

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

Thirty-eighth Legislative Day

Friday, February 13, 2004

Prayer	By the chaplain, Reverend Glen Hamlyn, Rocky Mountain Cathedral.	1
Pledge	By Senator Gordon.	2
Call to Order	By the President at 9:00 a.m.	3
Roll Call	Present--35.	4
Quorum	The President announced a quorum present.	5
Reading of Journal	On motion of Senator Kester, reading of the Journal of February 12, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.	6

COMMITTEE OF REFERENCE REPORTS

CORRECTED REPORT

State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB04-174 be referred to the Committee of the Whole with favorable recommendation.	7
Finance	After consideration on the merits, the Committee recommends that SB04-165 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	8
	Amend printed bill, page 2, strike lines 2 through 14 and substitute the following:	9
	" SECTION 1. 24-51-204 (7), Colorado Revised Statutes, is amended to read:	10
	24-51-204. Duties of the board. (7) (a) The board or its designated agent shall submit an annual actuarial valuation report to the legislative audit committee and the joint budget committee of the general assembly, together with any recommendations concerning such liabilities that have accrued.	11
	(b) AT LEAST ONCE EVERY FIVE YEARS, THE BOARD SHALL HIRE AN ACTUARIAL FIRM THAT IS INDEPENDENT FROM THE ASSOCIATION'S ACTUARIES TO CONDUCT AN INDEPENDENT ACTUARIAL VALUATION REPORT. THE INDEPENDENT FIRM SHALL REVIEW THE VALUATION PROCEDURES THAT THE ASSOCIATION'S ACTUARIES USE AND SHALL COMMENT ON THE ACTUARIAL STATUS OF THE TRUST FUNDS ADMINISTERED BY THE ASSOCIATION AND THE ADEQUACY OF CONTRIBUTION RATES TO FUND THE PLAN BENEFITS. THE BOARD SHALL SUBMIT THE INDEPENDENT REPORT TO THE LEGISLATIVE AUDIT COMMITTEE AND THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY.	12
	(c) THE BOARD SHALL REQUIRE THE ASSOCIATION'S ACTUARIES TO DETERMINE THE PROJECTED IMPACT ON THE TRUST FUNDS ADMINISTERED BY THE ASSOCIATION OF ANY LEGISLATION THAT IS INTRODUCED IN THE GENERAL ASSEMBLY THAT WOULD AFFECT BENEFITS PAID FROM THE ASSOCIATION OR CONTRIBUTIONS PAID TO THE ASSOCIATION. THE PROJECTED IMPACT AS DETERMINED BY THE ACTUARIES SHALL BE SUBMITTED TO THE LEGISLATIVE COUNCIL STAFF FOR USE IN PREPARING	13

THE FISCAL NOTE ON THE LEGISLATION AND TO THE LEGISLATIVE AUDIT COMMITTEE AND THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY.

(d) THE BOARD SHALL PRESENT TO THE LEGISLATIVE AUDIT COMMITTEE AND TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY AT MEETINGS PRIOR TO THE START OF EACH LEGISLATIVE SESSION OF THE GENERAL ASSEMBLY ANY LEGISLATION THAT THE BOARD PLANS TO RECOMMEND TO THE GENERAL ASSEMBLY AS WELL AS THE PROJECTED IMPACT OF SUCH LEGISLATION ON THE TRUST FUNDS ADMINISTERED BY THE ASSOCIATION."

Finance After consideration on the merits, the Committee recommends that **SB04-119** be postponed indefinitely.

Trans- After consideration on the merits, the Committee recommends that **SB04-164** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, line 27, strike "HIGHWAY USERS TAX FUND" and substitute "STATE HIGHWAY FUND CREATED IN SECTION 43-1-219, C.R.S.,".

Page 5, line 4, strike the second "EXCESS";

strike lines 5 and 6 and substitute the following:

"STATE HIGHWAY FUND.";

strike line 15 and substitute and substitute the following:

"STATE HIGHWAY FUND OR".

Page 7, strike lines 4 through 27.

Page 8, strike lines 1 through 22 and substitute the following:

"SECTION 4. 43-1-219, Colorado Revised Statutes, is amended to read:

43-1-219. Funds created. (1) There are hereby created two separate funds, one to be known as the state highway fund and the other to be known as the state highway supplementary fund. All moneys paid into either of said funds shall be available immediately, without further appropriation, for the purposes of such fund as provided by law. Any sums paid into the state treasury, which by law belong to the state highway fund or to the state highway supplementary fund, shall be immediately placed by the state treasurer to the credit of the appropriate fund. Upon request of the commission or of the chief engineer, it is the duty of the state treasurer to report to the commission or to the chief engineer the amount of money on hand in each of said two funds and the amounts derived from each source from which each such fund is accumulated. All accounts and expenditures from each of said two funds shall be certified by the chief engineer and paid by the state treasurer upon warrants drawn by the controller. The controller is authorized as directed to draw warrants payable out of the specified fund upon such vouchers properly certified and audited. Nothing in this part 2 shall operate to alter the manner of the execution and issuance of highway anticipation warrants provided in part 3 of article 4 of this title or transportation revenue anticipation notes provided in part 7 of article 4 of this title.

(2) EXCESS STATE REVENUES TRANSFERRED TO THE STATE HIGHWAY FUND PURSUANT TO SECTION 24-75-1201 (2) (a), C.R.S., SHALL BE EXPENDED AS PROVIDED IN SECTION 43-4-206. BECAUSE THE RETENTION AND TRANSFER OF EXCESS STATE REVENUES CONSTITUTES A VOTER-APPROVED REVENUE CHANGE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 20(7) OF ARTICLE X OF THE STATE CONSTITUTION,

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EXCESS STATE REVENUES TRANSFERRED TO OR EXPENDED FROM THE FUND AND INTEREST OR INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF THOSE EXCESS STATE REVENUES SHALL NOT BE INCLUDED IN STATE OR LOCAL FISCAL YEAR SPENDING FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION AND SECTION 24-77-102 (17), C.R.S."

Page 9, strike lines 10 through 16 and substitute the following:

"AN EXCESS STATE REVENUES ACCOUNT IN THE CAPITAL CONSTRUCTION FUND, REQUIRING TRANSFERS OF SPECIFIED AMOUNTS OF RETAINED EXCESS STATE REVENUES TO BE MADE FIRST TO THE STATE HIGHWAY FUND AND NEXT TO THE ACCOUNT, AND REQUIRING MONEYS TRANSFERRED TO THE FUND AND THE ACCOUNT AND INTEREST OR INCOME EARNED ON THOSE MONEYS TO BE EXPENDED FOR STATE TRANSPORTATION NEEDS AND OTHER STATE CAPITAL CONSTRUCTION NEEDS, RESPECTIVELY, NOTWITHSTANDING ANY RESTRICTION ON".

Page 1, line 105, strike "AND";

line 106, strike "LOCAL".

INTRODUCTION OF RESOLUTION

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

SR04-004 by Senator(s) Andrews; --Concerning the adoption of policies and processes that involve thorough public input to identify and assert rights-of-way over federally managed public lands.
Agriculture, Natural Resources & Energy

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:

HB04-1206 by Representative(s) Mitchell, Butcher, Clapp, Coleman, Decker, Frangas, Hall, Harvey, Judd, Marshall, May M., McFadyen, Pommer, Rose, Salazar, Stafford, Tochtrop, Williams T.; also Senator(s) Hillman--Concerning the second pool of premium tax credits available under the "Certified Capital Company Act", and, in connection therewith, creating an insurance premium tax credit for contributions to CoverColorado by an insurance company.

Laid over until Monday, February 16, retaining its place on the calendar.

HB04-1098 by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--Concerning the disposition of moneys received by the state, and, in connection therewith, creating a definition of "custodial moneys".

Laid over until Monday, February 16, retaining its place on the calendar.

SB04-122 by Senator(s) Reeves; also Representative(s) Hefley--Concerning the repeal of family law magistrates.

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**.

SB04-095 by Senator(s) Veiga; also Representative(s) Mitchell--Concerning certificates of stillbirth.

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: Anderson, Andrews, Groff, Grossman, Hagedorn, Johnson, Keller, and Sandoval.

SB04-019 by Senator(s) Johnson S., Evans, Hagedorn, Hanna, Kester, Sandoval; also Representative(s) Cloer, Boyd, Cerbo, Clapp, Frangas, Johnson R., Schultheis, Stafford, Tochtrop--Concerning changes to the Colorado works program to conform with the reauthorization by the United States congress of temporary assistance for needy families.

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, Groff, and Tapia.

SB04-159 by Senator(s) Isgar, Tupa; also Representative(s) Larson--Concerning tests to determine the blood alcohol content level of a driver.

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	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	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, Phillips, and Taylor.

HB04-1052 by Representative(s) Judd; also Senator(s) Dyer--Concerning changes to the name-change statute.

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: Grossman.

HB04-1100 by Representative(s) Young; also Senator(s) Owen--Concerning Colorado's process for planning private prisons.

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	N	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.

SB04-105 by Senator(s) Kester; also Representative(s) Spence--Concerning the regulation of health insurance, and, in connection therewith, adopting certain modifications to health insurance laws recommended by the 2001 sunset report conducted by the department of regulatory agencies.

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**.

SB04-098 by Senator(s) Hanna; also Representative(s) Stengel--Concerning the establishment of a "Structured Settlement Protection Act".

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	N	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 and Tapia.

SB04-064 by Senator(s) Reeves; also Representative(s) Hefley--Concerning support obligations.

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

Third Reading Amendment No. 1 (L.003), by Senator Reeves.

Amend engrossed bill, page 4, line 21, strike "~~twelve years~~ FOR THE LIFE OF THE JUDGMENT" and substitute "THE EARLIER OF twelve years";

line 23, after "renewal.", insert "A LIEN ON PERSONAL PROPERTY ARISING PURSUANT TO THIS SUBSECTION (1.5) MAY BE EXTENDED OR RENEWED INDEFINITELY BEYOND TWELVE YEARS BY RERECORDING THE LIEN EVERY TWELVE YEARS.".

Page 5, line 12, strike "~~twelve years~~ THE LIFE OF THE" and substitute "THE EARLIER OF twelve years";

line 13, strike "JUDGEMENT";

line 17, strike "shall" and substitute "~~shall~~";

line 19, strike "BE IN EFFECT FOR THE LIFE OF THE" and substitute "MAY BE EXTENDED OR RENEWED INDEFINITELY BEYOND TWELVE YEARS BY RERECORDING THE LIEN EVERY TWELVE YEARS.";

strike line 20.

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**.

Committee of the Whole On motion of Senator Arnold, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Arnold 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:

- SB04-130** by Senator(s) Johnson S.; also Representative(s) Lundberg--Concerning limitations on exemplary damages for assisted living residences.
- Laid over until Monday, February 16, retaining its place on the calendar.
- SB04-034** by Senator(s) Evans, Andrews; also Representative(s) Mitchell--Concerning the designation of play streets by local authorities.
- Laid over until May 9, 2004.
- SB04-046** by Senator(s) Groff; --Concerning the protection of the identity of a victim of unlawful sexual behavior.
- Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, February 5, page 190 and placed in members' bill files.)
- As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.
- SB04-166** by Senator(s) Lamborn; also Representative(s) Stengel--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.
- Laid over until Monday, February 16, retaining its place on the calendar.
- HB04-1032** by Representative(s) Rose; also Senator(s) Jones--Concerning the repeal date of the discounted youth hunting licenses program.
- Ordered revised and placed on the calendar for Third Reading and Final Passage.
- SB04-157** by Senator(s) Andrews; also Representative(s) Spradley--Concerning the exclusion from lobbying of persons who limit their activities to providing formal testimony.
- Ordered engrossed and placed on the calendar for Third Reading and Final Passage.
- SB04-101** by Senator(s) Gordon, Chlouber, Dyer, Entz, Evans, Grossman, Isgar, Kester, Tapia, Teck; also Representative(s) Stafford, Berry, Briggs, Decker, Salazar, White, Young--Concerning required disclosure of a nonrenewable water source in a contract for the purchase and sale of residential real property.
- Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment.
(Printed in Senate Journal, January 29, pages 143-144 and placed in members' bill files.)
- As amended, laid over until Monday, February 16, retaining its place on the calendar.
- SB04-172** by Senator(s) Entz; also Representative(s) Sinclair--Concerning authorization of persons qualified to use disabled veteran license plates to park in parking reserved for persons with disabilities.
- Laid over until Monday, February 16, retaining its place on the calendar.

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- SB04-151** by Senator(s) Evans, Hillman, Kester, Arnold, Cairns, Johnson S., Jones, Lamborn, May R.; also Representative(s) Lee, Clapp, Decker, Hefley, King, May M., Spence, Stengel-- Concerning judicial evaluations by commissions on judicial performance. 1
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Laid over until Monday, February 16, retaining its place on the calendar. 5
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- HB04-1119** by Representative(s) Hefley, Witwer, Boyd, Butcher, Carroll, Cerbo, Cloer, Crane, Frangas, Johnson R., Larson, McCluskey, McFadyen, Paccione, Pommer, Rippy, Romanoff, Welker, Williams S., Williams T., Briggs, Hall, King, May M., White; also Senator(s) Taylor, Chlouber, Arnold, Groff, Hagedorn, Hanna, Isgar, Johnson S., Keller, Lamborn, Reeves, Tapia, Veiga, Windels--Concerning the income tax credit for child care facilities, and, in connection therewith, clarifying the meaning of the term "child care facility" and extending the credit for five additional years. 7
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Amendment No. 1, Finance Committee Amendment. 15
(Printed in Senate Journal, February 6, page 206 and placed in members' bill files.) 16
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Amendment No. 2(L.007), by Senator Taylor. 18
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Strike the Finance Committee Report, dated February 5, 2004, and substitute the following: 20
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"Amend reengrossed bill, page 2, line 3, strike "amended" and substitute "amended, and the said 39-22-121 is further amended BY THE ADDITION OF A NEW SUBSECTION,"; 23
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line 4, after "**repeal.**", insert "(1.7) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "CHILD CARE" MEANS CARE PROVIDED TO A CHILD TWELVE YEARS OF AGE OR YOUNGER."; 27
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strike line 9 and substitute the following: 31
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"C.R.S., THAT USES THE DONATION TO PROVIDE CHILD CARE OF A CHILD CARE program THAT IS NOT A CHILD CARE FACILITY BUT PROVIDES CHILD CARE SERVICES SIMILAR TO THOSE PROVIDED BY A CHILD CARE CENTER, AS DEFINED IN SECTION 26-6-102 (1.5), C.R.S., in the state." 33
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Page 1, line 103, strike "**TERM "CHILD CARE FACILITY"**" and substitute "**TERMS "CHILD CARE" AND "CHILD CARE FACILITY"**". 38
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 41
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- SB04-147** by Senator(s) Sandoval; also Representative(s) Cloer--Concerning the administration of certain financial assistance programs in the department of revenue. 44
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Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 47
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- SB04-152** by Senator(s) Evans; also Representative(s) Lee--Concerning a prohibition on the payment of a teacher following the initiation of a prosecution for an offense that would result in the loss of licensure. 49
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Amendment No. 1, Education Committee Amendment. 53
(Printed in Senate Journal, February 6, page 207 and placed in members' bill files.) 54
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 56
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- SB04-121** by Senator(s) Takis; also Representative(s) Hodge--Concerning the power of a local health department to clean up illegal drug labs. 59
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Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment. 62
(Printed in Senate Journal, February 6, page 207 and placed in members' bill files.) 63
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Amendment No. 2(L.002), by Senator Takis. 65
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Amend the Health, Environment, Welfare & Institutions Committee Report, dated February 5, 2004, page 1, line 8, strike "FIRE DEPARTMENT'S". 67
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

SB04-146 by Senator(s) Reeves, Owen, Teck; also Representative(s) Plant, Witwer, Young--
Concerning the procurement of law enforcement equipment for counterdrug activities
through the federal government.

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

SB04-175 by Senator(s) Kester; also Representative(s) Marshall--Concerning the authority for a bank
to rely on knowledge of an adjudication of incompetence in determining incompetence of a
bank customer.

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

HB04-1111 by Representative(s) White, Coleman, Harvey, Hodge, Hoppe, Larson, Marshall,
McCluskey, Paccione, Rhodes, Wiens; also Senator(s) Teck--Concerning continuation of
the banking board.

Ordered revised 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 (SB04-143, SB04-089, HB04-1110, SB04-131, SB04-168, SB04-135,
SB04-010, SB04-077, HB04-1005, SB04-091, SB04-115, SB04-001, SB04-070,
SB04-132) of February 13, was laid over until Monday, February 16, retaining its place on
the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Arnold, 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: SB04-046 as amended, HB04-1032, SB04-157, HB04-1119 as
amended, SB04-147, SB04-152 as amended, SB04-121 as amended, SB04-146,
SB04-175, HB04-1111.

Laid over until Monday, February 16: SB04-130, SB04-166, SB04-101 as amended,
SB04-172, SB04-151, SB04-143, SB04-089, HB04-1110, SB04-131, SB04-168,
SB04-135, SB04-010, SB04-077, HB04-1005, SB04-091, SB04-115, SB04-001,
SB04-070, SB04-132.

Laid over until May 9: SB04-034.

CONSIDERATION OF RESOLUTIONS

SJR04-008 by Senator(s) Fitz-Gerald; also Representative(s) Romanoff--Concerning the
discontinuation of the redistricting litigation.

On motion of Senator Fitz-Gerald, the resolution was read at length.

Amendment No. 1(L.003), by Senator Fitz-Gerald.

Amend printed joint resolution, page 2, strike lines 4 through 18 and
substitute the following:

"WHEREAS, Both an application for stay or injunction pending
disposition of petition for writ of certiorari and a writ of certiorari have
been filed with the United States Supreme Court to appeal the decision
of *Salazar v. Davidson*; and

WHEREAS, Through December 2003, under the engagement
letter and fee agreement with the law firm of Hale Hackstaff Friesen,
LLP, the General Assembly has expended \$214,424 of state funds on a

partisan political dispute and more bills are expected for January and February of 2004; and

WHEREAS, Without consultation with the Executive Committee or the Committee on Legal Services, the attorney retained from Hale Hackstaff Friesen, LLP, hired Michael A. Carvin of the law firm of Jones Day to petition the United States Supreme Court for an application for stay or injunction and for writ of certiorari, thereby continuing to appeal this case at Colorado taxpayers' expense; and

WHEREAS, The United States Supreme Court has already denied the application for stay or injunction pending disposition of petition for writ of certiorari; and";

strike lines 25 through 33 and substitute the following:

"(1) That the General Assembly has decided to discontinue pursuing any further appeals of the *Salazar v. Davidson* decision; and

(2) That the General Assembly hereby directs the attorneys in the redistricting litigation to withdraw the writ of certiorari filed with the United States Supreme Court and to discontinue any further work in this matter.".

The amendment was declared **LOST** on the following roll call vote.

YES	17	NO	18	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Takis	Y
Arnold	N	Grossman	Y	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 Hillman moved a Call of the Senate.

Senator Hillman moved the Call of the Senate be raised.

SJR04-008 by Senator(s) Fitz-Gerald; also Representative(s) Romanoff--Concerning the discontinuation of the redistricting litigation.

The resolution was declared **LOST** by the following roll call vote:

YES	17	NO	18	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Takis	Y
Arnold	N	Grossman	Y	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		

COMMITTEE OF REFERENCE REPORTS

Health,
Environment,
Welfare, &
Institutions

The Committee on Health, Environment, Welfare, and Institutions has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBER OF THE
MEDICAL SERVICES BOARD

for a term expiring July 1, 2004:

Mary A. "Sally" Schaefer of Grand Junction, Colorado, to fill the vacancy occasioned by the resignation of Doralyn B. Genova of Grand Junction, Colorado, and to serve as a representative of the Third Congressional District and as a Republican, appointed;

for a term expiring July 1, 2005:

David E. Bolin of Broomfield, Colorado, to fill the vacancy occasioned by the resignation of Richard F. Walker of Boulder, Colorado, and to serve as a representative of the Second Congressional District and as a Democrat, appointed.

for a term expiring July 1, 2007:

Matthew T. Dunn of Denver, Colorado to serve as a member who has experience with the delivery of health care from the First Congressional District and as a Republican, reappointed.

Health,
Environment,
Welfare, &
Institutions

After consideration on the merits, the Committee recommends that **SB04-029** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 7, strike "CARE," and substitute "CARE FOR MEDICAL PURPOSES,";

line 8, strike "ELIGIBLE FOR" and substitute "RECEIVING".

Page 3, line 20, strike "UTILIZATION";

line 21, strike "REVIEW CONTRACTOR," and substitute "HOME HEALTH AGENCY,";

line 22, strike "CAREGIVER, THE HOME HEALTH AGENCY, AND" and substitute "CAREGIVER AND".

Page 4, line 1, strike "UTILIZATION REVIEW";

line 2, strike "CONTRACTOR" and substitute "HOME HEALTH AGENCY";

line 6, after "(4)", insert "(a)";

after line 16, insert the following:

"(b) THE REQUIREMENTS OF THIS SUBSECTION (4) SHALL NOT APPLY IF THE ELIGIBLE PERSON IS RESIDING IN AN ALTERNATIVE CARE FACILITY.".

Page 5, line 1, strike "ELIGIBLE PERSON" and substitute "PERSON WHO IS RECEIVING SERVICES";

line 2, strike "CARE," and substitute "CARE FOR MEDICAL PURPOSES,";

line 3, strike "ELIGIBLE";

line 5, strike "ELIGIBLE PERSON" and substitute "PERSON WHO IS RECEIVING SERVICES";

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line 10, after "(8)", insert "(a)";

after line 19, insert the following:

"(b) THE REQUIREMENTS OF THIS SUBSECTION (8) SHALL NOT APPLY IF THE ELIGIBLE PERSON IS RESIDING IN A NURSING FACILITY OR AN ALTERNATIVE CARE FACILITY."

Page 6, strike lines 7 through 19.

Renumber succeeding sections accordingly.

Health,
Environment,
Welfare, &
Institutions

After consideration on the merits, the Committee recommends that **SB04-073** be postponed indefinitely.

Health,
Environment,
Welfare, &
Institutions

After consideration on the merits, the Committee recommends that **SB04-137** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, strike line 2 and substitute the following:

"CHILD WITH NOTICE OF ANY";

line 3, strike "THE" and substitute "UPON THE WRITTEN REQUEST OF THE FOSTER PARENT, PRE-ADOPTIVE PARENT, OR RELATIVE, THE";

line 5, after "CASEWORKER", insert "AT THE USUAL PERIODIC MEETINGS WITH THE PERSON PROVIDING CARE FOR THE CHILD,";

strike lines 11 through 18.

Reletter succeeding paragraph accordingly.

Page 4, line 2, strike "SCHOOL" and substitute "UPON THE RECEIPT OF WRITTEN NOTICE SENT BY A FOSTER PARENT, SCHOOL";

line 5, strike "AND" and substitute "OR";

line 6, strike "SHALL NOT RELEASE" and substitute "SHALL BE PROHIBITED FROM RELEASING";

line 8, strike "BIOLOGICAL FAMILY WITHOUT THE" and substitute "FAMILY, UNLESS THE FOSTER PARENT SUBSEQUENTLY PROVIDES HIS OR HER";

line 9, strike "OF THE FOSTER PARENT." and substitute "FOR THE RELEASE OF THE INFORMATION.";

line 12, strike "BIOLOGICAL".

Page 1, strike lines 105 through 107 and substitute the following:

"AT, A COURT HEARING INVOLVING THE CHILD; AND".

Health,
Environment,
Welfare, &
Institutions

After consideration on the merits, the Committee recommends that **SB04-167** be postponed indefinitely.

Health,
Environment,
Welfare, &
Institutions

After consideration on the merits, the Committee recommends that **SB04-177** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

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Amend printed bill, page 3, strike lines 1 through 4 and substitute the following:

"(c) HAS A DIAGNOSIS OF AUTISM;

(d) IS AT".

Page 5, line 13, strike "TO";

line 14, strike "PARTICIPATE IN" and substitute "AS" and, strike "PROCESS" and substitute "AGENCY";

line 16, strike "GUARDIAN AND" and substitute "GUARDIAN," and, strike "PROVIDER." and substitute "PROVIDER, AND THE ELIGIBLE CHILD'S CASE MANAGER.";

strike lines 25 through 27 and substitute "PROVISIONS, WHICH SHALL INCLUDE PROVISIONS FOR THE SUPERVISION OF".

Page 7, after line 1, insert the following:

SECTION 2. 26-4-303 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

26-4-303. Optional programs with special state provisions.

(1) Subject to the provisions of subsection (2) of this section, this section specifies programs developed by Colorado to increase federal financial participation through selecting optional services or optional eligible groups. These programs include but are not limited to:

(n) HOME- AND COMMUNITY-BASED SERVICES FOR CHILDREN WITH AUTISM, AS SPECIFIED IN SUBPART 7 OF PART 6 OF THIS ARTICLE.".

Renumber succeeding sections accordingly.

Local Government After consideration on the merits, the Committee recommends that **SB04-088** be referred to the Committee of the Whole with favorable recommendation.

Local Government After consideration on the merits, the Committee recommends that **SB04-176** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 5, strike "TREASURER, OR PERSON WITH SIMILAR AUTHORITY," and substitute "TREASURER OF A MUNICIPALITY OR SPECIAL DISTRICT, CHIEF FINANCIAL OFFICER, OR THE OFFICIAL CUSTODIAN OF THE CONSERVATION TRUST FUND";

line 10, after "SUCH", insert "ANNUAL";

line 11, after "THE", insert "ANNUAL".

Page 3, strike lines 4 through 8.

Renumber succeeding subsection accordingly.

Page 3, line 15, strike "QUARTERLY AND" and, strike "REPORTING," and substitute "REPORTING";

line 16, strike "ANNUAL AUDITS,".

Page 4, line 6, strike "RECOMMENDED ACCOUNTING";

line 7, strike "PROCEDURES AND";

after line 9, insert the following:

"(5) THE DIVISION SHALL AFFORD TO ANY ELIGIBLE ENTITY

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WRITTEN NOTICE AND AN OPPORTUNITY FOR A HEARING BEFORE TAKING ANY ENFORCEMENT ACTION PURSUANT TO THIS ARTICLE."

Page 5, strike line 10 and substitute the following:

"SECTION 4. 29-21-101 (2) (a) (I), (2) (b), (3), and the introductory portion to 29-21-101 (6), Colorado";

line 18, strike "OR";

line 19, strike "SUBPARAGRAPH (III) OF THIS PARAGRAPH (b)".

Page 6, after line 10, insert the following:

"(3) ~~No fee shall be charged by the state for~~ THE DIVISION MAY UTILIZE THE FUND TO RECOVER ITS DIRECT AND INDIRECT COSTS IN the administration of moneys pursuant to this section.";

strike lines 11 through 22;

strike line 27.

Page 7, strike lines 1 through 7.

Education

After consideration on the merits, the Committee recommends that **SB04-145** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, strike lines 6 through 23 and substitute the following:

"**school graduation.** (1) ON OR BEFORE JULY 1, 2005, EACH DISTRICT BOARD SHALL".

Page 3, strike line 1;

strike lines 3 and 4 and substitute the following:

"SATISFACTORILY COMPLETE MINIMUM CORE COURSE REQUIREMENTS PRESCRIBED BY THE SCHOOL DISTRICT IN ORDER TO BE ELIGIBLE TO";

strike lines 7 through 27.

Page 4, strike lines 1 through 15.

Renumber succeeding subsection accordingly.

Page 4, line 16, strike "(2)" and substitute "(1)";

line 18, strike "2006-07" and substitute "2007-08";

line 19, strike "2005," and substitute "2006,";

line 21, strike "(2)" and substitute "(1)".

Education

After consideration on the merits, the Committee recommends that **SB04-142** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 25, after line 14, insert the following:

"SECTION 4. 22-54-102 (1), Colorado Revised Statutes, is amended to read:

22-54-102. Legislative declaration - statewide applicability - intergovernmental agreements. (1) The general assembly hereby finds and declares that this article is enacted in furtherance of the general

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assembly's duty under section 2 of article IX of the state constitution to provide for a thorough and uniform system of public schools throughout the state; that a thorough and uniform system requires that all school districts AND SKILLS ACADEMIES operate under the same finance formula; and that equity considerations dictate that all districts AND SKILLS ACADEMIES be subject to the expenditure and maximum levy provisions of this article. Accordingly, the provisions of this article concerning the financing of public schools for budget years beginning on and after July 1, 1994, shall apply to all school districts AND SKILLS ACADEMIES organized under the laws of this state.

SECTION 5. 22-54-103 (7) (c) and (8.5), Colorado Revised Statutes, are amended, and the said 22-54-103 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

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

(7) "Funded pupil count" means:

(c) (I) For budget years commencing on and after July 1, 2003, the district's on-line pupil enrollment for the applicable budget year plus the district's preschool enrollment for the applicable budget year plus the greater of:

(A) The district's pupil enrollment for the applicable budget year; or

(B) The average of the district's pupil enrollment for the applicable budget year and the district's pupil enrollment for the immediately preceding budget year; or

(C) The average of the district's pupil enrollment for the applicable budget year and the district's pupil enrollment for the two immediately preceding budget years; or

(D) The average of the district's pupil enrollment for the applicable budget year and the district's pupil enrollment for the three immediately preceding budget years.

(II) (A) Notwithstanding any provision of law to the contrary, for purposes of subparagraph (I) of this paragraph (c), for any budget year commencing prior to July 1, 2002, the district's pupil enrollment for that budget year shall be the district's pupil enrollment, as defined by paragraph (a) of subsection (10) of this section, as it existed prior to June 7, 2002.

(B) This subparagraph (II) is repealed, effective July 1, 2005.

(III) (A) Notwithstanding any provision of law to the contrary, for purposes of subparagraph (I) of this paragraph (c), for the 2000-01, 2001-02, and 2002-03 budget years, a district's pupil enrollment shall not include any pupils enrolled in a district preschool program pursuant to article 28 of this title.

(B) This subparagraph (III) is repealed, effective July 1, 2006.

(IV) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, FOR PURPOSES OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) FOR BUDGET YEARS BEGINNING ON OR AFTER JULY 1, 2004, A DISTRICT'S FUNDED PUPIL COUNT SHALL INCLUDE EACH PUPIL ENROLLED IN A SKILLS ACADEMY WHO IS A RESIDENT OF THE DISTRICT AND WHO HAS NOT YET FULFILLED HIGH SCHOOL GRADUATION REQUIREMENTS. THE DEPARTMENT OF EDUCATION SHALL ADD SAID PUPILS TO THE FUNDED PUPIL COUNT OF THE DISTRICT PRIOR TO CALCULATING THE DISTRICT'S TOTAL PROGRAM PURSUANT TO SECTION 22-54-104.

(8.5) "On-line pupil enrollment" means the number of pupils, on

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October 1 within the applicable budget year or the school day nearest said date, enrolled in, attending, and actively participating in, an on-line program created pursuant to section 22-33-104.6 by the district or by a charter school chartered by the district, minus any such pupils who were enrolled in any such on-line programs for the 2001-02 school year. In addition, "on-line pupil enrollment" means the number of pupils who meet the requirements specified in section 22-33-104.6 (4) (a) and transfer to an on-line program after October 1 of a school year. FOR BUDGET YEARS BEGINNING ON OR AFTER JULY 1, 2004, A DISTRICT'S ON-LINE PUPIL ENROLLMENT SHALL INCLUDE EACH PUPIL ENROLLED IN A SKILLS ACADEMY WHO IS A RESIDENT OF THE DISTRICT AND WHO HAS NOT YET FULFILLED HIGH SCHOOL GRADUATION REQUIREMENTS. THE DEPARTMENT OF EDUCATION SHALL ADD SAID PUPILS TO THE ON-LINE PUPIL ENROLLMENT OF THE DISTRICT PRIOR TO CALCULATING THE DISTRICT'S TOTAL PROGRAM PURSUANT TO SECTION 22-54-104.

(9.3) "PER PUPIL REVENUES" MEANS THE DISTRICT'S TOTAL PROGRAM FOR ANY BUDGET YEAR DIVIDED BY THE DISTRICT'S FUNDED PUPIL COUNT FOR SAID BUDGET YEAR.

(10.5) "SKILLS ACADEMY" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 22-30.5-503.

SECTION 6. 22-54-104 (1), Colorado Revised Statutes, is amended to read:

22-54-104. District total program. (1) (a) For every budget year, the provisions of this section shall be used to calculate for each district an amount that represents the financial base of support for public education in that district. Such amount shall be known as the district's total program. The district's total program shall be available to the district to fund the costs of providing public education, and, except as otherwise provided in section 22-54-105, the amounts and purposes for which such moneys are budgeted and expended shall be in the discretion of the district.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (1), THE AMOUNT OF THE DISTRICT'S STATE SHARE OF TOTAL PROGRAM THAT IS WITHHELD FROM THE DISTRICT AND PAID TO THE SKILLS ACADEMY PURSUANT TO THE PROVISIONS OF SECTION 22-54-115 (1.3), SHALL NOT BE AVAILABLE TO NOR UNDER THE CONTROL OF THE DISTRICT. THE AMOUNTS WITHHELD SHALL BE UNDER THE CONTROL OF THE SKILLS ACADEMY TO FUND THE COSTS OF PROVIDING PUBLIC EDUCATION TO PUPILS ENROLLED IN THE SKILLS ACADEMY, AND THE AMOUNTS AND PURPOSES FOR WHICH SUCH MONEYS ARE BUDGETED AND EXPENDED SHALL BE IN THE DISCRETION OF THE SKILLS ACADEMY.

SECTION 7. 22-54-106 (1) (b) and (4), Colorado Revised Statutes, are amended, and the said 22-54-106 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

22-54-106. Local and state shares of district total program. (1) (b) Except as provided in ~~subsection (8)~~ SUBSECTIONS (8) AND (11) of this section, the state's share of a district's total program shall be the difference between the district's total program and the district's share of its total program; except that no district shall receive less in state aid than an amount established by the general assembly in the annual general appropriation act based upon the amount of school lands and mineral lease moneys received pursuant to the provisions of article 41 of this title and section 34-63-102 (2), C.R.S., multiplied by the district's funded pupil count.

(4) (a) The general assembly shall make annual appropriations to fund the state's share of the total program of all districts AND TO FUND ALL SKILLS ACADEMIES.

(b) In the event that the appropriation for the state's share of the total program of all districts, INCLUDING FUNDING FOR SKILLS ACADEMIES, under this article for any budget year, as established in the general

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appropriation act, is not sufficient to fully fund the state's share INCLUDING FUNDING FOR SKILLS ACADEMIES, the department of education shall submit a request for a supplemental appropriation in an amount which will fully fund the state's share INCLUDING FUNDING FOR SKILLS ACADEMIES. Such request shall be made to the general assembly during the fiscal year in which such underfunding occurs.

(c) If a supplemental appropriation is not made by the general assembly to fully fund the state's share of the total program of all districts INCLUDING FUNDING FOR SKILLS ACADEMIES or a supplemental appropriation is made to reduce the state's share of the total program of all districts INCLUDING FUNDING FOR SKILLS ACADEMIES, the state aid of each district AND THE FUNDING FOR EACH SKILLS ACADEMY shall be reduced in accordance with the provisions of this paragraph (c). The total program of each district that receives state aid shall be reduced by a percentage determined by dividing the deficit in the appropriation or the reduction in the appropriation, whichever is applicable, by the total program of all districts which receive state aid. The state aid of each district shall be reduced by the amount of the reduction in the district's total program or the amount of state aid, whichever is less. THE FUNDING FOR EACH SKILLS ACADEMY SHALL BE REDUCED IN PROPORTION TO THE REDUCTION IN THE TOTAL PROGRAM OF EACH RESPECTIVE SCHOOL DISTRICT OF RESIDENCE FROM WHICH THE SKILLS ACADEMY'S FUNDING IS WITHHELD. The department of education shall see that the reduction in state aid required by this paragraph (c) is accomplished prior to the end of the budget year.

(11)(a) PURSUANT TO THE PROVISIONS OF SECTION 22-54-115, FOR EACH SKILLS ACADEMY, THE DEPARTMENT OF EDUCATION SHALL WITHHOLD FROM THE STATE SHARE OF EACH RESPECTIVE SCHOOL DISTRICT OF RESIDENCE OF A PUPIL ENROLLED IN THE SKILLS ACADEMY THE LESSER OF:

(I) AN AMOUNT EQUAL TO NINETY-FIVE PERCENT OF THE DISTRICT PER PUPIL REVENUES MULTIPLIED BY THE NUMBER OF PUPILS ENROLLED IN THE SKILLS ACADEMY WHO ARE NOT ON-LINE PUPILS PLUS NINETY-FIVE PERCENT OF THE DISTRICT PER PUPIL ON-LINE FUNDING MULTIPLIED BY THE NUMBER OF ON-LINE PUPILS ENROLLED IN THE SKILLS ACADEMY; OR

(II) THE TOTAL AMOUNT OF THE STATE SHARE PAYABLE TO THE DISTRICT.

(b) THE DEPARTMENT SHALL PAY THE AMOUNT SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (11) TO THE SKILLS ACADEMY. THE AMOUNT SPECIFIED IN THIS SUBSECTION (11) SHALL CONSTITUTE A REDUCTION IN THE STATE SHARE OF EACH RESPECTIVE SCHOOL DISTRICT.

SECTION 8. 22-54-112 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-54-112. Reports to the state board. (2) (c) ON OR BEFORE NOVEMBER 10 OF EACH YEAR, THE SECRETARY OF THE GOVERNING BOARD OF EACH SKILLS ACADEMY SHALL CERTIFY TO THE STATE BOARD THE PUPIL ENROLLMENT AND THE ON-LINE PUPIL ENROLLMENT OF THE SKILLS ACADEMY TAKEN IN THE PRECEDING OCTOBER.

SECTION 9. 22-54-114, Colorado Revised Statutes, is amended to read:

22-54-114. State public school fund. (1) There is hereby created in the office of the state treasurer a fund, separate from the general fund, to be known as the state public school fund. There shall be credited to said fund the net balance of the public school income fund existing as of December 31, 1973, and all distributions from the state public school income fund thereafter made, the state's share of all moneys received from the federal government pursuant to the provisions of section 34-63-102, C.R.S., and such additional moneys as shall be appropriated by the general assembly which are necessary to meet the state's share of the total program of all districts, FUNDING FOR SKILLS ACADEMIES, and the

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contingency reserve during the budget year. Moneys annually appropriated by the general assembly shall be transferred from the state general fund and credited to the state public school fund in four quarterly installments on July 1, September 30, December 31, and March 31 to assure the availability of funds for the required distribution of state moneys to school districts AND SKILLS ACADEMIES. Such quarterly installments shall be determined in accordance with estimates prepared by the department of education with respect to the required distribution of state moneys to school districts AND SKILLS ACADEMIES.

(2) No later than thirty days prior to the beginning of the budget year, the department of education shall determine the estimated requirements in order to provide each district ANDEACHSKILLS ACADEMY the amount it is eligible to receive from the state during the next ensuing fiscal year of the state. The appropriation by the general assembly shall be based on the requirements necessary to provide all districts ANDSKILLS ACADEMIES with the amounts they are each eligible to receive from the state, pursuant to the provisions of this part 1, during the next ensuing fiscal year of the state.

(2.5) The general assembly finds that implementation of section 22-7-603.5, including implementation of rules to uniquely identify individual students, has resulted in more accurate determinations of pupil enrollment and a savings in the amount required to fund the state's share of total program funding for school districts AND SKILLS ACADEMIES. For the 2003-04 budget year and budget years thereafter, the department of education shall allocate a portion of the amount of the in-year cost recovery occurring as a result of the use of unique student identifiers to fund implementation of the academic growth pilot program and the academic growth program pursuant to section 22-7-603.7. The amount allocated to the academic growth pilot program and the academic growth program pursuant to this subsection (2.5) shall not exceed two hundred thousand dollars in any budget year.

(3) (a) Fifty percent of any unexpended balance of moneys appropriated by the general assembly in the state public school fund at the end of each fiscal year shall be transferred to the Colorado comprehensive health education fund created in section 22-25-109. The remaining fifty percent and any balances derived from other sources shall remain in said state public school fund and become available for distribution during the following fiscal year.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (3), any unexpended balance of moneys in the contingency reserve created pursuant to section 22-54-117 at the end of any fiscal year shall remain in the contingency reserve and shall not be transferred to any other fund.

(4) For the 1997-98 fiscal year and fiscal years thereafter, the net amount recovered by the department during the applicable fiscal year, pursuant to school district AND SKILLS ACADEMY audits, as overpayments made to school districts AND SKILLS ACADEMIES that would otherwise be transmitted to the state treasurer for deposit in the general fund shall instead be transmitted to the state treasurer for deposit in the state public school fund. Such amount shall be available for appropriation to the department in subsequent fiscal years.

SECTION 10. 22-54-115 (1), (2), (3), and (4), Colorado Revised Statutes, are amended, and the said 22-54-115 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

22-54-115. Distribution from state public school fund. (1) No later than June 30 of each year, the state board shall determine the amount of the state's share of the district's total program for the budget year beginning on July 1, and the total thereof for all districts, which amount shall be payable in twelve approximately equal monthly payments during such budget year; except that:

(a) Such payments shall be adjusted following the certification of

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pupil enrollments, the certification of valuations for assessment to the state board pursuant to section 22-54-112 (1) and (2), and the certification of the amount of any impact assistance grants on behalf of school districts pursuant to section 30-25-302, C.R.S.; ~~and~~

(b) Such payments shall be adjusted in accordance with any district's instructions given pursuant to subsection (1.5) of this section; AND

(c) SUCH PAYMENTS SHALL BE ADJUSTED IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (1.3) OF THIS SECTION.

(1.3) (a) IN DETERMINING THE STATE'S SHARE OF EACH DISTRICT'S TOTAL PROGRAM, THE STATE BOARD SHALL DETERMINE WHETHER THE DISTRICT HAS ANY RESIDENT PUPILS WHO ARE ENROLLED IN A SKILLS ACADEMY, IN WHICH CASE THE STATE BOARD SHALL INSTRUCT THE DEPARTMENT OF EDUCATION TO WITHHOLD FROM THE AMOUNT OF THE STATE SHARE OTHERWISE PAYABLE TO THE DISTRICT AN AMOUNT EQUAL TO THE LESSER OF:

(I) ONE HUNDRED PERCENT OF THE DISTRICT PER PUPIL REVENUES MULTIPLIED BY THE NUMBER OF PUPILS ENROLLED IN EACH SKILLS ACADEMY WHO ARE NOT ON-LINE PUPILS PLUS ONE HUNDRED PERCENT OF THE DISTRICT PER PUPIL ON-LINE FUNDING MULTIPLIED BY THE NUMBER OF ON-LINE PUPILS ENROLLED IN EACH SKILLS ACADEMY; OR

(II) THE TOTAL AMOUNT OF THE STATE SHARE PAYABLE TO THE DISTRICT.

(b) THE AMOUNT WITHHELD SHALL BE PAYABLE TO THE RESPECTIVE SKILLS ACADEMIES IN TWELVE APPROXIMATELY EQUAL MONTHLY PAYMENTS DURING THE BUDGET YEAR.

(2) No later than the fifteenth day of each month, the state board shall certify to the state treasurer the amount payable to each district AND TO EACH SKILLS ACADEMY IN ACCORDANCE WITH SUBSECTION (1.3) OF THIS SECTION during said month and the amount, if any, to be transferred to the division of vocational rehabilitation during said month in accordance with subsection (1.5) of this section.

(3) No later than the twenty-fifth day of each month, the state treasurer shall:

(a) Pay the amount certified AS PAYABLE TO EACH DISTRICT, less the total amount of any direct payments made by the state treasurer on behalf of charter schools chartered by each school district of any principal and interest due on bonds pursuant to section 22-30.5-406 directly to the treasurer of each district or, in accordance with written instructions from the district, directly to an account designated by the district that allows the district to retain title to the funds; ~~and~~

(b) Transfer the amount certified, if any, to the division of vocational rehabilitation; AND

(c) PAY THE AMOUNT CERTIFIED AS PAYABLE TO EACH SKILLS ACADEMY DIRECTLY TO THE TREASURER OF EACH ACADEMY OR, IN ACCORDANCE WITH WRITTEN INSTRUCTIONS FROM THE ACADEMY, DIRECTLY TO AN ACCOUNT DESIGNATED BY THE ACADEMY THAT ALLOWS THE ACADEMY TO RETAIN TITLE TO THE FUNDS.

(4) The state board shall take care to avoid overpayment of state moneys. If it is determined that any district OR ANY SKILLS ACADEMY has been overpaid in any month, the state board shall adjust the following monthly payment or payments to such district OR SKILLS ACADEMY so as to recover the amount overpaid. In the event that an overpayment cannot be recovered, the amount thereof shall be refunded to the state public school fund by the district OR SKILLS ACADEMY receiving the same.

SECTION 11. 22-54-120 (2), Colorado Revised Statutes, is

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amended to read:

22-54-120. Rules and regulations. (2) All reports and certifications required from secretaries of boards of education AND FROM SKILLS ACADEMIES pursuant to the provisions of this article shall be made in such manner and form as may be prescribed by the state board."

Renumber succeeding sections accordingly.

Page 30, strike lines 9 through 17 and substitute the following:

"SECTION 14. 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."

Education The Committee on Education has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE BOARD OF TRUSTEES FOR WESTERN STATE COLLEGE OF COLORADO

for terms effective July 1, 2003 and expiring January 1, 2005:

- Paul Rady of Englewood, Colorado, appointed;
- Louie D. Carleo of Pueblo, Colorado, appointed;
- Valerie Y. Schmalz of Gunnison, Colorado, appointed;

for terms effective July 1, 2003 and expiring January 1, 2006;

- Peter F. Kirchhof of Centennial, Colorado, appointed;

for terms effective July 1, 2003 and expiring January 1, 2007:

- Tom S. Cox of Crested Butte, Colorado, appointed;

for terms effective July 1, 2003 and expiring January 1, 2008:

- E. Patrick Wiesner of Castle Rock, Colorado, appointed;
- Stephanie A. Foote of Denver, Colorado, appointed.

Education After consideration on the merits, the Committee recommends that **HB04-1055** 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 2, strike "(2) and";

line 3, strike "are" and substitute "is";

line 5, strike "(2) Subject to";

strike lines 6 through 14.

Page 3, line 16, strike "THE" and substitute "SUBJECT TO THE APPROVAL OF THE CAPITAL DEVELOPMENT COMMITTEE OF THE GENERAL ASSEMBLY AS PROVIDED FOR IN THIS SUBSECTION (6), THE";

line 22, strike "~~recommended to receive~~ RECEIVING" and substitute "recommended to receive";

line 25, strike "AND THE JOINT BUDGET";

strike line 26 and substitute the following:

"of the general assembly no later than ~~October 1~~ AUGUST 16";

line 27, strike "~~sought~~ PROVIDED." and substitute "sought. THE CAPITAL

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DEVELOPMENT COMMITTEE SHALL DETERMINE THE NUMBER OF CAPITAL CONSTRUCTION PROJECTS ON THE LIST THAT MAY RECEIVE MATCHING GRANTS FROM MONEYS AVAILABLE IN THE CONSTRUCTION AND RENOVATION FUND BEFORE SEPTEMBER 15 OF THE SAME FISCAL YEAR. ONLY CAPITAL CONSTRUCTION PROJECTS ON THE PRIORITIZED LIST MAY RECEIVE MATCHING GRANTS FROM THE CONSTRUCTION AND RENOVATION FUND, AND THE CAPITAL CONSTRUCTION PROJECTS SHALL BE FUNDED IN THE PRIORITY DETERMINED BY THE STATE BOARD. IF THE CAPITAL DEVELOPMENT COMMITTEE DOES NOT MAKE A DETERMINATION ON THE LIST BEFORE SEPTEMBER 15, THE LIST SHALL BE DEEMED APPROVED AS SUBMITTED AND THE STATE BOARD MAY ORDER PAYMENT OF ALL MATCHING GRANTS ON THE LIST. THE STATE BOARD SHALL SUBMIT A LIST OF SCHOOL DISTRICTS AND CHARTER SCHOOLS FOR WHICH THE CAPITAL DEVELOPMENT COMMITTEE HAS APPROVED MATCHING GRANTS, ALONG WITH THE AMOUNT OF EACH GRANT AND THE AMOUNT OF THE SCHOOL DISTRICT OR CHARTER SCHOOL MATCH TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY NO LATER THAN DECEMBER 1 OF THE FISCAL YEAR FOR WHICH FINANCIAL ASSISTANCE IS BEING PROVIDED."

Education After consideration on the merits, the Committee recommends that **SB04-149** be postponed indefinitely.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: HB04-1007, 1010, 1042, 1065, 1103.

SENATE SERVICES REPORT

Correctly Printed: SB04-184 and 185.
Correctly Engrossed: SB04-019, 064, 095, 098, 105, 122, and 159.
Correctly Revised: HB04-1052 and 1100.
Correctly Rerevised: HB04-1072.

TRIBUTES

Honoring:
 The Family of Enos A. Mills -- by Senator Joan Fitz-Gerald.
 Jeremy West -- by Senator Mark Hillman.

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 February 13, 2004, was laid over until Monday, February 16, 2004, retaining its place on the calendar.

Consideration of Resolutions: SJR04-011, SJR04-013, SJR04-014.
 Consideration of Governor's Appointments:
 Members of the Workers' Compensation Cost Containment Board;
 Members of the Colorado Commission on Higher Education;
 Members of the Board of Trustees for the University of Northern Colorado;
 Members of the Colorado Racing Commission;
 Members of the Board of Assessment Appeals.

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On motion of Senator Hillman, the Senate adjourned until 10:00 a.m., Monday, February 16, 2004.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

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