - fund created.
 (3) **Species conservation eligibility list and annual report.** (a) The executive director of the department of natural resources, after consultation with the Colorado water conservation board and its director, the wildlife commission, and the director of the division of wildlife, shall annually prepare a species conservation eligibility list describing programs and associated costs that are eligible to receive funding pursuant to this section. The species conservation eligibility list shall be subject to modification and adoption through passage of a ~~joint resolution~~ **BILL** that is approved by a majority vote of both houses of the general assembly. At the same time as the species conservation eligibility list is submitted, the director of the department of natural resources, after consultation with the Colorado water conservation board and its director, the wildlife commission, and the director of the division of wildlife, shall also provide a detailed report to the general assembly on the progress and status of activities to date and their effectiveness in the recovery of the species and identify proposed future activities. The report shall include

an assessment of habitat benefits, both public and private, attributable to such activities."

Renumber succeeding section accordingly.

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 call was taken with the following result:

| YES | 35 | NO | 0 | EXCUSED | 0 | ABSENT | 0 |
|-------------|----|----------|---|----------|---|---------------|---|
| Anderson | Y | Groff | Y | Kester | Y | Takis | Y |
| Arnold | Y | Grossman | Y | Lamborn | Y | Tapia | Y |
| Cairns | Y | Hagedorn | Y | May | Y | Taylor | Y |
| Chlouber | Y | Hanna | Y | McElhany | Y | Teck | Y |
| Dyer | Y | Hillman | Y | Nichol | Y | Tupa | Y |
| Entz | Y | Isgar | Y | Owen | Y | Veiga | Y |
| Evans | Y | Johnson | Y | Phillips | Y | Windels | Y |
| Fitz-Gerald | Y | Jones | Y | Reeves | Y | Mr. President | Y |
| Gordon | Y | Keller | Y | Sandoval | Y | | |

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

Co-sponsors added: Arnold.

HB04-1141 by Representative(s) King, Briggs, Cadman, Carroll, Clapp, Cloer, Crane, Decker, Fairbank, Hall, Harvey, Hefley, Jahn, Lee, Lundberg, May M., Miller, Mitchell, Rhodes, Rose, Schultheis, Sinclair, Spence, Spradley, Stafford, Welker, White, Wiens, Witwer; also Senator(s) Andrews, Arnold, Chlouber, Dyer, Evans, Groff, Hagedorn, Hillman, Johnson S., Jones, Kester, Lamborn, May R., McElhany, Owen, Teck--Concerning charter schools, and in connection therewith, providing for the creation of state charter schools, and making an appropriation therefor.

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

Third Reading Amendment No. 1(L.072), by Senator Andrews.

Amend revised bill, page 11, line 10, after "EDUCATION", insert "OF A SCHOOL DISTRICT THAT IS ON THE LIST PREPARED PURSUANT TO SUBSECTION (2) OF THIS SECTION";

line 13, strike "THE" and substitute "SAID".

Page 16, line 18, after "OF", insert "THE REQUIREMENTS CONTAINED IN THE "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF THIS TITLE OR".

Page 17, line 5, after the comma, add "ANY STATUTE OR RULE NECESSARY TO IMPLEMENT THE PROVISIONS OF THE "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF THIS TITLE,".

Page 21, line 1, strike "DISTRICT AND" and substitute "DISTRICT,";

line 6, strike "EDUCATION." and substitute "EDUCATION, AND THE CIRCUMSTANCES UNDER WHICH THE SCHOOL DISTRICT MAY WITHHOLD A PORTION OF THE CHARTER SCHOOL'S MONTHLY PAYMENT AS PROVIDED IN SECTION 22-30.5-112 (8) FOR FAILURE TO COMPLY WITH FINANCIAL REPORTING REQUIREMENTS SPECIFIED IN THE CONTRACT.".

Page 35, line 7, strike "NINETY-DAY";

line 8, strike "PERIOD OR".

Page 37, line 22, after "district;" add "OR";

strike lines 23 and 24 and substitute the following:

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~~"(D) Violate the provisions of section 22-30.5-109(2), prescribing the permissible number of charter schools; or".~~

Page 61, strike lines 12 through 25 and substitute the following:

"THE CONTRARY, A CHARTERING SCHOOL DISTRICT, UNDER THE CIRCUMSTANCES SPECIFIED IN THE CONTRACT BETWEEN THE SCHOOL DISTRICT AND THE CHARTER SCHOOL PURSUANT TO SECTION 22-30.5-105 (2)(c)(IV), MAY WITHHOLD A PORTION OF A CHARTER SCHOOL'S MONTHLY PAYMENT DUE PURSUANT TO THIS SECTION."

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 call was taken with the following result:

| YES | 18 | NO | 17 | EXCUSED | 0 | ABSENT | 0 |
|-------------|----|----------|----|----------|---|---------------|---|
| Anderson | N | Groff | Y | Kester | Y | Takis | N |
| Arnold | Y | Grossman | Y | Lamborn | Y | Tapia | N |
| Cairns | Y | Hagedorn | Y | May | Y | Taylor | N |
| Chlouber | Y | Hanna | N | McElhany | Y | Teck | Y |
| Dyer | Y | Hillman | Y | Nichol | N | Tupa | N |
| Entz | N | Isgar | N | Owen | Y | Veiga | N |
| Evans | Y | Johnson | Y | Phillips | N | Windels | N |
| Fitz-Gerald | N | Jones | Y | Reeves | N | Mr. President | Y |
| Gordon | N | Keller | N | Sandoval | N | | |

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

IMMEDIATE RECONSIDERATION OF HB04-1141

HB04-1141 by Representative(s) King, Briggs, Cadman, Carroll, Clapp, Cloer, Crane, Decker, Fairbank, Hall, Harvey, Hefley, Jahn, Lee, Lundberg, May M., Miller, Mitchell, Rhodes, Rose, Schultheis, Sinclair, Spence, Spradley, Stafford, Welker, White, Wiens, Witwer; also Senator(s) Andrews, Arnold, Chlouber, Dyer, Evans, Groff, Hagedorn, Hillman, Johnson S., Jones, Kester, Lamborn, May R., McElhany, Owen, Teck--Concerning charter schools, and in connection therewith, providing for the creation of state charter schools, and making an appropriation therefor.

Having voted on the prevailing side, Senator Andrews moved for immediate reconsideration and reversal of the roll call on HB04-1141, as amended. The roll call was taken with the following result:

| YES | 17 | NO | 18 | EXCUSED | 0 | ABSENT | 0 |
|-------------|----|----------|----|----------|---|---------------|---|
| Anderson | Y | Groff | N | Kester | N | Takis | Y |
| Arnold | N | Grossman | N | Lamborn | N | Tapia | Y |
| Cairns | N | Hagedorn | N | May | N | Taylor | Y |
| Chlouber | N | Hanna | Y | McElhany | N | Teck | N |
| Dyer | N | Hillman | N | Nichol | Y | Tupa | Y |
| Entz | Y | Isgar | Y | Owen | N | Veiga | Y |
| Evans | N | Johnson | N | Phillips | Y | Windels | Y |
| Fitz-Gerald | Y | Jones | N | Reeves | Y | Mr. President | N |
| Gordon | Y | Keller | Y | Sandoval | Y | | |

Less than a majority of all members elected to the Senate having voted in the affirmative, reconsideration was declared **LOST**.

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

GENERAL ORDERS--SECOND READING OF BILLS

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

SCR04-010 by Senator(s) Anderson; also Representative(s) Berry--Submitting to the registered electors of the state of Colorado an amendment to section 20 (7) of article X of the constitution of the state of Colorado, concerning a requirement that the fiscal year spending limits be calculated based upon prior fiscal year spending limits, with adjustments for inflation and growth, without being subject to reduction due to declines in revenues.

As amended, Senator Journal, April 16, page 854.

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

SCR04-009 by Senator(s) Anderson; also Representative(s) Berry--Submitting to the registered electors of the state of Colorado an amendment to section 17 (1) and (4) (b) of article IX of the constitution of the state of Colorado, concerning modifications to the required increases in certain state education funding, and, in connection therewith, requiring the statewide base per pupil funding and the total state funding for all categorical programs to annually increase by the lesser of inflation or the percentage change in general fund revenues, and requiring an additional one percent increase in the statewide base per pupil funding and total state funding for all categorical programs when state revenues exceed the limitation on state fiscal year spending.

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, April 12, page 777 and placed in members' bill files.)

Amendment No. 2(L.002), by Senator Anderson.

Amend printed concurrent resolution, page 4, line 7, strike "ONE PERCENTAGE POINT" and substitute "AN ADDITIONAL ONE PERCENTAGE POINT ABOVE THE RATE OF GROWTH REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (1)";

line 10, after "CONSTITUTION.", add "THE STATE SHALL RETAIN THE LESSER OF ALL EXCESS STATE REVENUES COLLECTED DURING THE PRIOR STATE FISCAL YEAR OR AN AMOUNT OF THE EXCESS STATE REVENUES EQUAL TO THE AMOUNT OF THE ADDITIONAL ONE PERCENTAGE POINT INCREASE."

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

SCR04-012 by Senator(s) Andrews; --Submitting to the registered electors of the state of Colorado amendments to section 17 of article IX and section 20 of article X of the constitution of the state of Colorado, concerning a modification of constitutional restrictions affecting the ability of the general assembly to make adjustments to state spending in response to changing levels of state revenues, and, in connection therewith, restricting the growth in the statewide base per pupil funding for the 2005-06 and 2006-07 state fiscal years to the rate of inflation plus one additional percentage point; reducing by one hundred million dollars the amount of moneys required to be spent on public school funding in the 2005-06 and 2006-07 state fiscal years; for the 2005-06 state fiscal year, requiring the state to retain up to one hundred million dollars of excess state revenues; for the 2006-07 state fiscal year, requiring the state to retain up to the sum of one hundred million dollars of excess state revenues and one hundred million dollars of such revenues as adjusted for specified factors; and, for the 2007-08 and all succeeding state fiscal years, requiring the state to retain up to the amount of excess state revenues retained in the 2006-07 state fiscal year as adjusted for specified factors.

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

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (SB04-215, SB04-001, SB04-203, SB04-210, SB04-227 as amended, SB04-217, HB04-1225, HB04-1309, HB04-1390, SB04-232, HB04-1134, HB04-1231, HB04-1386) of April 22, was laid over until Friday, April 23, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

Passed on Second Reading: SCR04-010 as amended, SCR04-009 as amended,
SCR04-012.

Laid over until Friday, April 23: SB04-215, SB04-001, SB04-203, SB04-210, SB04-227
as amended, SB04-217, HB04-1225, HB04-1309, HB04-1390, SB04-232, HB04-1134,
HB04-1231, HB04-1386.

COMMITTEE OF REFERENCE REPORTS

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB04-1203** be
amended as follows, and as so amended, be referred to the Committee of the Whole with
favorable recommendation.

Amend reengrossed bill, page 2, strike lines 22 and 23 and substitute the
following:

"(c) THE PROPERTY ACQUIRED BY THE AUTHORITY HAS BEEN
ABANDONED; OR".

Page 3, line 10, after "THE", insert "GOVERNING BODY HAS MADE A
DETERMINATION THAT THE";

strike lines 18 and 19 and substitute the following:

"(II) NOT LATER THAN THE COMMENCEMENT OF THE NEGOTIATION
OF AN AGREEMENT FOR REDEVELOPMENT OR REHABILITATION OF
PROPERTY ACQUIRED OR TO BE ACQUIRED BY EMINENT DOMAIN, THE
AUTHORITY PROVIDES NOTICE AND INVITES PROPOSALS FOR";

line 22, after the second "ACQUIRED", insert "BY EMINENT DOMAIN";

line 27, strike "SHALL" and substitute "MAY".

Page 4, line 6, strike "HOLDING OUT FROM" and substitute "REFUSING OR
REJECTING";

strike lines 9 through 21 and substitute the following:

"REHABILITATION OF THE REMAINING PARCELS IS NOT VIABLE UNDER THE
URBAN RENEWAL PLAN WITHOUT THE PARCEL AT ISSUE.

(b) ANY OWNER OF PROPERTY LOCATED WITHIN THE URBAN
RENEWAL AREA MAY CHALLENGE THE DETERMINATION OF BLIGHT MADE
BY THE GOVERNING BODY PURSUANT TO SUBPARAGRAPH (I) OF
PARAGRAPH (a) OF THIS SUBSECTION (2) BY FILING, NOT LATER THAN
THIRTY DAYS AFTER THE DATE THE DETERMINATION OF BLIGHT IS MADE,
A CIVIL ACTION IN DISTRICT COURT FOR THE COUNTY IN WHICH THE
PROPERTY IS LOCATED PURSUANT TO C.R.C.P. 106 (a) (4) FOR JUDICIAL
REVIEW OF THE EXERCISE OF DISCRETION ON THE PART OF THE GOVERNING
BODY IN MAKING THE DETERMINATION OF BLIGHT. ANY SUCH ACTION
SHALL BE GOVERNED IN ACCORDANCE WITH THE PROCEDURES AND OTHER
REQUIREMENTS SPECIFIED IN THE RULE; EXCEPT THAT THE AUTHORITY
SHALL HAVE THE BURDEN OF PROVING THAT, IN MAKING ITS
DETERMINATION OF BLIGHT, IT HAS NEITHER EXCEEDED ITS JURISDICTION
NOR ABUSED ITS DISCRETION.";

line 23, strike "AN AUTHORITY" and substitute "THE GOVERNING BODY".

Page 5, strike lines 2 and 3 and substitute the following:

"(2), OR TO SUBSECTION (3), (4), OR PARAGRAPH (a) OF SUBSECTION (5) OF
THIS SECTION.";

strike lines 9 through 11 and substitute the following:

"A CHALLENGE BROUGHT UNDER PARAGRAPH (b) OF SUBSECTION (2) OF
THIS SECTION.";

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line 16, strike "SUBSTANTIALLY".

Page 6, strike lines 4 through 7 and substitute the following:

"EFFORTS TO RELOCATE SUCH INDIVIDUALS, FAMILIES, OR BUSINESS CONCERNS WITHIN THE URBAN RENEWAL AREA, WHERE SUCH RELOCATION IS CONSISTENT WITH THE USES PROVIDED IN THE URBAN RENEWAL PLAN, OR IN AREAS WITHIN REASONABLE PROXIMITY OF, OR COMPARABLE TO, THE";

strike lines 10 through 27 and substitute the following:

"(5) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "BLIGHTED AREA" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 31-25-103 (2); EXCEPT THAT, FOR PURPOSES OF THIS SECTION ONLY, "BLIGHTED AREA" MEANS AN AREA THAT, IN ITS PRESENT CONDITION AND USE AND, BY REASON OF THE PRESENCE OF AT LEAST SIX OF THE FACTORS SPECIFIED IN SECTION 31-25-103 (2) (a) TO (2) (l), SUBSTANTIALLY IMPAIRS OR ARRESTS THE SOUND GROWTH OF THE MUNICIPALITY, RETARDS THE PROVISION OF HOUSING ACCOMMODATIONS, OR CONSTITUTES AN ECONOMIC OR SOCIAL LIABILITY, AND IS A MENACE TO THE PUBLIC HEALTH, SAFETY, MORALS, OR WELFARE.

(b) "PRIVATE PROPERTY" OR "PROPERTY" MEANS, AS APPLIED TO REAL PROPERTY, ONLY A FEE OWNERSHIP INTEREST."

Strike page 7.

Page 8, after line 12, insert the following:

"(3.7) "GOVERNING BODY" MEANS THE GOVERNING BODY OF THE MUNICIPALITY WITHIN WHICH AN AUTHORITY HAS BEEN ESTABLISHED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS PART 1.

SECTION 3. Section 31-25-103 (2) (h), (2) (k), and (2) (l), Colorado Revised Statutes, are amended, and the said 31-25-103 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

31-25-103. Definitions. As used in this part 1, unless the context otherwise requires:

(2) "Blighted area" means an area that, in its present condition and use and, by reason of the presence of at least four of the following factors, substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare:

(h) The existence of conditions that endanger life or property by fire ~~and~~ OR other causes;

(k) Inadequate public improvements or utilities; ~~or~~

(k.5) THE EXISTENCE OF HEALTH, SAFETY, OR WELFARE FACTORS REQUIRING HIGH LEVELS OF MUNICIPAL SERVICES OR SUBSTANTIAL PHYSICAL UNDERUTILIZATION OR VACANCY OF SITES, BUILDINGS, OR OTHER IMPROVEMENTS;

(l) If there is no objection by the property owner or owners and the tenant or tenants of such owner or owners, if any, to the inclusion of such property in an urban renewal area, "blighted area" also means an area that, in its present condition and use and, by reason of the presence of any one of the factors specified in paragraphs (a) to ~~(k)~~ (k.5) of this subsection (2), substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public

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health, safety, morals, or welfare. For purposes of this paragraph (1), the fact that an owner of an interest in such property does not object to the inclusion of such property in the urban renewal area does not mean that the owner has waived any rights of such owner in connection with laws governing condemnation."

Renumber succeeding sections accordingly.

Page 10, strike lines 3 through 27 and substitute the following:

"(b) WHERE AN AUTHORITY INTENDS TO ACQUIRE PRIVATE PROPERTY BY EMINENT DOMAIN WITHIN THE URBAN RENEWAL AREA TO BE SUBSEQUENTLY TRANSFERRED TO A PRIVATE PARTY IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 31-25-105.5 (2), THE GOVERNING BODY, PRIOR TO THE COMMENCEMENT OF THE ACQUISITION OF SUCH PROPERTY, SHALL FIRST HOLD A PUBLIC HEARING ON THE USE OF EMINENT DOMAIN AS A MEANS TO ACQUIRE SUCH PROPERTY AFTER WRITTEN NOTICE OF THE TIME, DATE, PLACE, AND PURPOSE OF THE HEARING HAS BEEN PROVIDED TO EACH OWNER OF PROPERTY WITHIN THE MEANING OF SECTION 31-25-105.5 THAT IS WITHIN THE URBAN RENEWAL AREA AT LEAST THIRTY DAYS PRIOR TO THE DATE OF THE HEARING. THE GOVERNING BODY SHALL NOT AUTHORIZE THE USE OF EMINENT DOMAIN FOR THE ACQUISITION OF PRIVATE PROPERTY WHERE THE PROPOSED ACQUISITION IS BASED UPON THE ECONOMIC PERFORMANCE OF THE PRIVATE PROPERTY SOUGHT TO BE ACQUIRED.

(4.5) IN ADDITION TO THE FINDINGS OTHERWISE REQUIRED TO BE MADE BY THE GOVERNING BODY PURSUANT TO SUBSECTION (4) OF THIS SECTION, WHERE AN URBAN RENEWAL PLAN SEEKS TO ACQUIRE PRIVATE PROPERTY BY EMINENT DOMAIN FOR SUBSEQUENT TRANSFER TO A PRIVATE PARTY PURSUANT TO SECTION 31-25-105.5 (2), THE GOVERNING BODY MAY APPROVE THE URBAN RENEWAL PLAN WHERE IT FINDS, IN CONNECTION WITH A HEARING SATISFYING THE REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION, THAT THE URBAN RENEWAL PLAN HAS MET THE REQUIREMENTS OF SECTION 31-25-105.5 (2) AND THAT THE PRINCIPAL PUBLIC PURPOSE FOR ADOPTION OF THE URBAN RENEWAL PLAN IS TO FACILITATE REDEVELOPMENT IN ORDER TO ELIMINATE OR PREVENT THE SPREAD OF PHYSICALLY BLIGHTED OR SLUM AREAS."

Page 11, strike line 1;

line 21, strike "NO" and substitute "EFFECTIVE JANUARY 1, 2004, NO";

strike line 27 and substitute the following:

"SHALL NOT APPLY TO CONDEMNATION".

Page 12, strike line 1 and substitute the following:

"FOR WATER WORKS, LIGHT";

line 19, strike "THE" and substitute "EFFECTIVE JANUARY 1, 2004, THE";

line 26, strike "(4) (b) (II)," and substitute "(4) (b) and (4) (c),".

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SCR04-007** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 5, strike lines 21 through 24.

Renumber succeeding subparagraphs accordingly.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB04-112** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 12, strike "2001-02 AND 2002-03" and substitute "2001-02, 2002-03, AND 2003-04";

line 14, strike "STATE TREASURER TO TRANSFER" and substitute "TRANSFER OR DIVERSION OF";

line 17, after "TRANSFERS", insert "AND DIVERSIONS";

strike line 20 and substitute the following:

"THAT WOULD";

line 24, strike "OR EXPAND AN EXISTING STATE-FUNDED";

line 25, strike "PROGRAM" and, after "TRANSFERRED", insert "OR DIVERTED";

line 26, after "FUND", insert "PURSUANT TO BILLS ENACTED".

Page 3, after line 9, insert the following:

"(e) THE MAJOR MEDICAL INSURANCE FUND CREATED IN SECTION 8-46-202 (1), C.R.S.;"

Reletter succeeding paragraphs accordingly.

MESSAGES FROM THE HOUSE

April 22, 2004
Mr. President:

The House has adopted and transmits herewith HJR04-1052, HJR04-1058, HJR04-1085, HJR04-1090.

The House has adopted and returns herewith SJR04-053.
The House has adopted and returns herewith SJR04-055.

April 22, 2004
Mr. President:

In response to the request of the Senate, the Speaker has appointed Representatives Mitchell, chairman, Cloer, and Paccione as House conferees on the First Conference Committee on SB04-125.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: HJR04-1082.

SENATE SERVICES REPORTS

Correctly Printed: SB04-246 corrected, 247, 248, and SCR04-023.

Correctly Engrossed: SB04-65, 223, 224, 229, 230, 236, 237, and 238.

Correctly Reengrossed: SB04-206, 218, 219, and 222.

Correctly Revised: HB04-1141.

Correctly Rerevised: HB04-1006, 1016, 1017, 1089, 1107, 1189, 1219, 1283, 1358, 1414, and 1423.

Correctly Enrolled: SB04-105 and 132.

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On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Committee on Finance was given permission to meet before recess of the Senate.

Senate in recess.

Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Judiciary

After consideration on the merits, the Committee recommends that **SB04-234** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 9, strike "SELF-REVOICATION," and substitute "SELF-REVOICATION PURSUANT TO PENDING CRIMINAL CHARGES,".

Page 3, line 22, strike "FELONY, FOR WHICH" and substitute "FELONY";
strike line 23;

line 24, strike "SECTION 18-6-801, C.R.S.,".

Page 4, line 24, strike "PARAGRAPH (b)." and substitute "PARAGRAPH (b), UNLESS THE PAROLEE WAS ON PAROLE FOR A CLASS 5 OR 6 NONVIOLENT FELONY, THEN THE BOARD MAY REVOKE PAROLE FOR A PERIOD NOT TO EXCEED ONE HUNDRED EIGHTY DAYS AND REQUEST THE SHERIFF OF THE COUNTY IN WHICH THE HEARING IS HELD TO TRANSPORT THE PAROLEE TO A PLACE OF CONFINEMENT DESIGNATED BY THE EXECUTIVE DIRECTOR.";

line 25, after "PAROLEE", insert "ON PAROLE FOR A CLASS 2, 3, OR 4 NONVIOLENT FELONY".

Page 5, after line 5, insert the following:

"(VII) IF THE BOARD FINDS A PAROLEE ON PAROLE FOR A CLASS 5 OR 6 NONVIOLENT FELONY WHOSE PAROLE WAS REVOKED PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (B) SUBSEQUENTLY VIOLATES A CONDITION OF THE PAROLEE'S PLACEMENT, THE BOARD MAY SUSPEND AND RESCIND REPAROLE FOR A PERIOD NOT TO EXCEED ONE HUNDRED EIGHTY DAYS AND REQUEST THE SHERIFF OF THE COUNTY IN WHICH THE HEARING IS HELD TO TRANSPORT THE PAROLEE TO A PLACE OF CONFINEMENT DESIGNATED BY THE EXECUTIVE DIRECTOR.".

Renumber succeeding subparagraph accordingly.

Page 5, line 8, strike "ENUMERATED" and substitute "DEFINED";

line 11, strike "SECOND DEGREE";

strike line 12 and substitute "ROBBERY AS";

strike lines 19 through 24 and substitute the following:

"17-2-103. Arrest of parolee - revocation proceedings.
(13) (c) If the board revokes the parole upon the request of the parolee, the board shall proceed pursuant to paragraph (b) of subsection (11) of this section, UNLESS THE BOARD REVOKES THE PAROLE UPON THE REQUEST OF THE PAROLEE PURSUANT TO PENDING CRIMINAL CHARGES, THEN THE BOARD SHALL REQUEST THE SHERIFF OF THE COUNTY IN WHICH THE HEARING IS HELD TO TRANSPORT THE PAROLEE TO A PLACE OF

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CONFINEMENT DESIGNATED BY THE EXECUTIVE DIRECTOR."

Page 6, line 1, after "person", insert "WHO IS NOT ON PAROLE FOR A NONVIOLENT FELONY";

line 12, after "person", insert "WHO IS NOT ON PAROLE FOR A NONVIOLENT FELONY";

line 23, after "person", insert "WHO IS NOT ON PAROLE FOR A NONVIOLENT FELONY".

Judiciary After consideration on the merits, the Committee recommends that **SCR04-017** be referred to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **SB04-239** be referred to the Committee of the Whole with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **SB04-247** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 11, after line 2, insert the following:

"SECTION 4. 10-3.5-107 (7) (b), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

10-3.5-107. Requirements for continuance of certification - fees. (7) (b) On or before January 31 of each year, each certified capital company shall report the following to the office:

(IV) THE LOCATION AND NUMBER OF NEW JOBS THAT HAVE BEEN CREATED DUE TO THE CERTIFIED CAPITAL COMPANY'S QUALIFIED INVESTMENTS DURING THE PREVIOUS TWELVE MONTHS AND SINCE THE CERTIFIED CAPITAL COMPANY'S INITIAL QUALIFIED INVESTMENT."

Renumber succeeding sections accordingly.

Page 12, line 18, strike "COMPANY, BUT" and substitute "COMPANY; OR";
strike lines 19 and 20.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **HB04-1256** be referred to the Committee on Appropriations with favorable recommendation.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **HB04-1359** be referred to the Committee of the Whole with favorable recommendation.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **SR04-008** be postponed indefinitely.

Agriculture, Natural Resources, & Energy The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE
COLORADO WATER RESOURCES
AND POWER DEVELOPMENT AUTHORITY

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for a term expiring October 1, 2006:

Stephen T. LaBonde of Grand Junction, Colorado, to fill the vacancy occasioned by the resignation of Richard S. Pryor of Grand Junction, Colorado, and to serve as a member from the main Colorado drainage basin and as a Republican, appointed.

Education After consideration on the merits, the Committee recommends that **HB04-1202** be referred to the Committee on Appropriations with favorable recommendation.

Education After consideration on the merits, the Committee recommends that **SB04-209** be postponed indefinitely.

Education After consideration on the merits, the Committee recommends that **SJR04-036** be amended as follows, and as so amended, be referred to the Senate for final action.

Amend printed joint resolution, page 2, line 4, strike "taxpayers, not to" and substitute "taxpayers; and";

strike lines 5 and 6.

Education After consideration on the merits, the Committee recommends that **HB04-1104** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 14, line 15, after "EMPLOYED", insert "PURSUANT TO THE PROVISIONS OF SECTION 22-32-110.4".

Page 15, line 17, strike "AND";

after line 17, insert the following:

"(II) THE PERSON RECEIVES COACHING AND MENTORING FROM ONE OR MORE LICENSED PRINCIPALS AND ADMINISTRATORS AND CONTINUING PERFORMANCE-BASED ASSESSMENT OF THE PERSON'S SKILLS DEVELOPMENT; AND";

line 18, strike "(II)" and substitute "(III)".

Page 20, line 14, strike "TEMPORARY".

Page 24, line 16, strike "evaluations" and substitute "evaluations SURVEYS".

Page 32, line 15, strike "TEMPORARY PRINCIPAL".

Page 34, after line 23, insert the following:

SECTION 25. Article 32 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-32-110.4. Board of education - specific powers - alternative principal preparation program. (1) THE GENERAL ASSEMBLY FINDS THAT THERE IS A SHORTAGE OF PERSONS IN THE STATE WHO ARE LICENSED AS PRINCIPALS AND ARE AVAILABLE FOR EMPLOYMENT BY SCHOOL DISTRICTS. THE GENERAL ASSEMBLY FURTHER FINDS THAT PERSONS WHO HAVE ACHIEVED SUCCESS IN CAREERS OUTSIDE OF EDUCATION AND WHO ARE INTERESTED IN EMPLOYMENT AS SCHOOL PRINCIPALS MAY PROVIDE A NEW SOURCE OF LEADERSHIP TALENT FOR SCHOOL DISTRICTS AS THEY SEEK TO HIRE SCHOOL PRINCIPALS. THEREFORE, THE GENERAL ASSEMBLY CONCLUDES THAT IT IS IN THE INTEREST OF THE STATE TO AUTHORIZE SCHOOL DISTRICTS TO DESIGN AND IMPLEMENT INDIVIDUALIZED ALTERNATIVE PRINCIPAL PROGRAMS TO ENABLE PERSONS FROM OUTSIDE THE EDUCATION COMMUNITY TO DEVELOP THE SKILLS AND EXPERIENCES NECESSARY TO SUCCESSFULLY LEAD A PUBLIC SCHOOL AND TO ULTIMATELY QUALIFY FOR LICENSURE AS PRINCIPALS.

(2) A SCHOOL DISTRICT MAY EMPLOY AS A PRINCIPAL OR A VICE PRINCIPAL A PERSON WHO HOLDS A PRINCIPAL AUTHORIZATION ISSUED PURSUANT TO SECTION 22-60.5-111 (14). A PERSON WHO IS EMPLOYED UNDER A PRINCIPAL AUTHORIZATION MAY PERFORM THE DUTIES OF A PRINCIPAL OR A VICE PRINCIPAL IN A SCHOOL SO LONG AS THE PERSON IS UNDER THE SUPERVISION OF A PROFESSIONAL PRINCIPAL LICENSEE. THE SCHOOL DISTRICT SHALL WORK COLLABORATIVELY WITH THE PERSON IN DESIGNING AN INDIVIDUALIZED ALTERNATIVE PRINCIPAL PROGRAM, WHICH THE PERSON SHALL COMPLETE WHILE EMPLOYED UNDER THE AUTHORIZATION. THE SCHOOL DISTRICT MAY WORK WITH A GOVERNMENTAL, NONPROFIT, OR FOR-PROFIT ENTITY IN DESIGNING AND IMPLEMENTING THE INDIVIDUALIZED ALTERNATIVE PRINCIPAL PROGRAM. THE INDIVIDUALIZED ALTERNATIVE PRINCIPAL PROGRAM SHALL BE SUBJECT TO APPROVAL BY THE STATE BOARD OF EDUCATION AS PROVIDED IN SECTION 22-60.5-111 (14) AND IN ACCORDANCE WITH RULES ADOPTED BY THE STATE BOARD OF EDUCATION.

(3) IN DESIGNING AN INDIVIDUALIZED ALTERNATIVE PRINCIPAL PROGRAM, THE SCHOOL DISTRICT, AT A MINIMUM, SHALL ENSURE THAT:

(a) THE PROGRAM WILL PROVIDE THE INFORMATION, EXPERIENCE, AND TRAINING TO ENABLE THE PERSON WHO IS EMPLOYED UNDER THE PRINCIPAL AUTHORIZATION TO DEVELOP THE SKILLS AND OBTAIN THE EXPERIENCE AND TRAINING THAT IS COMPARABLE TO THOSE POSSESSED BY A PERSON WHO QUALIFIES FOR A PROVISIONAL PRINCIPAL LICENSE, AS PROVIDED IN SECTION 22-60.5-301 (1) (a);

(b) THE PERSON WHO IS EMPLOYED UNDER THE PRINCIPAL AUTHORIZATION IS REQUIRED TO SUCCESSFULLY DEMONSTRATE PROFESSIONAL COMPETENCIES IN SUBJECT MATTER AREAS, AS SPECIFIED BY RULE OF THE STATE BOARD PURSUANT TO SECTION 22-60.5-303;

(c) THE PERSON WHO IS EMPLOYED UNDER THE PRINCIPAL AUTHORIZATION RECEIVES CONTINUOUS COACHING AND MENTORING BY ONE OR MORE LICENSED PRINCIPALS AND ADMINISTRATORS;

(d) THE PERSON WHO IS EMPLOYED UNDER THE PRINCIPAL AUTHORIZATION IS ASSESSED AT THE BEGINNING OF THE INDIVIDUALIZED ALTERNATIVE PRINCIPAL PROGRAM TO DETERMINE HIS OR HER STRENGTHS AND WEAKNESSES AND THAT THE PROGRAM IS DESIGNED TO FIT THE PERSON'S INDIVIDUAL EDUCATION AND TRAINING NEEDS; AND

(e) THE INDIVIDUALIZED ALTERNATIVE PRINCIPAL PROGRAM COMPLEMENTS THE SCHOOL IMPROVEMENT PLAN, IF ONE EXISTS, OF THE SCHOOL IN WHICH THE PERSON WHO HOLDS A PRINCIPAL AUTHORIZATION WOULD BE EMPLOYED.

(4) IN DESIGNING AN INDIVIDUALIZED ALTERNATIVE PRINCIPAL PROGRAM THE SCHOOL DISTRICT SHALL ASSESS THE NEEDS OF THE SCHOOL TO WHICH THE PERSON EMPLOYED UNDER THE PRINCIPAL AUTHORIZATION WOULD BE ASSIGNED AND ENSURE THAT THE PERSON RECEIVES TRAINING THAT WILL EQUIP THE PERSON TO MEET THE SPECIFIC NEEDS OF THE SCHOOL AND THE COMMUNITY IN WHICH IT IS LOCATED.

(5) A SCHOOL DISTRICT MAY EMPLOY A PERSON WHO HOLDS A PRINCIPAL AUTHORIZATION FOR THREE YEARS. AFTER SUCH PERIOD, THE SCHOOL DISTRICT MAY EMPLOY THE PERSON AS A PRINCIPAL ONLY IF THE PERSON RECEIVES A PROVISIONAL OR PROFESSIONAL PRINCIPAL LICENSE PURSUANT TO SECTION 22-60.5-301. THE SCHOOL DISTRICT MAY CHOOSE TO PROVIDE AN INDUCTION PROGRAM, AS DESCRIBED IN SECTION 22-60.5-304, FOR THE PERSON WHILE HE OR SHE IS EMPLOYED UNDER A PRINCIPAL AUTHORIZATION. THE INDUCTION PROGRAM, IF PROVIDED, SHALL BE IN ADDITION TO THE INDIVIDUALIZED ALTERNATIVE PRINCIPAL PROGRAM TO BE COMPLETED BY THE PERSON WHILE HE OR SHE IS EMPLOYED UNDER A PRINCIPAL AUTHORIZATION.

SECTION 26. Section 1 (1) (c) of Senate Bill 04-195, enacted at the Second Regular Session of the Sixty-fourth General Assembly, is amended to read:

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SECTION 1. Rules and regulations scheduled for expiration May 15, 2004 - extension - exceptions. (1) Except as indicated, the expiration of all rules and regulations of agencies in the following principal departments, which rules and regulations were adopted or amended on or after November 1, 2002, and before November 1, 2003, and that are therefore scheduled for expiration May 15, 2004, is postponed, and the provisions of section 24-4-108 or 24-34-104, Colorado Revised Statutes, shall apply:

(c) Department of education; except that the following rules of the state board of education concerning the administration of the Colorado Educator Licensing Act of 1991 (1 CCR 301-37) are not extended:

(I) ~~The introductory portion to Rule 2260.5-R-2.03 (1), concerning a degree for a Colorado license;~~

(II) Rule 2260.5-R-3.05, concerning Professional Teacher or Special Service License;

(III) ~~Rule 2260.5-R-3.12 (2), concerning the applicant having passed a Colorado State Board of Education-approved assessment of content area knowledge relevant to the person's teaching assignment;~~

(IV) ~~Rule 2260.5-R-3.12 (4), concerning the applicant having met the content area requirements;~~

(V) ~~Rule 2260.5-R-4.01, concerning AUTHORIZATION: ADJUNCT INSTRUCTOR;~~

(VI) ~~Rule 2260.5-R-4.02, concerning AUTHORIZATION: INTERN;~~

(VII) ~~Rule 2260.5-R-4.03, concerning AUTHORIZATION: EMERGENCY;~~

(VIII) ~~Rule 2260.5-R-4.04, concerning AUTHORIZATION: CAREER AND TECHNICAL EDUCATION;~~

(IX) ~~Rule 2260.5-R-4.10, concerning AUTHORIZATION: TEMPORARY;~~

(X) ~~Rule 2260.5-R-4.11, concerning AUTHORIZATION: SCHOOL SPEECH-LANGUAGE PATHOLOGY ASSISTANT, FOR AGES BIRTH-21;~~

(XI) ~~Rule 2260.5-R-4.12, concerning AUTHORIZATION: TEACHER IN RESIDENCE (TIR);~~

(XII) ~~Rule 2260.5-R-4.13, concerning AUTHORIZATION: TEMPORARY TEACHER ELIGIBILITY (TTE);~~

(XIII) ~~Rule 2260.5-R-4.14, concerning ADJUNCT AUTHORIZATION: EDUCATIONAL INTERPRETER;~~

(XIV) ~~Rule 2260.5-R-4.15, concerning AUTHORIZATION: JUNIOR RESERVE OFFICER TRAINING CORPS (JROTC);~~

(XV) Rule 2260.5-R-18.00 (1) (c) (ii), concerning training of alternatively-licensed teachers, including 225-clock hours of planned instruction and activities;"

Renumber succeeding sections accordingly.

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Amend reengrossed bill, page 6, after line 22, insert the following:

"SECTION 3. 26-4-103 (13.5), Colorado Revised Statutes, is amended to read:

26-4-103. Definitions. As used in this article, unless the context otherwise requires:

(13.5) (a) "Provider" means any person, public or private institution, agency, or business concern providing medical care, services, or goods authorized under this article and holding, where applicable, a current valid license or certificate to provide such services or to dispense such goods and enrolled under the state medical assistance program. These services must be provided and goods must be dispensed only if performed, referred, or ordered by a doctor of medicine or a doctor of osteopathy. Services of dentists, podiatrists, and optometrists or services provided by a school district under section 26-4-531 need not be referred or ordered by a doctor of medicine or a doctor of osteopathy.

(b) "PROVIDER" INCLUDES A LABORATORY CERTIFIED UNDER THE FEDERAL "CLINICAL LABORATORIES IMPROVEMENT ACT OF 1967", AS AMENDED, 42 U.S.C. SEC. 263a TO PERFORM HIGH COMPLEXITY TESTING."

Renumber succeeding sections accordingly.

Health,
Environment,
Welfare, &
Institutions

After consideration on the merits, the Committee recommends that **HB04-1406** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 19, after the period, add "THE BOARD SHALL ALSO MAKE AVAILABLE TO THE PUBLIC MALPRACTICE JUDGMENT INFORMATION BY TELEPHONE WITHIN THE SAME TIME PERIODS AS THE INFORMATION IS MADE AVAILABLE TO THE PUBLIC ELECTRONICALLY."

Education

After consideration on the merits, the Committee recommends that **HB04-1360** be referred to the Committee on Appropriations with favorable recommendation.

Education

After consideration on the merits, the Committee recommends that **HCR04-1004** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed concurrent resolution, page 2, line 13, strike "(I)" and substitute "(i)";

line 16, strike "(II)" and substitute "(ii)".

Education

After consideration on the merits, the Committee recommends that **SCR04-019** be postponed indefinitely.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

HJR04-1052 by Representative(s) King; also Senator(s) Hillman--Concerning the convening date for the 2005 First Regular Session of the Sixty-fifth General Assembly.
Laid over one day under Senate Rule 30(e).

HJR04-1058 by Representative(s) Spradley; also Senator(s) Andrews--Concerning endorsement of the participation of Taiwan in the World Health Organization.
Laid over one day under Senate Rule 30(e).

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HJR04-1085 by Representative(s) Spradley; also Senator(s) Hillman--Concerning the general assembly urging congress to improve the rules to implement privacy of health information under the federal "Health Insurance Portability and Accountability Act of 1996".
Laid over one day under Senate Rule 30(e).

HJR04-1090 by Representative(s) Spradley; also Senator(s) Hagedorn--Concerning commending the automated external defibrillator donation partnership between the American Heart Association and Kaiser Permanente.
Laid over one day under Senate Rule 30(e).

MESSAGE FROM THE GOVERNOR

Appointments Letters of designation and appointment from Governor Owens were read and assigned to Committee as follows:

April 14, 2004

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
ADVISORY COMMITTEE ON
GOVERNMENTAL ACCOUNTING**

for a term expiring May 18, 2005:

Velma A. Rose of Denver, Colorado, to fill the vacancy occasioned by the resignation of John D. Musso of Pueblo, Colorado and to serve as a representative of school and junior college districts, appointed.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd: 4/21/04
Mona Heustis
Secretary of the Senate

Committee on Finance

April 14, 2004

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
PRIVATE OCCUPATIONAL SCHOOL BOARD**

for a term expiring July 1, 2006:

Lisa B. Noll of Colorado Springs, Colorado, to fill the vacancy occasioned by the resignation of Ryan L. Frazier of Denver, Colorado, and to serve as a member of the public, appointed.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd: 4/21/04
Mona Heustis
Secretary of the Senate

Committee on Education

April 13, 2004

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 LOTTERY COMMISSION

for a term expiring July 1, 2006:

Joan D. Ringel of Denver, Colorado, to fill the vacancy occasioned by the resignation of Michael F. Bennet and to serve as a representative of the public appointed.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd: 4/21/04
Mona Heustis
Secretary of the Senate

Committee on Finance

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of April 22, 2004, was laid over until Friday, April 23, 2004, retaining its place on the calendar.

Consideration of Resolutions: SJR04-013, SJR04-014, SJR04-022, SJR04-010, SJR04-017, HJR04-1045, SJR04-032, HJR04-1037, SJR04-035, SJR04-038, SJR04-039, SJR04-040, SJR04-042, SJR04-043, SJR04-044, HJR04-1038, SJR04-046, SJR04-047, SJR04-048, SJR04-049, SJR04-051, SJR04-052, SR04-010, SR04-011, HJR04-1057, HJR04-1077.

Consideration of Memorials: SJM04-004, SJM04-003.

Consideration of House Amendments to Senate Bills: SB04-168, SB04-111, SB04-171, SB04-186.

Consideration of Conference Committees Reports: HB04-1061, SB04-082.

Conference Committees to Report: HB04-1117, HB04-1236, HB04-1177, SB04-131, SB04-094, SB04-024, HB04-1115, HB04-1361, SB04-108, HB04-1311, HB04-1263, HB04-1397, HB04-1387.

Requests for Conference Committees: HB04-1376.

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On motion of Senator Hillman, the Senate adjourned until 9:00 a.m., Friday, April 23, 2004.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

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