

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

One-hundred-sixth Legislative Day

Wednesday, April 21, 2004

Prayer By the chaplain, Greg Isaac, Jordan Road Christian School.

Pledge By Senator Evans.

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

Roll Call Present--34.
Absent/Excused--1; Gordon.
Present later--Gordon.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Sandoval, reading of the Journal of April 20, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB04-231** be referred to the Committee of the Whole with favorable recommendation.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SCR04-011** be postponed indefinitely.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SCR04-008** be postponed indefinitely.

INTRODUCTION OF BILLS--FIRST READING

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

SB04-245 by Senator(s) May R.; also Representative(s) Berry--Concerning the recodification of statutes that concern vehicles.
Transportation

SB04-246 by Senator(s) Johnson S.; also Representative(s) Clapp--Concerning the number of pharmacy personnel that a pharmacist may supervise.
Business Affairs and Labor

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, Senate Rule 4 was suspended for Special Orders--Second Reading of Bills and the Senate proceeded to Third Reading of Bills--Final Passage.

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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:

SB04-118 by Senator(s) Entz, Taylor, Isgar; --Concerning the exclusion of lands within a designated ground water basin from a water conservancy district.

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

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 on the Third Reading of Bills-- Final Passage calendar to begin with SB04-219.

SB04-219 by Senator(s) Kester, May R., Chlouber, Fitz-Gerald, Groff, Hanna, Hillman, Johnson S., Jones, Takis, Taylor, Veiga; also Representative(s) Berry--Concerning the electronic filing system for documents received by a county clerk and recorder.

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

Table with 8 columns: YES (35), NO (0), EXCUSED (0), ABSENT (0). Rows list names and their votes (Y for Yes).

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

Co-sponsors added: Entz, Phillips, Tapia, and Teck.

SB04-206 by Senator(s) McElhany, Hanna, Anderson, Andrews, Chlouber, Dyer, Fitz-Gerald, Groff, Grossman, Hagedorn, Johnson S., Keller, Kester, Phillips, Reeves, Sandoval, Teck; also Representative(s) Witwer, Hefley, Harvey, Boyd, Carroll, Clapp, Coleman, Fairbank, Frangas, Hall, Johnson R., King, Mitchell, Plant, Rhodes, Romanoff, Spradley, Stafford, Tochtrop, Young--Concerning hospice care for persons who are eligible under the "Colorado Medical Assistance Act", and making an appropriation Therefor.

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

Table with 8 columns: YES (35), NO (0), EXCUSED (0), ABSENT (0). Rows list names and their votes (Y for Yes).

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

Co-sponsors added: Gordon, Isgar, Jones, Nichol, Tupa, Veiga, and Windels.

SB04-222 by Senator(s) Entz; also Representative(s) Smith--Concerning the authority of the state engineer to administer underground water use in water division 3, and, in connection therewith, protecting senior water rights, preventing unreasonable underground water level declines, maintaining sustainable underground water supplies, and encouraging the use of ground water management subdistricts in water division 3.

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: Chlouber, Grossman, Phillips, Taylor, and Teck.

HB04-1016 by Representative(s) Johnson R.; also Senator(s) Dyer--Concerning the addition of certain obscenity offenses to the "Colorado Sex Offender Registration Act" that requires registration upon conviction of the offense, and making an appropriation therefor.

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: Arnold, Groff, Grossman, Hanna, Teck, and Windels.

HB04-1189 by Representative(s) Romanoff; also Senator(s) Dyer--Concerning changes to decrease the disparity between the time sentenced and the time served by individuals who are convicted of violent crimes, and making an appropriation in connection therewith.

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

YES	31	NO	4	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	N
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	N	Keller	Y	Sandoval	N		

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

Co-sponsors added: Arnold and Grossman.

SB04-218 by Senator(s) May R., Andrews; also Representative(s) Sinclair--Concerning the clarification of individual negligence for construction contracts.

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

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YES	25	NO	10	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	N
Arnold	Y	Grossman	N	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	N	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	N
Entz	Y	Isgar	N	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	N	Windels	Y
Fitz-Gerald	N	Jones	Y	Reeves	N	Mr. President	Y
Gordon	N	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: Chlouber and Jones.

HB04-1358 by Representative(s) Spradley, Hoppe, Paccione, Salazar, Wiens; also Senator(s) Kester--Concerning an income tax checkoff for the Colorado state fair and industrial exposition.

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

YES	29	NO	6	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	Y	Takis	Y
Arnold	N	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	N	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	N	Tupa	N
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	N	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: Andrews, Chlouber, Entz, Fitz-Gerald, Gordon, Groff, Grossman, Hanna, Hillman, Isgar, Jones, Lamborn, May, McElhany, Phillips, Sandoval, Tapia, Taylor, Teck, Veiga, and Windels.

HB04-1017 by Representative(s) Berry, Borodkin, Larson, McFadyen, Pommer, Spence, Stafford, Welker, Williams S.; also Senator(s) May R., Isgar--Concerning the age at which a person may lawfully drive a motor vehicle, and making an appropriation in connection therewith.

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

YES	32	NO	3	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	N
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	N	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	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, Groff, Grossman, Jones, Phillips, Teck, and Veiga.

HB04-1006 by Representative(s) Hefley; also Senator(s) McElhany--Concerning the classification of a dependent of a member of the armed forces for purposes of determining tuition at public institutions of higher education.

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

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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		

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, Entz, Gordon, Groff, Grossman, Hanna, Hillman, Isgar, Jones, Keller, Lamborn, Nichol, Phillips, Sandoval, Teck, Veiga, and Windels.

HB04-1089 by Representative(s) McCluskey; also Senator(s) Hillman--Concerning a preference for the purchase of Colorado agricultural products by governmental entities.

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	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	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: Chlouber, Entz, Gordon, Groff, Grossman, Hagedorn, Hanna, Isgar, Kester, Nichol, Phillips, Sandoval, Tapia, Taylor, Teck, Tupa, Veiga, and Windels.

HB04-1107 by Representative(s) Berry; also Senator(s) Reeves--Concerning the transfer of the office of homeless youth services from the department of public health and environment to the department of human services, and making an appropriation in connection therewith.

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: Groff, Grossman, and Kester.

HB04-1219 by Representative(s) Witwer, Plant, Young; also Senator(s) Reeves, Owen, Teck--Concerning community transition services for eligible persons under the "Home- and Community-based Services for the Elderly, Blind, and Disabled Act", and making an appropriation in connection therewith.

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**.

HB04-1414 by Representative(s) Witwer, Plant, Young; also Senator(s) Reeves, Owen, Teck-- Concerning the distribution of the excess of the amount set aside from federal revenues earned by the state pursuant to Title IV-E of the federal "Social Security Act", as amended, and making an appropriation therefor.

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**.

HB04-1423 by Representative(s) Witwer, Plant, Young; also Senator(s) Teck, Owen, Reeves-- Concerning the indirect costs of programs administered by the state of Colorado, which are funded by moneys other than state general fund moneys appropriated by the general assembly.

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**.

HB04-1283 by Representative(s) Boyd; also Senator(s) Taylor--Concerning a study to determine the quality of education provided in Colorado's public high schools.

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

Third Reading Amendment No. 1(L.016), by Senator Taylor.

Amend revised bill, page 4, line 21, after "(3)", insert "(a)";

line 26, strike "(3)" and substitute "(b)".

Page 6, line 21, strike "PARAGRAPH (c)" and substitute "PARAGRAPHS (c) AND (d)".

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

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: Entz, Evans, Hanna, and Teck.

MEMORANDUM
REPORT FROM THE HOUSE AND SENATE
COMMITTEES ON DELAYED BILLS

Pursuant to Joint Rule 23 (c), the House and Senate Committees on Delayed Bills, acting jointly, extend the following deadline for Senate Bill No. 04-1397, Concerning the Financing of Public Schools:

The Friday, March 12 deadline (the 66th legislative day) for final passage, including any conference committee report, for any bill prescribing all or a substantial portion of the total funding for public schools pursuant to the "Public School Finance Act of 1994", article 54 of title 22, Colorado Revised Statutes, as extended until Friday, March 26, 2004 (the 80th legislative day) and subsequently until Friday, April 16, 2004 (the 101st legislative day) is further extended until Friday, April 23, 2004 (the 108th legislative day).

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

(signed)
Lola Spradley
Keith King
Andrew Romanoff

(signed)
John Andrews
Mark Hillman
Joan Fitz-Gerald

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: HJR04-1082.

SENATE SERVICES REPORTS

- Correctly Printed:** SB04-241, 242, 243, 244, 245 and 246; SCR04-022.
- Correctly Engrossed:** SB04-206, 218, 219 and 222.
- Correctly Reengrossed:** SB04-213.
- Correctly Revised:** HB04-1006, 1016, 1017, 1089, 1107, 1189, 1219, 1283, 1358, 1373, 1414 and 1423; HCR04-1005.
- Correctly Rerevised:** HB04-1098 and 1398; HJR04-1082.
- Correctly Enrolled:** SB04-045 and 188.

Senate in recess.

Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Finance

After consideration on the merits, the Committee recommends that SCR04-013 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed resolution, page 4, line 5, strike "on the effective date of this measure" and substitute "on the effective date of this measure,";

strike lines 6 through 9 and substitute the following:

"all state revenues";

line 10, strike "DURING THE FISCAL YEAR";

strike lines 12 through 16 and substitute the following:

"trust and corporation, as defined in law, shall be deposited in the state education fund. Revenues generated from a tax of one third of one percent on federal taxable income, as modified by law, of every individual, estate, trust and corporation, as defined in law, shall not be subject to the limitation on fiscal year spending set forth in article X,";

line 17, strike "section 20 of the Colorado constitution." and substitute "section 20 of the Colorado constitution; EXCEPT THAT IN ANY STATE FISCAL YEAR IN WHICH STATE FISCAL YEAR SPENDING IS LESS THAN THE LIMIT SET BY SECTION 20 (7) (a) OF ARTICLE X OF THIS CONSTITUTION, THE AMOUNT DEPOSITED IN THE STATE EDUCATION FUND PURSUANT TO THIS SUBSECTION (4), UP TO THE AMOUNT BY WHICH STATE FISCAL YEAR SPENDING IS LESS THAN THE LIMIT SET BY SECTION 20 (7) (a) OF ARTICLE X OF THIS CONSTITUTION, SHALL BE CONSIDERED STATE FISCAL YEAR SPENDING FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THIS CONSTITUTION.".

Page 6, line 15, strike "THE" and substitute "IN STATE FISCAL YEARS COMMENCING ON AND AFTER JULY 1, 2005, THE";

strike lines 17 through 22 and substitute the following:

"MILLION DOLLARS.";

line 25, strike "TEN" and substitute "FIFTEEN".

Page 7, line 15, strike "FUND, SUBJECT TO" and substitute "FUND.";

strike line 16 and substitute the following:

"MONEYS TRANSFERRED PURSUANT TO THIS PARAGRAPH (a) ARE FISCAL YEAR SPENDING FOR PURPOSES OF SECTION 20 (2) (e) OF THIS ARTICLE.";

after line 25, insert the following:

"(c) FOR ANY STATE FISCAL YEAR, IF THE AMOUNT BY WHICH STATE FISCAL YEAR SPENDING FALLS SHORT OF THE LIMIT SET BY SECTION 20 (7) (a) OF THIS ARTICLE IS GREATER THAN THE AMOUNT DEPOSITED IN THE STATE EDUCATION FUND THAT IS COUNTED AS FISCAL YEAR SPENDING PURSUANT TO SECTION 17 (4) (a) OF ARTICLE IX OF THIS CONSTITUTION, THE DIFFERENCE SHALL BE TRANSFERRED FROM THE STATE RAINY DAY FUND TO THE GENERAL FUND. THE GENERAL ASSEMBLY MAY PROSPECTIVELY REDUCE THE AMOUNT OF THE TRANSFER FOR A STATE FISCAL YEAR.".

Page 8, strike line 6 and substitute the following:

"COUNTING MONEYS DIVERTED TO THE STATE EDUCATION FUND AS STATE FISCAL YEAR SPENDING IN YEARS WHEN";

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	line 7, strike "EXCEED" and substitute "ARE LESS THAN";	1
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	line 19, strike "LIMITS;" and substitute "LIMITS AND REQUIRING AN ANNUAL APPROPRIATION OF FIFTY MILLION DOLLARS;";	3
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	line 21, strike "AND";	6
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	line 24, strike "EMERGENCIES." and substitute "EMERGENCIES; TRANSFERRING MONEYS FROM THE STATE RAINY DAY FUND TO THE GENERAL FUND IN SPECIFIED CIRCUMSTANCES; AND COUNTING MONEYS APPROPRIATED TO AND SPENT FROM THE STATE RAINY DAY FUND AS STATE FISCAL YEAR SPENDING.".	8
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	Page 1, line 107, strike "DIVERTING MONEYS" and substitute "COUNTING MONEYS DIVERTED";	14
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	line 108, strike "ONLY" and substitute "AS STATE FISCAL YEAR SPENDING";	17
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	line 109, strike "EXCEED" and substitute "ARE LESS THAN".	20
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	Page 2, line 111, strike "LIMITS;" and substitute "LIMITS AND REQUIRING AN ANNUAL APPROPRIATION OF FIFTY MILLION DOLLARS;";	22
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	line 112, strike "AND";	25
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	line 115, strike "EMERGENCIES." and substitute "EMERGENCIES; TRANSFERRING MONEYS FROM THE STATE RAINY DAY FUND TO THE GENERAL FUND IN SPECIFIED CIRCUMSTANCES; AND COUNTING MONEYS APPROPRIATED TO AND SPENT FROM THE STATE RAINY DAY FUND AS STATE FISCAL YEAR SPENDING.".	27
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Appropriations	After consideration on the merits, the Committee recommends that HB04-1277 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	34
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	Amend reengrossed bill, page 15, line 26, strike "twenty-five thousand dollars (\$25,000)," and substitute "twenty-six thousand one hundred dollars (\$26,100),".	38
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	Page 16, line 6, strike "one thousand seven hundred dollars" and substitute "six hundred dollars (\$600),";	42
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	line 7, strike "(\$1,700),".	45
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Appropriations	After consideration on the merits, the Committee recommends that HB04-1221 be referred to the Committee of the Whole with favorable recommendation.	48
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Appropriations	After consideration on the merits, the Committee recommends that HB04-1344 be referred to the Committee of the Whole with favorable recommendation.	52
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Appropriations	After consideration on the merits, the Committee recommends that HB04-1015 be referred to the Committee of the Whole with favorable recommendation.	56
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Appropriations	After consideration on the merits, the Committee recommends that HB04-1365 be referred to the Committee of the Whole with favorable recommendation.	60
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Appropriations	After consideration on the merits, the Committee recommends that HB04-1135 be referred to the Committee of the Whole with favorable recommendation.	65
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Appropriations After consideration on the merits, the Committee recommends that **HB04-1269** be referred to the Committee of the Whole with favorable recommendation. 1
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Appropriations After consideration on the merits, the Committee recommends that **SB04-065** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. 3
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Amend printed bill, page 9, after line 22, insert the following: 8
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SECTION 6. Appropriations - adjustments to the 2004 long bill. (1) In addition to any other appropriation, there is hereby appropriated, to the department of human services, mental health and alcohol and drug abuse services, child mental health treatment fund, for the fiscal year beginning July 1, 2004, the sum of one million six hundred thousand dollars (\$1,600,000), pursuant to section 27-10.3-106 (4) (b) (I), Colorado Revised Statutes. Said sum shall be from the tobacco litigation settlement cash fund created pursuant to section 24-22-155 (1), Colorado Revised Statutes. 10
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(2) In addition to any other appropriation, there is hereby appropriated, to the department of public health and environment, prevention services division, tony grampas youth services program, prevention services programs, for the fiscal year beginning July 1, 2004, the sum of eight hundred thousand dollars (\$800,000), pursuant to section 24-22-115 (1) (e) (I) (B), Colorado Revised Statutes. Said sum shall be from the tobacco litigation settlement cash fund created pursuant to section 24-22-155 (1), Colorado Revised Statutes. 20
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(3) For the implementation of this act, appropriations made in the annual general appropriation act to the department of health care policy and financing, for the fiscal year beginning July 1, 2004, shall be adjusted as follows: 29
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(a) The appropriation for mental health and alcohol and drug abuse services - medicaid funding, mental health community programs, residential treatment for youth, is increased by one hundred four thousand five hundred fifty-four dollars (\$104,554). Said sum shall be cash funds exempt from the child mental health treatment fund created pursuant to section 27-10.3-106 (4) (a), Colorado Revised Statutes. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2004, the department of health care policy and financing will receive the sum of one hundred four thousand five hundred fifty-five dollars (\$104,555) in federal funds. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing the state appropriation amounts. 34
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(4) For the implementation of this act, appropriations made in the annual general appropriation act to the department of human services, for the fiscal year beginning July 1, 2004, shall be adjusted as follows: 48
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(a) The appropriation for mental health and alcohol and drug abuse services, mental health community programs, residential treatment for youth, is increased by three hundred sixty-nine thousand fifty-two dollars (\$369,052). Of said sum, one hundred fifty-nine thousand nine hundred forty-three dollars (\$159,943) shall be cash funds exempt from the child mental health treatment fund created pursuant to section 27-10.3-106 (4) (a), Colorado Revised Statutes and two hundred nine thousand one hundred nine dollars (\$209,109) shall be cash funds exempt received from the department of health care policy and financing out of the appropriation made in subsection (3) of this section. 52
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SECTION 7. Effective date. This act shall take effect upon passage; except that sections 3, 5, and 6 of this act shall not take effect if House Bill 04-1421 is enacted during the Second Regular Session of the Sixty-fourth General Assembly and becomes law." 63
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Renumber succeeding section accordingly. 68
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Page 1, line 101, strike "ACT"." and substitute "ACT", AND MAKING AN APPROPRIATION THEREWITH."

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- Appropriations After consideration on the merits, the Committee recommends that **HB04-1165** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.
- Amend the Judiciary Committee Report, dated April 14, 2004, page 1, after line 4, insert the following:
- "line 15, strike "five hundred" and substitute "~~five hundred~~ SIX HUNDRED SEVENTY-FIVE";".
- Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **SB04-235** be referred to the Committee on Appropriations with favorable recommendation.
- Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **HB04-1261** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.
- Amend reengrossed bill, page 3, strike lines 22 through 27.
- Strike pages 4 and 5.
- Page 6, strike lines 1 through 12.
- Renumber succeeding sections accordingly.
- Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **HB04-1431** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.
- Amend reengrossed bill, page 1, line 2, after "**1.**", insert "**Repeal.**".
- Page 2, strike lines 1 through 4 and substitute the following:
- "repealed.";
- strike lines 13 through 19.
- Renumber succeeding section accordingly.
- Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **HB04-1426** be referred to the Committee of the Whole with favorable recommendation.
- Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **SB04-238** be referred to the Committee of the Whole with favorable recommendation.
- Health, Environment, Welfare, & Institutions After consideration on the merits, the Committee recommends that **HB04-1123** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.
- Amend reengrossed bill, page 3, after line 20, insert the following:

"(2) NOTHING IN THIS SECTION SHALL NEGATIVELY IMPACT THE ROLE OF THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO IN THE STATEWIDE PUBLIC MENTAL HEALTH SYSTEM."

Renumber succeeding subsections accordingly.

Health, Environment, Welfare, & Institutions

After consideration on the merits, the Committee recommends that **HB04-1030** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 6, strike lines 15 through 23 and substitute the following:

"SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Health, Environment, Welfare, & Institutions

After consideration on the merits, the Committee recommends that **HB04-1075** be referred to the Committee on Appropriations with favorable recommendation.

MESSAGES FROM THE HOUSE

April 21, 2004
Mr. President:

The House has adopted and transmits herewith HJR04-1053, HJR04-1059

The House has adopted the First Report of the First Conference Committee on HB04-1279, as printed in House Journal, April 21, and has repassed the bill as amended.

April 21, 2004
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HCR04-1009, amended as printed in House Journal, April 20, pages 1439-1441. HCR04-1010, amended as printed in House Journal, April 20, pages 1441-1442. HCR04-1001, amended as printed in House Journal, April 20, pages 1442-1444, and amended on Third Reading, April 21.

MESSAGE FROM THE REVISOR OF STATUTES

April 21, 2004

We herewith transmit:

Without comment, as amended, HCR04-1009, 1010, and 1001.

MESSAGE FROM THE GOVERNOR

April 20, 2004

To the Honorable Senate
Sixty-fourth General Assembly
Second Regular Session
Denver, CO 80203

Ladies and Gentlemen:

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I have the honor to inform you that I have approved and filed with the Secretary of State the following act:

S.B.04-029 – Concerning Medically Fragile Individuals.

Approved April 20, 2004 at 9:32 A.M.

S.B.04-057 – Concerning The Provision Of Information On Meningococcal Disease To Students At Postsecondary Institutions.

Approved April 20, 2004 at 9:33 A.M.

S.B.04-083 – Concerning The Creation Of An Additional Category Of Alternative Education Campus.

Approved April 20, 2004 at 9:33 A.M.

S.B.04-093 – Concerning Creation Of The “Responsible Alcohol Beverage Vendor Act”.

Approved April 20, 2004 at 9:34 A.M.

S.B.04-098 – Concerning The Establishment Of A “Structured Settlement Protection Act”.

Approved April 20, 2004 at 9:36 A.M.

S.B.04-103 – Concerning Policies To Increase The Inclusion Of Nutritious Choices In School Vending Machines.

Approved April 20, 2004 at 9:37 A.M.

S.B.04-120 – Concerning Charitable Trusts, And, In Connection Therewith, Permitting A Charitable Trust To Be Eligible To Provide Community Or Useful Public Service Jobs And Requiring That Property That Is Owned And Used By A Charitable Trust Be Treated The Same As Property That Is Owned And Used By Any Other Type Of Nonprofit Organization For The Purpose Of Claiming A Religious Purpose Property Tax Exemption.

Approved April 20, 2004 at 9:37 A.M.

S.B.04-166 – Concerning A One-Time Adjustment For Inflation To The One-Million-Dollar Damages Limitation Contained In The Statute Governing Medical Negligence Recovery In Accordance With The Consumer Price Index Of The United States Bureau Of Labor Statistics.

Approved April 20, 2004 at 9:36 A.M.

Sincerely,
(signed)
Bill Owens
Governor

Rec'd 4-21-04 2:50 p.m.

Mona Heustis, Secretary of the Senate

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: HB04-1279.

Senator Hillman moved a Call of the Senate.

Senator Andrews moved the Call of the Senate be raised.

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB04-223, HB04-1141, SB04-224, SB04-229, SB04-236, SB04-237, SB04-065, SB04-230, SB04-238 were made Special Orders at 4:30 p.m.

Committee of the Whole The hour of 4:30 p.m. having arrived, Senator Owen moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Owen was called to the Chair to act as Chairman.

SPECIAL 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:

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.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, March 26, page 651 and placed in members' bill files.)

Amendment No. 2(L.052), by Senator Groff.

Amend reengrossed bill, page 8, line 10, after "different,", insert "INNOVATIVE,".

Page 9, line 15, after "NEW", insert "AND INNOVATIVE";

line 17, strike "new, innovative;" and substitute "new AND innovative,".

Page 21, after line 10, insert the following:

"(e.5) A DESCRIPTION OF THE MANNER IN WHICH THE CHARTER SCHOOL WILL COLLECT AND USE LONGITUDINAL ASSESSMENT DATA IN DETERMINING AND IMPROVING THE ACADEMIC PROGRESS ACHIEVED BY THE STUDENTS ENROLLED IN THE CHARTER SCHOOL;".

Amendment No. 3(L.039), by Senator Windels.

Amend reengrossed bill, page 39, line 6, after the period, add "A PERSON MAY NOT SERVE ON THE ADVISORY BOARD IF HE OR SHE AT ANY TIME CONTRIBUTES TO, OR IS ASSOCIATED WITH AN ORGANIZATION THAT CONTRIBUTES TO, THE STATE CHARTER SCHOOL CASH FUND CREATED IN SECTION 22-30.5-108.3.".

Amendment No. 4(L.045), by Senator Windels.

Amend reengrossed bill, page 34, strike lines 10 through 27 and substitute the following:

"(4) If the notice of appeal, or the motion to review by the state board, relates to a local board's decision to ~~grant a charter~~ APPROVE A CHARTER APPLICATION, the appeal and review process shall be as follows:

(a) (I) Within sixty days after receipt of the notice of appeal or the making of a motion to review by the state board and after reasonable public notice, the state board, at a public hearing which ~~may~~ SHALL be held in the district in which the proposed charter school has applied for a charter, shall review the decision of the local board of education and determine whether such decision was arbitrary and capricious or whether the establishment or operation of the proposed charter school would:

- (A) Violate any federal or state laws concerning civil rights;
 - (B) Violate any court order;
 - (C) Threaten the health and safety of pupils in the school district;
 - (D) Violate the provisions of section 22-30.5-109 (2), prescribing the permissible number of charter schools; or
 - (E) Be inconsistent with the equitable distribution of charter schools among school districts.
- (II) If such a determination is made, the state board shall remand such decision to the local board with instructions to deny the charter application. The decision of the state board shall be final and not subject to appeal."

Page 35, strike lines 1 through 3.

Amendment No. 5(L.049), by Senator Windels.

Amend reengrossed bill, page 45, strike line 2 and substitute the following:

~~"consideration be given to charter school applications~~ A LOCAL BOARD OF EDUCATION AND THE STATE BOARD, IN CONSIDERING CHARTER SCHOOL APPLICATIONS, GRANT MORE FAVORABLE CONSIDERATION TO THOSE CHARTER SCHOOL APPLICATIONS THAT ARE designed".

Amendment No. 6(L.037), by Senator Andrews.

Amend reengrossed bill, page 14, line 2, after the period, add "NOTWITHSTANDING ORGANIZATION AS A NONPROFIT CORPORATION, A CHARTER SCHOOL SHALL ANNUALLY COMPLETE A GOVERNMENTAL AUDIT THAT COMPLIES WITH THE REQUIREMENTS OF THE DEPARTMENT OF EDUCATION."

Page 18, line 24, strike "and" and substitute "and".

Page 19, line 7, strike "22-30.5-405." and substitute "22-30.5-405; AND";

after line 7, insert the following:

"(IV) THE FINANCIAL INFORMATION, INCLUDING BUT NOT LIMITED TO AN ANNUAL GOVERNMENTAL AUDIT, THE DISTRICT CHARTER SCHOOL MUST REPORT TO THE SCHOOL DISTRICT AND THE DEADLINE FOR REPORTING SUCH INFORMATION TO THE SCHOOL DISTRICT IN ORDER TO ENABLE THE SCHOOL DISTRICT TO COMPLY WITH THE REQUIREMENTS SPECIFIED IN THIS TITLE AND IN RULES PROMULGATED BY THE STATE BOARD PERTAINING TO REPORTING FINANCIAL INFORMATION TO THE DEPARTMENT OF EDUCATION."

Page 57, line 16, strike "COMPLY." and substitute "COMPLY, INCLUDING BUT NOT LIMITED TO ANNUAL COMPLETION OF A GOVERNMENTAL AUDIT THAT COMPLIES WITH THE REQUIREMENTS OF THE DEPARTMENT OF EDUCATION."

Page 58, strike lines 2 and 3 and substitute the following:

"RESULTS IN THE PLACEMENT OF THE CHARTERING SCHOOL DISTRICT ON ACCREDITATION NOTICE PURSUANT TO THE PROVISIONS OF ARTICLE 11 OF THIS TITLE.";

strike lines 8 through 14;

line 15, strike "IF, AT ANY TIME," and substitute "IF";

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line 22, after the period, add "A DISTRICT CHARTER SCHOOL THAT CHOOSES TO REQUEST A DETERMINATION PURSUANT TO THIS SUBSECTION (9) SHALL SUBMIT THE REQUEST WITHIN THE NEXT FISCAL YEAR FOLLOWING THE FISCAL YEAR IN WHICH THE CHARTERING SCHOOL DISTRICT MAY HAVE IMPROPERLY WITHHELD FUNDING.".

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Page 59, line 5, strike everything after the period and substitute the following:

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"THE DEPARTMENT SHALL REQUEST FROM THE CHARTERING SCHOOL DISTRICT AND THE DISTRICT CHARTER SCHOOL ALL INFORMATION NECESSARY TO MAKE THE RECOMMENDATION, INCLUDING BUT NOT LIMITED TO AUDITED FINANCIAL DATA. THE CHARTERING SCHOOL DISTRICT AND THE DISTRICT CHARTER SCHOOL SHALL PROVIDE THE REQUESTED INFORMATION AS SOON AS POSSIBLE FOLLOWING THE REQUEST, BUT IN NO EVENT LATER THAN THIRTY DAYS AFTER COMPLETION OF THE ANNUAL FINANCIAL AUDIT. THE";

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strike lines 6 through 8;

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strike line 10 and substitute the following:

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"BOARD WITHIN SIXTY DAYS AFTER RECEIVING ALL OF THE REQUESTED INFORMATION FROM".

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Page 60, strike lines 11 through 27.

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Page 61, strike line 1.

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Page 68, line 1, after the period, add "A STATE CHARTER SCHOOL THAT CHOOSES TO REQUEST A DETERMINATION PURSUANT TO THIS SUBSECTION (7) SHALL SUBMIT THE REQUEST WITHIN THE NEXT FISCAL YEAR FOLLOWING THE FISCAL YEAR IN WHICH SCHOOL DISTRICT MAY HAVE IMPROPERLY FAILED TO PAY THE TUITION CHARGE FOR EXCESS COSTS.";

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line 12, strike everything after the period and substitute the following:

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"THE DEPARTMENT SHALL REQUEST FROM THE SCHOOL DISTRICT AND THE STATE CHARTER SCHOOL ALL INFORMATION NECESSARY TO MAKE THE RECOMMENDATION, INCLUDING BUT NOT LIMITED TO AUDITED FINANCIAL DATA. THE SCHOOL DISTRICT AND THE STATE CHARTER SCHOOL SHALL PROVIDE THE REQUESTED INFORMATION AS SOON AS POSSIBLE FOLLOWING THE REQUEST, BUT IN NO EVENT LATER THAN THIRTY DAYS AFTER COMPLETION OF THE ANNUAL FINANCIAL AUDIT. THE DEPARTMENT SHALL FORWARD ITS";

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strike lines 13 through 15;

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line 16, strike "THIRTY" and substitute "SIXTY";

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line 17, strike the first "THE" and substitute "ALL OF THE REQUESTED".

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Page 69, line 24, strike "COMPLY." and substitute "COMPLY, INCLUDING BUT NOT LIMITED TO ANNUAL COMPLETION OF A GOVERNMENTAL AUDIT THAT COMPLIES WITH THE REQUIREMENTS OF THE DEPARTMENT OF EDUCATION.".

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Page 93, after line 1, insert the following:

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"SECTION 27. 22-2-107 (1) (g.5), Colorado Revised Statutes, is amended to read:

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22-2-107. State board - powers. (1) The state board has the power:

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(g.5) To revoke or withhold accreditation of any school district under section 22-2-106 (1) (c) if it determines that the school district has not complied with the provisions of the "Public School Finance Act of 1994", as set forth in article 54 of this title, ~~but such~~ OR THAT THE SCHOOL

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DISTRICT HAS NOT COMPLIED WITH A SPECIFIC WRITTEN DIRECTIVE OR ORDER OF THE STATE BOARD TO THE SCHOOL DISTRICT. Action AGAINST A SCHOOL DISTRICT'S ACCREDITATION may be taken only after at least sixty days' notice to the district and an opportunity for the district to be heard at a hearing held in accordance with rules promulgated by the state board."

Renumber succeeding sections accordingly.

Page 99, line 13, before "(3) (a),", insert "(2) (k) and", and strike "is" and substitute "are";

strike line 15 and substitute the following:

"22-11-104. Accreditation indicators. (2) Contents. The accreditation indicators shall include but shall not be limited to the following:

(k) Compliance with the budgeting, accounting, and reporting requirements set forth in articles 44 and 45 of this title AND COMPLIANCE WITH ANY SPECIFIC WRITTEN DIRECTIVE OR ORDER OF THE STATE BOARD TO THE SCHOOL DISTRICT.

(3) **Rules.** (a) The state".

Page 143, strike lines 16 through 27.

Page 144, strike lines 1 through 13.

Amendment No. 7(L.054), by Senator Grossman.

Amend reengrossed bill, page 112, strike lines 4 through 14 and substitute the following:

"SECTION 47. 22-20-109 (5), Colorado Revised Statutes, is amended, and the said 22-20-109 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

22-20-109. Tuition. (5) (a) When a child with a disability enrolls in and attends a DISTRICT charter school pursuant to the provisions of part 1 of article 30.5 of this title, INCLUDING A DISTRICT CHARTER SCHOOL THAT PROVIDES AN ON-LINE PROGRAM PURSUANT TO SECTION 22-33-104.6, the district of residence shall be responsible for paying to the DISTRICT charter school the tuition charge for the excess costs incurred in educating the child. THE TUITION RESPONSIBILITY SHALL BE REFLECTED IN A CONTRACT BETWEEN THE DISTRICT CHARTER SCHOOL AND THE DISTRICT OF RESIDENCE IN A FORM APPROVED BY THE CHARTERING SCHOOL DISTRICT. THE DISTRICT CHARTER SCHOOL SHALL PROVIDE NOTICE TO THE DISTRICT OF RESIDENCE IN ACCORDANCE WITH STATE BOARD RULES ADOPTED PURSUANT TO SUBSECTION (7) OF THIS SECTION WHEN A CHILD WITH A DISABILITY APPLIES TO ENROLL IN THE DISTRICT CHARTER SCHOOL. The amount of the tuition charge shall be determined pursuant to ~~guidelines developed by the department~~ RULES ADOPTED BY THE STATE BOARD PURSUANT TO SUBSECTION (7) OF THIS SECTION. Under the circumstances described in this subsection (5), the provisions of section 22-20-108 (8) shall not apply.

(b) NOTHING IN THIS SUBSECTION (5) SHALL BE CONSTRUED TO APPLY TO THE CHARTER CONTRACT ENTERED INTO BETWEEN A DISTRICT CHARTER SCHOOL AND THE CHARTERING LOCAL BOARD OF EDUCATION PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE.

(6) WHEN A CHILD WITH A DISABILITY ENROLLS IN AND ATTENDS A STATE CHARTER SCHOOL, THE DISTRICT OF RESIDENCE SHALL BE RESPONSIBLE FOR PAYING TO THE STATE CHARTER SCHOOL THE TUITION CHARGE FOR THE EXCESS COSTS INCURRED IN EDUCATING THE CHILD. THE TUITION RESPONSIBILITY SHALL BE REFLECTED IN A CONTRACT BETWEEN THE STATE CHARTER SCHOOL AND THE DISTRICT OF RESIDENCE IN A FORM

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APPROVED BY THE STATE BOARD. THE STATE CHARTER SCHOOL SHALL PROVIDE NOTICE TO THE DISTRICT OF RESIDENCE IN ACCORDANCE WITH STATE BOARD RULES ADOPTED PURSUANT TO SUBSECTION (7) OF THIS SECTION WHEN A CHILD WITH A DISABILITY APPLIES TO ENROLL IN THE STATE CHARTER SCHOOL. THE AMOUNT OF THE TUITION CHARGE SHALL BE DETERMINED PURSUANT TO RULES ADOPTED BY THE STATE BOARD PURSUANT TO SUBSECTION (7) OF THIS SECTION. UNDER THE CIRCUMSTANCES DESCRIBED IN THIS SUBSECTION (6), THE PROVISIONS OF SECTION 22-20-108 (8) SHALL NOT APPLY.

(7) FOR THE 2004-05 BUDGET YEAR AND BUDGET YEARS THEREAFTER, THE STATE BOARD SHALL ADOPT RULES PERTAINING TO THE EDUCATION OF CHILDREN WITH DISABILITIES IN DISTRICT CHARTER SCHOOLS AND RULES PERTAINING TO THE EDUCATION OF CHILDREN WITH DISABILITIES IN STATE CHARTER SCHOOLS. BOTH SETS OF RULES SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, RULES TO:

(a) SPECIFY THE CONTENT, MANNER, AND TIMING OF THE NOTICE THAT A DISTRICT CHARTER SCHOOL OR STATE CHARTER SCHOOL SHALL GIVE A DISTRICT OF RESIDENCE PURSUANT TO SUBSECTIONS (5) AND (6) OF THIS SECTION, RESPECTIVELY;

(b) DEFINE THE TYPES AND AMOUNTS OF ALLOWABLE COSTS IN EXCESS OF THE PER PUPIL FUNDING FOR THE CHILD WITH A DISABILITY, AS DETERMINED PURSUANT TO ARTICLE 54 OF THIS TITLE, AND ANY OTHER STATE AND FEDERAL REVENUES RECEIVED FOR EDUCATING THE CHILD, THAT A DISTRICT CHARTER SCHOOL OR STATE CHARTER SCHOOL MAY CHARGE AS TUITION TO A DISTRICT OF RESIDENCE;

(c) DEFINE OTHER APPLICABLE REVENUES THAT A DISTRICT OF RESIDENCE OF A CHILD WITH A DISABILITY SHALL APPLY IN PAYING THE TUITION CHARGE FOR EXCESS COSTS INCURRED IN EDUCATING THE CHILD AT A DISTRICT CHARTER SCHOOL OR A STATE CHARTER SCHOOL;

(d) SPECIFY THE LIMITATIONS ON THE NUMBER OF STAFF MEMBERS PER NUMBER OF STUDENTS THAT A DISTRICT CHARTER SCHOOL OR STATE CHARTER SCHOOL SHALL PROVIDE IN EDUCATING CHILDREN WITH DISABILITIES;

(e) SPECIFY THE AMOUNT AND TYPES OF EQUIPMENT NECESSARY FOR INSTRUCTION OF CHILDREN WITH DISABILITIES;

(f) SPECIFY THE MINIMUM NUMBER OF HOURS OF EDUCATIONAL INSTRUCTION THAT A DISTRICT CHARTER SCHOOL OR STATE CHARTER SCHOOL SHALL PROVIDE TO CHILDREN WITH DISABILITIES;

(g) SPECIFY THE METHODS OF DELIVERY OF EDUCATIONAL SERVICES PROVIDED TO CHILDREN WITH DISABILITIES BY A DISTRICT CHARTER SCHOOL OR STATE CHARTER SCHOOL; AND

(h) IDENTIFY ANY OTHER EXPENSES INVOLVED IN THE PROVISION OF EDUCATIONAL SERVICES TO CHILDREN WITH DISABILITIES IN ACCORDANCE WITH EACH CHILD'S INDIVIDUAL EDUCATION PROGRAM."

Amendment No. 8(L.057), by Senator Grossman.

Amend reengrossed bill, page 119, line 13, strike "A NEW SUBSECTION," and substitute "THE FOLLOWING NEW SUBSECTIONS,";

line 15, before "charter", insert "DISTRICT";

line 19, before "charter", insert "DISTRICT";

line 22, before "charter", insert "DISTRICT";

line 23, strike "~~sponsoring school board~~ CHARTERING AUTHORITY," and substitute "sponsoring school board,";

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line 26, before "charter", insert "DISTRICT".

Page 120, line 2, strike "~~board of education~~ CHARTER SCHOOL'S" and substitute "board of education";

line 3, strike "CHARTERING AUTHORITY";

line 5, before "charter", insert "DISTRICT";

line 6, strike "~~school~~" and substitute "school";

strike lines 7 through 10 and substitute the following:

"board resolution.

(1.7) (a) PRIOR TO CONTRACTING FOR A FACILITY, THE GOVERNING BOARD OF A STATE CHARTER SCHOOL SHALL, IN WRITING, ADVISE THE PLANNING COMMISSION, OR GOVERNING BODY IF NO PLANNING COMMISSION EXISTS, THAT HAS JURISDICTION OVER THE TERRITORY IN WHICH THE SITE IS PROPOSED TO BE LOCATED. THE RELEVANT PLANNING COMMISSION OR GOVERNING BODY MAY REQUEST THAT THE GOVERNING BOARD OF THE STATE CHARTER SCHOOL SUBMIT A SITE DEVELOPMENT PLAN FOR THE PROPOSED FACILITY, BUT MUST ISSUE THE REQUEST, IF ANY, WITHIN TEN DAYS AFTER RECEIVING THE WRITTEN ADVISEMENT. IF REQUESTED BY THE RELEVANT PLANNING COMMISSION OR GOVERNING BODY, THE GOVERNING BOARD OF THE STATE CHARTER SCHOOL SHALL SUBMIT THE SITE DEVELOPMENT PLAN TO THE REQUESTING PLANNING COMMISSION OR GOVERNING BODY. IN CONSIDERING THE SITE DEVELOPMENT PLAN, THE RELEVANT PLANNING COMMITTEE OR GOVERNING BODY MAY INSPECT THE FACILITY FOR WHICH THE GOVERNING BOARD OF THE STATE CHARTER SCHOOL PROPOSES TO CONTRACT.

(b) THE RELEVANT PLANNING COMMISSION OR GOVERNING BODY MAY REVIEW THE SITE DEVELOPMENT PLAN AND PROVIDE COMMENTS TO THE GOVERNING BOARD OF THE STATE CHARTER SCHOOL, BUT ONLY WITH REGARD TO ANY HEALTH OR SAFETY CONSIDERATIONS, INCLUDING BUT NOT LIMITED TO TRAFFIC SAFETY, THAT MAY BE APPLICABLE TO THE PROPOSED SITE. THE RELEVANT PLANNING COMMISSION OR GOVERNING BODY SHALL PROVIDE TO THE GOVERNING BOARD OF THE STATE CHARTER SCHOOL ANY COMMENTS IT MAY HAVE IN WRITING WITHIN THIRTY DAYS AFTER RECEIVING THE PLAN.

(c) THE GOVERNING BOARD OF THE STATE CHARTER SCHOOL MAY PROCEED WITH CONTRACTING FOR A FACILITY AT THE PROPOSED SITE IF:

(I) THE RELEVANT PLANNING COMMISSION OR GOVERNING BODY DOES NOT REQUEST A COPY OF THE SITE DEVELOPMENT PLAN; OR

(II) IF THE GOVERNING BOARD OF THE STATE CHARTER SCHOOL DOES NOT RECEIVE COMMENTS FROM THE RELEVANT PLANNING COMMISSION OR GOVERNING BODY WITHIN THE THIRTY-DAY PERIOD; OR

(III) IF THE RELEVANT PLANNING COMMISSION OR GOVERNING BODY FINDS IN ITS WRITTEN COMMENTS THAT THE SITE DEVELOPMENT PLAN AND THE PROPOSED SITE ARE SUITABLE FOR THE STATE CHARTER SCHOOL.

(d) IF THE RELEVANT PLANNING COMMISSION OR GOVERNING BODY FINDS IN ITS WRITTEN COMMENTS THAT, BECAUSE OF HEALTH OR SAFETY CONSIDERATIONS, THE SITE DEVELOPMENT PLAN IS UNSUITABLE OR THE PROPOSED SITE IS UNSUITABLE FOR THE STATE CHARTER SCHOOL, THE GOVERNING BOARD OF THE STATE CHARTER SCHOOL SHALL NOT PROCEED WITH CONTRACTING FOR A FACILITY AT THE PROPOSED SITE.

(e) IF THE GOVERNING BOARD OF THE STATE CHARTER SCHOOL DISAGREES WITH THE FINDINGS IN THE WRITTEN COMMENTS RECEIVED FROM THE RELEVANT PLANNING COMMISSION OR GOVERNING BODY CONCERNING THE SITE DEVELOPMENT PLAN, THE GOVERNING BOARD OF THE STATE CHARTER SCHOOL MAY FILE A MOTION WITH THE DISTRICT

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COURT FOR REVIEW OF THE PLANNING COMMISSION'S OR GOVERNING BODY'S FINDINGS PURSUANT TO RULE 106 OF THE COLORADO RULES OF CIVIL PROCEDURE."

Page 122, strike lines 16 through 19.

Reletter succeeding paragraphs accordingly.

Amendment No. 9(L.065), by Senator Grossman.

Amend reengrossed bill, page 25, after line 6, insert the following:

"(3.5) NOTHING IN THIS PART 1 SHALL PROHIBIT A SCHOOL DISTRICT FROM ADOPTING ONE OR MORE POLICIES THAT DIRECT CHARTER APPLICANTS TO ADDRESS SPECIFIED SCHOOL DISTRICT NEEDS AND FROM USING COMPLIANCE WITH THE POLICIES AS A CRITERION FOR DETERMINING WHETHER TO APPROVE A CHARTER APPLICATION."

Amendment No. 10(L.066), by Senator Grossman.

Amend reengrossed bill, page 45, line 25, strike "enroll." and substitute "enroll; EXCEPT THAT A CHARTER SCHOOL AND ITS CHARTERING AUTHORITY MAY NEGOTIATE AND AGREE TO LIMITATIONS ON THE NUMBER OF STUDENTS THE CHARTER SCHOOL MAY ENROLL AS NECESSARY TO:

(a) FACILITATE THE ACADEMIC SUCCESS OF STUDENTS ENROLLED IN THE CHARTER SCHOOL;

(b) FACILITATE THE CHARTER SCHOOL'S ABILITY TO ACHIEVE THE OTHER OBJECTIVES SPECIFIED IN THE CHARTER CONTRACT; OR

(c) ENSURE THAT THE CHARTER SCHOOL'S STUDENT ENROLLMENT DOES NOT EXCEED THE CAPACITY OF THE CHARTER SCHOOL FACILITY OR SITE."

Amendment No. 11(L.064), by Senator Grossman.

Amend reengrossed bill, page 11, line 7, before "A", insert "(1)".

Page 12, after line 4, insert the following:

"(2) (a) THE DEPARTMENT SHALL ANNUALLY PREPARE A LIST OF THE SCHOOL DISTRICTS THAT MAY BE SUBJECT TO CREATION OF A STATE CHARTER SCHOOL WITHIN THEIR GEOGRAPHIC BOUNDARIES. THE DEPARTMENT SHALL PUBLISH THE LIST ON ITS INTERNET WEBSITE NOT LATER THAN AUGUST 15, 2004, AND NOT LATER THAN JULY 1 EACH YEAR THEREAFTER. THE LIST SHALL INCLUDE ONLY THOSE SCHOOL DISTRICTS IN WHICH THE LOCAL BOARD OF EDUCATION HAS:

(I) IMPOSED A MORATORIUM ON APPROVING CHARTER APPLICATIONS OR ENTERING INTO CHARTER CONTRACTS THAT WAS IN EFFECT AS OF THE PUBLICATION DATE OF THE LIST OR AT ANY TIME DURING THE YEAR PRECEDING PUBLICATION OF THE LIST;

(II) WITHIN THE PRECEDING FOUR YEARS, REFUSED TO APPROVE A CHARTER APPLICATION AFTER A SECOND REMAND BY THE STATE BOARD ORDERING THE LOCAL BOARD OF EDUCATION TO APPROVE THE CHARTER APPLICATION;

(III) FOLLOWING THE ITEMIZED ACCOUNTING OF CENTRAL ADMINISTRATIVE OVERHEAD COSTS REQUIRED PURSUANT TO SECTION 22-30.5-112 (2) (a.4), BEEN FOUND ON TWO OR MORE OCCASIONS WITHIN THE PRECEDING FOUR YEARS TO BE OWING AN AMOUNT TO A DISTRICT CHARTER SCHOOL EQUAL TO TEN PERCENT OR MORE OF THE AMOUNT OF THE DISTRICT CHARTER SCHOOL'S PER PUPIL SHARE OF THE CENTRAL ADMINISTRATIVE OVERHEAD COSTS FOR SERVICES ACTUALLY PROVIDED TO

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THE DISTRICT CHARTER SCHOOL;

(IV) WITHIN THE PRECEDING FOUR YEARS, FAILED TO PAY TO A DISTRICT CHARTER SCHOOL AN AMOUNT FOUND TO BE OWING FOLLOWING THE ITEMIZED ACCOUNTING OF CENTRAL ADMINISTRATIVE OVERHEAD COSTS REQUIRED PURSUANT TO SECTION 22-30.5-112 (2) (a.4);

(V) FOLLOWING A REVIEW PURSUANT TO THE PROVISIONS OF SECTION 22-30.5-112 (9), BEEN FOUND BY THE STATE BOARD ON TWO OR MORE OCCASIONS WITHIN THE PRECEDING FOUR YEARS TO HAVE IMPROPERLY WITHHELD TEN PERCENT OR MORE OF THE AMOUNT DUE TO A DISTRICT CHARTER SCHOOL IN ACCORDANCE WITH THE TERMS OF THE DISTRICT CHARTER CONTRACT AND THE PROVISIONS OF SECTION 22-30.5-112;

(VI) WITHIN THE PRECEDING FOUR YEARS, FAILED TO PAY TO A DISTRICT CHARTER SCHOOL AN AMOUNT FOUND TO BE OWING TO THE CHARTER SCHOOL PURSUANT TO SECTION 22-30.5-112 (9).

(b) EACH LOCAL BOARD OF EDUCATION SHALL ANNUALLY SUBMIT TO THE DEPARTMENT A RESOLUTION ADOPTED BY THE BOARD ATTESTING TO THE FACT THAT THE SCHOOL DISTRICT HAS OR HAS NOT COMMITTED ONE OR MORE OF THE ACTS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (2). THE DEPARTMENT SHALL USE THE ATTESTATIONS IN ANNUALLY PREPARING THE LIST OF SCHOOL DISTRICTS THAT MAY BE SUBJECT TO CREATION OF A STATE CHARTER SCHOOL WITHIN THEIR GEOGRAPHIC BOUNDARIES. A CHARTER APPLICANT MAY NOT APPLY FOR APPROVAL OF A STATE CHARTER UNDER SECTION 22-30.5-108.1 UNLESS THE SCHOOL DISTRICT IN WHICH THE CHARTER SCHOOL WOULD BE PHYSICALLY LOCATED IS INCLUDED ON THE LIST PREPARED PURSUANT TO THIS SUBSECTION (2)."

Page 23, line 10, after "(1)", insert "(a)";

line 18, strike "Applications" and substitute "EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1), applications";

strike lines 19 through 25 and substitute the following:

"of education by a date determined by the local board of education to be eligible for consideration for the following school year. The date determined by the local board of education for filing of applications shall not be any earlier than August 15, or any later than October 1. Prior to any change in the application deadline, the local board of education shall notify each charter school applicant in the district of the proposed change by certified letter. The local board of"

Page 24, line 1, strike "PRIOR TO OCTOBER 15";

after line 6, insert the following:

"(b) IF A CHARTER APPLICANT APPLIES TO A SCHOOL DISTRICT THAT IS INCLUDED ON THE LIST OF SCHOOL DISTRICTS THAT MAY BE SUBJECT TO CREATION OF A STATE CHARTER SCHOOL WITHIN THEIR GEOGRAPHICAL BOUNDARIES PREPARED PURSUANT TO SECTION 22-30.5-103.5 (2), THE APPLICATION SHALL BE FILED BY SEPTEMBER 1 TO BE ELIGIBLE FOR CONSIDERATION FOR THE FOLLOWING SCHOOL YEAR. IF THE LOCAL BOARD OF EDUCATION FINDS THE CHARTER SCHOOL APPLICATION IS INCOMPLETE, THE BOARD SHALL REQUEST THE NECESSARY INFORMATION FROM THE CHARTER APPLICANT PRIOR TO OCTOBER 15 AND GIVE THE CHARTER APPLICANT REASONABLE OPPORTUNITY TO PROVIDE ADDITIONAL INFORMATION TO THE LOCAL BOARD OF EDUCATION FO REVIEW.";

line 15, after (2), insert "(a)";

line 19, strike the first "The" and substitute "EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2), the";

line 21, strike "~~seventy-five~~ SIXTY" and substitute "seventy-five";

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line 22, before "subsection", insert "PARAGRAPH (a) OF";

line 25, strike "ninety SIXTY" and substitute "ninety";

after line 26, insert the following:

"(b) IF A CHARTER APPLICANT APPLIES TO A SCHOOL DISTRICT THAT IS INCLUDED ON THE LIST OF SCHOOL DISTRICTS THAT MAY BE SUBJECT TO CREATION OF A STATE CHARTER SCHOOL WITHIN THEIR GEOGRAPHICAL BOUNDARIES PREPARED PURSUANT TO SECTION 22-30.5-103.5 (2), THE LOCAL BOARD OF EDUCATION SHALL RULE BY RESOLUTION ON THE APPLICATION FOR A CHARTER SCHOOL IN A PUBLIC HEARING, UPON REASONABLE PUBLIC NOTICE, WITHIN SIXTY DAYS AFTER RECEIVING THE APPLICATION FILED PURSUANT TO PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION. ALL NEGOTIATIONS BETWEEN THE CHARTER SCHOOL AND THE LOCAL BOARD OF EDUCATION ON THE CONTRACT SHALL BE CONCLUDED BY, AND ALL TERMS OF THE CONTRACT AGREED UPON, NO LATER THAN SIXTY DAYS AFTER THE LOCAL BOARD OF EDUCATION RULES BY RESOLUTION ON THE APPLICATION FOR A CHARTER SCHOOL."

Page 25, line 16, after "(5)", insert "(a)";

line 27, strike "FIFTEEN" and substitute "THIRTY".

Page 26, after line 2, insert the following:

"(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (5), IF THE LOCAL BOARD OF EDUCATION OF A SCHOOL DISTRICT THAT IS INCLUDED ON THE LIST OF SCHOOL DISTRICTS THAT MAY BE SUBJECT TO CREATION OF A STATE CHARTER SCHOOL WITHIN THEIR GEOGRAPHICAL BOUNDARIES PREPARED PURSUANT TO SECTION 22-30.5-103.5 (2) ADOPTS A RESOLUTION UNILATERALLY IMPOSING CONDITIONS ON A CHARTER APPLICANT, THE CHARTER APPLICANT MAY APPEAL THE DECISION OF THE LOCAL BOARD OF EDUCATION BY FILING THE NOTICE OF APPEAL WITH THE STATE BOARD WITHIN FIFTEEN DAYS AFTER ADOPTION OF THE RESOLUTION."

Page 27, line 18, strike "A" and substitute "EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2), a";

line 23, strike "thirty" and substitute "thirty";

line 24, strike "FIFTEEN".

Page 28, strike lines 7 and 8 and substitute the following:

"error.

(b) IF A CHARTER APPLICANT OR ANOTHER PERSON APPEALS A DECISION OF A SCHOOL DISTRICT THAT IS INCLUDED ON THE LIST OF SCHOOL DISTRICTS THAT MAY BE SUBJECT TO CREATION OF A STATE CHARTER SCHOOL WITHIN THEIR GEOGRAPHICAL BOUNDARIES PREPARED PURSUANT TO SECTION 22-30.5-103.5 (2), CONCERNING DENIAL OF A CHARTER APPLICATION OR THE UNILATERAL IMPOSITION OF CONDITIONS, THE CHARTER APPLICANT OR OTHER PERSON SHALL PROVIDE THE STATE BOARD AND THE LOCAL BOARD OF EDUCATION WITH A NOTICE OF APPEAL WITHIN FIFTEEN DAYS AFTER THE LOCAL BOARD'S DECISION. THE PERSON BRINGING THE APPEAL SHALL LIMIT THE GROUNDS OF THE APPEAL TO THE GROUNDS FOR THE DENIAL OF A CHARTER APPLICATION OR THE UNILATERAL IMPOSITION OF CONDITIONS ON THE CHARTER APPLICANT, WHICHEVER IS BEING APPEALED, SPECIFIED BY THE LOCAL BOARD OF EDUCATION. THE NOTICE SHALL INCLUDE A BRIEF STATEMENT OF THE REASONS THE APPEALING PERSON CONTENDS THE LOCAL BOARD OF EDUCATION'S DENIAL OF THE CHARTER APPLICATION OR IMPOSITION OF CONDITIONS WAS IN ERROR. THE NOTICE";

strike lines 17 through 27.

Strike page 29.

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Page 30, strike lines 1 through 5.	1
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Page 31, line 2, strike " thirty-day " and substitute "thirty-day OR";	3
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line 3, strike "period" and substitute "period, WHICHEVER IS APPLICABLE,".	5
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Page 32, line 3, strike "FORTY-FIVE" and substitute "NINETY";	8
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line 4, strike "EDUCATION." and substitute "EDUCATION, OR WITHIN FORTY-FIVE DAYS FOLLOWING THE REMAND OF THE STATE BOARD'S DECISION TO THE LOCAL BOARD OF EDUCATION IF THE SCHOOL DISTRICT IS INCLUDED ON THE LIST PREPARED BY THE DEPARTMENT PURSUANT TO SECTION 22-30.5-103.5 (2).";	10
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line 10, before "FORTY-FIVE-DAY", insert "NINETY-DAY PERIOD OR";	16
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line 15, strike "STATE BOARD" and substitute "SCHOOL DISTRICT IS INCLUDED ON THE LIST PREPARED BY THE DEPARTMENT PURSUANT TO SECTION 22-30.5-103.5 (2).";	18
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strike line 16;	22
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line 17, strike "STATE CHARTER SCHOOL.";	24
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strike lines 21 and 22 and substitute the following:	26
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"CHARTER AND THE SCHOOL DISTRICT IS INCLUDED ON THE LIST PREPARED BY THE DEPARTMENT PURSUANT TO SECTION 22-30.5-103.5 (2).";	28
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line 24, strike "STATE BOARD DETERMINED" and substitute "SCHOOL DISTRICT IS NOT INCLUDED ON THE LIST PREPARED BY THE DEPARTMENT PURSUANT TO SECTION 22-30.5-103.5 (2).";	31
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strike line 25;	35
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line 26, strike "CHARTER SCHOOL,".	37
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Page 35, strike lines 18 and 19 and substitute the following:	39
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"THE SCHOOL DISTRICT IS INCLUDED ON THE LIST PREPARED BY THE DEPARTMENT PURSUANT TO SECTION 22-30.5-103.5 (2). THE APPLICANT SHALL SUBMIT".	41
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<u>Amendment No. 12(L.068), by Senator Phillips.</u>	45
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Amend the Grossman floor amendment (HB1141__L.064), page 1, line 12, strike "LIST OR AT ANY TIME DURING" and substitute "LIST";	47
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strike line 13.	50
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<u>Amendment No. 13(L.070), by Senator Sandoval.</u>	52
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Amend reengrossed bill, page 31, line 22, after the period, add "IN DETERMINING THE BEST INTERESTS OF THE SCHOOL DISTRICT, THE STATE BOARD, AT A MINIMUM, SHALL CONSIDER THE ECONOMIC CIRCUMSTANCES OF THE SCHOOL DISTRICT.".	54
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.	60
(For further action, see Amendments to the Report of the Committee of the Whole.)	61
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Senator Hillman moved that the Committee of the Whole rise, report progress, and beg leave to sit again. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.	66
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AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

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.

Senator Windels moved to amend the Report of the Committee of the Whole to show that the following Windels floor amendment, (L.040) to HB 04-1141, did pass.

Amend reengrossed bill, page 73, line 9, strike "AT LEAST EVERY THREE YEARS" and substitute "ANNUALLY".

Senator Andrews moved a Call of the Senate.

Senator Andrews moved the Call of the Senate be raised.

The amendment to the Report of the Committee of the Whole was declared LOST on the following Roll Call vote:

YES	16	NO	19	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Takis	Y
Arnold	N	Grossman	Y	Lamborn	N	Tapia	Y
Cairns	N	Hagedorn	N	May	N	Taylor	N
Chlouber	N	Hanna	Y	McElhany	N	Teck	N
Dyer	N	Hillman	N	Nichol	Y	Tupa	Y
Entz	N	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		

Senator Windels moved to amend the Report of the Committee of the Whole to show that the following Windels floor amendment, (L.044) to HB 04-1141, did pass.

Amend reengrossed bill, page 31, strike lines 14 and 15 and substitute the following:

"public notice, the state board, at a public hearing which ~~may~~ SHALL be held in the school district in which the proposed charter school has applied for a charter,";

line 16, strike "~~charter~~".

The amendment to the Report of the Committee of the Whole was declared LOST on the following Roll Call vote:

YES	16	NO	19	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Takis	Y
Arnold	N	Grossman	N	Lamborn	N	Tapia	Y
Cairns	N	Hagedorn	Y	May	N	Taylor	N
Chlouber	N	Hanna	Y	McElhany	N	Teck	N
Dyer	N	Hillman	N	Nichol	Y	Tupa	Y
Entz	N	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		

Senator Windels moved to amend the Report of the Committee of the Whole to show that the following Windels floor amendment, (L.071) to HB 04-1141, did pass.

Amend reengrossed bill, page 67, after line 3, insert the following:

"(b) FOR EACH STUDENT ENROLLED IN A STATE CHARTER SCHOOL, THE STATE CHARTER SCHOOL SHALL PAY TO THE STUDENT'S SCHOOL DISTRICT OF RESIDENCE AN AMOUNT EQUAL TO THE PER PUPIL COST INCURRED BY THE SCHOOL DISTRICT OF RESIDENCE IN PROVIDING FEDERALLY REQUIRED EDUCATIONAL SERVICES TO STUDENTS ENROLLED IN THE SCHOOL DISTRICT OF RESIDENCE."

Reletter succeeding paragraphs accordingly.

Page 67, line 19, strike "(c)," and substitute "(d),".

The amendment to the Report of the Committee of the Whole was declared LOST on the following Roll Call vote:

YES	13	NO	22	EXCUSED	0	ABSENT	0
Anderson	N	Groff	N	Kester	N	Takis	Y
Arnold	N	Grossman	N	Lamborn	N	Tapia	Y
Cairns	N	Hagedorn	N	May	N	Taylor	N
Chlouber	N	Hanna	Y	McElhany	N	Teck	N
Dyer	N	Hillman	N	Nichol	N	Tupa	Y
Entz	N	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		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

Passed on Second Reading: HB04-1141 as amended.

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate continued with Special Orders--Second Reading of Bills.

SPECIAL ORDERS--SECOND READING OF BILLS--continued

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

Amendment No. 1(L.004), by Senator McElhany.

Amend printed bill, page 2, line 18, after "TO", insert "FIXED GUIDEWAY SYSTEMS,";

after line 19, insert the following:

"SECTION 2. 16-2.5-102, Colorado Revised Statutes, is amended to read:

16-2.5-102. Certified peace officer - P.O.S.T. certification required. The following peace officers shall meet all the standards imposed by law on a peace officer and shall be certified by the peace officer standards and training board, referred to in this article as the "P.O.S.T. board": A chief of police; a police officer; a sheriff; an

undersheriff; a deputy sheriff, a Colorado state patrol officer; a town marshal; a deputy town marshal; a reserve police officer; a reserve deputy sheriff; a reserve deputy town marshal; the director of the Colorado bureau of investigation; a security officer employed by a state institution of higher education; a Colorado wildlife officer; a Colorado parks and recreation officer; a Colorado police administrator or police officer employed by the Colorado mental health institute at Pueblo; an attorney general criminal investigator; a community parole officer; A PUBLIC TRANSIT OFFICER; and the department of corrections inspector general."

Renumber succeeding section accordingly.

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

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

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

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

Amendment No. 1, Business Affairs and Labor Committee Amendment.
(Printed in Senate Journal, April 20, page 883 and placed in members' bill files.)

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

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.

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

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.

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

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

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 21, pages 926-927 and placed in members' bill files.)

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

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.

Senator Reeves moved to refer SB04-230 to the Committee on Appropriations.

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

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

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.

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

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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

Passed on Second Reading: SB04-223 as amended, SB04-224, SB04-229 as amended, SB04-236, SB04-237, SB04-065 as amended, SB04-230, SB04-238.

COMMITTEE OF REFERENCE REPORTS

Business
Affairs &
Labor

After consideration on the merits, the Committee recommends that **HB04-1021** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 9, line 2, strike "A NEW SUBSECTION" and substitute "THE FOLLOWING NEW SUBSECTIONS";

after line 4, insert the following:

"(24.5) "PRODUCE", WHEN USED IN CONJUNCTION WITH THE PRODUCTION REQUIREMENTS OF A LIMITED WINERY, MEANS COLORADO-GROWN GRAPES AND FRUIT ONLY.".

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SCR04-001** be postponed indefinitely.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB04-1425** be referred to the Committee of the Whole with favorable recommendation.

Judiciary

After consideration on the merits, the Committee recommends that **HB04-1077** be referred to the Committee on Appropriations with favorable recommendation.

Judiciary

After consideration on the merits, the Committee recommends that **HB04-1003** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, strike lines 13 through 21.

Renumber succeeding sections accordingly.

Judiciary

After consideration on the merits, the Committee recommends that **HB04-1300** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 6, strike lines 17 through 25 and substitute the following:

"**SECTION 10. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.".

INTRODUCTION OF CONCURRENT RESOLUTION--FIRST READING

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

SCR04-023 by Senator(s) Andrews; --Submitting to the registered electors of the state of Colorado an amendment to section 2 of article XXI of the constitution of the state of Colorado, concerning elections to recall state elected officials, and, in connection therewith, providing for the deadlines regarding recall petitions and hearings to be set in statute rather than in the constitution and stating that a recall election shall be held as part of a general election if a general election will be held between fifty and ninety days after the time for filing a protest has passed and all protests have been finally decided.
 State Veterans & Military Affairs

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

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.
 Laid over one day under Senate Rule 30(e).

HJR04-1059 by Representative(s) Cloer, Borodkin; also Senator(s) Gordon--Concerning the power of a paper clip.
 Laid over one day under Senate Rule 30(e).

INTRODUCTION OF BILLS--FIRST READING

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

SB04-247 by Senator(s) Taylor; also Representative(s) Coleman--Concerning reform of the first pool of premium tax credits available under the "Certified Capital Company Act".
 Finance

SB04-248 by Senator(s) Andrews; --Concerning contributions to issue committees in elections to increase tax revenue.
 State Veterans & Military Affairs

MESSAGES FROM THE GOVERNOR

Appointments Letters of designation and appointment from Governor Owens was 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, reappoint and submit to your consideration, the following:

MEMBERS OF THE
 GROUND WATER COMMISSION

for terms expiring May 1, 2008:

Dennis W. Coryell of Burlington, Colorado, to serve as a representative from the Northern High Plains and as a resident agriculturist, reappointed;

Larry W. Clever of Grand Junction, Colorado, to serve as a representative from the

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Western Slope and municipal or industrial water users, reappointed.

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

Committee on Agriculture, Natural Resources & Energy

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
COLORADO WATER RESOURCES
AND POWER DEVELOPMENT AUTHORITY**

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.

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

Committee on Agriculture, Natural Resources & Energy

TRIBUTES

Honoring Alma Arnold -- by Senator Ken Arnold and Senator Andy McElhany.

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 21, 2004, was laid over until Thursday, April 22, 2004, retaining its place on the calendar.

Third Reading of Bills--Final Passage: HCR04-1005, HB04-1373.

General Orders--Second Reading of Bills: SB04-215, SB04-001, SB04-203, SB04-210, SB04-227 as amended, SB04-217, HB04-1225, HB04-1309.

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, SJR04-053, SJR04-055, 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. 1
 Consideration of Conference Committees Reports: HB04-1061, SB04-082. 2
 Conference Committees to Report: HB04-1117, HB04-1236, HB04-1177, SB04-131, 3
 SB04-094, SB04-024, HB04-1115, HB04-1361, SB04-108, HB04-1311, HB04-1263, 4
 HB04-1397, HB04-1387. 5
 Requests for Conference Committees: SB04-125, HB04-1376. 6
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On motion of Senator Hillman, the Senate adjourned until 9:00 a.m., Thursday, April 22, 2004. 8
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Approved: 12
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John Andrews 15
 President of the Senate 16
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Attest: 19
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Mona Heustis 26
 Secretary of the Senate 27
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