

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

Sixty-sixth Legislative Day

Friday, March 12, 2004

Prayer	By the chaplain, Reverend Mike Bergman, Montclair United Methodist Church.	1
Pledge	By Senator Grossman.	2
Call to Order	By the President at 9:00 a.m.	3
Roll Call	Present--34. Absent/Excused--1; Groff. Present later--Groff.	4
Quorum	The President announced a quorum present.	5
Reading of Journal	On motion of Senator Reeves, reading of the Journal of March 11, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.	6

COMMITTEE OF REFERENCE REPORTS

Health, Environment, Welfare, & Institutions	After consideration on the merits, the Committee recommends that HB04-1271 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	7
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Amend reengrossed bill, page 4, strike line 14 and substitute the following:

"IN THE DEDICATED FAMILY HOME IN WHICH A CHILD HAD BEEN MOST RECENTLY PLACED AND WHICH WOULD PROVIDE A SPECIFIC STABLE SETTING TO WHICH THE CHILD IN AN UNSUCCESSFUL".

Page 5, strike line 2 and substitute the following:

"BEDS IN THE SPECIFIC DEDICATED FAMILY HOME IN WHICH A CHILD HAD MOST RECENTLY BEEN PLACED AND HAD PREVIOUSLY ESTABLISHED A BOND WITH A PARENTAL FIGURE. THE DEDICATED FAMILY HOME SHALL SERVE AS A SPECIFIC STABLE SETTING FOR A CHILD AND HIS OR".

Health, Environment, Welfare, & Institutions	After consideration on the merits, the Committee recommends that HB04-1264 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	8
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Amend reengrossed bill, page 2, line 14, after "ASSEMBLY" insert "AND ANY AFFECTED PROVIDERS".

Health, Environment, Welfare, & Institutions	After consideration on the merits, the Committee recommends that HB04-1343 be referred to the Committee of the Whole with favorable recommendation.	9
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Health,
Environment,
Welfare, &
Institutions

After consideration on the merits, the Committee recommends that **HB04-1219** be referred to the Committee on Appropriations with favorable recommendation.

Trans-
portation

After consideration on the merits, the Committee recommends that **HB04-1241** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 18, after "PURCHASED", insert "AND HELD";

line 19, strike "THAT" and substitute "WHO";

line 23, after "PART 2.", add "A MOTOR VEHICLE SHALL BE CONSIDERED TO BE PURCHASED AND HELD FOR RESALE IF:

(A) THE MANUFACTURER'S CERTIFICATE OF ORIGIN OR CERTIFICATE OF TITLE FOR THE MOTOR VEHICLE IS ASSIGNED TO THE MOTOR VEHICLE DEALER;

(B) THE MOTOR VEHICLE IS INCLUDED IN A CURRENT LIST OF VEHICLES FOR RETAIL SALE THAT IS PREPARED BY THE MOTOR VEHICLE DEALER IN THE ORDINARY COURSE OF BUSINESS; AND

(C) AT ANY GIVEN TIME, THE MOTOR VEHICLE IS AVAILABLE TO BE PURCHASED AND DELIVERED TO A RETAIL CUSTOMER WITHIN THREE BUSINESS DAYS."

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB04-1112

THIS REPORT ADOPTS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on HB04-1112, concerning the regulation of persons licensed to deal in certain monetary instruments, and, in connection therewith, continuing the regulatory authority of the banking board and the state bank commissioner over such activities, has met and reports that it has agreed upon the following:

That the House accede to the Senate amendments made to the bill, and that the rerevised bill be adopted without change.

Respectfully submitted,

House Committee:
(signed)
Representative Welker
Representative Wiens
Representative Miller

Senate Committee:
(signed)
Senator Kester
Senator McElhany
Senator Sandoval

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**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 H.B. 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, is extended until Friday, March 26, 2004 (the 80th 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

MESSAGE FROM THE HOUSE

March 11, 2004
Mr. President:

The House has adopted and transmits herewith HJR04-1029, HJR04-1020.

The House has postponed indefinitely SB04-139. The bill is returned herewith.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

HJR04-1020 by Representative(s) Spradley; also Senator(s) Lamborn--Concerning the abolition of the death tax.
Laid over one day under Senate Rule 30(e).

HJR04-1029 by Representative(s) May M., Harvey, Wiens; also Senator(s) Evans--Concerning support for the Rueter-Hess Reservoir in the Parker Water and Sanitation District.
Laid over one day under Senate Rule 30(e).

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:

HB04-1109 by Representative(s) Marshall, Coleman, Harvey, Hodge, Hoppe, Larson, McCluskey, Paccione, Rhodes, White, Wiens, Williams T.; also Senator(s) Lamborn--Concerning the continuation of the regulation of securities by the division of securities, and, in connection therewith, narrowing the exemption for certain Annuities, registration of federally registered securities, and discipline of licensees, specifying conditions for rescission of sales, and reducing the number of required meetings of the municipal bond authority advisory committee.

Laid over until Monday, March 15, retaining its place on the calendar.

HB04-1102 by Representative(s) Clapp; also Senator(s) Johnson S.--Concerning the regulation of dental health care providers by the state board of dental examiners.

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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: Andrews, Entz, Hanna, Lamborn, and Reeves.

SB04-188

by Senator(s) Arnold, Grossman, Owen; also Representative(s) Rose--Concerning the surcharge on fines for violation of certain county ordinances that is paid to the Colorado traumatic brain injury trust fund, and, in connection therewith, limiting the imposition of the surcharge to violations of speed limits.

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, Hanna, Jones, May, and Tapia.

HB04-1224

by Representative(s) Paccione; also Senator(s) McElhany, Lamborn--Concerning allowing minors to serve as directors of nonprofit corporations.

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: Jones, Kester, and Lamborn.

SB04-093

by Senator(s) Chlouber; also Representative(s) Fairbank--Concerning creation of the "Responsible Alcohol Beverage Vendor Act".

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

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YES	32	NO	3	EXCUSED	0	ABSENT	0	
Anderson	Y	Groff	Y	Kester	Y	Takis	Y	1
Arnold	Y	Grossman	Y	Lamborn	N	Tapia	Y	2
Cairns	N	Hagedorn	Y	May	Y	Taylor	Y	3
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y	4
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y	5
Entz	N	Isgar	Y	Owen	Y	Veiga	Y	6
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y	7
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y	8
Gordon	Y	Keller	Y	Sandoval	Y			9

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

Co-sponsors added: Groff.

Committee
of the
Whole

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

SB04-153 by Senator(s) Johnson S., Reeves; also Representative(s) McCluskey, Lundberg, Paccione, Welker--Concerning combining polling places, and, in connection therewith, authorizing designated election officials to establish vote centers where any elector registered in the political subdivision may vote.

Laid over until Monday, March 15, retaining its place on the calendar.

HB04-1177 by Representative(s) Spradley, Cloer; also Senator(s) Hillman--Concerning health insurance, and, in connection therewith, making it a deceptive trade practice in the business of insurance to deny coverage to an individual solely on the basis that the individual donated a kidney, making it a deceptive trade practice under the consumer protection act to sell health discount services without certain disclosures, and increasing incentives for insurers to provide health benefit coverage to multiple employer welfare arrangements.

Laid over until Monday, March 15, retaining its place on the calendar.

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.

Laid over until Monday, March 15, retaining its place on the calendar.

HB04-1273 by Representative(s) Spradley and Madden, Fairbank, Larson, Berry, Briggs, Cloer, Frangas, Hefley, Johnson R., Marshall, McCluskey, Merrifield, Paccione, Pommer, Rippey, Rose, Salazar, Tochtrop, Weissmann, Wiens, Williams S., Williams T.; also Senator(s) Kester and Phillips, Gordon, Entz, Grossman, Veiga--Concerning the establishment of an electric resource standard for renewable energy for providers of electric service.

Laid over until Monday, March 15, retaining its place on the calendar.

HB04-1011 by Representative(s) King; also Senator(s) Anderson, Andrews--Concerning the employment status of persons employed within the state system of higher education.

Amendment No. 1, State, Veterans and Military Affairs Committee Amendment.
(Printed in Senate Journal, March 5, page 435 and placed in members' bill files.)

Amendment No. 2(L.017), by Senator Anderson.

Amend the State Veterans & Military Affairs Committee Report, dated March 3, 2004, page 1, strike line 1 and substitute the following:

"Amend reengrossed bill, page 5, strike lines 4 through 13.

Reletter succeeding paragraphs accordingly.

Page 6, strike lines 11 and 12.";

after line 2 of the committee report, insert the following:

"Page 7, line 11, after the period, insert "IF A GOVERNING BOARD HAS SUPERVISION AND CONTROL OF MORE THAN ONE STATE INSTITUTION OF HIGHER EDUCATION, IT MAY ADOPT A SEPARATE ALTERNATIVE PERSONNEL SYSTEM FOR EACH STATE INSTITUTION OF HIGHER EDUCATION UNDER ITS SUPERVISION AND CONTROL.".";

strike lines 6 through 8 of the committee report and substitute the following:

"Page 10, strike lines 1 through 4 and substitute the following:

"EMPLOYEE'S POSITION UNTIL TERMINATION OF EMPLOYMENT WITH THE INSTITUTION; EXCEPT THAT, IF THE EMPLOYEE ACCEPTS A PROMOTION, A VOLUNTARY DEMOTION, OR A TRANSFER FOR PURPOSES OF A CHANGE OF DUTIES PERFORMED FOR THE BENEFIT OF THE INSTITUTION, THE EMPLOYEE SHALL BECOME AN EMPLOYEE WITHIN THE ALTERNATIVE PERSONNEL SYSTEM AS OF THE EFFECTIVE DATE OF THE PROMOTION, VOLUNTARY DEMOTION, OR TRANSFER.".";

strike line 11 of the committee report and substitute the following:

"Page 20, strike lines 4 through 27 and substitute the following:

"SECTION 10. 24-19-108 (1) (a), Colorado Revised Statutes, is amended to read:

24-19-108. Exceptions. (1) The provisions of this article shall not apply to the following:

(a) Any employee employed by the state government or any other governmental unit who is to hold his or her position of employment during efficient service or until reaching retirement age under AN ALTERNATIVE PERSONNEL SYSTEM ADOPTED PURSUANT TO SECTION 23-5-116.5, C.R.S., OR an employment system denominated as civil service, classified service, or any similar employment system classification;".

As amended, declared **LOST** on Second Reading.

HB04-1155 by Representative(s) Williams T.; also Senator(s) Taylor--Concerning a limitation on the authority of a municipality to regulate that portion of newly annexed land used as a right-of-way by agricultural users.

Amendment No. 1(L.005), by Senator Taylor.

Amend reengrossed bill, page 2, strike line 13 and substitute the following:

"ANNEXED AREA IS DEVOTED TO AGRICULTURAL USE AND".

Page 3, strike lines 13 and 14 and substitute the following:

"OF AN ORDINANCE OR REGULATION AFFECTING THE RIGHT-OF-WAY IN AN ANNEXED AREA THAT IS DEVOTED TO AGRICULTURAL USE AND REGARDLESS OF WHETHER THE ANNEXED AREA HAS BEEN ZONED FOR AGRICULTURAL USES, THE MUNICIPALITY".

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

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- HB04-1057** by Representative(s) Miller; also Senator(s) Taylor--Concerning newspaper theft. 1
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 As amended, Senate Journal, March 5, pages 433 and 435. 3
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Amendment No. 2(L.012), by Senator Keller. 5
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 Strike the Keller amendment (HB1057_L.010), as printed in Senate 7
 Journal, March 5, page 433, lines 45 through 48. 8
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 Amend the State Veterans & Military Affairs Committee Report, dated 10
 March 1, 2004, page 1, strike lines 11 through 13 and substitute the 11
 following: 12
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 "Page 3, strikes lines 9 and 10 and substitute the following: 14
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 "(b) "NEWSPAPER" MEANS A PERIODICAL THAT INCLUDES NEWS, 16
 EDITORIALS, OPINION, FEATURES, OR OTHER MATTERS OF PUBLIC INTEREST 17
 THAT IS DISTRIBUTED ON A COMPLIMENTARY BASIS. NEWSPAPER INCLUDES 18
 ANY STUDENT PERIODICAL DISTRIBUTED AT ANY INSTITUTION OF HIGHER 19
 EDUCATION. 20
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 (c) "PERIODICAL" MEANS A PUBLICATION PRODUCED ON A 22
 REGULAR INTERVAL."." 23
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 As amended, ordered revised and placed on the calendar for Third Reading and Final 26
 Passage. 27
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- HB04-1354** by Representative(s) Hefley, Clapp, Stafford, Tochtrop, Witwer; also Senator(s) Johnson S., 29
 Hanna--Concerning enactment of the "Health Care Credentials Uniform Application Act". 30
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Amendment No. 1, Business Affairs and Labor Committee Amendment. 32
 (Printed in Senate Journal, March 9, page 456 and placed in members' bill files.) 33
 34
 As amended, ordered revised and placed on the calendar for Third Reading and Final 35
 Passage. 36
 37
- HB04-1004** by Representative(s) Stafford, Welker; also Senator(s) Lamborn--Concerning enhanced 38
 protection for child users of public library services from harmful materials on the internet. 39
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Amendment No. 1, State, Veterans and Military Affairs Committee Amendment. 41
 (Printed in Senate Journal, March 9, page 469 and placed in members' bill files.) 42
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Amendment No. 2(L.005), by Senator Lamborn. 44
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 Amend reengrossed bill, page 5, line 17, after "(a)", insert "(I)"; 46
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 line 21, strike "MAY" and substitute "SHALL"; 48
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 strike lines 24 through 27 and substitute the following: 50
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 "TO BE ACCESSED BY A MINOR BY AN ADULT UPON REQUEST WITHOUT 52
 SIGNIFICANT DELAY BY THE PUBLIC LIBRARY IN RESPONDING TO THE 53
 REQUEST. 54
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 (II) SUBJECT TO THE REQUIREMENTS OF PARAGRAPH (b) OF THIS 56
 SUBSECTION (1), AN ADMINISTRATOR, SUPERVISOR, OR ANY OTHER PERSON 57
 AUTHORIZED BY THE PUBLIC LIBRARY TO ENFORCE THE OPERATION OF THE 58
 TECHNOLOGY PROTECTION MEASURE ADOPTED AND IMPLEMENTED IN 59
 ACCORDANCE WITH THE REQUIREMENTS OF SECTION 24-90-603 MAY 60
 TEMPORARILY DISABLE THE TECHNOLOGY PROTECTION MEASURE ENTIRELY 61
 TO ENABLE ACCESS TO THE INTERNET ON A PARTICULAR COMPUTER ABLE 62
 TO BE ACCESSED BY A MINOR BY A MINOR FOR BONA FIDE RESEARCH OR 63
 OTHER LAWFUL". 64
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 As amended, ordered revised and placed on the calendar for Third Reading and Final 67
 Passage. 68
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- HB04-1046** by Representative(s) McGihon; also Senator(s) Teck--Concerning the computation of days in determining certain time periods for forcible entry and detainer actions. 1
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Laid over until Monday, March 15, retaining its place on the calendar. 4
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- HB04-1274** by Representative(s) Marshall; also Senator(s) Veiga--Concerning identity theft. 6
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Amendment No. 1, Judiciary Committee Amendment. 8
(Printed in Senate Journal, March 9, page 470 and placed in members' bill files.) 9
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 11
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- HB04-1084** by Representative(s) Cadman; also Senator(s) McElhany--Concerning the execution of a writ of restitution after entry of judgment in a forcible entry and detainer action. 14
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Laid over until Monday, March 15, retaining its place on the calendar. 16
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- HB04-1108** by Representative(s) McFadyen; also Senator(s) Arnold--Concerning the inadmissability of certain confidential communications by juveniles. 19
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 22
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- HB04-1159** by Representative(s) Decker, White, Briggs, Brophy, Hefley; also Senator(s) Evans--Concerning the modification of the "Colorado Uniform Jury Selection and Service Act". 24
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 27
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- HB04-1217** by Representative(s) Lee; also Senator(s) Arnold--Concerning changes to the school accountability report to include a page that specifies certain information a parent may request from a school. 29
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As amended, Senate Journal, March 11, pages 488-489. 33
34
Amendment No. 2(L.009), by Senator Arnold. 35
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Amend the Education Committee Report, dated March 4, 2004, Page 1, strike lines 3 through 14 and substitute the following: 37
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""HOUSE BILL 04-1217, ON OR BEFORE APRIL 1, 2005, AND ON OR BEFORE EACH APRIL 1 THEREAFTER, THE DEPARTMENT SHALL, IN COLLABORATION WITH APPROPRIATE STATEWIDE STAKEHOLDERS, ANNUALLY DEVELOP THE QUESTIONS". 40
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Page 3, line 2, strike "STATEMENTS," and substitute "STATEMENTS AFTER DELIVERY PURSUANT TO THIS SUBPARAGRAPH (II),"; 45
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line 4, strike "PROVIDE" and substitute "DELIVER";". 48
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Page 2 of the Committee Report, strike lines 1 through 3 and substitute the following: 50
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""HOUSE BILL 04-1217, ON OR BEFORE APRIL 1, 2005, AND ON OR BEFORE EACH APRIL 1 THEREAFTER, THE DEPARTMENT SHALL, IN COLLABORATION WITH APPROPRIATE STATEWIDE STAKEHOLDERS, ANNUALLY DEVELOP THE LISTS OF". 53
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strike lines 10 and 11 and substitute the following: 58
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"Page 4, line 3, strike "LISTS," and substitute "LISTS AFTER DELIVERY PURSUANT TO THIS SUBPARAGRAPH (II),"; 60
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line 5, strike "PROVIDE" and substitute "DELIVER"; 63
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after line 8, insert the following:". 65
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 68
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- HB04-1187** by Representative(s) Harvey, May M.; also Senator(s) Andrews--Concerning an alien's ability to establish Colorado domicile for in-state tuition purposes. 1
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As amended, Senate Journal, March 11, page 489. 4
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Laid over until Monday, March 15, retaining its place on the calendar. 6
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- HB04-1121** by Representative(s) Fairbank; also Senator(s) Lamborn--Concerning the treatment under laws regulating campaign finance of contributions to persons involved in the political process. 8
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Laid over until Monday, March 15, retaining its place on the calendar. 11
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- HB04-1127** by Representative(s) Johnson R., Larson, Tochtrop; also Senator(s) Johnson S.--Concerning a limitation on the use of the professional title of "nurse". 14
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Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment. 17
(Printed in Senate Journal, February 19, page 325 and placed in members' bill files.) 18
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Amendment No. 2, State, Veterans and Military Affairs Committee Amendment. 20
(Printed in Senate Journal, March 10, page 480 and placed in members' bill files.) 21
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 23
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- HB04-1248** by Representative(s) Coleman, Rhodes, Vigil, Williams T.; also Senator(s) Takis, Anderson, Taylor, Tupa--Concerning the distribution of tobacco products. 26
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 29
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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: 34
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Passed on Second Reading: HB04-1155 as amended, HB04-1057 as amended, HB04-1354 as amended, HB04-1004 as amended, HB04-1274 as amended, HB04-1108, HB04-1159, HB04-1217 as amended, HB04-1127 as amended, HB04-1248. 40
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Lost on Second Reading: HB04-1011. 43
Laid over until Monday, March 15: SB04-153, HB04-1177, SB04-151, HB04-1273, HB04-1046, HB04-1084, HB04-1187, HB04-1121. 44
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On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolution--HJR04-1028. 50
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CONSIDERATION OF RESOLUTION--HJR04-1028

- HJR04-1028** by Representative(s) Boyd; also Senator(s) Reeves--Concerning the ninety-second anniversary of Girl Scouts of the USA. 57
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On motion of Senator Reeves, the resolution was read at length and **adopted** by the following roll call vote: 62
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YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of House Amendments to Senate Bills.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB04-035 by Senator(s) Kester; also Representative(s) Briggs--Concerning meetings of county boards of social services to address public assistance responsibilities of county departments.

Senator Kester moved that the Senate concur in House amendments to **SB04-035**, as printed in House Journal, February 26, page 656. The motion was **passed** by the following roll call vote:

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

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, as amended, was declared **repassed**.

SB04-062 by Senator(s) Arnold; also Representative(s) Mitchell--Concerning databases of school district employees.

Senator Arnold moved that the Senate concur in House amendments to **SB04-062**, as printed in House Journal, February 26, page 657. The motion was **passed** by the following roll call vote:

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

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, as amended, was declared **repassed**.

SB04-110 by Senator(s) Cairns; also Representative(s) Frangas--Concerning a prohibition against transporting uncovered trash upon the highway.

Senator Cairns moved that the Senate concur in House amendments to **SB04-110**, as printed in House Journal, March 1, pages 698-699. The motion was **passed** by the following roll call vote:

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

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, as amended, was declared **repassed**.

Co-sponsors added: May.

SB04-116 by Senator(s) Jones; also Representative(s) McCluskey--Concerning rate-making in workers' compensation cases, and, in connection therewith, setting the effective date of workers' compensation insurance and medical benefit rates.

Senator Jones moved that the Senate concur in House amendments to **SB04-116**, as printed in House Journal, March 1, page 700. The motion was **passed** by the following roll call vote:

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

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, as amended, was declared **repassed**.

Co-sponsors added: May.

SB04-107 by Senator(s) Hillman; also Representative(s) Hall--Concerning public employee retirement plans.

Senator Hillman moved that the Senate concur in House amendments to **SB04-107**, as printed in House Journal, March 3, page 717. The motion was **passed** by the following roll call vote:

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

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, as amended, was declared **repassed**.

SB04-030

by Senator(s) Arnold; also Representative(s) Mitchell--Concerning crimes that make an inmate ineligible for participation in the regimented inmate training program.

Senator Arnold moved that the Senate concur in House amendments to **SB04-030**, as printed in House Journal, March 3, page 717. The motion was **passed** by the following roll call vote:

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

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, as amended, was declared **repassed**.

SB04-064

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

Senator Reeves moved that the Senate concur in House amendments to **SB04-064**, as printed in House Journal, March 5, page 761 and pages 789-790. The motion was **passed** by the following roll call vote:

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

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, as amended, was declared **repassed**.

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Request for Conference Committee--HB04-1182.

REQUEST FOR CONFERENCE COMMITTEE--HB04-1182

HB04-1182 by Representative(s) Cloer, Boyd, Clapp, Coleman, Frangas, Jahn, Stafford, Tochtrop, White, Wiens; also Senator(s) Hillman, Sandoval--Concerning standards for the cleanup of illegal drug laboratories.

Senator Hillman moved that the Senate reject the House request for a Conference Committee on **HB04-1182**.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted**.

SENATE ADHERE ON HB04-1182

HB04-1182 by Representative(s) Cloer, Boyd, Clapp, Coleman, Frangas, Jahn, Stafford, Tochtrop, White, Wiens; also Senator(s) Hillman, Sandoval--Concerning standards for the cleanup of illegal drug laboratories.

Senator Hillman moved that the Senate adhere to its position on **HB04-1182**. The motion was declared **adopted** by the following roll call vote:

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

COMMITTEE OF REFERENCE REPORTS

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **HB04-1357** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, line 27, strike "(a), Colorado Revised Statutes, is" and substitute "(a) and (1) (c), Colorado Revised Statutes, are".

Page 5, after line 20, insert the following:

"(c) ~~On and after July 1, 1996,~~ An excise tax of ten dollars per ton of grapes is imposed upon all grapes of the vinifera varieties or other produce used in the production of wine in this state by a licensed Colorado winery OR VINTNER'S RESTAURANT, whether true or hybrid. The excise tax imposed pursuant to this paragraph (c) shall be paid to the department of revenue by the licensed winery OR VINTNER'S RESTAURANT at the time of purchase of the product by the winery OR VINTNER'S RESTAURANT or of importation of the product, whichever is later. An amount equal to one hundred percent of such excise tax shall be transferred from the general fund to the Colorado wine industry development fund created in section 35-29.5-105, C.R.S. Such transfers shall be made by the state treasurer as soon as possible after the twentieth day of the month following the collection of such excise tax."

Page 8, strike lines 14 through 17 and substitute the following:

"licensed under this section may be interested in another public transportation system license or an arts license granted under this article, or in a financial institution referred to in section 12-47-308 (4), AND A LICENSED AIRLINE PUBLIC TRANSPORTATION SYSTEM MAY BE INTERESTED IN ANY OTHER RETAIL LIQUOR LICENSE OR IN A FINANCIAL INSTITUTION REFERRED TO IN SECTION 12-47-308 (4).".

Agriculture,
Natural
Resources, &
Energy

After consideration on the merits, the Committee recommends that **HB04-1151** be referred to the Committee of the Whole with favorable recommendation.

Agriculture,
Natural
Resources, &
Energy

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

MEMBERS OF THE
COLORADO WATER CONSERVATION BOARD

for terms expiring February 12, 2007:

John D. Redifer of Grand Junction, Colorado, to serve as a representative from the main Colorado drainage basin and as a Democrat, appointed;

Barbara J. Biggs of Denver, Colorado, to serve as a representative from the City and County of Denver and as a Democrat, appointed.

Agriculture,
Natural
Resources, &
Energy

The Committee on Agriculture, Natural Resources, and Energy 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 GOVERNORS OF THE
COLORADO STATE UNIVERSITY SYSTEM

for terms expiring January 17, 2008:

Chad McWhinney of Loveland, Colorado, appointed;

Phyllis "Diane" Evans of Kiowa, Colorado, to serve as a representative of agriculture, appointed.

Agriculture,
Natural
Resources, &
Energy

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

MEMBERS OF THE
STATE BOARD OF LAND COMMISSIONERS

for terms expiring June 30, 2007:

Dennis V. Brinker of Coalmont, Colorado, to serve as a representative of public primary or secondary education and as a Republican, reappointed;

Holly E. Propst of Golden, Colorado, to serve as a representative of local government and land use planning and as a Republican, appointed.

Education

After consideration on the merits, the Committee recommends that **SCR04-001** be referred to the Committee on State, Veterans, and Military Affairs with favorable recommendation.

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Education

After consideration on the merits, the Committee recommends that **SB04-136** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, strike everything below the enacting clause and substitute the following:

"SECTION 1. Article 1 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

23-1-128. Commission directive - remediation assistance pilot program - created - school districts - funding - report - policies and procedures - repeal. (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT THERE IS A CRITICAL NEED TO ADDRESS TWO INTERRELATED EDUCATION ISSUES:

(I) THERE ARE INCREASING DEMANDS FROM ALL LEVELS OF GOVERNMENT TO RAISE THE PROFICIENCY LEVELS OF ALL STUDENTS PRIOR TO THEIR GRADUATION FROM PUBLIC HIGH SCHOOLS; AND

(II) PUBLIC SCHOOL STUDENTS OFTEN REQUIRE REMEDIATION ASSISTANCE UPON ENROLLING IN COLORADO INSTITUTIONS OF HIGHER EDUCATION. EARLIER AND MORE AGGRESSIVE INTERVENTIONS ARE NECESSARY, INCLUDING THE PROVISION OF REMEDIATION WHILE THE STUDENTS ARE STILL ATTENDING PUBLIC HIGH SCHOOLS.

(b) AS A RESULT, THE GENERAL ASSEMBLY INTENDS TO EXPLORE INNOVATIVE APPROACHES TO EFFECTIVE STUDENT REMEDIATION ASSISTANCE AND COLLEGE PREPARATION BY FOSTERING WORKING PARTNERSHIPS INVOLVING INSTITUTIONS OF HIGHER EDUCATION AND SCHOOL DISTRICTS.

(2) THERE IS HEREBY CREATED IN THE DEPARTMENT OF HIGHER EDUCATION THE REMEDIATION ASSISTANCE PILOT PROGRAM, REFERRED TO IN THIS SECTION AS THE "PILOT PROGRAM". THE PURPOSE OF THE PILOT PROGRAM IS TO FOSTER PARTNERSHIPS INVOLVING INSTITUTIONS OF HIGHER EDUCATION AND SCHOOL DISTRICTS THAT DEVELOP INNOVATIVE APPROACHES TO PROVIDING EFFECTIVE STUDENT REMEDIATION ASSISTANCE SO THAT STUDENTS MAY BE ADEQUATELY PREPARED FOR UNDERGRADUATE-LEVEL COURSE WORK.

(3) NO LATER THAN SEPTEMBER 1, 2004, THE COMMISSION SHALL DESIGNATE:

(a) FOUR SCHOOL DISTRICTS, REFERRED TO IN THIS SECTION AS "THE SCHOOL DISTRICTS", TO PARTICIPATE IN THE PILOT PROGRAM THAT MEET THE FOLLOWING CRITERIA:

(I) ONE URBAN SCHOOL DISTRICT LOCATED IN THE DENVER METROPOLITAN AREA WITH AN ENROLLMENT OF AT LEAST SIXTY THOUSAND PUPILS;

(II) ONE SUBURBAN SCHOOL DISTRICT LOCATED IN THE DENVER METROPOLITAN AREA WITH A SIGNIFICANT POPULATION OF STUDENTS ELIGIBLE FOR FREE LUNCH AND WITH AN ENROLLMENT OF AT LEAST THIRTY THOUSAND PUPILS;

(III) ONE SCHOOL DISTRICT LOCATED IN SOUTHERN COLORADO WITH AN ENROLLMENT OF AT LEAST FIFTEEN THOUSAND PUPILS; AND

(IV) ONE SCHOOL DISTRICT LOCATED ON THE WESTERN SLOPE WITH AN ENROLLMENT OF AT LEAST FIFTEEN THOUSAND PUPILS; AND

(b) AT LEAST THREE INSTITUTIONS OF HIGHER EDUCATION, REFERRED TO IN THIS SECTION AS "THE INSTITUTIONS", EACH OF WHICH SHALL WORK WITH AT LEAST ONE OF THE SCHOOL DISTRICTS IN DEVELOPING STUDENT REMEDIATION ASSISTANCE STRATEGIES.

(4) ANY SCHOOL DISTRICT, OTHER THAN A SCHOOL DISTRICT

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DESIGNATED BY THE COMMISSION PURSUANT TO SUBSECTION (3) OF THIS SECTION, MAY VOLUNTARILY PARTICIPATE IN THE PILOT PROGRAM. THE COMMISSION SHALL INCLUDE THE SCHOOL DISTRICT IN THE PILOT PROGRAM UPON THE SUBMISSION TO THE COMMISSION OF A FAVORABLE RESOLUTION ADOPTED BY THE SCHOOL DISTRICT BOARD OF EDUCATION. WITHIN THIRTY DAYS AFTER THE SUBMISSION OF THE RESOLUTION, THE COMMISSION SHALL DESIGNATE AN INSTITUTION TO WORK WITH THE SCHOOL DISTRICT IN IMPLEMENTING THE PROVISIONS OF THIS SECTION, AND THE INSTITUTION MAY BE REQUESTED BY THE SCHOOL DISTRICT.

(5) ON OR BEFORE OCTOBER 15, 2004, EACH INSTITUTION AND SCHOOL DISTRICT SHALL COOPERATIVELY IDENTIFY STUDENTS WHO HAVE NOT ACHIEVED ACADEMIC PROFICIENCY, WHO HAVE NOT COMPLETED THE TWELFTH GRADE, AND WHO ARE IN GREATEST NEED OF REMEDIATION ASSISTANCE TO BE ADEQUATELY PREPARED FOR ENROLLMENT IN A COLORADO INSTITUTION OF HIGHER EDUCATION. THE INSTITUTION AND THE SCHOOL DISTRICT MAY CONSIDER A STUDENT'S LEVEL OF PROFICIENCY IN EACH ACADEMIC AREA ON A STATEWIDE ASSESSMENT IN DETERMINING THE STUDENT'S ACADEMIC PROFICIENCY. THE INSTITUTION AND SCHOOL DISTRICT, IN CONSULTATION WITH EACH IDENTIFIED STUDENT AND HIS OR HER PARENT, SHALL DESIGN AN INDIVIDUALIZED REMEDIATION ASSISTANCE PROGRAM THAT SHALL INCLUDE, AT A MINIMUM:

(a) A STATEMENT OF SPECIFIC GOALS FOR THE STUDENT'S ACADEMIC ACHIEVEMENT;

(b) A DESCRIPTION OF HOW THE STUDENT'S PROGRESS WILL BE MEASURED AND A TIMETABLE FOR IMPROVING ACADEMIC ACHIEVEMENT, WHICH, IN THE CASE OF A STUDENT WITH DISABILITIES, SHALL BE CONSISTENT WITH THE STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM CREATED PURSUANT TO ARTICLE 20 OF TITLE 22, C.R.S.; AND

(c) A DESCRIPTION OF HOW THE STUDENT'S PARENT AND THE STUDENT'S TEACHER OR TEACHERS WILL BE REGULARLY INFORMED OF THE STUDENT'S PROGRESS.

(6) A SCHOOL DISTRICT OR INSTITUTION SHALL NOT DISCLOSE TO THE PUBLIC PERSONALLY IDENTIFIABLE INFORMATION ABOUT A STUDENT WHO IS ELIGIBLE FOR, OR RECEIVING, REMEDIATION ASSISTANCE PURSUANT TO THIS SECTION, WITHOUT THE WRITTEN PERMISSION OF THE STUDENT'S PARENT.

(7) (a) THE SCHOOL DISTRICTS AND THE INSTITUTIONS SHALL SEEK SUCH PUBLIC AND PRIVATE GIFTS, GRANTS, AND DONATIONS AS MAY BE AVAILABLE TO FUND THE PILOT PROGRAM.

(b) IN ADDITION TO ANY FUNDING RECEIVED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (7), AN INSTITUTION MAY BE REIMBURSED PURSUANT TO SECTION 22-35-201, C.R.S.

(c) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE SCHOOL DISTRICTS AND THE INSTITUTIONS IMPLEMENT THE PROVISIONS OF THIS SECTION REGARDLESS OF THE AMOUNT OF PUBLIC OR PRIVATE MONEYS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (7) THAT ARE ACTUALLY RECEIVED.

(8) NO LATER THAN OCTOBER 1, 2004, THE COMMISSION, IN CONSULTATION WITH THE SCHOOL DISTRICTS AND THE INSTITUTIONS, SHALL ADOPT REASONABLE POLICIES AND PROCEDURES TO IMPLEMENT THE PROVISIONS OF THIS SECTION, WHICH SHALL INCLUDE, AT A MINIMUM:

(a) A RANGE OF POSSIBLE DIAGNOSTIC INSTRUMENTS THAT A SCHOOL DISTRICT AND AN INSTITUTION MAY USE IN EVALUATING THE ACADEMIC PROFICIENCY OF STUDENTS;

(b) THE SCOPE AND DURATION OF REMEDIATION ASSISTANCE AVAILABLE PURSUANT TO THIS SECTION;

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(c) A MECHANISM BY WHICH A SCHOOL DISTRICT AND AN INSTITUTION MAY JOINTLY DETERMINE WHETHER A STUDENT HAS ACHIEVED A SUFFICIENT LEVEL OF ACADEMIC PROFICIENCY; AND

(d) A BRIEF DESCRIPTION OF THE MOST EFFICIENT AND FLEXIBLE PROCEDURES FOR AN EFFECTIVE PARTNERSHIP OF SCHOOL DISTRICTS AND INSTITUTIONS.

(9) NO LATER THAN DECEMBER 1, 2009, THE COMMISSION SHALL PREPARE AND SUBMIT A REPORT ON THE EFFECTIVENESS OF THE PILOT PROGRAM TO THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

(10) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2010.

SECTION 2. Article 35 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 2

REMEDICATION ASSISTANCE

22-35-201. Remediation assistance - basic skills course - tuition - rule-making. (1) NOTWITHSTANDING ANY OTHER PROVISION OF PART 1 OF THIS ARTICLE TO THE CONTRARY, THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION SHALL APPLY IF:

(a) A PUPIL WHO IS ENROLLED IN A SCHOOL DISTRICT IS ALSO ENROLLED PURSUANT TO THE PROVISIONS OF SECTION 23-1-128, C.R.S., IN A BASIC SKILLS COURSE, AS THAT TERM IS DEFINED IN SECTION 23-1-113, C.R.S., THAT IS OFFERED BY AN INSTITUTION OF HIGHER EDUCATION; AND

(b) THE PUPIL'S SCHOOL DISTRICT OF ENROLLMENT AND THE INSTITUTION OF HIGHER EDUCATION AGREE TO THE ENROLLMENT PURSUANT TO SECTION 23-1-128, C.R.S.

(2) A PUPIL ENROLLED IN A BASIC SKILLS COURSE AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION SHALL:

(a) RECEIVE ONLY HIGH SCHOOL CREDIT FOR THE COURSE;

(b) BE INCLUDED IN THE PUPIL ENROLLMENT OF THE SCHOOL DISTRICT IN WHICH THE PUPIL IS ENROLLED, AS DETERMINED PURSUANT TO THE PROVISIONS OF SECTION 22-54-103 (10); AND

(c) NOT BE INCLUDED IN THE COUNT OF FULL-TIME EQUIVALENT STUDENTS OF THE INSTITUTION OF HIGHER EDUCATION IN WHICH THE PUPIL IS ENROLLED.

(3) THE SCHOOL DISTRICT OF ENROLLMENT OF A PUPIL ENROLLED IN A BASIC SKILLS COURSE AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION SHALL PAY TO THE INSTITUTION OF HIGHER EDUCATION THE AMOUNT OF TUITION TO WHICH THE INSTITUTION OF HIGHER EDUCATION WOULD BE ENTITLED ON BEHALF OF A REGULARLY ENROLLED IN-STATE STUDENT, AS DEFINED IN SECTION 23-7-102 (5), C.R.S., TAKING THE COURSE.

(4) THE STATE BOARD OF EDUCATION, IN PROMULGATING RULES FOR THIS PART 2, SHALL SPECIFY THAT A SCHOOL DISTRICT MAY CONTINUE TO INCLUDE A PUPIL IN THE PUPIL ENROLLMENT OF THE SCHOOL DISTRICT EVEN THOUGH THE PUPIL MAY NOT HAVE SUCCESSFULLY COMPLETED A BASIC SKILLS COURSE IN WHICH THE PUPIL WAS ENROLLED PURSUANT TO THIS SECTION.

22-35-202. Repeal of part. THIS PART 2 IS REPEALED, EFFECTIVE JULY 1, 2010.

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SECTION 3. 22-35-102 (2), Colorado Revised Statutes, is amended to read:

22-35-102. Legislative declaration. (2) The general assembly further finds that any student who enrolls in postsecondary courses pursuant to this ~~article~~ PART 1 should be expected to show a high degree of maturity and responsibility, especially with regard to the successful completion of such postsecondary courses. The general assembly therefore finds that an important method of fostering such responsibility is to require the student, or his or her family, to pay the tuition costs associated with such postsecondary courses, subject to reimbursement by the school district upon successful completion of such postsecondary courses.

SECTION 4. The introductory portion to 22-35-103, Colorado Revised Statutes, is amended to read:

22-35-103. Definitions. For the purposes of this ~~article~~ PART 1:

SECTION 5. 22-35-104 (1) and (5), Colorado Revised Statutes, are amended to read:

22-35-104. Enrollment in institution of higher education - cooperative agreement. (1) Any pupil who is not more than twenty-one years ~~old~~ OF AGE and who is enrolled in the eleventh or twelfth grade of a school district, as defined in section 22-30-103 (13), and who is deemed by the pupil and the pupil's parent or legal guardian, with the advice and counsel of the principal of the high school in which such pupil is enrolled, to be in need of course work at a higher academic level than that available at the pupil's school or is deemed by the high school to be in need of a different environment is eligible to apply to an institution of higher education to allow such pupil to enroll in such institution in accordance with the provisions of this ~~article~~ PART 1. The school district shall notify all students and parents of the opportunity for postsecondary enrollment. This notification shall be given with sufficient time to allow the students and parents to consider this option.

(5) For purposes of this ~~article~~ PART 1, unless the context otherwise requires, "course" means a course offered by an institution of higher education.

SECTION 6. 22-35-105 (1), the introductory portions to 22-35-105 (2) and (3), 22-35-105 (3) (a) (IV), the introductory portion to 22-35-105 (4), and 22-35-105 (5), (7), and (8) (d), Colorado Revised Statutes, are amended to read:

22-35-105. Financial provisions - payment of tuition. (1) Any cooperative agreement entered into pursuant to the provisions of this ~~article~~ PART 1 on or after June 8, 1991, shall include financial provisions which satisfy the requirements of this section.

(2) If pupils are enrolled pursuant to the provisions of this ~~article~~ PART 1 in a course section offered by an institution of higher education for high school pupils, either at the request of the school district or upon the initiative of the institution of higher education, the institution of higher education shall be responsible for course content and the quality of instruction and shall be reimbursed by the school district for costs pursuant to the cooperative agreement between such institution and such school district. In addition, because any such pupil is receiving high school credit for such course pursuant to the provisions of this subsection (2):

(3) If pupils of any school district are enrolled pursuant to the provisions of this ~~article~~ PART 1 in one or two courses per academic term offered by any institution of higher education for postsecondary students and:

(a) If the pupil so enrolled is receiving high school credit for such course:

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(IV) For purposes of this paragraph (a), notwithstanding any law to the contrary, every pupil enrolled in an institution of higher education pursuant to the provisions of this ~~article~~ PART 1 who otherwise would not be classified as an in-state student for tuition purposes at any state-supported institution of higher education shall be classified as an in-state student for purposes of tuition;

(4) If pupils of any school district are enrolled pursuant to the provisions of this ~~article~~ PART 1 in three or more courses per academic term offered by any institution of higher education for postsecondary students:

(5) Nothing in this ~~article~~ PART 1 shall be construed to restrict the ability of institutions of higher education to offer independently courses for college credit outside of the regular school day using school district facilities.

(7) The provisions of this ~~article~~ PART 1 shall not apply to any course that is offered under the statewide extended studies program established under section 23-1-109, C.R.S.

(8) (d) If any pupil for whom the school district pays tuition pursuant to this subsection (8) does not complete the postsecondary course for any reason, without consent of the principal of the high school in which the pupil is enrolled, or otherwise fails to pass the course, it shall be the responsibility of the pupil, or such pupil's parent or guardian, to reimburse the school district, as provided in the promise signed pursuant to paragraph (c) of this subsection (8), for the amount of tuition paid by the school district to the institution of higher education pursuant to this ~~article~~ PART 1.

SECTION 7. 22-35-106, Colorado Revised Statutes, is amended to read:

22-35-106. Transportation. The school district of a pupil who is enrolled in an institution of higher education pursuant to the provisions of this ~~article~~ PART 1 shall not be required to provide or to pay for transportation for such pupil to or from said institution of higher education.

SECTION 8. 22-35-107, Colorado Revised Statutes, is amended to read:

22-35-107. Institution of higher education - enrollment - limitations. Any institution of higher education to which a pupil has applied for enrollment pursuant to the provisions of this ~~article~~ PART 1 may allow such pupil to enroll in courses offered by such institution of higher education. Any institution of higher education may limit the number of such pupils which the institution allows to enroll. Except as otherwise provided in section 22-35-105 (2), any pupil who is allowed to enroll pursuant to the provisions of this ~~article~~ PART 1 shall be included in the number of full-time equivalent students enrolled in the institution of higher education for the purpose of any limitation imposed on the total number of full-time equivalent students which may enroll in such institution of higher education.

SECTION 9. 22-35-108, Colorado Revised Statutes, is amended to read:

22-35-108. Exclusion - summer school. The provisions of this ~~article~~ PART 1 shall not apply to pupils enrolled in institutions of higher education during the period from the termination of the regular school term in the spring until the regular school term convenes in the fall.

SECTION 10. 22-35-109, Colorado Revised Statutes, is amended to read:

22-35-109. School districts - distribution of information. Every school district shall make information available to the pupils enrolled in

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the school district and to their parents about the postsecondary enrollment options for eligible pupils pursuant to the provisions of this ~~article~~ PART 1.

SECTION 11. Effective date. This act shall take effect July 1, 2004.

SECTION 12. 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."

Page 1, line 101, strike "REMEDIAL" and substitute "REMEDIATION".

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
READ-TO-ACHIEVE BOARD**

for terms expiring July 1, 2006:

Karen M. Brown of Pueblo West, Colorado, to serve as a member with knowledge of the best practices in reading and reading instruction and as an Unaffiliated, reappointed;

Karen J. Durica of Littleton, Colorado, to serve as a member with knowledge of and experience in public education in elementary grades and as a Republican, reappointed;

Laura "Gail" Coleman of Lakewood, Colorado, to serve as third grade elementary school teacher and as a Republican, reappointed;

Nancy "Lynn" Bamberry of Lakewood, Colorado, to serve as a parent of a child in second or third grade and as a Republican, appointed.

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 THE
UNIVERSITY OF NORTHERN COLORADO**

for terms expiring June 30, 2007:

Marcy H. Benson of Denver, Colorado, appointed.

SENATE SERVICES REPORT

Correctly Engrossed: SB04-093 and 188.

Correctly Revised: HB04-1102 and 1224.

Correctly Enrolled: SB04-002, 014, 015, 021, 025, 036, 156, 159, 044, and 122.

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 March 12, 2004, was laid over until Monday, March 15, 2004, retaining its place on the calendar.

Consideration of Resolutions: SJR04-011, SJR04-013, SJR04-014, HJR04-1021, SJR04-022, SJR04-023, SJR04-010, SJR04-024, SJR04-025.

Consideration of House Amendments to Senate Joint Resolution: SJR04-009.

Consideration of Governor's Appointments:

Members of the Colorado Tourism Office Board of Directors;

Member of the Public Utilities Commission of the State of Colorado;

Member of the State Board of Parole;
Members of the Colorado Student Obligation Bond Authority Board of Directors.
Conference Committees to Report: HB04-1112, HB04-1072, HB04-1280.



On motion of Senator Hillman, the Senate adjourned until 10:00 a.m., Friday, March 15, 2004.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

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