

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

3

4 "SECTION 1. 42-6-136 (3), Colorado Revised Statutes, is
5 amended to read:

6

7 **42-6-136. Surrender and cancellation of certificate - penalty**
8 **for violation.** (3) Any owner of a REBUILT salvage vehicle ~~which has~~
9 ~~been made roadworthy~~ who makes application for a certificate of title as
10 provided in section 42-6-116 shall include such information regarding the
11 salvage vehicle as the director may require by rule. The owner shall
12 provide to the director evidence of ownership which satisfies the director
13 that the applicant is entitled to filing of a certificate of title. The director
14 or the director's authorized agent shall ~~place the letter "S"~~ DESIGNATE in
15 a conspicuous place in the record for SUCH a vehicle. ~~that is a salvage~~
16 ~~vehicle that has been made roadworthy.~~ Such letter "S" designation shall
17 INCLUDE THE WORDS "REBUILT FROM SALVAGE" AND SHALL become
18 a permanent part of the certificate of title for such vehicle and shall
19 appear on all subsequent certificates of title for such vehicle.

20

21 **SECTION 2. Effective date - applicability.** (1) This act shall
22 take effect July 1, 2003, unless a referendum petition is filed during the
23 ninety-day period after final adjournment of the general assembly that is
24 allowed for submitting a referendum petition pursuant to article V,
25 section 1 (3) of the state constitution. If such a referendum petition is
26 filed against this act or an item, section, or part of this act within such
27 period, then the act, item, section, or part shall take effect on the specified
28 date only if approved by the people." . "

29

30

31

32 **SB02-196** be amended as follows, and as so amended, be referred to
33 the Committee of the Whole with favorable
34 recommendation:

35

36 Amend reengrossed bill, page 10, line 22, strike "OF THE" and substitute
37 "OF";

38

39 line 23, strike "FOLLOWING NEW PARAGRAPHS," and substitute "A
40 NEW PARAGRAPH,".

41

42 Page 13, strike lines 14 through 18.

43

44

45

46

47 **CRIMINAL JUSTICE**

48 After consideration on the merits, the Committee recommends the
49 following:

50

51 **SB02-010** be amended as follows, and as so amended, be referred to
52 the Committee on Appropriations with favorable
53 recommendation:

54

55 Amend reengrossed bill, page 4, line 20, after "AND", insert
56 "REGISTRATION,";

1 line 21, strike "REGISTRATION" and substitute "REGISTRATION,".

2

3 Page 13, line 1, strike "ALSO".

4

5 Page 22, line 1, strike "MAY" and substitute "SHALL".

6

7 Page 23, line 4, strike "MAY" and substitute "SHALL".

8

9 Page 66, after line 8, insert the following:

10

11 **SECTION 37.** 16-8-115 (4) (f), Colorado Revised Statutes, as
12 enacted by House Bill 02-1019, enacted at the Second Regular Session
13 of the Sixty-third General Assembly, is amended to read:

14

15 **16-8-115. Release from commitment after verdict of not guilty**
16 **by reason of insanity or not guilty by reason of impaired mental**
17 **condition.** (f) The local law enforcement agency shall transmit any
18 registrations received pursuant to paragraph (e) of this subsection (4) to
19 the Colorado bureau of investigation within three business days following
20 receipt. The Colorado bureau of investigation shall include any
21 registration information received pursuant to this section in the central
22 registry established pursuant to ~~section 18-3-412.5, C.R.S.~~ SECTION
23 16-22-110, and shall specify that the information applies to a defendant
24 required to register as a condition of release pursuant to this section. The
25 forms completed by defendants required to register as a condition of
26 release pursuant to this subsection (4) shall be confidential and shall not
27 be open to inspection except as provided in paragraph (e) of subsection
28 (3) of this section and except as provided for release of information to the
29 public pursuant to ~~section 18-3-412.5 (6.5), C.R.S.~~ SECTIONS 16-22-110
30 (6) AND 16-22-112.

31

32 **SECTION 38.** 16-8-118 (2) (c), Colorado Revised Statutes, as
33 enacted by House Bill 02-1019, enacted at the Second Regular Session
34 of the Sixty-third General Assembly, is amended to read:

35

36 **16-8-118. Temporary removal for treatment and**
37 **rehabilitation.** (2) (c) Any defendant required to register pursuant to
38 this subsection (2) shall register as provided in section 16-8-115 (4). The
39 local law enforcement agency shall transmit any registrations received
40 pursuant to this subsection (2) to the Colorado bureau of investigation
41 within three business days following receipt. The Colorado bureau of
42 investigation shall include any registration information received pursuant
43 to this section in the central registry established pursuant to ~~section~~
44 ~~18-3-412.5, C.R.S.~~ SECTION 16-22-110, and shall specify that the
45 information applies to a defendant required to register as a condition of
46 temporary physical removal from an institution. The forms completed by
47 defendants required to register pursuant to this subsection (2) shall be
48 confidential and shall not be open to inspection except as otherwise
49 provided in section 16-8-115 (3) (e) for information pertaining to persons
50 granted conditional release and except as provided for release of
51 information to the public pursuant to ~~section 18-3-412.5 (6.5), C.R.S.~~
52 SECTIONS 16-22-110 (6) AND 16-22-112.

53

54 **SECTION 39.** 23-5-124, Colorado Revised Statutes, as enacted
55 by House Bill 02-1114, enacted at the Second Regular Session of the
56 Sixty-third General Assembly, is amended to read:

1 **23-5-124. Campus sex offender information.** Each institution
2 of postsecondary education in the state shall provide a statement to its
3 campus community identifying the name and location at which members
4 of the community may obtain the law enforcement agency information
5 collected pursuant to ~~section 18-3-412.5 (6.3)~~ SECTION 16-22-110 (3.5),
6 C.R.S., concerning registered sex offenders.

7
8 **SECTION 40.** 17-2-201 (5) (a.6), Colorado Revised Statutes, as
9 enacted by House Bill 02-1223, enacted at the Second Regular Session
10 of the Sixty-third General Assembly, is amended to read:

11
12 **17-2-201. State board of parole.** (5) (a.6) As to any person who
13 is sentenced for conviction of an offense committed on or after July 1,
14 2002, involving unlawful sexual behavior, as defined in ~~section~~
15 ~~18-3-412.5 (1)~~ SECTION 16-22-102 (9), C.R.S., or for conviction of an
16 offense committed on or after July 1, 2002, the underlying factual basis
17 of which involved unlawful sexual behavior, and who is not subject to the
18 provisions of part 8 of article 13 of title 16, C.R.S., such person shall be
19 subject to the mandatory period of parole set forth in section 18-1-105 (1)
20 (a) (V) (A), C.R.S.

21
22 **SECTION 41.** 18-1-105 (1) (a) (V) (C.7), Colorado Revised
23 Statutes, as enacted by House Bill 02-1223, enacted at the Second Regular
24 Session of the Sixty-third General Assembly, is amended to read:

25
26 **18-1-105. Felonies classified - presumptive penalties.**
27 (1) (a) (V) (C.7) Any person sentenced for a felony committed on or
28 after July 1, 2002, involving unlawful sexual behavior, as defined in
29 ~~section 18-3-412.5 (1)~~ SECTION 16-22-102 (9), C.R.S., or for a felony,
30 committed on or after July 1, 2002, the underlying factual basis of which
31 involved unlawful sexual behavior, and who is not subject to the
32 provisions of part 8 of article 13 of title 16, C.R.S., shall be subject to the
33 mandatory period of parole specified in sub-subparagraph (A) of this
34 subparagraph (V).

35
36 **SECTION 42.** 26-6-404 (1) (a) (I) (C), Colorado Revised Statutes,
37 as enacted by House Bill 02-1361, enacted at the Second Regular Session
38 of the Sixty-third General Assembly, is amended to read:

39
40 **26-6-404. Denial of original license application - required.**
41 (1) (a) (I) No license or certificate to operate a foster care home, a
42 residential child care facility, a secure residential child care facility, or a
43 child placement agency shall be issued by the division of child welfare
44 services in the department of human services, a county department, or a
45 child placement agency licensed under the provisions of this part 4 if the
46 person applying for such a license or certificate has been convicted of:

47
48 (C) Any felony offenses involving unlawful sexual behavior, as
49 defined in ~~section 18-3-412.5~~ SECTION 16-22-102 (9), C.R.S.;

50
51 **SECTION 43.** 19-1-103 (1) (a) (II), Colorado Revised Statutes,
52 as amended by Senate Bill 02-187, enacted at the Second Regular Session
53 of the Sixty-third General Assembly, is amended to read:

54
55 **19-1-103. Definitions.** As used in this title or in the specified
56 portion of this title, unless the context otherwise requires:

1 (1) (a) "Abuse" or "child abuse or neglect", as used in part 3 of
 2 article 3 of this title, means an act or omission in one of the following
 3 categories that threatens the health or welfare of a child:
 4

5 (II) Any case in which a child is subjected to unlawful sexual
 6 behavior as defined in ~~section 18-3-412.5 (1) (b)~~ SECTION 16-22-102 (9),
 7 C.R.S.;"
 8

9 Renumber succeeding sections accordingly.
 10

11 Page 67, line 13, strike "law." and substitute "law, and sections 37 and 38
 12 shall take effect only if House Bill 02-1019 is enacted during the Second
 13 Regular Session of the Sixty-third General Assembly, and section 39 shall
 14 take effect only if House Bill 02-1114 is enacted during the Second
 15 Regular Session of the Sixty-third General Assembly and becomes law,
 16 and section 42 shall take effect only if House Bill 02-1361 is enacted
 17 during the Second Regular Session of the Sixty-third General Assembly
 18 and becomes law, and section 43 shall take effect only if Senate Bill
 19 02-187 is enacted during the Second Regular Session of the Sixty-third
 20 General Assembly and becomes law."
 21
 22
 23

24 **SB02-019** be referred to the Committee of the Whole with favorable
 25 recommendation.
 26
 27
 28
 29

30 **EDUCATION**

31 After consideration on the merits, the Committee recommends the
 32 following:
 33

34 **HB02-1272** be amended as follows, and as so amended, be rereferred
 35 to the Committee on Appropriations with favorable
 36 recommendation:
 37

38 Strike the first Education Committee Report, dated February 18, 2002.
 39

40 Amend printed bill, strike everything below the enacting clause and
 41 substitute the following:
 42

43 "SECTION 1. 22-33-104.6 (2) (b) and (2) (d), the introductory
 44 portion to 22-33-104.6 (3), 22-33-104.6 (3) (d), (3) (e) (II), (3) (g), and
 45 (3) (h), and the introductory portion to 22-33-104.6 (4) (a), Colorado
 46 Revised Statutes, are amended, and the said 22-33-104.6 is further
 47 amended BY THE ADDITION OF A NEW SUBSECTION, to read:
 48

49 **22-33-104.6. On-line program - legislative declaration -**
 50 **authorized - definitions. (2) Definitions.** As used in this section:
 51

52 (b) "On-line program" means an alternative on-line education
 53 program authorized pursuant to this section that provides a sequential
 54 program of instruction for the education of a child WHO RESIDES IN
 55 COLORADO through services accessible on the world wide web and
 56 monitored by a district coordinator and a site coordinator; EXCEPT THAT,

1 IF AN ON-LINE PROGRAM IS PROVIDED BY A CHARTER SCHOOL, THE SITE
2 COORDINATOR SHALL HAVE SOLE RESPONSIBILITY FOR MONITORING THE
3 PROGRAM. An on-line program is not intended to be and does not qualify
4 as a private or nonprofit school.

5
6 (d) "Site coordinator" means a counselor or teacher at a public
7 school, INCLUDING BUT NOT LIMITED TO A CHARTER SCHOOL, who shall
8 monitor the progress of a student participating in the on-line program.

9
10 (3) **Program criteria.** A school district, any group of two or
11 more school districts, A CHARTER SCHOOL, A GROUP OF CHARTER
12 SCHOOLS, or any board of cooperative services is hereby authorized to
13 create an on-line program. The following guidelines shall apply to any
14 on-line program that is created and administered pursuant to the
15 provisions of this section:

16
17 (d) Each child participating in an on-line program shall be
18 evaluated, tested, and monitored at the same intervals as other students
19 in the grade level in the child's school. Each child participating in an
20 on-line program shall be subject to the statewide assessments as required
21 in section 22-7-409. The district coordinator and the site coordinator
22 shall collaborate to ensure that the child meets in person with the site
23 coordinator for an evaluation; EXCEPT THAT, IF A CHARTER SCHOOL
24 PROVIDES THE ON-LINE PROGRAM, THE SITE COORDINATOR SHALL HAVE
25 SOLE RESPONSIBILITY TO ENSURE THE CHILD MEETS IN PERSON WITH THE
26 SITE COORDINATOR.

27
28 (e) An on-line program shall include:

29
30 (II) A process pursuant to which the site coordinator shall notify
31 any child who is not performing satisfactorily in the on-line program, as
32 determined by the school district OR CHARTER SCHOOL providing the
33 on-line program, and shall identify other educational alternatives
34 available to such child;

35
36 (g) The records of each child participating in an on-line program
37 shall be maintained on a permanent basis by the school and the school
38 district providing the on-line program; EXCEPT THAT, IF A CHARTER
39 SCHOOL PROVIDES THE ON-LINE PROGRAM, ONLY THE CHARTER SCHOOL
40 SHALL BE REQUIRED TO MAINTAIN SUCH RECORDS. The records shall
41 include but need not be limited to:

42
43 (I) Attendance data;

44
45 (II) Test, evaluation, and statewide assessment results; and

46
47 (III) Immunization records, as required by sections 25-4-902 and
48 25-4-903, C.R.S.

49
50 (h) Each child participating in an on-line program shall RESIDE
51 WITHIN THIS STATE, SHALL meet the criteria for selection for participation
52 in such program set by the school district OR CHARTER SCHOOL providing
53 the on-line program, and shall demonstrate that he or she possesses the
54 appropriate electronic equipment and resources to participate in the
55 program. A school district OR CHARTER SCHOOL may provide such
56 equipment and resources to a child participating in the on-line program.

1 (4) **Funding.** (a) If a child is participating in an on-line program
2 created by a school district OR BY A CHARTER SCHOOL, the school district
3 PROVIDING THE ON-LINE PROGRAM OR THE CHARTERING SCHOOL DISTRICT
4 FOR THE CHARTER SCHOOL PROVIDING THE ON-LINE PROGRAM shall be
5 entitled to count such child in accordance with the provisions of ~~section~~
6 ~~22-54-103-(10)~~ SECTION 22-54-103 (8.5) for purposes of determining
7 ON-LINE pupil enrollment under the "Public School Finance Act of 1994",
8 article 54 of this title, if, in the preceding academic year, such child
9 either:

10
11 (5) (a) THE GENERAL ASSEMBLY HEREBY FINDS THAT THERE ARE
12 MANY CHILDREN IN COLORADO WHO DO NOT MEET THE CRITERIA
13 SPECIFIED IN PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION WHO
14 WOULD BENEFIT FROM THE OPPORTUNITY TO PARTICIPATE IN AN ON-LINE
15 PROGRAM. ALTHOUGH THE COST OF FUNDING ALL OF SUCH CHILDREN
16 THROUGH THE "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF
17 THIS TITLE, WOULD BE PROHIBITIVE, IT IS THE INTENT OF THE GENERAL
18 ASSEMBLY TO PROVIDE FUNDING FOR AS MANY OF SUCH CHILDREN AS
19 POSSIBLE UNDER THE FISCAL CONSTRAINTS THAT EXIST FOR THE STATE.
20

21 (b) FOR THE 2002-03 BUDGET YEAR AND FOR EACH BUDGET YEAR
22 THEREAFTER, FOR PURPOSES OF DETERMINING SCHOOL DISTRICTS' ON-LINE
23 PUPIL ENROLLMENT UNDER THE "PUBLIC SCHOOL FINANCE ACT OF 1994",
24 ARTICLE 54 OF THIS TITLE, IN ADDITION TO THE CHILDREN COUNTED
25 PURSUANT TO SUBSECTION (4) OF THIS SECTION, SCHOOL DISTRICTS MAY
26 COUNT UP TO A STATEWIDE TOTAL OF FIVE HUNDRED CHILDREN WHO ARE
27 ENROLLED IN ON-LINE PROGRAMS CREATED PURSUANT TO THIS SECTION
28 AND WHO, FOR THE PRECEDING SCHOOL YEAR, WERE ENROLLED AFTER
29 OCTOBER 1 IN PUBLIC SCHOOLS OR CHARTER SCHOOLS OF SCHOOL
30 DISTRICTS IN THIS STATE OR WERE ENROLLED IN PRIVATE SCHOOLS OR
31 PARTICIPATING IN NONPUBLIC HOME-BASED EDUCATION PROGRAMS OR
32 PARTICIPATING IN HOME INSTRUCTION BY LICENSED TEACHERS.
33

34 (c) EACH SCHOOL DISTRICT, GROUP OF SCHOOL DISTRICTS,
35 CHARTER SCHOOL, GROUP OF CHARTER SCHOOLS, AND BOARD OF
36 COOPERATIVE SERVICES THAT CREATES AN ON-LINE PROGRAM PURSUANT
37 TO THIS SECTION MAY APPLY TO THE DEPARTMENT OF EDUCATION FOR
38 AUTHORIZATION TO COUNT CHILDREN ENROLLED IN THE ON-LINE PROGRAM
39 WHO MEET THE CRITERIA SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION
40 (5) FOR PURPOSES OF DETERMINING THE ON-LINE PUPIL ENROLLMENT.
41 EACH APPLICANT, AT A MINIMUM, SHALL PROVIDE THE FOLLOWING
42 INFORMATION:
43

44 (I) VERIFICATION THAT THE ACADEMIC PROGRAM PROVIDED
45 THROUGH THE ON-LINE PROGRAM IS RESEARCH-BASED AND SEQUENTIAL;
46

47 (II) THE MANNER IN WHICH THE APPLICANT HAS MARKETED THE
48 ON-LINE PROGRAM TO CHILDREN WHO ARE NOT RECEIVING PUBLIC
49 EDUCATION SERVICES AND HAVE DEMONSTRATED INTEREST IN THE ON-LINE
50 PROGRAM, INCLUDING BUT NOT LIMITED TO LETTERS OF INTENT TO
51 PARTICIPATE IN THE ON-LINE PROGRAM;
52

53 (III) DEMONSTRATION OF THE USE OF TECHNOLOGY SUPPORT
54 SYSTEMS FOR THE ON-LINE PROGRAM AND TEACHER SUPPORT; AND
55

1 (IV) DEMONSTRATION OF THE SUCCESS OF THE ON-LINE PROGRAM,
 2 INCLUDING BUT NOT LIMITED TO THE STUDENT COMPLETION RATE OF THE
 3 ON-LINE PROGRAM.
 4

5 (d) THE DEPARTMENT OF EDUCATION SHALL ALLOCATE THE
 6 ON-LINE PROGRAM POSITIONS AUTHORIZED IN PARAGRAPH (b) OF THIS
 7 SUBSECTION (5) TO APPLYING SCHOOL DISTRICTS, CHARTER SCHOOLS, AND
 8 BOARDS OF COOPERATIVE SERVICES. THE DEPARTMENT SHALL ALLOCATE
 9 THE POSITIONS TO ACCOMPLISH, AT A MINIMUM, THE FOLLOWING GOALS:
 10

11 (I) DISTRIBUTION OF ON-LINE PROGRAMS THROUGHOUT THE STATE
 12 FOR BROAD REPRESENTATION OF RURAL AND URBAN SCHOOL DISTRICTS
 13 AND CHARTER SCHOOLS;
 14

15 (II) ALLOCATION OF A SUFFICIENT NUMBER OF POSITIONS TO A
 16 SCHOOL DISTRICT, CHARTER SCHOOL, OR BOARD OF COOPERATIVE
 17 SERVICES TO ENSURE THAT THE ON-LINE PROGRAM OPERATED BY THE
 18 SCHOOL DISTRICT, CHARTER SCHOOL, OR BOARD OF COOPERATIVE
 19 SERVICES CAN INCLUDE AN ADEQUATE NUMBER OF STUDENTS, INCLUDING
 20 THOSE ENROLLED PURSUANT TO SUBSECTION (4) OF THIS SECTION AND THIS
 21 SUBSECTION (5), TO MAINTAIN THE EDUCATIONAL FEASIBILITY AND
 22 INTEGRITY OF THE PROGRAM.
 23

24 **SECTION 2.** 22-54-103 (7) and (10) (a), Colorado Revised
 25 Statutes, are amended, and the said 22-54-103 is further amended BY
 26 THE ADDITION OF A NEW SUBSECTION, to read:
 27

28 **22-54-103. Definitions - repeal.** As used in this article, unless
 29 the context otherwise requires:
 30

31 (7) "Funded pupil count" means:
 32

33 (a) FOR BUDGET YEARS COMMENCING PRIOR TO JULY 1, 2002, the
 34 greater of:
 35

36 (a) (I) The district's pupil enrollment for the applicable budget
 37 year; or
 38

39 (a) (II) The average of the district's pupil enrollment for the
 40 applicable budget year and the district's pupil enrollment for the
 41 immediately preceding budget year; or
 42

43 (a) (III) The average of the district's pupil enrollment for the
 44 applicable budget year and the district's pupil enrollment for the two
 45 immediately preceding budget years; or
 46

47 (a) (IV) The average of the district's pupil enrollment for the
 48 applicable budget year and the district's pupil enrollment for the three
 49 immediately preceding budget years;
 50

51 (b) (I) FOR BUDGET YEARS COMMENCING ON AND AFTER JULY 1,
 52 2002, THE GREATER OF:
 53

54 (A) THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE
 55 BUDGET YEAR; OR
 56

1 (B) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
2 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
3 THE IMMEDIATELY PRECEDING BUDGET YEAR; OR
4

5 (C) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
6 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
7 THE TWO IMMEDIATELY PRECEDING BUDGET YEARS; OR
8

9 (D) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
10 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
11 THE THREE IMMEDIATELY PRECEDING BUDGET YEARS.
12

13 (II) (A) FOR PURPOSES OF SUBPARAGRAPH (I) OF THIS PARAGRAPH
14 (b), NOTWITHSTANDING ANY LAW TO THE CONTRARY, FOR ANY BUDGET
15 YEAR COMMENCING PRIOR TO JULY 1, 2002, THE DISTRICT'S PUPIL
16 ENROLLMENT FOR THAT BUDGET YEAR SHALL BE THE DISTRICT'S PUPIL
17 ENROLLMENT, AS DEFINED BY SECTION 22-54-103 (10) (a) AS IT EXISTED
18 IMMEDIATELY PRIOR TO THE EFFECTIVE DATE OF THIS ACT, FOR THAT
19 BUDGET YEAR.
20

21 (B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1,
22 2005.
23

24 (8.5) "ON-LINE PUPIL ENROLLMENT" MEANS THE NUMBER OF
25 PUPILS ENROLLED, ON OCTOBER 1 WITHIN THE APPLICABLE BUDGET YEAR
26 OR THE SCHOOL DAY NEAREST SAID DATE, IN AN ON-LINE PROGRAM
27 CREATED PURSUANT TO SECTION 22-33-104.6 BY THE DISTRICT OR BY A
28 CHARTER SCHOOL CHARTERED BY THE DISTRICT.
29

30 (10) (a) (I) "Pupil enrollment" means the number of pupils
31 enrolled on October 1 within the applicable budget year or the school day
32 nearest said date, as evidenced by the actual attendance of such pupils
33 prior to said date, ~~except as otherwise provided in subparagraph (II) of~~
34 ~~this paragraph (a)~~, plus the number of pupils expelled prior to October 1
35 within the applicable budget year who are receiving educational services
36 pursuant to section 22-33-203 as of October 1 of the applicable budget
37 year. The department of education is authorized to establish alternative
38 dates for determining pupil enrollment in appropriate circumstances,
39 including, but not limited to, when schools are on a year-round schedule
40 pursuant to section 22-32-109 (1) (n) and pupils will be on authorized
41 breaks on October 1 within the applicable budget year; except that such
42 alternative dates shall be set not more than forty-five calendar days after
43 the first school day occurring after October 1.
44

45 (II) ~~"Pupil enrollment" shall include a pupil who is enrolled and~~
46 ~~participates in an on-line program authorized pursuant to section~~
47 ~~22-33-104.6.~~
48

49 **SECTION 3.** 22-54-104 (2) (a) (III.7), (2) (a) (III.8), and (2) (a)
50 (IV), Colorado Revised Statutes, are amended, and the said 22-54-104 (2)
51 (a) is further amended BY THE ADDITION OF THE FOLLOWING
52 NEW SUBPARAGRAPHS, to read:
53

54 **22-54-104. District total program - repeal.**
55 (2) (a) (III.7) Except as otherwise provided in this subsection (2),
56 subsection (6) of this section, or section 22-54-104.3, a district's total

1 program for the 2001-02 budget year and budget years thereafter shall be
2 the greater of the following:

3

4 (A) (District per pupil funding x District funded pupil count) +
5 District at-risk funding; or

6

7 (B) \$5,100 x District funded pupil count.

8

9 ~~(III.8) For the 2002-03 budget year and budget years thereafter,~~
10 ~~the dollar amount set forth in sub-subparagraph (B) of subparagraph~~
11 ~~(III.7) of this paragraph (a) shall be increased by the percentage by which~~
12 ~~the statewide base per pupil funding for the budget year is increased over~~
13 ~~the statewide base per pupil funding set forth for the 2001-02 budget~~
14 ~~year. Such amount shall be rounded to the nearest dollar.~~

15

16 (V) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (2),
17 SUBSECTION (6) OF THIS SECTION, OR SECTION 22-54-104.3, A DISTRICT'S
18 TOTAL PROGRAM FOR THE 2002-03 BUDGET YEAR AND BUDGET YEARS
19 THEREAFTER SHALL BE THE GREATER OF THE FOLLOWING:

20

21 (A) (DISTRICT PER PUPIL FUNDING X (DISTRICT FUNDED PUPIL
22 COUNT - DISTRICT ON-LINE PUPIL ENROLLMENT)) + DISTRICT AT-RISK
23 FUNDING + DISTRICT ON-LINE FUNDING; OR

24

25 (B) \$5,391 x DISTRICT FUNDED PUPIL COUNT.

26

27 (VI) FOR THE 2003-04 BUDGET YEAR AND BUDGET YEARS
28 THEREAFTER, THE DOLLAR AMOUNT SET FORTH IN SUB-SUBPARAGRAPH (B)
29 OF SUBPARAGRAPH (V) OF THIS PARAGRAPH (a) SHALL BE INCREASED BY
30 THE PERCENTAGE BY WHICH THE STATEWIDE BASE PER PUPIL FUNDING FOR
31 THE BUDGET YEAR IS INCREASED OVER THE STATEWIDE BASE PER PUPIL
32 FUNDING SET FORTH FOR THE 2002-03 BUDGET YEAR. SUCH AMOUNT
33 SHALL BE ROUNDED TO THE NEAREST DOLLAR.

34

35 ~~(IV)(A) (a.5) (I) For the 1997-98 budget year, the dollar amount~~
36 ~~used in the formula established by subparagraph (III) of this paragraph (a)~~
37 ~~OF THIS SUBSECTION (2) shall be increased by the difference between the~~
38 ~~district's per pupil funding for the 1997-98 budget year and the district's~~
39 ~~per pupil funding for the 1996-97 budget year.~~

40

41 ~~(B) (II) For the 1998-99 budget year and budget years thereafter,~~
42 ~~the dollar amount to be used in the formula established by subparagraph~~
43 ~~(III) of this paragraph (a) OF THIS SUBSECTION (2) shall be increased over~~
44 ~~the dollar amount calculated for the immediately preceding budget year~~
45 ~~for each district by the difference between the district's per pupil funding~~
46 ~~for the applicable budget year and the district's per pupil funding for the~~
47 ~~immediately preceding budget year.~~

48

49 ~~(C) (III) The provisions of this subparagraph (IV) PARAGRAPH~~
50 ~~(a.5) shall only apply to those districts whose total program for the~~
51 ~~1996-97 budget year was calculated pursuant to sub-subparagraph (B) of~~
52 ~~subparagraph (III) of this paragraph (a) OF THIS SUBSECTION (2); except~~
53 ~~that, for the 1999-2000 budget year and budget years thereafter, any~~
54 ~~district whose total program has been calculated pursuant to this~~
55 ~~subparagraph (IV) PARAGRAPH (a.5) shall receive the total program~~
56 ~~amount calculated pursuant to this subparagraph (IV) PARAGRAPH (a.5)~~

1 or the total program amount calculated pursuant to subparagraph (III.5)
 2 of this paragraph (a) OF THIS SUBSECTION (2), as adjusted pursuant to
 3 subparagraph (III.6) of this paragraph (a) OF THIS SUBSECTION (2),
 4 whichever is the greater amount.

5
 6 ~~(D)~~ (IV) For purposes of this ~~subparagraph (IV)~~ PARAGRAPH (a.5),
 7 a district's "per pupil funding" shall be the district's total program for the
 8 applicable budget year, as calculated pursuant to sub-subparagraph (A)
 9 of subparagraph (III) of this paragraph (a) OF THIS SUBSECTION (2),
 10 divided by the district's funded pupil count for such budget year; except
 11 that, for the 1998-99 budget year, a district's "per pupil funding" shall be
 12 calculated under this provision without regard to the change in the size
 13 factors made in subparagraph (I.2) of paragraph (b) of subsection (5) of
 14 this section, for the 1999-2000 budget year, shall be calculated using the
 15 cost of living factor and size factor used in the calculation for the 1998-99
 16 budget year under this ~~sub-subparagraph (D)~~ SUBPARAGRAPH (IV) and the
 17 at-risk factor calculated under this section as it existed for the 1997-98
 18 budget year or using the cost of living, size factor, and at-risk factor
 19 applicable for the budget year, whichever produces the lesser "per pupil
 20 funding" amount, and, for the 2000-01 budget year and budget years
 21 thereafter, shall be calculated using the size factor used in the calculation
 22 for the prior budget year or the size factor used in the calculation for the
 23 applicable budget year, whichever is less, and the at-risk factor calculated
 24 for the district using a base at-risk factor of eleven and one-half percent.

25
 26 **SECTION 4.** 22-54-104, Colorado Revised Statutes, is amended
 27 BY THE ADDITION OF A NEW SUBSECTION to read:

28
 29 **22-54-104. District total program - repeal.** (4.5) A DISTRICT'S
 30 ON-LINE FUNDING SHALL BE DETERMINED IN ACCORDANCE WITH THE
 31 FOLLOWING FORMULAS:

32
 33 (a) FOR THE 2002-03 BUDGET YEAR, THE FORMULA SHALL BE:

34
 35 $(\$5,391 \times \text{DISTRICT ON-LINE PUPIL ENROLLMENT})$

36
 37 (b) FOR THE 2003-04 BUDGET YEAR AND BUDGET YEARS
 38 THEREAFTER, THE FORMULA SHALL BE:

39
 40 $(\$5,391 \text{ AS ADJUSTED PURSUANT TO SUBPARAGRAPH (VI) OF}$
 41 $\text{PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION} \times \text{DISTRICT ON-LINE}$
 42 $\text{PUPIL ENROLLMENT})$

43
 44 **SECTION 5.** 22-54-105 (1) (b) (I), (1) (b) (III), (2) (b) (I), and
 45 (2) (c), Colorado Revised Statutes, are amended to read:

46
 47 **22-54-105. Instructional supplies and materials - capital**
 48 **reserve and insurance reserve - at-risk funding - preschool funding -**
 49 **repeal.** (1) (b) (I) The amount to be budgeted in any budget year shall
 50 be the amount determined by multiplying one hundred thirty-four dollars
 51 by the district's funded pupil count MINUS THE DISTRICT'S ON-LINE PUPIL
 52 ENROLLMENT.

53
 54 (III) (A) In addition to the amounts specified in subparagraphs (I)
 55 and (II) of this paragraph (b), the amount budgeted in the 2001-02 budget
 56 year shall be increased by the amount determined by multiplying twenty

1 dollars by the district's funded pupil count as of October 1, 2001, and the
2 amount budgeted in the 2002-03 budget year shall be increased by the
3 amount determined by multiplying twenty-one dollars by the district's
4 funded pupil count as of October 1, 2002, MINUS THE DISTRICT'S ON-LINE
5 PUPIL ENROLLMENT. The additional amount budgeted pursuant to this
6 subparagraph (III) shall only be used to purchase new textbooks.
7

8 (B) Each district shall adopt at a public meeting a plan on the use
9 of the additional moneys received pursuant to this subparagraph (III)
10 including which schools shall receive what additional textbooks. The
11 plan shall require that the moneys be used first to provide up-to-date
12 textbooks in any of the first priority state model content standard subject
13 areas of reading, writing, mathematics, science, history, or geography,
14 with a priority given to the subjects of mathematics, reading, writing, and
15 science. If the district makes a specific finding that all of its textbooks in
16 those subjects are up-to-date, the plan may specify that the moneys shall
17 be used to purchase textbooks in other subjects but shall specifically state
18 the textbooks and the schools to which such textbooks shall be provided;
19 except that the plan shall require that the district pass on to any charter
20 school the amount budgeted pursuant to sub-subparagraph (A) of this
21 subparagraph (III), for each student, WHO IS NOT AN ON-LINE PUPIL,
22 enrolled in the charter school according to the funded pupil count.
23 Copies of the proposed plan shall be distributed at least thirty days prior
24 to the public meeting to all members of the school advisory council
25 established pursuant to section 22-7-106 at all schools in the school
26 district. On or before October 15, 2001, and on or before July 15, 2002,
27 the district school board, as part of its regular budget reporting, shall
28 forward a copy of the plan to the department.
29

30 (b) (I) The amount to be budgeted in any budget year shall be the
31 amount determined by multiplying two hundred sixteen dollars by the
32 district's funded pupil count MINUS THE DISTRICT'S ON-LINE PUPIL
33 ENROLLMENT. Such amount shall be the minimum required to be
34 budgeted, and the district may elect to budget up to eight hundred dollars
35 multiplied by the district's funded pupil count MINUS THE DISTRICT'S
36 ON-LINE PUPIL ENROLLMENT.
37

38 (c) For the 1999-2000 budget year and any budget year thereafter,
39 if a district has moneys in its capital reserve fund equal to or in excess of
40 five times the minimum dollar amount required to be budgeted per pupil
41 pursuant to paragraph (b) of this subsection (2) multiplied by the district's
42 funded pupil count MINUS THE DISTRICT'S ON-LINE PUPIL ENROLLMENT for
43 the applicable budget year, the board of education of the district may
44 determine whether to budget the minimum dollar amount per pupil
45 required by this subsection (2) in that budget year, budget a lesser
46 amount, or budget no amount at all. Such determination shall be made by
47 the board of education on an annual basis based upon the capital outlay
48 expenditure requirements of the district.
49

50 **SECTION 6.** 22-54-112 (2), Colorado Revised Statutes, is
51 amended to read:
52

53 **22-54-112. Reports to the state board.** (2) (a) On or before
54 November 10 of each year, the secretary of the board of education of
55 each district shall certify to the state board the pupil enrollment AND THE
56 ON-LINE PUPIL ENROLLMENT of the district taken in the preceding October.

1 (b) ON OR BEFORE MARCH 10 OF EACH YEAR, THE SECRETARY OF
2 THE BOARD OF EDUCATION OF EACH DISTRICT SHALL CERTIFY TO THE
3 STATE BOARD THE SUPPLEMENTAL PUPIL ENROLLMENT OF THE DISTRICT,
4 AS DEFINED IN SECTION 22-54-125 (4), TAKEN IN THE PRECEDING
5 FEBRUARY.

6
7 **SECTION 7.** 22-30.5-103 (1), Colorado Revised Statutes, is
8 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

9
10 **22-30.5-103. Definitions.** (1) For purposes of this part 1:

11
12 (b.5) "ON-LINE PUPIL" MEANS A CHILD WHO RECEIVES
13 EDUCATIONAL SERVICES PREDOMINANTLY THROUGH AN ON-LINE PROGRAM
14 CREATED PURSUANT TO SECTION 22-33-104.6.

15
16 **SECTION 8.** 22-30.5-104 (2) and (8), Colorado Revised Statutes,
17 are amended to read:

18
19 **22-30.5-104. Charter school - requirements - authority.** (2) A
20 charter school shall be a public school within the school district that
21 grants its charter and shall be accountable to the school district's local
22 board of education for purposes of ensuring compliance with applicable
23 laws and charter provisions and the requirement of section 15 of article
24 IX of the state constitution. A charter school cannot apply to, or be
25 granted a charter by, a school district unless a majority of the charter
26 school's pupils, OTHER THAN ON-LINE PUPILS, will reside in the chartering
27 school district or in school districts contiguous thereto.

28
29 (8) A charter school shall be authorized to offer any educational
30 program, INCLUDING BUT NOT LIMITED TO AN ON-LINE PROGRAM
31 PURSUANT TO SECTION 22-33-104.6, that may be offered by a school
32 district, unless expressly prohibited by its charter or by state law.

33
34 **SECTION 9.** 22-30.5-107 (1), Colorado Revised Statutes, is
35 amended to read:

36
37 **22-30.5-107. Charter application - process.** (1) A charter
38 applicant cannot apply to, or be granted a charter by, a school district
39 unless a majority of the charter school's pupils, OTHER THAN ON-LINE
40 PUPILS, will reside in the chartering school district or in school districts
41 contiguous thereto. The local board of education shall receive and review
42 all applications for charter schools. Applications must be filed with the
43 local board of education by October 1 to be eligible for consideration for
44 the following school year. The local board of education shall not charge
45 any application fees. If such board finds the charter school application
46 is incomplete, the board shall request the necessary information from the
47 charter applicant. The charter school application shall be reviewed by the
48 district accountability committee prior to consideration by the local board
49 of education.

50
51 **SECTION 10.** 22-30.5-109, Colorado Revised Statutes, is
52 amended BY THE ADDITION OF A NEW SUBSECTION to read:

53
54 **22-30.5-109. Charter schools - restrictions - establishment -**
55 **number.** (7) ON-LINE PUPILS ENROLLED IN A CHARTER SCHOOL SHALL
56 NOT BE INCLUDED IN THE CHARTER SCHOOL'S PUPIL ENROLLMENT FOR

1 PURPOSES OF DETERMINING WHETHER THE CHARTER SCHOOL IS IN
 2 COMPLIANCE WITH ANY RESTRICTIONS THE CHARTERING SCHOOL DISTRICT
 3 MAY IMPOSE ON THE NUMBER OF PUPILS THAT MAY ENROLL IN THE
 4 CHARTER SCHOOL. A CHARTERING SCHOOL DISTRICT MAY NOT RESTRICT
 5 THE NUMBER OF ON-LINE PUPILS A CHARTER SCHOOL MAY ENROLL.
 6

7 **SECTION 11.** 22-30.5-112 (1), (2) (a) (III) (A), (2) (a.3), (2)
 8 (a.7), and (2) (a.8), Colorado Revised Statutes, are amended to read:
 9

10 **22-30.5-112. Charter schools - financing - guidelines.** (1) For
 11 purposes of the "Public School Finance Act of 1994", article 54 of this
 12 title, pupils enrolled in a charter school shall be included in the pupil
 13 enrollment OR THE ON-LINE PUPIL ENROLLMENT, WHICHEVER IS
 14 APPLICABLE, of the school district that granted its charter. The school
 15 district that granted its charter shall report to the department of education
 16 the number of pupils included in the school district's pupil enrollment
 17 AND THE SCHOOL DISTRICT'S ON-LINE PUPIL ENROLLMENT that are actually
 18 enrolled in each charter school. The school district shall also identify
 19 each charter school that is a qualified charter school as defined in section
 20 22-54-124 (1) (f) and provide an estimate of the number of pupils
 21 expected to be enrolled in each qualified charter school during the budget
 22 year following the budget year in which the district makes a report.
 23

24 (2) (a) (III) (A) For budget year ~~2000-2001~~ 2000-01 and budget
 25 years thereafter, except as otherwise provided in paragraph (a.3) of this
 26 subsection (2), each charter school and the authorizing school district
 27 shall negotiate funding under the contract at a minimum of ninety-five
 28 percent of the district per pupil revenues for each pupil enrolled in the
 29 charter school WHO IS NOT AN ON-LINE PUPIL AND ONE HUNDRED PERCENT
 30 OF THE DISTRICT PER PUPIL ON-LINE FUNDING FOR EACH ON-LINE PUPIL
 31 ENROLLED IN THE CHARTER SCHOOL. The school district may choose to
 32 retain the actual amount of the charter school's per pupil share of the
 33 central administrative overhead costs for services actually provided to the
 34 charter school; except that such amount shall not exceed five percent of
 35 the district per pupil revenues for each pupil, WHO IS NOT AN ON-LINE
 36 PUPIL, enrolled in the charter school.
 37

38 (a.3) If the authorizing school district enrolls five hundred or
 39 fewer students, the charter school shall receive funding in the amount of
 40 the greater of ONE HUNDRED PERCENT OF THE DISTRICT PER PUPIL ON-LINE
 41 FUNDING FOR EACH ON-LINE PUPIL ENROLED IN THE CHARTER SCHOOL PLUS
 42 one hundred percent of the district per pupil revenues for each pupil WHO
 43 IS NOT AN ON-LINE PUPIL enrolled in the charter school, minus the actual
 44 amount of the charter school's per pupil share of the central
 45 administrative overhead costs incurred by the school district FOR PUPILS
 46 WHO ARE NOT ON-LINE PUPILS, based on audited figures, or eighty-five
 47 percent of the district per pupil revenues for each pupil enrolled in the
 48 charter school WHO IS NOT AN ON-LINE PUPIL PLUS ONE HUNDRED PERCENT
 49 OF THE DISTRICT PER PUPIL ON-LINE FUNDING FOR EACH ON-LINE PUPIL
 50 ENROLLED IN THE CHARTER SCHOOL.
 51

52 (a.7) For the ~~2000-2001~~ 2000-01 budget year and budget years
 53 thereafter, each charter school shall annually allocate the minimum per
 54 pupil dollar amount specified in section 22-54-105 (2) (b), multiplied by
 55 the number of students enrolled in the charter school WHO ARE NOT
 56 ON-LINE PUPILS, to a fund created by the charter school for capital reserve

1 purposes, as set forth in section 22-45-103 (1) (c) and (1) (e), or solely
 2 for the management of risk-related activities, as identified in section
 3 24-10-115, C.R.S., and article 13 of title 29, C.R.S., or among such
 4 allowable funds. Said moneys shall be used for the purposes set forth in
 5 section 22-45-103 (1) (c) and (1) (e) and may not be expended by the
 6 charter school for any other purpose.

7
 8 (a.8) For the ~~2000-2001~~ 2000-01 budget year and budget years
 9 thereafter, the school district shall provide federally required educational
 10 services to students enrolled in charter schools on the same basis as such
 11 services are provided to students enrolled in other public schools of the
 12 school district. Each charter school shall pay an amount equal to the per
 13 pupil cost incurred by the school district in providing federally required
 14 educational services, multiplied by the number of students enrolled in the
 15 charter school WHO ARE NOT ON-LINE PUPILS. At either party's request,
 16 however, the charter school and the school district may negotiate and
 17 include in the charter contract alternate arrangements for the provision of
 18 and payment for federally required educational services.

19
 20 **SECTION 12.** 22-30.5-112 (2) (a.5), Colorado Revised Statutes,
 21 is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to
 22 read:

23
 24 **22-30.5-112. Charter schools - financing - guidelines.**
 25 (2) (a.5) As used in this subsection (2):

26
 27 (II.5) "DISTRICT PER PUPIL ON-LINE FUNDING" MEANS THE
 28 DISTRICT'S ON-LINE FUNDING, AS DETERMINED PURSUANT TO SECTION
 29 22-54-104 (4.5), FOR ANY BUDGET YEAR DIVIDED BY THE DISTRICT'S
 30 ON-LINE PUPIL ENROLLMENT, AS DEFINED IN SECTION 22-54-103 (8.5), FOR
 31 SAID BUDGET YEAR.

32
 33 **SECTION 13.** 22-30.5-112.3 (1) (a), Colorado Revised Statutes,
 34 is amended to read:

35
 36 **22-30.5-112.3. Charter schools - additional aid from district.**
 37 (1) (a) (I) For the 2001-02 budget year and each budget year thereafter,
 38 a qualified charter school, as defined in section 22-54-124 (1) (f), shall
 39 receive state education fund moneys from the school district that granted
 40 its charter in an amount equal to the percentage of the district's certified
 41 charter school pupil enrollment that is attributable to pupils expected to
 42 be enrolled in the qualified charter school multiplied by the total amount
 43 of state education fund moneys distributed to the district for the same
 44 budget year pursuant to section 22-54-124 (3).

45
 46 (II) AS USED IN THIS PARAGRAPH (a), "PUPILS" MEANS PUPILS
 47 OTHER THAN ON-LINE PUPILS ENROLLED IN A CHARTER SCHOOL.

48
 49 **SECTION 14.** 22-54-124 (1) (c), Colorado Revised Statutes, is
 50 amended to read:

51
 52 **22-54-124. State aid for charter schools - use of state education**
 53 **fund moneys.** (1) As used in this section:

54
 55 (c) "District's certified charter school pupil enrollment" means the
 56 total number of pupils WHO ARE NOT ON-LINE PUPILS, AS DEFINED IN

1 SECTION 22-30.5-103 (1) (b.5), expected to be enrolled in all qualified
 2 charter schools that will receive funding from the district pursuant to
 3 section 22-30.5-112 for the budget year for which state education fund
 4 moneys are to be appropriated and distributed pursuant to subsection (4)
 5 of this section, as certified by the department of education pursuant to
 6 paragraph (b) of subsection (3) of this section during the budget year that
 7 immediately precedes said budget year.

8
 9 **SECTION 15. Safety clause.** The general assembly hereby
 10 finds, determines, and declares that this act is necessary for the immediate
 11 preservation of the public peace, health, and safety."

12
 13
 14
 15 **SJR02-024** be referred out for final action.

16
 17
 18
 19
 20 **STATE, VETERANS, & MILITARY AFFAIRS**

21 After consideration on the merits, the Committee recommends the
 22 following:

23
 24 **HB02-1243** The Committee returns herewith and reports that said bill
 25 has been considered on its merits and voted upon by the
 26 committee in accordance with House Rules, that the
 27 deadline applicable to committees under Joint Rule 23
 28 (a)(1) has passed, that final action has not been taken by
 29 this Committee within said deadline, and that the
 30 Committee on Delayed Bills has not waived said deadline.
 31 Pursuant to Joint Rule 23 (a)(3)(A), said bill is deemed to
 32 be postponed indefinitely.

33
 34
 35 **HB02-1403** be amended as follows, and as so amended, be referred to
 36 the Committee of the Whole with favorable
 37 recommendation:

38
 39 Amend printed bill, strike everything below the enacting clause and
 40 substitute the following:

41
 42 "SECTION 1. Article 1 of title 24, Colorado Revised Statutes, is
 43 amended BY THE ADDITION OF A NEW SECTION to read:

44
 45 **24-1-135.1. Effect of congressional redistricting related to 2000**
 46 **federal decennial census.** (1) (a) THE APPOINTING AUTHORITY OF THE
 47 BOARDS, COMMISSIONS, OR COMMITTEES ESTABLISHED PURSUANT TO
 48 SECTIONS 13-91-104, 14-10-115, 21-2-101, 23-1-102, 23-21-503,
 49 23-60-104, 24-32-706, 24-48.5-103, 24-65-103, 25-1-103, 25-1-902,
 50 25.5-1-301, 25.5-2-103, 26-11-101, 33-11-105, AND 35-65-401, C.R.S.,
 51 WHICH REQUIRE MEMBERS TO BE APPOINTED AS RESIDENTS OF DESIGNATED
 52 CONGRESSIONAL DISTRICTS, SHALL DETERMINE WHETHER THE CURRENT
 53 APPOINTMENTS TO SUCH BOARDS, COMMISSIONS, OR COMMITTEES
 54 ADEQUATELY REPRESENT COLORADO'S NEW CONGRESSIONAL DISTRICTS.
 55 NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, SUCH
 56 APPOINTING AUTHORITY SHALL TERMINATE THE TERMS OF CURRENT

1 MEMBERS AND APPOINT NEW MEMBERS TO REPLACE SUCH MEMBERS ON
2 THE BOARDS, COMMISSIONS, OR COMMITTEES AS IS NECESSARY TO ENSURE
3 PROPER REPRESENTATION FROM THE NEW CONGRESSIONAL DISTRICTS;
4 EXCEPT THAT THE TERM OF A MEMBER WHO CONTINUES TO RESIDE IN THE
5 DISTRICT THAT SUCH MEMBER WAS DESIGNATED TO REPRESENT SHALL NOT
6 BE TERMINATED. SUCH CHANGES SHALL BE MADE NO LATER THAN
7 JANUARY 1, 2003. IF THE CURRENT MEMBERS ADEQUATELY REPRESENT
8 THE NEW CONGRESSIONAL DISTRICTS, THE MEMBERSHIP OF THE BOARD,
9 COMMISSION, OR COMMITTEE SHALL REMAIN UNCHANGED. ANY MEMBER
10 WHO CONTINUES TO SERVE ON A BOARD, COMMISSION, OR COMMITTEE
11 SHALL NOT BE REQUIRED TO BE REAPPOINTED.

12
13 (b) IF THE APPOINTING AUTHORITY OF THE BOARDS, COMMISSIONS,
14 OR COMMITTEES SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (1) IS
15 THE GOVERNOR, WITH THE CONSENT OF THE SENATE, THE GOVERNOR
16 ALONE SHALL DETERMINE WHETHER THE CURRENT APPOINTMENTS TO SUCH
17 BOARDS, COMMISSIONS, OR COMMITTEES ADEQUATELY REPRESENT THE
18 NEW CONGRESSIONAL DISTRICTS AND TERMINATE THE TERMS OF CURRENT
19 MEMBERS AS IS NECESSARY TO ENSURE PROPER REPRESENTATION FROM
20 SUCH DISTRICTS, BUT SENATE CONSENT SHALL STILL BE REQUIRED FOR THE
21 APPOINTMENT OF ANY NEW MEMBERS.

22
23 (c) AS USED IN THIS SECTION, "NEW CONGRESSIONAL DISTRICTS"
24 MEANS THE CONGRESSIONAL DISTRICTS FOR THE STATE OF COLORADO AS
25 THEY EXIST AFTER THE CHANGES THAT OCCURRED AS A RESULT OF THE
26 2000 FEDERAL DECENNIAL CENSUS, INCLUDING THE ADDITION OF A
27 SEVENTH CONGRESSIONAL DISTRICT AND THE CHANGES IN BOUNDARIES OF
28 THE OTHER SIX CONGRESSIONAL DISTRICTS.

29
30 (2) THE TERM OF ANY NEW APPOINTEE WHO IS APPOINTED TO
31 REPLACE A PERSON ON A BOARD, COMMISSION, OR COMMITTEE PURSUANT
32 TO SUBSECTION (1) OF THIS SECTION SHALL EXPIRE ON THE DATE THAT THE
33 TERM OF THE PERSON THAT SUCH NEW APPOINTEE REPLACED WOULD HAVE
34 EXPIRED, AND SUCH MEMBER SHALL NOT BE DEEMED TO HAVE SERVED A
35 FULL TERM FOR PURPOSES OF CALCULATING ANY APPLICABLE TERM LIMITS.
36 IF THE TOTAL SIZE OF A BOARD, COMMISSION, OR COMMITTEE WAS
37 INCREASED AS A RESULT OF THE NEW CONGRESSIONAL DISTRICTS, A NEW
38 MEMBER TO SUCH BOARD, COMMISSION, OR COMMITTEE SHALL SERVE FOR
39 A TERM AS PRESCRIBED BY LAW.

40
41 (3) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
42 CONTRARY, THE APPOINTING AUTHORITY OF THE BOARDS, COMMISSIONS,
43 OR COMMITTEES SET FORTH IN SUBSECTION (1) SHALL NOT BE REQUIRED TO
44 MAKE ANY CHANGES TO SUCH BOARDS, COMMISSIONS, AND COMMITTEES
45 IN ORDER TO ACCOMMODATE THE NEW CONGRESSIONAL DISTRICTS,
46 EXCEPT AS REQUIRED BY THIS SECTION.

47
48 (4) ANY MEMBER OF A BOARD OR COMMISSION WHO WAS
49 APPOINTED TO SUCH OFFICE AS A RESIDENT OF A DESIGNATED
50 CONGRESSIONAL DISTRICT PURSUANT TO SECTION 24 (2) OF ARTICLE VI
51 AND SECTION 6 (1) OF ARTICLE XXVII OF THE STATE CONSTITUTION, AND
52 WHO NO LONGER RESIDES IN SUCH CONGRESSIONAL DISTRICT SOLELY
53 BECAUSE OF A CHANGE MADE TO THE BOUNDARIES OF SUCH DISTRICT
54 SUBSEQUENT TO THE 2000 FEDERAL DECENNIAL CENSUS, IS ELIGIBLE TO
55 HOLD OFFICE FOR THE REMAINDER OF THE TERM TO WHICH THE MEMBER
56 WAS APPOINTED, NOTWITHSTANDING SUCH NONRESIDENCY.

1 (5) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, ALL
2 APPOINTMENTS TO THE BOARDS, COMMISSIONS, AND COMMITTEES SET
3 FORTH IN SUBSECTION (1) OF THIS SECTION SHALL BE MADE AS PRESCRIBED
4 BY LAW.

5
6 **SECTION 2.** 11-2-102 (2) (d), Colorado Revised Statutes, is
7 amended to read:

8
9 **11-2-102. Banking board.** (2) (d) Of the eight members
10 appointed under this subsection (2), ~~at least one and not more than two~~
11 ~~shall be appointed from each congressional district of the state, and not~~
12 ~~more than four shall be of the same major political party. At all times, at~~
13 ~~least one member shall reside west of the continental divide.~~

14
15 **SECTION 3.** 13-91-104 (2) (a), Colorado Revised Statutes, is
16 amended to read:

17
18 **13-91-104. Office of the child's representative - board -**
19 **qualifications of director.** (2) (a) The Colorado supreme court shall
20 appoint a nine-member child's representative board, referred to in this
21 article as the "board". No more than five members of the board shall be
22 from the same political party. The members of the board shall be
23 representative of each of the six congressional districts IN THE STATE.
24 Three members of the board shall be attorneys admitted to practice law
25 in this state who have experience in representing children as guardians ad
26 litem or as legal representatives of children. Three members of the board
27 shall be citizens of Colorado not admitted to practice law in this state,
28 who shall have experience at advocating for children in the court system.
29 Three members of the board shall be citizens of the state who are not
30 attorneys and who have not served as court-appointed special advocates
31 or special advocates.

32
33 **SECTION 4.** 21-2-101 (2), Colorado Revised Statutes, is
34 amended to read:

35
36 **21-2-101. Alternate defense counsel - policy - commission.**
37 (2) The Colorado supreme court shall appoint a nine-member alternate
38 defense counsel commission, referred to in this article as the
39 "commission". No more than five members of the commission shall be
40 from the same political party. Six members of the commission
41 ~~representing each of the six congressional districts~~ shall be attorneys
42 admitted to practice law in this state who are engaged in the practice of
43 criminal defense, AND three members of the commission shall be citizens
44 of Colorado not admitted to practice law in this state. THERE SHALL BE
45 ONE MEMBER FROM EACH OF THE CONGRESSIONAL DISTRICTS IN THE
46 STATE. Members of the commission shall serve for terms of four years;
47 except that, of the members first appointed, five shall serve for terms of
48 two years. Vacancies on the commission shall be filled by the supreme
49 court for the remainder of any unexpired term. In making appointments
50 to the commission, the supreme court shall consider place of residence,
51 sex, race, and ethnic background. No member of the commission shall
52 be at any time a judge, prosecutor, public defender, or employee of a law
53 enforcement agency. The supreme court shall establish procedures for
54 the operation of the commission.

1 **SECTION 5.** 22-2-105 (1) and (2), Colorado Revised Statutes,
2 are amended to read:

3
4 **22-2-105. State board of education - composition.** (1) The state
5 board of education shall consist of one member elected from each
6 congressional district in the state and, IF THE TOTAL NUMBER OF
7 CONGRESSIONAL DISTRICTS OF THE STATE IS AN EVEN NUMBER, one
8 member elected from the state at large. The members of the state board
9 of education serving on April 30, 1982, shall continue to serve the terms
10 for which they were elected. At the general election held in 1982, one
11 member shall be elected from the second congressional district for a
12 six-year term, one member shall be elected from the fourth congressional
13 district for a six-year term, one member shall be elected from the fifth
14 congressional district for a four-year term, and one member shall be
15 elected from the state at large for a six-year term, all such terms
16 commencing on the second Tuesday in January 1983. At the general
17 election held in 1984, one member shall be elected from the first
18 congressional district for a six-year term, and one member shall be
19 elected from the third congressional district for a six-year term, all such
20 terms commencing on the second Tuesday in January 1985. At the
21 general election held in 1986, one member shall be elected from the fifth
22 congressional district for a six-year term, and one member shall be
23 elected from the sixth congressional district for a six-year term, all such
24 terms commencing on the second Tuesday in January 1987. AT THE
25 GENERAL ELECTION HELD IN 2002, ONE MEMBER SHALL BE ELECTED FROM
26 THE SEVENTH CONGRESSIONAL DISTRICT FOR A SIX-YEAR TERM
27 COMMENCING ON THE SECOND TUESDAY IN JANUARY 2003.

28
29 (2) The member of the state board from each congressional
30 district of the state shall be nominated and elected by the registered
31 electors of such district in the same manner as members of the house of
32 representatives of the congress of the United States are nominated and
33 elected. Each member from a congressional district shall be a registered
34 elector of such district. If the total number of congressional districts of
35 the state is an even number, the additional member of the board shall be
36 nominated and elected at large in the same manner as state officers are
37 nominated and elected. IF THE TOTAL NUMBER OF CONGRESSIONAL
38 DISTRICTS CHANGES TO AN ODD NUMBER DURING THE TERM OF THE
39 MEMBER ELECTED AT LARGE, THE TERM OF SUCH MEMBER SHALL
40 TERMINATE ON THE DATE THAT THE TERM OF THE MEMBER FROM THE
41 NEWLY CREATED CONGRESSIONAL DISTRICT BEGINS.

42
43 **SECTION 6.** 24-65-103 (1) (b) and (1) (c), Colorado Revised
44 Statutes, are amended to read:

45
46 **24-65-103. Establishment of Colorado land use commission.**
47 (1) (b) ~~Six~~ SEVEN members shall be appointed by the governor, one from
48 each congressional district, one of whom shall reside west of the
49 continental divide, but no more than ~~three~~ FOUR members shall be from
50 any one major political party. Appointments made to take effect on
51 January 1, 1983, shall be made in accordance with section 24-1-135. On
52 and after January 1, 1983, and prior to June 15, 1987, the terms of office
53 of the members appointed under this paragraph (b) shall be five years.
54 Persons holding office on June 15, 1987, are subject to the provisions of
55 section 24-1-137. Thereafter members shall be appointed for terms of
56 four years each. A vacancy on the commission occurs whenever any

1 member moves out of the congressional district from which he was
2 appointed. A member who moves out of such congressional district shall
3 promptly notify the governor of the date of such move, but such notice is
4 not a condition precedent to the occurrence of the vacancy. Any
5 vacancies shall be filled by appointment of the governor for the unexpired
6 term.

7
8 (c) The governor shall also appoint ~~three~~ TWO members who shall
9 serve at ~~his~~ THE GOVERNOR'S pleasure, one of whom shall reside in
10 southwest Colorado and one in northwest Colorado, ~~No more than two~~
11 ~~of such members~~ AND WHO shall NOT be members of the same major
12 political party.

13
14 **SECTION 7.** 25.5-2-103 (2) (b), Colorado Revised Statutes, is
15 amended to read:

16
17 **25.5-2-103. Poison control services - statewide poison control**
18 **oversight board - duties.** (2) (b) Each congressional district within the
19 state shall be represented by ~~not less than~~ one member of the board
20 designated in paragraph (a) of this subsection (2).

21
22 **SECTION 8.** 26-11-101 (1), Colorado Revised Statutes, is
23 amended to read:

24
25 **26-11-101. Commission on the aging created.** (1) There is
26 hereby created in the state department the Colorado commission on the
27 aging, referred to in this article as the "commission", which shall consist
28 of ~~fifteen~~ SEVENTEEN members appointed by the governor, with the
29 consent of the senate. Two members shall be appointed from each
30 congressional district of the state, one of whom shall be from each major
31 political party, and, after July 1, 1976, and thereafter when a vacancy
32 occurs, one of such members shall be from west of the continental divide.
33 A vacancy on the commission occurs whenever any member moves out
34 of the congressional district from which he OR SHE was appointed. Any
35 member who moves out of such congressional district shall promptly
36 notify the governor of the date of such move, but such notice is not a
37 condition precedent to the occurrence of the vacancy. The governor shall
38 fill the vacancy as provided in subsection (2) of this section.
39 Appointments made to take effect on January 1, 1983, shall be made in
40 accordance with section 24-1-135, C.R.S. No more than ~~eight~~ NINE
41 members of the commission shall be members of the same major political
42 party. One member shall be appointed from the state at large, one
43 member shall be appointed from among the membership of the senate,
44 and one member shall be appointed from among the membership of the
45 house of representatives. Appointments to the commission shall comply
46 with the requirements of the rules and regulations of the United States
47 department of health and human services promulgated pursuant to Public
48 Law 93-29, known as the "Older Americans Comprehensive Services
49 Amendments of 1973", as such rules and regulations appear in section
50 903.50 (c) of Title 45 of the code of federal regulations.

51
52 **SECTION 9.** 33-11-105 (1), Colorado Revised Statutes, is
53 amended to read:

54
55 **33-11-105. Recreational trails committee.** (1) There is hereby
56 created the Colorado recreational trails committee, which shall be

1 advisory and shall consist of eight members to be appointed by the board.
 2 Members shall be appointed for terms of four years. No member shall
 3 serve more than two consecutive terms. One member shall be appointed
 4 from each congressional district, and ~~two members~~ ONE MEMBER shall be
 5 appointed from the state at large. The committee shall include in its
 6 membership representation of the broad spectrum of trail users.
 7 Vacancies on the committee shall be filled for the unexpired term by the
 8 board.

9
 10 **SECTION 10. Effective date.** This act shall take effect at 12:01
 11 a.m. on the day following the expiration of the ninety-day period after
 12 final adjournment of the general assembly that is allowed for submitting
 13 a referendum petition pursuant to article V, section 1 (3) of the state
 14 constitution; except that, if a referendum petition is filed against this act
 15 or an item, section, or part of this act within such period, then the act,
 16 item, section, or part, if approved by the people, shall take effect on the
 17 date of the official declaration of the vote thereon by proclamation of the
 18 governor."

19
 20
 21
 22 **SB02-167** be amended as follows, and as so amended, be referred to
 23 the Committee on Finance with favorable
 24 recommendation:
 25

26 Amend reengrossed bill, page 4, line 20, after the period, add "NO
 27 QUESTION SUBMITTED TO THE ELIGIBLE ELECTORS OF THE DISTRICT
 28 PURSUANT TO THIS SECTION SHALL INCLUDE PLANS FOR BUS SERVICE THAT
 29 REQUIRES THE CONSTRUCTION OF HIGH-OCCUPANCY VEHICLE FREEWAY
 30 LANES IN ANY FEDERAL OR STATE HIGHWAY RIGHT-OF-WAY, UNLESS THE
 31 DISTRICT AND THE DEPARTMENT HAVE ENTERED INTO AN AGREEMENT
 32 REGARDING PLANS FOR SUCH LANES."
 33
 34
 35

36 **SB02-172** be postponed indefinitely.
 37
 38

39 **SJR02-014** be postponed indefinitely.
 40
 41

42
 43 **PRINTING REPORT**
 44

45 The Chief Clerk reports the following bills have been correctly printed:
 46 **HB02-1457, 1458; HCR02-1011.**
 47
 48

49
 50 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**
 51

52 The Speaker has signed: **SB02-020, 085, 128, 158.**
 53
 54
 55
 56

MESSAGE FROM THE SENATE1
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Mr. Speaker:

The Senate has passed on Third Reading and returns herewith HB02-1160, 1232, 1098, 1165.

The Senate voted to concur in House amendments to and repassed the bills as amended: SB02-168, 185.

The Senate has adopted and returns herewith: HJR02-1052.

The Senate has passed on Third Reading and transmitted to the Revisor of Statutes:

SB02-191, amended as printed in Senate Journal, April 19, page 925;
HB02-1353, amended as printed in Senate Journal, April 22, page 944;
HB02-1321, amended as printed in Senate Journal, April 22, pages 944-945;
HB02-1186, amended as printed in Senate Journal, April 22, page 945.
HB02-1300, amended as printed in Senate Journal, April 19, pages 925-926 and April 22, pages 943-944.

MESSAGE FROM THE REVISOR

We herewith transmit without comment, as amended, HB02-1353, 1321, 1186, and 1300 and SB02-191.

**INTRODUCTION OF BILL
First Reading**

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

SB02-191 by Senator(s) Thiebaut; also Representative(s) Garcia--
Concerning unemployment insurance benefits.
Committee on Business Affairs & Labor

THIRD READING OF BILL--FINAL PASSAGE

The following bill was considered on Third Reading. The title was publicly read. Reading of the bill at length was dispensed with by unanimous consent.

HB02-1362 by Representative(s) Paschall, Crane, Lee, Schultheis, Williams T., Clapp, Harvey, Johnson, Rhodes, Rippy, Spradley, Stafford, Swenson; also Senator Cairns--
Concerning a statewide pilot program for group benefit plans for state employees for purposes of providing better medical benefit options to state employees.

1 The question being "Shall the bill pass?".
 2 A roll call vote was taken. As shown by the following recorded vote, a
 3 majority of those elected to the House voted in the affirmative and the bill
 4 was declared **passed**.

	YES 63	NO 0	EXCUSED 2	ABSENT 0				
8	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
9	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
10	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
11	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
12	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
13	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
14	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
15	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
16	Cloer	Y	Johnson	E	Romanoff	Y	Vigil	Y
17	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
18	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
19	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
20	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	E
21	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
22	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
23	Garcia	Y	Madden	Y	Snook	Y	Young	Y
24							Mr. Speaker	Y

25
 26 Co-sponsors added: Representatives Coleman, Hoppe, Jahn, King, Sanchez,
 27 Stengel.

28
 29
 30
 31 On motion of Representative Spradley, **SB02-071, 018, 087, 039, 086,**
 32 **156** were made Special Orders on Wednesday, April 24, 2002, at
 33 10:05 a.m.

34
 35
 36 The hour of 10:05 a.m., having arrived, on motion of Representative
 37 Witwer, the House resolved itself into Committee of the Whole for
 38 consideration of Special Orders and he was called to the Chair to act as
 39 Chairman.

40 41 42 **SPECIAL ORDERS--SECOND READING OF BILLS**

43
 44 The Committee of the Whole having risen, the Chairman reported the
 45 titles of the following bills had been read (reading at length had been
 46 dispensed with by unanimous consent), the bills considered and action
 47 taken thereon as follows:

48
 49 (Amendments to the committee amendment are to the printed committee
 50 report which was printed and placed in the members' bill file.)

51
 52 **SB02-071** by Senator(s) Windels; also Representative(s) Jahn--
 53 Concerning the implementation of consumer satisfaction
 54 surveys to determine the level of satisfaction among
 55 nursing facility residents, and making an appropriation in
 56 connection therewith.

1 Amendment No. 1, Appropriations Report, dated April 16, 2002, and
2 placed in member's bill file; Report also printed in House Journal,
3 April 16, pages 1371-1372.

4
5 As amended, ordered revised and placed on the Calendar for Third
6 Reading and Final Passage.

7
8 **SB02-018** by Senator(s) Linkhart; also Representative(s) Hefley--
9 Concerning the continued funding of the demonstration
10 drug courts through the increase of probation supervision
11 fees.

12
13 Amendment No. 1, Criminal Justice Report, dated March 12, 2002, and
14 placed in member's bill file; Report also printed in House Journal,
15 March 14, page 837.

16
17 Amendment No. 2, Appropriations Report, dated April 12, 2002, and
18 placed in member's bill file; Report also printed in House Journal,
19 April 12, page 1267.

20
21 As amended, ordered revised and placed on the Calendar for Third
22 Reading and Final Passage.

23
24 **SB02-087** by Senator(s) Evans, Entz, Pascoe, Taylor; also
25 Representative(s) Miller--Concerning the requirement that
26 Colorado state individual income tax return forms contain
27 a line whereby individual taxpayers may make a voluntary
28 contribution to the Colorado watershed protection fund,
29 and making an appropriation in connection therewith.

30
31 Amendment No. 1, Appropriation Report, dated April 12, 2002, and
32 placed in member's bill file; Report also printed in House Journal,
33 April 12, page 1268.

34
35 As amended, ordered revised and placed on the Calendar for Third
36 Reading and Final Passage.

37
38 **SB02-039** by Senator(s) Gordon, Linkhart, Windels; also
39 Representative(s) Hefley, Groff, Madden--Concerning
40 penalties for persons convicted of criminal violations.

41
42 Ordered revised and placed on the Calendar for Third Reading and Final
43 Passage.

44
45 **SB02-086** by Senator(s) Nichol, Entz, Evans, Takis, Tupa; also
46 Representative(s) Grossman--Concerning neighborhood
47 notification of transportation construction projects.

48
49 Amendment No. 1, Transportation & Energy Report, dated March 13,
50 2002, and placed in member's bill file; Report also printed in House
51 Journal, March 14, pages 853-854.

52
53 As amended, ordered revised and placed on the Calendar for Third
54 Reading and Final Passage.

55

1 **SB02-156** by Senator(s) Gordon; also Representative(s) Smith--
 2 Concerning the authorization of changes of absolute water
 3 rights for purposes of instream use.
 4

5 Laid over until April 25, retaining place on Calendar.
 6
 7

8
 9 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

10
 11 Passed Second Reading: **SB02-071 amended, 018 amended,**
 12 **087 amended, 039, 086 amended.**
 13

14 Laid over until date indicated retaining place on Calendar:
 15 **SB02-156--April 25, 2002.**
 16

17 The Chairman moved the adoption of the Committee of the Whole
 18 Report. As shown by the following roll call vote, a majority of those
 19 elected to the House voted in the affirmative, and the Report was
 20 **adopted.**
 21

	YES 63	NO 0	EXCUSED 2	ABSENT 0				
22								
23								
24	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
25	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
26	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
27	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
28	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
29	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
30	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
31	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
32	Cloer	Y	Johnson	E	Romanoff	Y	Vigil	Y
33	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
34	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
35	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
36	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	E
37	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
38	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
39	Garcia	Y	Madden	Y	Snook	Y	Young	Y
40							Mr. Speaker	Y
41								
42								
43								
44								

45 **CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILL**

46
 47 **HB02-1135** by Representative(s) Williams T., Cloer, Coleman, Daniel,
 48 Decker, Garcia, Hodge, Kester, King, Larson, Ragsdale,
 49 Snook, Spence, Spradley, Tochtrop; also Senator(s)
 50 Windels, Anderson, Entz, Hanna, May--Concerning the
 51 Colorado compensation insurance authority.
 52

53 (Amended as printed in Senate Journal, March 27, page 605.)
 54

55 Representative Williams T. moved that the House **not concur** in Senate
 56 amendments and that a Conference Committee be appointed with

1 permission to go beyond the scope of the differences between the House
 2 and the Senate. The motion was declared **passed** by the following roll
 3 call vote:

	YES 63	NO 0	EXCUSED 2	ABSENT 0			
6 Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
7 Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
8 Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
9 Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
10 Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
11 Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
12 Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
13 Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
14 Cloer	Y	Johnson	E	Romanoff	Y	Vigil	Y
15 Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
16 Crane	Y	King	Y	Sanchez	Y	Weddig	Y
17 Daniel	Y	Larson	Y	Schultheis	Y	White	Y
18 Decker	Y	Lawrence	Y	Scott	Y	Williams S.	E
19 Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
20 Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
21 Garcia	Y	Madden	Y	Snook	Y	Young	Y
						Mr. Speaker	Y

CONSIDERATION OF RESOLUTION

29 **SJR02-024** by Senator(s) Pascoe, Anderson, Cairns, Evans, Fitz-
 30 Gerald, Matsunaka, Owen, Reeves, Tupa, Windels; also
 31 Representative(s) Spence, Bacon, Berry, Daniel, Decker,
 32 Groff, Hefley, King, Lawrence, Lee, Saliman, Stengel,
 33 White, Williams S., Williams T., Witwer, Young--
 34 Concerning approval of the performance contract between
 35 the Colorado School of Mines and the Colorado
 36 Commission on Higher Education.

38 (Printed and placed in member's file.)

40 On motion of Representative Spradley, the rules were suspended and the
 41 resolution given immediate consideration.

43 On motion of Representative Spence, the resolution was **adopted** by **viva**
 44 **voce** vote.

46 Co-sponsors added: Representatives Boyd, Kester, Mace, Tapia.

FIRST REPORT OF FIRST CONFERENCE COMMITTEE on SB02-124

This Report Amends the Rerevised Bill.

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

1 Your first conference committee appointed on SB02-124,
2 concerning the resolution of disputes arising from a charter school
3 contract, and, in connection therewith, specifying procedures for the use
4 of forms of alternative dispute resolution and modifying the process of
5 appeals to the state board of education, has met and reports that it has
6 agreed upon the following:
7

8 That the Senate accede to the House amendments made to the bill,
9 as said amendments appear in the rerevised bill, with the following
10 changes:
11

12 Amend rerevised bill, page 3, strike lines 13 through 17 and substitute the
13 following:
14

15 "(c) THE NEUTRAL THIRD PARTY SHALL APPORTION ALL COSTS
16 REASONABLY RELATED TO THE MUTUALLY AGREED UPON DISPUTE
17 RESOLUTION PROCESS."
18

19 Respectfully submitted,

20 Senate Committee:

21 Sue Windels

22 Pat Pascoe

23 John Evans
24

House Committee:

Lynn Hefley

Tambor Williams

Andrew Romanoff
25

26 MESSAGE FROM THE SENATE

27 Mr. Speaker:

28 The Senate has passed on Third Reading and transmitted to the Revisor
29 of Statutes:

30 SB02-089, amended as printed in Senate Journal, April 23, pages
31 950-951.
32

33 MESSAGE FROM THE REVISOR

34 We herewith transmit without comment, as amended, SB02-089.
35

36 DEMAND ON HCR02-1009

37 Pursuant to House Rule 30(a), Representative Grossman placed a
38 Demand on **HCR02-1009** now in the Committee on State, Veterans, &
39 Military Affairs.
40

41 Pursuant to House Rule 16, Representative Paschall moved "Shall the
42 main question be now put?" The motion was declared **passed** by the
43 following roll call vote:
44
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52
53
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55

	YES 35	NO 28	EXCUSED 2	ABSENT 0				
1								
2								
3	Alexander	Y	Groff	N	Marshall	N	Spence	Y
4	Bacon	N	Grossman	N	Miller	Y	Spradley	Y
5	Berry	Y	Harvey	N	Mitchell	Y	Stafford	Y
6	Borodkin	N	Hefley	N	Paschall	Y	Stengel	Y
7	Boyd	N	Hodge	N	Plant	N	Swenson	N
8	Cadman	Y	Hoppe	N	Ragsdale	N	Tapia	N
9	Chavez	N	Jahn	N	Rhodes	Y	Tochtrop	N
10	Clapp	Y	Jameson	N	Rippy	Y	Veiga	Y
11	Cloer	Y	Johnson	E	Romanoff	N	Vigil	N
12	Coleman	N	Kester	Y	Saliman	N	Webster	N
13	Crane	Y	King	Y	Sanchez	N	Weddig	Y
14	Daniel	N	Larson	Y	Schultheis	Y	White	Y
15	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	E
16	Fairbank	Y	Lee	Y	Sinclair	N	Williams T.	Y
17	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
18	Garcia	N	Madden	N	Snook	Y	Young	Y
19							Mr. Speaker	Y
20								
21								
22								
23								

24 The Demand was declared **lost** by the following roll call vote:

	YES 26	NO 37	EXCUSED 2	ABSENT 0				
25								
26								
27								
28	Alexander	N	Groff	Y	Marshall	Y	Spence	N
29	Bacon	Y	Grossman	Y	Miller	Y	Spradley	N
30	Berry	N	Harvey	N	Mitchell	N	Stafford	N
31	Borodkin	Y	Hefley	N	Paschall	N	Stengel	N
32	Boyd	Y	Hodge	Y	Plant	Y	Swenson	N
33	Cadman	N	Hoppe	N	Ragsdale	Y	Tapia	Y
34	Chavez	Y	Jahn	Y	Rhodes	N	Tochtrop	Y
35	Clapp	N	Jameson	Y	Rippy	N	Veiga	Y
36	Cloer	N	Johnson	E	Romanoff	Y	Vigil	Y
37	Coleman	Y	Kester	N	Saliman	Y	Webster	N
38	Crane	N	King	N	Sanchez	Y	Weddig	Y
39	Daniel	Y	Larson	N	Schultheis	N	White	N
40	Decker	N	Lawrence	N	Scott	N	Williams S.	E
41	Fairbank	N	Lee	N	Sinclair	N	Williams T.	N
42	Fritz	N	Mace	Y	Smith	N	Witwer	N
43	Garcia	Y	Madden	Y	Snook	N	Young	N
44							Mr. Speaker	N
45								
46								
47								
48								

49 APPOINTMENTS

51 Representative Grossman announced the following temporary changes in
52 committee assignments:

54 For today only, Representative Weddig to replace Representative
55 Williams S. on the Committee on Education

56

1 For April 25, Representative Mace to replace Representative Jahn on the
2 Committee on Finance

3

4 For April 25, Representative Vigil to replace Representative Jahn on the
5 Committee on Civil Justice & Judiciary

6

7 For April 25, Representative Marshall to replace Representative Madden
8 on the Committee on Appropriations

9

10

11

12

LAY OVER OF CALENDAR ITEMS

13

14 On motion of Representative Spradley, the following items on the
15 Calendar were laid over until April 25, retaining place on Calendar:

16

17 Consideration of General Orders--**SB02-064, HB02-1361, SB02-097,**
18 **054, 057, 059, 109, HB02-1397, SB02-169, 078, 175, 181.**

19 Consideration of Conference Committee Report--**HB02-1019.**

20 Consideration of Resolutions--**SJR02-008, HJR02-1037, 1032,**
21 **HR02-1010, SJR02-018, 028, 029, HJR02-1049, 1053, 1054, 1055,**
22 **HR02-1013, 1014, HJR02-1059, 1061, 1062, 1063, 1064, 1065, 1066,**
23 **1070, 1071, 1072, 1073, HR02-1016, HJR02-1074, 1075, SJR02-027,**
24 **HJR02-1041, 1058.**

25 Consideration of Memorial--**HM02-1001.**

26 Consideration of Senate Amendments--**HB02-1064, 1141, 1333, 1245,**
27 **1191, 1225, 1146, 1013, 1287, 1218, 1221, 1139, 1336, 1210, 1220,**
28 **1034, 1014, 1341, 1425, 1427, 1437, 1442, 1443, 1444, 1066, 1284,**
29 **1352, 1152, 1306, 1036, 1090, 1119.**

30

31

32 On motion of Representative Spradley, the House adjourned until
33 9:00 a.m., April 25, 2002.

34

35

Approved:

36

37

38

39

DOUG DEAN,
Speaker

40

41 Attest:

42

43 JUDITH RODRIGUE,
44 Chief Clerk