

**HOUSE JOURNAL**  
**SIXTY-THIRD GENERAL ASSEMBLY**  
**STATE OF COLORADO**  
**Second Regular Session**

Twenty-first Legislative Day

Tuesday, January 29, 2002

1 Prayer by Pastor Robert Wolfolk, Agape Christian Church, Denver.  
2  
3 The Speaker called the House to order at 9:00 a.m.  
4  
5 The roll was called with the following result:  
6  
7 Present--60.  
8 Excused for Legislative Business--Representative Johnson--1.  
9 Excused--Representatives Chavez, Mitchell, Paschall--3.  
10 Absent--Representative Grossman--1.  
11 Present after roll call--Representatives Chavez, Grossman, Mitchell,  
12 Paschall.  
13

14 The Speaker declared a quorum present.  
15  
16

17 On motion of Representative Weddig, the reading of the journal of  
18 January 28, 2002, was declared dispensed with and approved as corrected  
19 by the Chief Clerk.  
20  
21

**THIRD READING OF BILLS--FINAL PASSAGE**

22  
23  
24  
25 The following bills were considered on Third Reading. The titles were  
26 publicly read. Reading of the bill at length was dispensed with by  
27 unanimous consent.  
28

29 **HB02-1141** by Representative(s) Miller; also Senator(s) Chlouber--  
30 Concerning the public announcement by the court at  
31 sentencing of the minimum range of actual imprisonment  
32 that a defendant can be expected to serve.  
33

34 Laid over until January 30, retaining place on Calendar.  
35

36 **HB02-1042** by Representative(s) Stafford, Boyd, Clapp, Romanoff;  
37 also Senator(s) Linkhart, Hernandez--Concerning  
38 extensions under the Colorado works program for persons  
39 who have reached the sixty-month lifetime limit for receipt  
40 of TANF assistance.  
41

42 The question being "Shall the bill pass?".  
43 A roll call vote was taken. As shown by the following recorded vote, a



1 **HB02-1099** by Representative(s) Webster; also Senator(s) Owen--  
 2 Concerning the nomenclature applicable to agencies  
 3 within the department of agriculture, and, in connection  
 4 therewith, changing the names of the soil conservation  
 5 board and soil conservation districts to the conservation  
 6 board and conservation districts, respectively.

7  
 8 The question being "Shall the bill pass?".  
 9 A roll call vote was taken. As shown by the following recorded vote, a  
 10 majority of those elected to the House voted in the affirmative and the bill  
 11 was declared **passed**.

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

32  
 33 Co-sponsors added: Representatives Alexander, Coleman, Hodge, Hoppe,  
 34 Rippy, Smith, White.

35  
 36 **HB02-1117** by Representative(s) Rhodes, Boyd, Cloer, Stafford,  
 37 Tochtrop; also Senator(s) Hernandez--Concerning the  
 38 regulation of acupuncturists by the division of registrations  
 39 in the department of regulatory agencies.

40  
 41 The question being "Shall the bill pass?".  
 42 A roll call vote was taken. As shown by the following recorded vote, a  
 43 majority of those elected to the House voted in the affirmative and the bill  
 44 was declared **passed**.

	YES 57	NO 6	EXCUSED 2	ABSENT 0				
48	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
49	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
50	Berry	Y	Harvey	Y	Mitchell	N	Stafford	Y
51	Borodkin	Y	Hefley	Y	Paschall	E	Stengel	Y
52	Boyd	Y	Hodge	Y	Plant	Y	Swenson	N
53	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
54	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
55	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
56	Cloer	Y	Johnson	E	Romanoff	Y	Vigil	Y

1	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
2	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
3	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
4	Decker	Y	Lawrence	Y	Scott	N	Williams S.	Y
5	Fairbank	N	Lee	N	Sinclair	Y	Williams T.	Y
6	Fritz	N	Mace	Y	Smith	Y	Witwer	Y
7	Garcia	Y	Madden	Y	Snook	Y	Young	Y
8							Mr. Speaker	Y

9  
10 Co-sponsors added: Representatives Coleman, Jameson, Mace, Plant,  
11 Romanoff.

12  
13 **HB02-1120** by Representative(s) White; also Senator(s) Hanna--  
14 Concerning the continuation of the licensing of massage  
15 parlors.

16  
17 The question being "Shall the bill pass?".

18 A roll call vote was taken. As shown by the following recorded vote, a  
19 majority of those elected to the House voted in the affirmative and the bill  
20 was declared **passed**.

21  
22 YES 61            NO 2            EXCUSED 2            ABSENT 0

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	N	Stafford	Y
27	Borodkin	Y	Hefley	Y	Paschall	E	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.	Y
37	Fairbank	Y	Lee	N	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 Co-sponsor added: Representative Kester.

43  
44  
45 **HB02-1130** by Representative(s) Fairbank, Borodkin, Jameson, Kester,  
46 Marshall, Rhodes, White, Williams T.; also Senator(s)  
47 Reeves--Concerning the board of real estate appraisers,  
48 and, in connection therewith, continuing the board of real  
49 estate appraisers.

50  
51 The question being "Shall the bill pass?".

52 A roll call vote was taken. As shown by the following recorded vote, a  
53 majority of those elected to the House voted in the affirmative and the bill  
54 was declared **passed**.

55

	YES 63	NO 0	EXCUSED 2	ABSENT 0				
1								
2								
3	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
4	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
5	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
6	Borodkin	Y	Hefley	Y	Paschall	E	Stengel	Y
7	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
8	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
9	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
10	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
11	Cloer	Y	Johnson	E	Romanoff	Y	Vigil	Y
12	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
13	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
14	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
15	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
16	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
17	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
18	Garcia	Y	Madden	Y	Snook	Y	Young	Y
19							Mr. Speaker	Y
20								

21 Co-sponsor added: Representative Lawrence.

22  
 23 **HB02-1018** by Representative(s) Ragsdale; also Senator(s) Takis--  
 24 Concerning the establishment of an exception for twenty-  
 25 four-hour child care facilities to information-posting  
 26 requirements.

27  
 28 The question being "Shall the bill pass?".

29 A roll call vote was taken. As shown by the following recorded vote, a  
 30 majority of those elected to the House voted in the affirmative and the bill  
 31 was declared **passed**.

	YES 63	NO 0	EXCUSED 2	ABSENT 0				
32								
33								
34								
35	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
36	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
37	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
38	Borodkin	Y	Hefley	Y	Paschall	E	Stengel	Y
39	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
40	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
41	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
42	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
43	Cloer	Y	Johnson	E	Romanoff	Y	Vigil	Y
44	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
45	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
46	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
47	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
48	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
49	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
50	Garcia	Y	Madden	Y	Snook	Y	Young	Y
51							Mr. Speaker	Y
52								

53 Co-sponsors added: Representatives Boyd, Coleman, Groff, Jahn, Mace,  
 54 Madden, Tapia, Tochtrop, Vigil, Williams S.

55

1 **HB02-1055** by Representative(s) Jahn; also Senator(s) Reeves--  
 2 Concerning support obligations.  
 3

4 The question being "Shall the bill pass?".

5 A roll call vote was taken. As shown by the following recorded vote, a  
 6 majority of those elected to the House voted in the affirmative and the bill  
 7 was declared **passed**.

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

29 Co-sponsors added: Representatives Borodkin, Boyd, Coleman, Daniel, Garcia,  
 30 Groff, Mace, Marshall, Miller, Ragsdale, Romanoff, Tochtrop, Williams S.

31  
 32 **HB02-1173** by Representative(s) Lee, Fairbank, Cloer, Crane, Dean,  
 33 Decker, Fritz, Groff, Hefley, Johnson, King, Miller,  
 34 Mitchell, Paschall, Rhodes, Rippy, Romanoff, Scott,  
 35 Sinclair, Snook, Spence, Swenson, White, Williams S.;  
 36 also Senator(s) Owen, Chlouber, Andrews, Arnold,  
 37 Cairns, Epps, Hillman, McElhany, Taylor, Teck--  
 38 Concerning persons enrolling in state-supported  
 39 institutions of higher education who are convicted of  
 40 crimes related to rioting.

41  
 42 The question being "Shall the bill pass?".

43 A roll call vote was taken. As shown by the following recorded vote, a  
 44 majority of those elected to the House voted in the affirmative and the bill  
 45 was declared **passed**.

	YES 56	NO 7	EXCUSED 2	ABSENT 0			
49 Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
50 Bacon	N	Grossman	Y	Miller	Y	Spradley	Y
51 Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
52 Borodkin	Y	Hefley	Y	Paschall	E	Stengel	Y
53 Boyd	Y	Hodge	N	Plant	N	Swenson	Y
54 Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	Y
55 Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
56 Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y

1	Cloer	Y	Johnson	E	Romanoff	Y	Vigil	Y
2	Coleman	Y	Kester	Y	Saliman	N	Webster	Y
3	Crane	Y	King	Y	Sanchez	Y	Weddig	N
4	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
5	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
6	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
7	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
8	Garcia	N	Madden	Y	Snook	Y	Young	Y
9							Mr. Speaker	Y

10

11 Co-sponsors added: Representatives Alexander, Harvey, Hoppe, Jahn,  
12 Lawrence, Mace, Stafford, Webster.

13

14 **HB02-1026** by Representative(s) Boyd, Tochtrop; also Senator(s)  
15 Hernandez, Linkhart--Concerning segregated funding  
16 under the Colorado works program.

17

18 The question being "Shall the bill pass?".

19 A roll call vote was taken. As shown by the following recorded vote, a  
20 majority of those elected to the House voted in the affirmative and the bill  
21 was declared **passed**.

22

23 YES 47            NO 17            EXCUSED 1            ABSENT 0

24

25	Alexander	Y	Groff	Y	Marshall	Y	Spence	N
26	Bacon	Y	Grossman	Y	Miller	Y	Spradley	N
27	Berry	Y	Harvey	N	Mitchell	N	Stafford	Y
28	Borodkin	Y	Hefley	N	Paschall	N	Stengel	N
29	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
30	Cadman	N	Hoppe	Y	Ragsdale	Y	Tapia	Y
31	Chavez	Y	Jahn	Y	Rhodes	N	Tochtrop	Y
32	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
33	Cloer	Y	Johnson	E	Romanoff	Y	Vigil	Y
34	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
35	Crane	N	King	N	Sanchez	Y	Weddig	Y
36	Daniel	Y	Larson	Y	Schultheis	N	White	N
37	Decker	N	Lawrence	Y	Scott	Y	Williams S.	Y
38	Fairbank	N	Lee	Y	Sinclair	Y	Williams T.	Y
39	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
40	Garcia	Y	Madden	Y	Snook	N	Young	Y
41							Mr. Speaker	N

42

43 Co-sponsors added: Representatives Borodkin, Coleman, Daniel, Garcia, Groff,  
44 Hodge, Jahn, Mace, Madden, Marshall, Plant, Ragsdale, Sanchez, Veiga, Vigil.

45

46

47

48

## REPORTS OF COMMITTEES OF REFERENCE

49

### **EDUCATION**

51 After consideration on the merits, the Committee recommends the  
52 following:

53

54 **HB02-1165** be amended as follows, and as so amended, be referred to  
55 the Committee on Appropriations with favorable  
56 recommendation:

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

3

4 **"SECTION 1. Legislative declaration.** (1) The general  
5 assembly hereby finds, determines, and declares that:

6

7 (a) Metropolitan state college of Denver, Adams state college in  
8 Alamosa, Mesa state college in Grand Junction, and Western state college  
9 of Colorado in Gunnison are valuable state assets that are critical cultural  
10 and economic foundations of their respective communities; and

11

12 (b) The roles and missions of Colorado institutions located in  
13 rural settings, particularly Adams state college, Mesa state college, and  
14 Western state college of Colorado should be guided less by their status  
15 as "state colleges" and more by a designation as "regional or community  
16 higher education provider";

17

18 (c) For purposes of strategic planning, Colorado should emphasize  
19 mission flexibility and program relevance suited to the needs of the areas  
20 served by the providers; and

21

22 (d) A balance of resources will be required to effectively ensure  
23 that Metropolitan state college of Denver, Adams state college, Mesa  
24 state college, and Western state college of Colorado are able to  
25 appropriately carry out their respective roles and missions.

26

27 (2) The general assembly therefore finds and declares that the  
28 general fund allocation for fiscal year 2002-03 should be divided on the  
29 basis of the current distribution formula, and the allocation to  
30 Metropolitan state college of Denver will then serve as its base budget for  
31 future funding.

32

33 **SECTION 2.** Article 54 of title 23, Colorado Revised Statutes,  
34 is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

35

## 36 **ARTICLE 54**

37

### 38 **Metropolitan State College of Denver**

39

40 **23-54-101. College established - role and mission - governance.**

41 THERE IS HEREBY ESTABLISHED A COLLEGE AT DENVER, TO BE KNOWN AS  
42 METROPOLITAN STATE COLLEGE OF DENVER, WHICH SHALL BE A  
43 COMPREHENSIVE BACCALAUREATE INSTITUTION WITH MODIFIED OPEN  
44 ADMISSION STANDARDS; EXCEPT THAT NONTRADITIONAL STUDENTS WHO  
45 ARE AT LEAST TWENTY YEARS OF AGE SHALL ONLY HAVE AS AN ADMISSION  
46 REQUIREMENT A HIGH SCHOOL DIPLOMA, A GED HIGH SCHOOL  
47 EQUIVALENCY CERTIFICATE, OR THE EQUIVALENT THEREOF.  
48 METROPOLITAN STATE COLLEGE OF DENVER SHALL OFFER A VARIETY OF  
49 LIBERAL ARTS AND SCIENCE, TECHNICAL, AND EDUCATIONAL PROGRAMS.  
50 THE COLLEGE MAY OFFER A LIMITED NUMBER OF PROFESSIONAL  
51 PROGRAMS. METROPOLITAN STATE COLLEGE OF DENVER SHALL NOT  
52 OFFER GRADUATE PROGRAMS.

53

54 **23-54-102. Board of trustees - creation - members - powers -**  
55 **duties.** (1) (a) EFFECTIVE JULY 1, 2002, THERE IS ESTABLISHED THE  
56 BOARD OF TRUSTEES FOR METROPOLITAN STATE COLLEGE OF DENVER,



1 REFERRED TO IN THIS ARTICLE AS THE "BOARD OF TRUSTEES", WHICH  
2 SHALL CONSIST OF NINE MEMBERS AND SHALL BE THE GOVERNING  
3 AUTHORITY FOR METROPOLITAN STATE COLLEGE OF DENVER. THE BOARD  
4 OF TRUSTEES CREATED BY THIS SUBSECTION (1) SHALL BE, AND IS HEREBY  
5 DECLARED TO BE, A BODY CORPORATE AND, AS SUCH AND BY THE NAMES  
6 DESIGNATED IN THIS SECTION, MAY:

7  
8 (I) ACQUIRE AND HOLD PROPERTY FOR THE USE OF METROPOLITAN  
9 STATE COLLEGE OF DENVER;

10  
11 (II) BE A PARTY TO ALL SUITS AND CONTRACTS; AND

12  
13 (III) DO ALL THINGS NECESSARY TO CARRY OUT THE PROVISIONS  
14 OF THIS ARTICLE IN LIKE MANNER AS MUNICIPAL CORPORATIONS OF THIS  
15 STATE, INCLUDING BUT NOT LIMITED TO THE POWER TO DEMAND, RECEIVE,  
16 HOLD, AND USE FOR THE BEST INTERESTS OF METROPOLITAN STATE  
17 COLLEGE OF DENVER SUCH MONEY, LANDS, OR OTHER PROPERTY AS MAY  
18 BE DONATED OR DEVED TO OR FOR THE COLLEGE.

19  
20 (b) THE TRUSTEES AND THEIR SUCCESSORS SHALL HAVE PERPETUAL  
21 SUCCESSION, SHALL HAVE A SEAL, MAY MAKE BYLAWS AND REGULATIONS  
22 FOR THE WELL-ORDERING AND GOVERNMENT OF METROPOLITAN STATE  
23 COLLEGE OF DENVER, AND MAY CONDUCT THE BUSINESS OF SAID COLLEGE  
24 IN A MANNER NOT REPUGNANT TO THE CONSTITUTION AND LAWS OF THIS  
25 STATE. THE BOARD OF TRUSTEES SHALL ELECT FROM THE APPOINTED  
26 MEMBERS A CHAIRPERSON, A SECRETARY, AND A TREASURER, WHOSE  
27 DUTIES AND RESPONSIBILITIES SHALL BE PRESCRIBED IN THE DULY  
28 ADOPTED BYLAWS OF THE BOARD OF TRUSTEES. THE STAFF OF  
29 METROPOLITAN STATE COLLEGE OF DENVER SHALL PROVIDE STAFF  
30 SUPPORT FOR THE BOARD OF TRUSTEES.

31  
32 (2) THE GOVERNOR SHALL APPOINT, WITH THE CONSENT OF THE  
33 SENATE, SEVEN MEMBERS OF THE BOARD OF TRUSTEES. THE MEMBERS  
34 FIRST APPOINTED TO SAID BOARD SHALL TAKE OFFICE ON JULY 1, 2002.  
35 THE TERMS OF APPOINTED MEMBERS OF THE BOARD OF TRUSTEES SHALL  
36 BE FOUR YEARS; EXCEPT THAT, OF THE MEMBERS FIRST APPOINTED, THE  
37 GOVERNOR SHALL SELECT TWO MEMBERS WHO SHALL SERVE ONE-YEAR  
38 TERMS, TWO MEMBERS WHO SHALL SERVE TWO-YEAR TERMS, AND THREE  
39 MEMBERS WHO SHALL SERVE FOUR-YEAR TERMS. ALL APPOINTED  
40 MEMBERS SHALL SERVE UNTIL THEIR SUCCESSORS ARE APPOINTED AND  
41 QUALIFIED.

42  
43 (3) A FULL-TIME JUNIOR OR SENIOR STUDENT AT METROPOLITAN  
44 STATE COLLEGE OF DENVER, ELECTED BY THE STUDENT BODY AT LARGE,  
45 SHALL FILL THE EIGHTH OFFICE AS A MEMBER OF THE BOARD OF TRUSTEES.  
46 THE TERM OF SAID OFFICE SHALL BE ONE YEAR, BEGINNING JULY 1, 2002,  
47 AND BEGINNING JULY 1 EACH YEAR THEREAFTER. THE ELECTED STUDENT  
48 OFFICE SHALL BE ADVISORY, WITHOUT THE RIGHT TO VOTE AND WITHOUT  
49 THE RIGHT TO ATTEND EXECUTIVE SESSIONS OF THE BOARD OF TRUSTEES,  
50 AS PROVIDED BY SECTION 24-6-402, C.R.S. THE ELECTED STUDENT  
51 MEMBER OF THE BOARD OF TRUSTEES SHALL HAVE RESIDED IN THE STATE  
52 OF COLORADO NOT FEWER THAN THREE YEARS IMMEDIATELY PRIOR TO  
53 ELECTION. AS USED IN THIS SUBSECTION (3), "FULL-TIME STUDENT" SHALL  
54 HAVE THE SAME DEFINITION AS "FULL-TIME EQUIVALENT STUDENT" USED  
55 BY THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY.

56

1 (4) A FULL-TIME MEMBER OF THE TEACHING FACULTY AT LARGE OF  
2 METROPOLITAN STATE COLLEGE OF DENVER, ELECTED BY THE FACULTY  
3 AT LARGE, SHALL FILL THE NINTH OFFICE AS A MEMBER OF THE BOARD OF  
4 TRUSTEES. THE TERM OF SAID OFFICE SHALL BE ONE YEAR, BEGINNING  
5 JULY 1, 2002, AND BEGINNING JULY 1 EACH YEAR THEREAFTER. THE  
6 ELECTED FACULTY MEMBER OF THE BOARD OF TRUSTEES SHALL HAVE THE  
7 RIGHT TO VOTE BUT SHALL BE WITHOUT THE RIGHT TO ATTEND EXECUTIVE  
8 SESSIONS OF THE BOARD OF TRUSTEES, AS PROVIDED BY SECTION 24-6-402,  
9 C.R.S.

10  
11 (5) ANY VACANCY IN THE OFFICE OF AN APPOINTED MEMBER OF  
12 THE BOARD OF TRUSTEES SHALL BE FILLED BY APPOINTMENT BY THE  
13 GOVERNOR FOR THE UNEXPIRED TERM. ANY VACANCY IN EITHER OF THE  
14 ELECTED OFFICES ON THE BOARD OF TRUSTEES SHALL BE FILLED BY  
15 REELECTION FOR THE UNEXPIRED TERM. EACH TRUSTEE SHALL TAKE AND  
16 SUBSCRIBE TO THE OATH OF OFFICE PRESCRIBED BY THE CONSTITUTION OF  
17 THIS STATE BEFORE ENTERING UPON THE DUTIES OF THE OFFICE, WHICH  
18 OATH SHALL BE PLACED AND KEPT ON FILE IN THE OFFICE OF THE  
19 SECRETARY OF STATE.

20  
21 (6) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (6), THE  
22 POWERS, DUTIES, AND FUNCTIONS FORMERLY PERFORMED BY THE  
23 TRUSTEES OF THE STATE COLLEGES IN COLORADO WITH RESPECT TO  
24 METROPOLITAN STATE COLLEGE OF DENVER ARE HEREBY TRANSFERRED  
25 TO THE BOARD OF TRUSTEES. POLICIES, PROCEDURES, AND AGREEMENTS  
26 PREVIOUSLY APPROVED BY THE TRUSTEES OF THE STATE COLLEGES AND  
27 APPLICABLE TO METROPOLITAN STATE COLLEGE OF DENVER SHALL  
28 REMAIN IN FORCE AND EFFECT UNLESS AND UNTIL CHANGED BY THE BOARD  
29 OF TRUSTEES.

30  
31 **23-54-103. Board of trustees for Metropolitan state college of**  
32 **Denver fund - creation - control - use.** (1) EFFECTIVE JULY 1, 2002,  
33 THERE IS CREATED IN THE STATE TREASURY THE BOARD OF TRUSTEES FOR  
34 METROPOLITAN STATE COLLEGE OF DENVER FUND, REFERRED TO IN THIS  
35 SECTION AS THE "FUND", WHICH SHALL BE UNDER THE CONTROL OF AND  
36 ADMINISTERED BY THE BOARD OF TRUSTEES IN ACCORDANCE WITH THE  
37 PROVISIONS OF THIS ARTICLE. EXCEPT AS OTHERWISE ALLOWED BY STATE  
38 LAW, INCLUDING BUT NOT LIMITED TO SECTION 24-36-103 (2), C.R.S., ALL  
39 MONEYS RECEIVED OR ACQUIRED BY THE BOARD OF TRUSTEES OR BY  
40 METROPOLITAN STATE COLLEGE OF DENVER SHALL BE DEPOSITED IN THE  
41 FUND, WHETHER RECEIVED BY APPROPRIATION, GRANT, CONTRACT, OR  
42 GIFT, OR BY SALE OR LEASE OF SURPLUS REAL OR PERSONAL PROPERTY, OR  
43 BY ANY OTHER MEANS, WHOSE DISPOSITION IS NOT OTHERWISE PROVIDED  
44 FOR BY LAW. ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT  
45 OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. THE MONEYS  
46 IN THE FUND ARE HEREBY CONTINUOUSLY APPROPRIATED TO THE BOARD  
47 OF TRUSTEES AND SHALL REMAIN IN THE FUND AND SHALL NOT BE  
48 TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE AT THE  
49 END OF ANY FISCAL YEAR.

50  
51 (2) THE MONEYS IN THE FUND SHALL REMAIN UNDER THE CONTROL  
52 OF THE BOARD OF TRUSTEES AND SHALL BE USED FOR THE PAYMENT OF  
53 SALARIES AND OPERATING EXPENSES OF THE BOARD OF TRUSTEES AND OF  
54 METROPOLITAN STATE COLLEGE OF DENVER AND FOR THE PAYMENT OF  
55 ANY OTHER EXPENSES INCURRED BY THE BOARD OF TRUSTEES IN CARRYING  
56 OUT ITS POWERS AND DUTIES.

1 (3) MONEYS IN THE FUND WHICH ARE NOT NEEDED FOR USE BY THE  
2 BOARD OF TRUSTEES MAY BE INVESTED BY THE STATE TREASURER IN  
3 INVESTMENTS AUTHORIZED BY SECTIONS 24-36-109, 24-36-112, AND  
4 24-36-113, C.R.S. THE BOARD OF TRUSTEES SHALL DETERMINE THE  
5 AMOUNT OF MONEYS IN THE FUND THAT MAY BE SO INVESTED AND SHALL  
6 NOTIFY THE STATE TREASURER IN WRITING OF SUCH AMOUNT.  
7

8 **23-54-104. The Metropolitan state college of Denver**  
9 **undergraduate enrichment fund - created - awards.** (1) EFFECTIVE  
10 JULY 1, 2002, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE  
11 STATE COLLEGES UNDERGRADUATE ENRICHMENT FUND, CREATED IN  
12 SECTION 23-50-113, SHALL BE TRANSFERRED TO THE METROPOLITAN  
13 STATE COLLEGE OF DENVER UNDERGRADUATE ENRICHMENT FUND, WHICH  
14 FUND IS HEREBY CREATED IN THE DEPARTMENT OF HIGHER EDUCATION AND  
15 REFERRED TO IN THIS SECTION AS THE "ENRICHMENT FUND". THE  
16 ENRICHMENT FUND SHALL BE UNDER THE CONTROL OF AND ADMINISTERED  
17 BY THE BOARD OF TRUSTEES OF METROPOLITAN STATE COLLEGE. ANY  
18 MONEYS CREDITED TO THE ENRICHMENT FUND SHALL REMAIN IN THE  
19 ENRICHMENT FUND AND SHALL NOT REVERT TO THE GENERAL FUND AT THE  
20 END OF ANY FISCAL YEAR. SUCH MONEYS IN THE ENRICHMENT FUND MAY  
21 BE INVESTED IN THE TYPES OF INVESTMENTS AUTHORIZED IN SECTIONS  
22 24-36-109, 24-36-112, AND 24-36-113, C.R.S. ANY INTEREST EARNED ON  
23 THE MONEYS IN THE ENRICHMENT FUND IS HEREBY CONTINUOUSLY  
24 APPROPRIATED FOR THE PURPOSES STATED IN SUBSECTION (2) OF THIS  
25 SECTION.  
26

27 (2) INTEREST EARNED ON MONEYS IN THE ENRICHMENT FUND  
28 SHALL BE USED TO FUND PROGRAMS TO ADVANCE AND ENRICH  
29 UNDERGRADUATE EDUCATION AT METROPOLITAN STATE COLLEGE OF  
30 DENVER. AWARDS FOR SUCH PURPOSES SHALL BE GRANTED BY THE  
31 BOARD OF TRUSTEES WITHIN ONE YEAR AFTER THE DATE ANY MONEYS ARE  
32 CREDITED TO THE FUND AND SHALL BE ANNUALLY GRANTED THEREAFTER.  
33 THE BOARD OF TRUSTEES SHALL PROMULGATE RULES ESTABLISHING THE  
34 CRITERIA TO BE USED IN GRANTING SUCH ANNUAL AWARDS.  
35

36 **SECTION 3.** Article 50 of title 23, Colorado Revised Statutes,  
37 is amended BY THE ADDITION OF A NEW SECTION to read:  
38

39 **23-50-114. Regional education providers - designation -**  
40 **criteria.** (1) THE GENERAL ASSEMBLY FINDS, DETERMINES, AND  
41 DECLARES THAT:  
42

43 (a) THE TRUSTEES OF THE STATE COLLEGES IN COLORADO CAN  
44 BETTER SERVE THE CITIZENS OF THIS STATE BY PROVIDING OVERSIGHT AND  
45 DIRECTION FOR THE PROVISION OF REGIONAL EDUCATION AT ADAMS STATE  
46 COLLEGE, MESA STATE COLLEGE, AND WESTERN STATE COLLEGE OF  
47 COLORADO; AND  
48

49 (b) AS REGIONAL EDUCATION PROVIDERS, ADAMS STATE COLLEGE,  
50 MESA STATE COLLEGE, AND WESTERN STATE COLLEGE OF COLORADO  
51 SHALL HAVE AS THEIR PRIMARY GOAL THE ASSESSMENT OF REGIONAL  
52 EDUCATIONAL NEEDS AND, IN CONSULTATION WITH THE COLORADO  
53 COMMISSION ON HIGHER EDUCATION, THE ALLOCATION OF RESOURCES FOR  
54 THE PURPOSES OF MEETING THOSE NEEDS.  
55

56 (2) A REGIONAL EDUCATION PROVIDER MAY INCLUDE, AMONG ITS

1 INITIATIVES TO MEET ITS REGIONAL NEEDS, BUT NEED NOT BE LIMITED TO  
2 THE FOLLOWING:

3

4 (a) EXTENSION OF EXISTING PROGRAMS;

5

6 (b) CREATION OF NEW UNDERGRADUATE PROGRAMS;

7

8 (c) DEVELOPMENT OF PARTNERSHIPS WITH TWO-YEAR  
9 INSTITUTIONS; AND

10

11 (d) FACILITATION OF THE DELIVERY OF GRADUATE EDUCATION  
12 THROUGH EXISTING GRADUATE INSTITUTIONS.

13

14 (3) THE COLORADO COMMISSION ON HIGHER EDUCATION SHALL,  
15 IN CONSULTATION WITH THE TRUSTEES OF THE STATE COLLEGES,  
16 ESTABLISH THE CRITERIA FOR DESIGNATION AS A REGIONAL EDUCATION  
17 PROVIDER.

18

19 **SECTION 4.** 23-1-104, Colorado Revised Statutes, is amended  
20 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to  
21 read:

22

23 **23-1-104. Financing the system of postsecondary education -**  
24 **repeal.** (4) (a) THE GENERAL ASSEMBLY HEREBY FINDS THAT, FOR FISCAL  
25 YEARS BEGINNING PRIOR TO JULY 1, 2002, THE ALLOCATION OF  
26 APPROPRIATED GENERAL FUND MONEYS AND TUITION REVENUE AMONG  
27 THE INSTITUTIONS GOVERNED BY THE TRUSTEES OF THE STATE COLLEGES  
28 IN COLORADO HAS BEEN BASED ON A DIFFERENTIAL FUNDING FORMULA  
29 ESTABLISHED BY SAID TRUSTEES.

30

31 (b) (I) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT, FOR THE  
32 FISCAL YEAR BEGINNING JULY 1, 2002, FUNDS FOR METROPOLITAN STATE  
33 COLLEGE OF DENVER SHALL BE APPROPRIATED TO THE TRUSTEES OF STATE  
34 COLLEGES IN COLORADO, AND ALLOCATED BY SAID TRUSTEES AS  
35 DESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (b).

36

37 (II) EFFECTIVE JULY 1, 2002, THE TRUSTEES OF STATE COLLEGES  
38 IN COLORADO SHALL TRANSFER FROM THE TRUSTEES OF THE STATE  
39 COLLEGES IN COLORADO FUND, CREATED IN SECTION 23-50-103.5, TO THE  
40 BOARD OF TRUSTEES FOR METROPOLITAN STATE COLLEGE OF DENVER  
41 FUND, CREATED IN SECTION 23-54-103, THE FOLLOWING MONEYS:

42

43 (A) A DOLLAR AMOUNT EQUAL TO THE FISCAL YEAR 2001-02  
44 GENERAL FUND MONEYS RECEIVED BY METROPOLITAN STATE COLLEGE OF  
45 DENVER PURSUANT TO ALLOCATIONS FOR FISCAL YEAR 2001-02 MADE BY  
46 THE TRUSTEES OF THE STATE COLLEGES IN COLORADO, LESS  
47 METROPOLITAN STATE COLLEGE OF DENVER'S SHARE OF FISCAL YEAR  
48 2001-02 BUDGET RESCISSIONS;

49

50 (B) A DOLLAR AMOUNT EQUAL TO THE SHARE OF NEW  
51 PERFORMANCE FUNDS RECEIVED BY THE TRUSTEES OF THE STATE  
52 COLLEGES IN COLORADO FOR FISCAL YEAR 2002-03 AND ALLOCATED TO  
53 METROPOLITAN STATE COLLEGE OF DENVER PURSUANT TO THE STATE  
54 COLLEGES PERFORMANCE FUNDING FORMULA FOR THE FISCAL YEAR  
55 2001-02;

56

1 (C) A DOLLAR AMOUNT EQUAL TO METROPOLITAN STATE COLLEGE  
2 OF DENVER'S SHARE OF ANY NEW FULL-TIME EQUIVALENT STUDENT  
3 ENROLLMENT FUNDING RECEIVED BY THE TRUSTEES OF THE STATE  
4 COLLEGES IN COLORADO FOR THE FISCAL YEAR 2002-03, ALLOCATED IN  
5 ACCORDANCE WITH THE METHODOLOGY ESTABLISHED BY THE TRUSTEES  
6 OF THE STATE COLLEGES IN COLORADO FOR THE FISCAL YEAR 2001-02;  
7 AND

8  
9 (D) FORTY PERCENT OF ANY UNEXPENDED AND UNENCUMBERED  
10 MONEYS REMAINING IN THE FUND BALANCE OF THE TRUSTEES OF THE  
11 STATE COLLEGES IN COLORADO FUND, AS OF JUNE 30, 2002, OTHER THAN  
12 THE EARMARKED FUND BALANCES OF THE WESTERN COLORADO GRADUATE  
13 CENTER, CREATED IN SECTION 23-53-116, AND THE OFFICE OF STATE  
14 COLLEGES; AND

15  
16 (E) A DOLLAR AMOUNT EQUAL TO METROPOLITAN STATE COLLEGE  
17 OF DENVER'S PERCENTAGE SHARE OF THE STATEWIDE INDIRECT COST  
18 ASSESSMENT FOR FISCAL YEAR 2002-03.

19  
20 (c) THE BUDGET ALLOCATIONS FOR ADAMS STATE COLLEGE OF  
21 COLORADO, MESA STATE COLLEGE, AND WESTERN STATE COLLEGE OF  
22 COLORADO FOR THE 2002-03 FISCAL YEAR SHALL BE USED TO ESTABLISH  
23 A NEW AVERAGE PER-STUDENT FUNDING FIGURE TO BE APPLIED BY THE  
24 TRUSTEES OF THE STATE COLLEGES IN COLORADO.

25  
26 (d) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2003.

27  
28 (5) FOR FISCAL YEARS BEGINNING ON OR AFTER JULY 1, 2003,  
29 BUDGET ALLOCATIONS FOR:

30  
31 (a) METROPOLITAN STATE COLLEGE OF DENVER SHALL BE  
32 DIRECTLY APPROPRIATED TO THE BOARD OF TRUSTEES FOR METROPOLITAN  
33 STATE COLLEGE OF DENVER; AND

34  
35 (b) ADAMS STATE COLLEGE OF COLORADO, MESA STATE COLLEGE,  
36 AND WESTERN STATE COLLEGE OF COLORADO SHALL BE DIRECTLY  
37 APPROPRIATED TO THE TRUSTEES OF THE STATE COLLEGES IN COLORADO  
38 FOR ALLOCATION TO SAID INSTITUTIONS.

39  
40 (6) (a) ON OR BEFORE JULY 1, 2002, THE TRUSTEES OF THE STATE  
41 COLLEGES IN COLORADO SHALL CONDUCT A COST STUDY WHICH ANALYZES  
42 THE COST OF OPERATING A SMALL, FOUR-YEAR COLLEGE IN ALAMOSA,  
43 GRAND JUNCTION, AND GUNNISON, COLORADO, RECOGNIZING THAT THESE  
44 SMALLER INSTITUTIONS DO NOT HAVE THE BUDGETARY FLEXIBILITY THAT  
45 COMES FROM ECONOMIES OF SCALE OR DOWNSIZING WHEN ENROLLMENT  
46 IS SLOW OR STAGNANT AND THE EXPENSES ASSOCIATED WITH FLEET  
47 MANAGEMENT AND TRAVEL AND COMPENSATION SCHEDULES FOR  
48 CLASSIFIED PERSONNEL.

49  
50 (b) THE COMMISSION, IN COLLABORATION WITH THE TRUSTEES OF  
51 THE STATE COLLEGES, SHALL UTILIZE THE COST STUDY DESCRIBED IN  
52 PARAGRAPH (a) OF THIS SUBSECTION (6) TO ESTABLISH A MINIMUM LEVEL  
53 OF FUNDING FOR ADAMS STATE COLLEGE, MESA STATE COLLEGE, AND  
54 WESTERN STATE COLLEGE OF COLORADO WHICH LESSENS THE EFFECT OF  
55 ENROLLMENT FLUCTUATIONS.

56

1 (c) FOR THE 2003-04 FISCAL YEAR, THE GENERAL ASSEMBLY SHALL  
2 APPROPRIATE FROM THE GENERAL FUND TO THE TRUSTEES OF THE STATE  
3 COLLEGES AN AMOUNT ADEQUATE TO FUND THE MINIMUM LEVEL OF  
4 FUNDING ESTABLISHED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION  
5 (6). EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (d) OF THIS  
6 SUBSECTION (6), THE MINIMUM LEVEL OF FUNDING SHALL SERVE AS THE  
7 BASE FOR FUTURE FUNDING OF THE TRUSTEES OF THE STATE COLLEGES.

8  
9 (d) THE MINIMUM LEVEL OF FUNDING ESTABLISHED PURSUANT TO  
10 THIS SUBSECTION (6) SHALL NOT APPLY IN ANY FISCAL YEAR IN WHICH  
11 THERE IS AN OVERALL REDUCTION IN THE LEVEL OF GENERAL FUND  
12 APPROPRIATIONS FOR THE STATE-SUPPORTED INSTITUTIONS OF HIGHER  
13 EDUCATION.

14  
15 **SECTION 5.** 23-1-113.5 (2), Colorado Revised Statutes, is  
16 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

17  
18 **23-1-113.5. Commission directive - resident admissions.**  
19 (2) (c) AFTER ONE HUNDRED PERCENT OF ALL QUALIFIED COLORADO  
20 APPLICANTS HAVE BEEN ACCEPTED BY ADAMS STATE COLLEGE, MESA  
21 STATE COLLEGE, AND WESTERN STATE COLLEGE OF COLORADO, THE  
22 PROVISIONS OF SUBSECTION (1) OF THIS SECTION REGARDING THE  
23 FRACTION OF STUDENTS WHO ARE IN-STATE STUDENTS SHALL CEASE TO  
24 APPLY TO SAID THREE COLLEGES.

25  
26 **SECTION 6.** 23-50-101 (1) (a), Colorado Revised Statutes, is  
27 amended to read:

28  
29 **23-50-101. Governing board for state colleges.**  
30 (1) (a) ~~Metropolitan state college of Denver, Mesa state college, Western~~  
31 ~~state college of Colorado, and Adams state college of Colorado~~ shall be  
32 under the control of a board of nine trustees. The board is hereby  
33 declared a body corporate by the name and title of the "trustees of the  
34 state colleges in Colorado" and, as such and by its said name, may  
35 designate each such institution as a part of the state colleges in Colorado,  
36 may hold property for the use of said colleges, may be a party to all suits  
37 and contracts, and may do all things thereto lawfully appertaining in like  
38 manner as municipal corporations of this state. The trustees and their  
39 successors in office shall have perpetual succession, shall have a common  
40 seal, and may make bylaws and regulations for the well-ordering and  
41 government of the colleges and their business not repugnant to the  
42 constitution and laws of this state.

43  
44 **SECTION 7. Repeal.** 23-50-113, Colorado Revised Statutes, is  
45 repealed.

46  
47 **SECTION 8.** 23-70-102 (1) (b) (II), Colorado Revised Statutes,  
48 is amended to read:

49  
50 **23-70-102. Auraria board - membership - terms - oaths -**  
51 **voting.** (1) Effective July 1, 1989, there is hereby created a new board  
52 of directors of the Auraria higher education center, referred to in this  
53 article as the "Auraria board", which shall consist of nine members and  
54 two ex officio nonvoting members. The members of the Auraria board  
55 shall be chosen in the following manner:  
56

1 (b) (II) Three members, one appointed by, and from among the  
2 members of, each of the following boards: The state board for  
3 community colleges and occupational education, ~~the trustees of the state~~  
4 ~~colleges in Colorado~~, THE BOARD OF TRUSTEES FOR METROPOLITAN STATE  
5 COLLEGE OF DENVER, and the regents of the university of Colorado, each  
6 such member to serve at the pleasure of the appointing board so long as  
7 he OR SHE is a member of the appointing board.  
8

9 **SECTION 9. Effective date.** This act shall take effect July 1,  
10 2002.  
11

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

16

17

18

19 **HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS**

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

23 **HB02-1010** be amended as follows, and as so amended, be referred to  
24 the Committee on Appropriations with favorable  
25 recommendation:  
26

27 Amend printed bill, page 2, strike lines 11 through 22.  
28

29 Renumber succeeding sections accordingly.  
30

31 Page 3, strike lines 10 through 14;  
32

33 strike lines 18 through 20 and substitute the following:  
34

35 "MORE NURSES FOR COLORADO FUND CREATED PURSUANT TO SUBSECTION  
36 (4) OF THIS SECTION, ALLOW FOR A GREATER NUMBER OF STUDENTS TO BE  
37 ADMITTED TO NURSING EDUCATION PROGRAMS ON OR AFTER JULY 1,";  
38

38 strike lines 24 through 26;  
39

40 line 27, strike "(4)" and substitute "(3)".  
41

42 Page 4, strike lines 2 through 4 and substitute the following:  
43

44 "PROGRAMS TO ALLOW ADDITIONAL STUDENTS OF NURSING TO BE  
45 ADMITTED WHEN THERE ARE SUFFICIENT FUNDS AVAILABLE THROUGH THE  
46 MORE NURSES FOR COLORADO FUND CREATED PURSUANT TO SUBSECTION  
47 (4) OF THIS SECTION TO SUPPORT THE";  
48

48 line 6, strike "(5)" and substitute "(4)";  
49

50 line 7, strike "EMPLOYER-BASED GIFT AND SCHOLARSHIP" and substitute  
51 "MORE NURSES FOR COLORADO";  
52

53 strike line 11 and substitute the following:  
54

55 "TO SUPPORT THE DEVELOPMENT OF ADDITIONAL CAPACITY TO ALLOW A  
56 GREATER NUMBER OF STUDENTS TO BE".

1 **HB02-1029** be amended as follows, and as so amended, be referred to  
2 the Committee on Appropriations with favorable  
3 recommendation:  
4  
5 Amend printed bill, page 5, strike line 14 and substitute the following:  
6  
7 "(f) To assure";  
8  
9 line 15, strike "JANUARY 1, 2003,";  
10  
11 strike lines 18 through 23.  
12  
13 Page 6, line 9, strike "PROMOTE" and substitute "PROVIDE EDUCATION  
14 ABOUT";  
15  
16 line 10, strike "OPERATION" and substitute "OPERATIONS";  
17  
18 strike lines 19 through 21 and substitute the following:  
19 "AGENCY MAY DESIGNATE CASE MANAGERS WHO HAVE KNOWLEDGE  
20 ABOUT THE PACE PROGRAM."  
21  
22 Page 9, line 21, strike "FOR PACE PROGRAM SITES DEVELOPED PRIOR TO  
23 JANUARY";  
24  
25 line 22, strike "1, 2003, the" and substitute "The";  
26  
27 strike lines 25 through 27.  
28  
29 Page 10, strike lines 1 through 7.  
30  
31  
32  
33 **HB02-1093** be amended as follows, and as so amended, be referred to  
34 the Committee of the Whole with favorable  
35 recommendation:  
36  
37 Amend printed bill, page 2, line 5, strike "(a)".  
38  
39 Page 3, line 1, strike "OR";  
40  
41 line 2, strike "INVOLVING TEMPORARY ASSISTANCE FOR NEEDY FAMILIES";  
42  
43 line 3, after "RELATIVE" insert "IN THE ASSISTANCE UNIT";  
44  
45 strike lines 6 through 8 and substitute the following:  
46  
47 "ESTATE. THE STATE DEPARTMENT AND THE COUNTY DEPARTMENTS SHALL  
48 PURSUE ALL AVAILABLE OVERPAYMENT RECOVERY OPTIONS AGAINST THE  
49 CARETAKER RELATIVE IN THE ASSISTANCE UNIT FIRST AND DURING THIS  
50 TIME ALL OVERPAYMENT COLLECTION ACTIVITIES AGAINST THE OTHER  
51 OVERPAID MEMBERS OF THE ASSISTANCE UNIT SHALL BE SUSPENDED.  
52 UPON THE EFFECTIVE DATE OF THIS SUBSECTION (4),";  
53  
54 line 13, strike "IN CIRCUMSTANCES IN" and substitute the following:  
55 "THE STATE AND THE COUNTY DEPARTMENTS MAY ELECT NOT TO ATTEMPT  
56 RECOVERY OF AN OVERPAYMENT FROM AN INDIVIDUAL NO LONGER



1 RECEIVING PUBLIC ASSISTANCE WHERE THE OVERPAYMENT AMOUNT IS  
2 LESS THAN THIRTY-FIVE DOLLARS. WHERE THE OVERPAYMENT AMOUNT  
3 OWED BY AN INDIVIDUAL NO LONGER RECEIVING PUBLIC ASSISTANCE IS  
4 THIRTY-FIVE DOLLARS OR MORE, THE STATE DEPARTMENT AND THE  
5 COUNTY DEPARTMENTS MAY DETERMINE, CONSISTENT WITH THE SIX-YEAR  
6 TIME LIMITATION FOR THE EXECUTION ON JUDGMENTS INVOLVING STATE  
7 DEBT, THAT IT IS NO LONGER COST-EFFECTIVE TO CONTINUE TO PURSUE  
8 RECOVERY OF THE OVERPAYMENT. THE STATE DEPARTMENT AND THE  
9 COUNTY DEPARTMENTS SHALL NOT PURSUE OVERPAYMENT COLLECTION  
10 ACTIVITIES AGAINST CHILDREN WHO HAVE BEEN PART OF A COLORADO  
11 WORKS PROGRAM ASSISTANCE UNIT.";

12  
13 strike lines 14 through 26.

14  
15  
16  
17 **HB02-1126** be postponed indefinitely.

18  
19  
20 **HB02-1177** be referred to the Committee of the Whole with favorable  
21 recommendation.

22  
23  
24 **HB02-1196** be amended as follows, and as so amended, be referred to  
25 the Committee on Local Government with favorable  
26 recommendation:

27  
28 Amend printed bill, page 2, strike line 19 and substitute the following:  
29 "**cost reporting - appeals - report.**";

30  
31 strike lines 20 through 22.

32  
33 Page 3, strike lines 1 through 4.

34  
35 Renumber succeeding subsections accordingly.

36  
37 \_\_\_\_\_

38  
39 **MESSAGE FROM THE REVISOR**

40  
41 We herewith transmit without comment, as amended, SB02-052 and 058.

42  
43 \_\_\_\_\_

44  
45 **INTRODUCTION OF BILLS**  
46 **First Reading**

47  
48 The following bills were read by title and referred to the committees  
49 indicated:

50  
51 **HB02-1217** by Representative(s) Kester; also Senator(s) Takis,  
52 Hagedorn, Hillman--Concerning investment of public  
53 funds in securities issued by Colorado public entities.  
54 Committee on Finance

55

- 1 **HB02-1218** by Representative(s) Rippy--Concerning the requirement  
2 that any extension of an expiring tax be deemed in effect  
3 from the date of the first imposition of the tax when  
4 calculating the total sales and use tax imposed by all levels  
5 of government.  
6 Committee on Finance  
7
- 8 **HB02-1219** by Representative(s) Larson--Concerning frivolous state  
9 income tax returns.  
10 Committee on Finance  
11
- 12 **HB02-1220** by Representative(s) Larson; also Senator(s) Hanna--Con-  
13 cerning the insurance coverage of hearing aids for minors.  
14 Committee on Business Affairs & Labor  
15
- 16 **HB02-1221** by Representative(s) Snook, Alexander, Hoppe, Miller,  
17 White; also Senator(s) Entz--Concerning the management  
18 of black bear hunting.  
19 Committee on Agriculture, Livestock, & Natural Resources  
20
- 21 **HB02-1222** by Representative(s) Tochtrop; also Senator(s) Nichol--  
22 Concerning careless driving when the person's driving of  
23 a motor vehicle is the proximate cause of at least bodily  
24 injury to a person riding a motorcycle.  
25 Committee on Transportation & Energy  
26
- 27 **HB02-1223** by Representative(s) Veiga; also Senator(s) Anderson--  
28 Concerning sentencing of persons convicted of offenses  
29 committed on or after July 1, 2002, involving unlawful  
30 sexual behavior.  
31 Committee on Criminal Justice  
32
- 33 **HB02-1224** by Representative(s) Madden--Concerning the use of sales  
34 tax revenue by a local improvement district to promote  
35 business development within the district.  
36 Committee on Business Affairs & Labor  
37 Committee on Finance  
38
- 39 **HB02-1225** by Representative(s) Lawrence; also Senator(s) Fitz-  
40 Gerald--Concerning procedural changes for the strength-  
41 ening of criminal laws.  
42 Committee on Criminal Justice  
43
- 44 **HB02-1226** by Representative(s) Williams T., Coleman, Scott, Vigil;  
45 also Senator(s) Takis, Anderson, Taylor, Tupa--Con-  
46 cerning the authority of the state personnel director to  
47 create a state employee assistance program.  
48 Committee on State, Veterans, & Military Affairs  
49
- 50 **HB02-1227** by Representative(s) Boyd; also Senator(s) Teck--  
51 Concerning the removal of certain requirements regarding  
52 medical benefit plans offered to state employees to  
53 enhance the state personnel director's ability to negotiate  
54 better medical benefit rates for state employees.  
55 Committee on Health, Environment, Welfare, & Institutions  
56

- 1 **HB02-1228** by Representative(s) Weddig; also Senator(s) Entz--  
2 Concerning apprentice electricians.  
3 Committee on Business Affairs & Labor  
4
- 5 **HB02-1229** by Representative(s) Veiga, Groff, Hefley, Lawrence,  
6 Smith; also Senator(s) Tate--Concerning continuation of  
7 the regulation of controlled substances, and, in connection  
8 therewith, updating the statutes to reflect the regulatory  
9 functions within the department of human services, and  
10 making an appropriation therefor.  
11 Committee on Criminal Justice  
12 Committee on Appropriations  
13  
14
- 15 **HB02-1230** by Representative(s) Stafford, Cloer, Tochtrop; also  
16 Senator(s) Phillips--Concerning continuation of the state  
17 board of optometric examiners.  
18 Committee on Health, Environment, Welfare, & Institutions  
19  
20
- 21 **HB02-1231** by Representative(s) Snook, Bacon, Boyd, Jahn, Madden,  
22 Mitchell; also Senator(s) Isgar--Concerning the contin-  
23 uation of the subpoena powers granted to the director of  
24 the Colorado civil rights division in cases relating to  
25 allegations of unfair employment practices.  
26 Committee on Civil Justice & Judiciary  
27
- 28 **HB02-1232** by Representative(s) Witwer--Concerning an increase in  
29 the amounts of fees relating to inspection of machines that  
30 are sources of ionizing radiation.  
31 Committee on Health, Environment, Welfare, & Institutions  
32  
33
- 34 **HB02-1233** by Representative(s) Tapia--Concerning buying down the  
35 inflation costs for tuition at the state's community colleges  
36 for the 2002-03 fiscal year, and making an appropriation  
37 therefor.  
38 Committee on Education  
39 Committee on Appropriations  
40  
41
- 42 **HB02-1234** by Representative(s) Rippy--Concerning the maximum  
43 amounts of charges that may be imposed by the state  
44 board of stock inspection commissioners.  
45 Committee on Agriculture, Livestock, & Natural Resources  
46
- 47 **HB02-1235** by Representative(s) Young; also Senator(s) Hernandez--  
48 Concerning changes in the repeal dates for funding from  
49 the employment support fund for certain programs  
50 administered by the department of labor and employment.  
51 Committee on Business Affairs & Labor  
52
- 53 **HB02-1236** by Representative(s) Swenson--Concerning the exemption  
54 of automobile insurance companies from orders of  
55 restitution entered in criminal cases.  
56 Committee on Transportation & Energy

1 **HB02-1237** by Representative(s) Hefley; also Senator(s) Gordon--  
 2 Concerning substantive changes for the strengthening of  
 3 criminal laws, and making an appropriation in connection  
 4 therewith.

5 Committee on Criminal Justice

6 Committee on Appropriations

7

8

9 **SB02-052** by Senator(s) Owen; also Representative(s) Daniel--  
 10 Concerning the repeal of provisions allocating certain  
 11 moneys appropriated to the department of local affairs  
 12 from the waste tire recycling development cash fund for  
 13 the Colorado commission on higher education.

14 Committee on Finance

15

16 **SB02-058** by Senator(s) Entz; also Representative(s) Snook--  
 17 Concerning the exclusion of interstate agencies from the  
 18 definition of state departments or agencies for purposes of  
 19 joint budget committee approval of financial assistance by  
 20 the Colorado economic development commission.

21 Committee on Appropriations

22

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## PRINTING REPORT

26

27 The Chief Clerk reports the following bills have been correctly printed:  
 28 **HB02-1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226.**

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## INTRODUCTION OF RESOLUTIONS

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WHEREAS, The 2002 Olympic Winter Games are being held in Salt Lake City, Utah, from February 8 to February 24; and

WHEREAS, The Olympic flame first became a tradition of the modern Olympics at the 1928 Amsterdam Games, when it was lighted and remained at Olympic Stadium throughout the event; and

WHEREAS, Eight years later, Dr. Carl Diem of Germany, inspired by ancient Greek drawings, created the first Olympic torch relay; and

WHEREAS, The Olympic torch represents the enduring Olympic spirit and is a symbol of achievement, excellence, and international friendship; and

WHEREAS, The Olympic torch is first lighted during a ceremony at the site of the ancient Olympic stadium in Olympia, Greece, by women dressed in robes similar to those worn by the ancient Greeks, using a

1 curved mirror to light the torch naturally with the sun's rays; and

2

3 WHEREAS, The 2002 Olympic torch has traveled from Olympia  
4 to Athens, Greece, crossed the ocean to Atlanta, Georgia, and is currently  
5 traveling across the United States on its way to Salt Lake City; and

6

7 WHEREAS, Prior to its arrival in Salt Lake City, the 2002  
8 Olympic torch relay will consist of some 11,500 torchbearers, will travel  
9 through 46 states, and will stop in 125 major cities over 65 days; and

10

11 WHEREAS, Thousands of workers and volunteers will assist in  
12 presenting the flame in Salt Lake City for the opening ceremonies on  
13 February 8; and

14

15 WHEREAS, The Olympic torch will arrive in Berthoud, Colorado,  
16 on January 30, and will thereafter be carried by hundreds of volunteer  
17 Olympic torchbearers of the 2002 Olympic Winter Games through  
18 northern Colorado; the greater Denver area; and the Colorado Springs,  
19 Vail, Rocky Mountain, and Grand Junction regions before moving on to  
20 southern Utah; and

21

22 WHEREAS, It is a tremendous honor to be selected as an Olympic  
23 torchbearer, and those chosen to represent Colorado were nominated by  
24 friends, family members, and co-workers who submitted short essays to  
25 the Salt Lake City Olympic Committee; and

26

27 WHEREAS, The men and women nominated and chosen as  
28 torchbearers for Colorado have made a difference by serving their  
29 communities, overcoming adversity, and embodying the Olympic spirit  
30 in their everyday lives; now, therefore,

31

32 *Be It Resolved by the House of Representatives of the Sixty-third*  
33 *General Assembly of the State of Colorado, the Senate concurring*  
34 *herein:*

35

36 That we honor, encourage, and appreciate the men and women of  
37 Colorado selected as Olympic torchbearers for the 2002 Olympic Winter  
38 Games.

39

40

41

42 **HJR02-1011** by Representative(s) Lee; also Senator(s) Anderson--  
43 Concerning honoring the 1999 and 2000 Columbine High  
44 School football teams for winning the State 5A  
45 Championship.

46

47 WHEREAS, During the fall of 1999, the Columbine High School  
48 Rebel football team compiled a 13-1 record on its way to the State 5A  
49 Championship; and

50

51 WHEREAS, The Rebels' only loss that year came to Pomona High  
52 School on a last-second field goal; and

53

54 WHEREAS, The Rebels overcame a seventeen-point deficit in the  
55 final four-and-one-half minutes of the State Quarterfinal Round to defeat  
56 Fairview High School; and

1 WHEREAS, The Rebels came back from a fourteen-point deficit  
2 against Cherry Creek High School to win the 1999 State 5A  
3 Championship Game; and  
4

5 WHEREAS, Players and coaches stayed focused on the field, in  
6 the classroom, and in the Columbine community amid constant media  
7 presence and publicity throughout the season; and  
8

9 WHEREAS, In 2000, the Columbine High School Rebel football  
10 team overcame the pressure of a #1 state ranking to win its second  
11 straight State 5A Championship; and  
12

13 WHEREAS, The 2000 Rebel team won eleven consecutive games  
14 to finish with a record of 12-2; and  
15

16 WHEREAS, In the semifinal round of the state playoffs, the  
17 Rebels kicked a field goal with twenty-one seconds remaining to defeat  
18 Mullen High School, 22-21; and  
19

20 WHEREAS, The Rebels defeated Bear Creek High School in the  
21 State Championship Game by the score of 41-7 to capture the 2000 title;  
22 now, therefore,  
23

24 *Be It Resolved by the House of Representatives of the Sixty-third*  
25 *General Assembly of the State of Colorado, the Senate concurring*  
26 *herein:*  
27

28 That we, the members of the Sixty-third General Assembly, honor  
29 the hard work and dedication shown by the players, coaches, and staff of  
30 the 1999 and 2000 Columbine High School football teams and  
31 congratulate them for winning back-to-back State 5A Football  
32 Championships.  
33

34 *Be It Further Resolved,* That a copy of this resolution be sent to  
35 Columbine High School.  
36  
37  
38

39 **HJR02-1012** by Representative(s) Lee; also Senator(s) Fitz-Gerald--  
40 Concerning congratulating the 2001 Chatfield High School  
41 football team on winning the State 5A Championship.  
42

43 WHEREAS, The Chatfield High School Charger football team  
44 entered the 2001 season as the overwhelming favorite to win the State  
45 Championship after returning sixteen starters from the 2000 team, which  
46 reached the semifinals of the state playoffs; and  
47

48 WHEREAS, The Charger football team, in 2001, capped the first  
49 undefeated season among 5A schools in five years by winning the State  
50 5A Championship; and  
51

52 WHEREAS, The 2001 Chargers team was among the best teams  
53 in the nation, and was ranked #14 nationally by *USA Today*; and  
54

55 WHEREAS, The Chargers had the #1 rated offense and the #2  
56 rated defense in the state; and

1 WHEREAS, The Chargers orchestrated the most remarkable  
2 fourth quarter comeback in school history in the semifinal round of the  
3 state playoffs by rallying from a 37-14 deficit to defeat Overland High  
4 School 43-37; and

5  
6 WHEREAS, The Chargers defeated Fairview High School by the  
7 score of 9-3 to win the 2001 State 5A Championship Game; and

8  
9 WHEREAS, The 2001 Charger football team was the first team in  
10 Chatfield High School history to go undefeated and was the first team in  
11 Chatfield High School history to win the State 5A Football  
12 Championship; now, therefore,

13  
14 *Be It Resolved by the House of Representatives of the Sixty-third*  
15 *General Assembly of the State of Colorado, the Senate concurring*  
16 *herein:*

17  
18 That we, the members of the Sixty-third General Assembly, honor  
19 the hard work and dedication shown by the players, coaches, and staff of  
20 the 2001 Chatfield High School football team and congratulate them for  
21 winning the 2001 State 5A Football Championship.

22  
23 *Be It Further Resolved,* That a copy of this resolution be sent to  
24 Chatfield High School.

25  
26  
27  
28 **LAY OVER OF CALENDAR ITEMS**

29  
30 On motion of Representative Spradley, the following items on the  
31 Calendar were laid over until January 30, retaining place on Calendar:

32  
33 Consideration of General Orders--**HB02-1022, 1064, 1118, 1050, 1121,**  
34 **1088, 1083, 1076, 1040, 1071, 1179, 1047.**

35 Consideration of Resolutions--**HJR02-1008, 1009.**

36  
37  
38 On motion of Representative Spradley, the House adjourned until  
39 9:00 a.m., January 30, 2002.

40  
41 Approved:

42  
43  
44  
45 DOUG DEAN,  
46 Speaker

47 Attest:

48  
49 JUDITH RODRIGUE,  
50 Chief Clerk