

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

Fiftieth Legislative Day

Wednesday, February 27, 2002

1 Prayer by Pastor Brad Strait, South Fellowship, Littleton.

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--62.

8

8 Excused--Representative Paschall--1.

9

9 Absent--Representatives King, Smith--2.

10

10 Present after roll call--Representatives King, Paschall, Smith.

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12 The Speaker declared a quorum present.

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CONSIDERATION OF RESOLUTION

23 **HJR02-1018** by Representative(s) Weddig; also Senator(s) Hagedorn--

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1	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
2	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
3	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
4	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
5	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
6	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
7	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
8	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
9	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
10	Garcia	Y	Madden	Y	Snook	Y	Young	Y
11							Mr. Speaker	Y

12
13 Co-sponsors added: Roll call of the House.

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

19
20 The following bills were considered on Third Reading. The titles were
21 publicly read. Reading of the bill at length was dispensed with by
22 unanimous consent.

23
24 **HB02-1103** by Representative(s) Mitchell; also Senator(s) Teck--
25 Concerning the assertion of claims for exemplary
26 damages.

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**.

32
33 YES 54 NO 11 EXCUSED 0 ABSENT 0

34								
35	Alexander	Y	Groff	N	Marshall	Y	Spence	Y
36	Bacon	N	Grossman	N	Miller	Y	Spradley	Y
37	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
38	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
39	Boyd	Y	Hodge	N	Plant	N	Swenson	Y
40	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
41	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
42	Clapp	Y	Jameson	N	Rippy	Y	Veiga	N
43	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	N
44	Coleman	Y	Kester	Y	Saliman	N	Webster	Y
45	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
46	Daniel	N	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	N	Snook	Y	Young	Y
51							Mr. Speaker	Y

52
53 Co-sponsors added: Representatives Lee, Miller.

54
55

1 **HB02-1310** by Representative(s) King; also Senator May--Concerning
 2 modifications to state funding available to address critical
 3 needs of the state's citizens, and, in connection therewith,
 4 increasing the allocation of sales and use tax revenue to
 5 the highway users tax fund, establishing a minimum
 6 annual allocation of funds for transportation purposes,
 7 creating a state rainy day fund for purposes of meeting a
 8 revenue shortfall, and creating a statewide toll authority
 9 for the purpose of financing and constructing additional
 10 highway capacity.

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

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

35
 36
 37 Co-sponsors added: Representatives Alexander, Cadman, Clapp, Cloer, Crane,
 38 Fairbank, Fritz, Harvey, Hefley, Johnson, Lee, Miller, Mitchell, Paschall, Rippy,
 39 Schultheis, Scott, Smith, Spradley, Stafford, Stengel, Swenson, Webster, White,
 40 Williams T., Mr. Speaker.

41
 42 **HB02-1203** by Representative(s) Lee, Groff, Hefley, Mitchell, Plant;
 43 also Senator(s) Linkhart, Epps, Evans, Gordon, Perlmutter
 44 --Concerning implementation of recommendations of the
 45 committee on legal services in connection with legislative
 46 review of rules and regulations of state agencies.

47
 48 The question being "Shall the bill pass?".
 49 A roll call vote was taken. As shown by the following recorded vote, a
 50 majority of those elected to the House voted in the affirmative and the bill
 51 was declared **passed**.

	YES 39	NO 26	EXCUSED 0	ABSENT 0			
54 Alexander	Y	Groff	N	Marshall	N	Spence	Y
55 Bacon	N	Grossman	N	Miller	Y	Spradley	Y
56 Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y

1	Borodkin	N	Hefley	Y	Paschall	Y	Stengel	Y
2	Boyd	N	Hodge	N	Plant	N	Swenson	Y
3	Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	N
4	Chavez	N	Jahn	N	Rhodes	Y	Tochtrop	N
5	Clapp	Y	Jameson	N	Rippy	Y	Veiga	N
6	Cloer	Y	Johnson	Y	Romanoff	N	Vigil	N
7	Coleman	N	Kester	Y	Saliman	N	Webster	Y
8	Crane	Y	King	Y	Sanchez	N	Weddig	N
9	Daniel	N	Larson	Y	Schultheis	Y	White	Y
10	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	N
11	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
12	Fritz	Y	Mace	N	Smith	Y	Witwer	Y
13	Garcia	N	Madden	N	Snook	Y	Young	Y
14							Mr. Speaker	Y

15
16 Representatives Groff, Plant requested their names be removed as sponsors.
17 Co-sponsors added: Representatives Fairbank, Harvey, Johnson, King,
18 Schultheis.

19
20
21 **IMMEDIATE RECONSIDERATION OF HB02-1203**

22
23 Having voted on the prevailing side, Representative Spradley moved for
24 immediate reconsideration of **HB02-1203**. As shown by the following
25 recorded vote less than a two-thirds majority of those elected to the
26 House voted in the affirmative and the motion was declared **lost**:

27	YES 25	NO 40	EXCUSED 0	ABSENT 0				
28	Alexander	N	Groff	Y	Marshall	Y	Spence	N
29	Bacon	Y	Grossman	Y	Miller	N	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	N	Romanoff	Y	Vigil	Y
37	Coleman	Y	Kester	N	Saliman	Y	Webster	N
38	Crane	N	King	N	Sanchez	Y	Weddig	N
39	Daniel	Y	Larson	N	Schultheis	N	White	N
40	Decker	N	Lawrence	N	Scott	N	Williams S.	Y
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

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48
49 **HB02-1214** by Representative(s) Chavez; also Senator(s) Thiebaut--
50 Concerning county reserve account moneys under the
51 Colorado works program.

52
53 The question being "Shall the bill pass?".
54 A roll call vote was taken. As shown by the following recorded vote, a
55 majority of those elected to the House voted in the affirmative and the bill
56 was declared **passed**.

	YES 43	NO 22	EXCUSED 0	ABSENT 0				
1								
2								
3	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
4	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
5	Berry	N	Harvey	N	Mitchell	Y	Stafford	N
6	Borodkin	Y	Hefley	Y	Paschall	N	Stengel	N
7	Boyd	Y	Hodge	Y	Plant	Y	Swenson	N
8	Cadman	N	Hoppe	Y	Ragsdale	Y	Tapia	Y
9	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
10	Clapp	N	Jameson	Y	Rippy	N	Veiga	Y
11	Cloer	N	Johnson	N	Romanoff	Y	Vigil	Y
12	Coleman	Y	Kester	Y	Saliman	N	Webster	Y
13	Crane	N	King	N	Sanchez	Y	Weddig	Y
14	Daniel	Y	Larson	Y	Schultheis	N	White	N
15	Decker	Y	Lawrence	Y	Scott	N	Williams S.	Y
16	Fairbank	N	Lee	N	Sinclair	Y	Williams T.	Y
17	Fritz	N	Mace	Y	Smith	Y	Witwer	Y
18	Garcia	Y	Madden	Y	Snook	Y	Young	N
19							Mr. Speaker	N
20								

21 Co-sponsors added: Representatives Boyd, Groff, Kester, Plant, Ragsdale,
22 Scott, Tochtrop, Vigil.

23
24 **HB02-1290** by Representative(s) Hoppe, Kester, Miller, Snook,
25 Spradley, Tapia; also Senator(s) Musgrave--Concerning
26 modifications to the correctional education program.

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 65	NO 0	EXCUSED 0	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	Y	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	Y	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 Groff, Jahn, Marshall, Rippy, Romanoff,
54 Stafford, Williams S.

55

1 **HB02-1306** by Representative(s) Spence; also Senator Windels--
 2 Concerning programs related to the federal "No Child Left
 3 Behind Act of 2001".
 4

5 As shown by the following roll call vote, a majority of all members
 6 elected to the House voted in the affirmative, and Representative
 7 Spradley was given permission to offer a Third Reading amendment:
 8

9	YES 64	NO 1	EXCUSED 0	ABSENT 0			
10							
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	Y	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	Y	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	N	Sinclair	Y	Williams T. Y
25	Fritz	Y	Mace	Y	Smith	Y	Witwer Y
26	Garcia	Y	Madden	Y	Snook	Y	Young Y
27							Mr. Speaker Y

28
 29
 30 **Third Reading amendment No. 1**, by Representatives Spradley, Spence.

31
 32 Amend corrected engrossed bill, page 4, line 8, strike "EVER" and
 33 substitute "SHALL".
 34

35 Page 5, line 19, strike "EVER" and substitute "SHALL".
 36
 37

38 The amendment was declared **passed** by the following roll call vote:
 39

40	YES 65	NO 0	EXCUSED 0	ABSENT 0			
41							
42	Alexander	Y	Groff	Y	Marshall	Y	Spence Y
43	Bacon	Y	Grossman	Y	Miller	Y	Spradley Y
44	Berry	Y	Harvey	Y	Mitchell	Y	Stafford Y
45	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel Y
46	Boyd	Y	Hodge	Y	Plant	Y	Swenson Y
47	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia Y
48	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop Y
49	Clapp	Y	Jameson	Y	Rippy	Y	Veiga Y
50	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil Y
51	Coleman	Y	Kester	Y	Saliman	Y	Webster Y
52	Crane	Y	King	Y	Sanchez	Y	Weddig Y
53	Daniel	Y	Larson	Y	Schultheis	Y	White Y
54	Decker	Y	Lawrence	Y	Scott	Y	Williams S. Y
55	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T. Y
56	Fritz	Y	Mace	Y	Smith	Y	Witwer Y

1 Garcia Y Madden Y Snook Y Young Y
 2 Mr. Speaker Y
 3
 4

5 The question being, "Shall the bill, as amended, pass?".

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

9
 10 YES 65 NO 0 EXCUSED 0 ABSENT 0
 11
 12 Alexander Y Groff Y Marshall Y Spence Y
 13 Bacon Y Grossman Y Miller Y Spradley Y
 14 Berry Y Harvey Y Mitchell Y Stafford Y
 15 Borodkin Y Hefley Y Paschall Y Stengel Y
 16 Boyd Y Hodge Y Plant Y Swenson Y
 17 Cadman Y Hoppe Y Ragsdale Y Tapia Y
 18 Chavez Y Jahn Y Rhodes Y Tochtrop Y
 19 Clapp Y Jameson Y Rippy Y Veiga Y
 20 Cloer Y Johnson Y Romanoff Y Vigil Y
 21 Coleman Y Kester Y Saliman Y Webster Y
 22 Crane Y King Y Sanchez Y Weddig Y
 23 Daniel Y Larson Y Schultheis Y White Y
 24 Decker Y Lawrence Y Scott Y Williams S. Y
 25 Fairbank Y Lee Y Sinclair Y Williams T. Y
 26 Fritz Y Mace Y Smith Y Witwer Y
 27 Garcia Y Madden Y Snook Y Young Y
 28 Mr. Speaker Y
 29

30 Co-sponsors added: Representatives Cadman, Cloer, Groff, King, Lawrence,
 31 Marshall, Romanoff, Stafford, Williams S.

32
 33 **HB02-1331** by Representative(s) Fritz, Fairbank; also Senator(s)
 34 Tupa--Concerning the use of electronic technology when
 35 administering the "Colorado Employment Security Act".
 36

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

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

41
 42 YES 65 NO 0 EXCUSED 0 ABSENT 0
 43
 44 Alexander Y Groff Y Marshall Y Spence Y
 45 Bacon Y Grossman Y Miller Y Spradley Y
 46 Berry Y Harvey Y Mitchell Y Stafford Y
 47 Borodkin Y Hefley Y Paschall Y Stengel Y
 48 Boyd Y Hodge Y Plant Y Swenson Y
 49 Cadman Y Hoppe Y Ragsdale Y Tapia Y
 50 Chavez Y Jahn Y Rhodes Y Tochtrop Y
 51 Clapp Y Jameson Y Rippy Y Veiga Y
 52 Cloer Y Johnson Y Romanoff Y Vigil Y
 53 Coleman Y Kester Y Saliman Y Webster Y
 54 Crane Y King Y Sanchez Y Weddig Y
 55 Daniel Y Larson Y Schultheis Y White Y
 56 Decker Y Lawrence Y Scott Y Williams S. Y

1	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
2	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
3	Garcia	Y	Madden	Y	Snook	Y	Young	Y
4							Mr. Speaker	Y

6 Co-sponsors added: Representatives Clapp, Coleman, Harvey, Hodge, Jahn,
7 Lee, Madden, Sanchez, Vigil.

9 **HB02-1215** by Representative(s) Coleman, Scott, Vigil, Williams T.;
10 also Senator(s) Taylor, Anderson, Takis, Tupa--
11 Concerning risk-based inspections of nursery stock areas
12 by the department of agriculture.

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

19	<u>YES 65</u>		<u>NO 0</u>		<u>EXCUSED 0</u>		<u>ABSENT 0</u>	
21	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
22	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
23	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
24	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
25	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
26	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
27	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
28	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
29	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
30	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
31	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
32	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
33	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
34	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
35	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
36	Garcia	Y	Madden	Y	Snook	Y	Young	Y
37							Mr. Speaker	Y

39 Co-sponsors added: Representatives Hoppe, Ragsdale.

41 **HB02-1260** by Representative(s) Johnson, Fritz, Bacon, Jameson; also
42 Senator(s) Reeves, Matsunaka--Concerning changing the
43 name of the state board of agriculture to the board of
44 governors of the Colorado state university system.

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

51	<u>YES 65</u>		<u>NO 0</u>		<u>EXCUSED 0</u>		<u>ABSENT 0</u>	
53	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
54	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
55	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
56	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y

1	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
2	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
3	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
4	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
5	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
6	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
7	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
8	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
9	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
10	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
11	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
12	Garcia	Y	Madden	Y	Snook	Y	Young	Y
13							Mr. Speaker	Y

14
15 Co-sponsors added: Representatives Groff, Hoppe, Lawrence, Lee, Marshall,
16 Rippy, Scott, Snook, Spradley, Williams S., Mr. Speaker.

17
18 **HB02-1313** by Representative(s) Tochtrop, Tapia; Senator(s)
19 Thiebaut--Concerning peace officers certified by the peace
20 officers standards and training board.

21
22 The question being "Shall the bill pass?".

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

26	YES	58	NO	7	EXCUSED	0	ABSENT	0
27	Alexander	Y	Groff	Y	Marshall	N	Spence	Y
28	Bacon	Y	Grossman	N	Miller	Y	Spradley	Y
29	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
30	Borodkin	Y	Hefley	Y	Paschall	N	Stengel	Y
31	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
32	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
33	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
34	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
35	Cloer	N	Johnson	Y	Romanoff	Y	Vigil	Y
36	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
37	Crane	Y	King	Y	Sanchez	Y	Weddig	N
38	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
39	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
40	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
41	Fritz	Y	Mace	Y	Smith	N	Witwer	Y
42	Garcia	Y	Madden	Y	Snook	Y	Young	Y
43							Mr. Speaker	N

44
45
46
47 Co-sponsors added: Representatives Larson, Lawrence, Mace, Miller, Plant,
48 Snook, Stengel.

49
50 **HB02-1143** by Representative(s) Lawrence; also Senator Hernandez--
51 Concerning the treatment of forensic patients.

52
53 The question being "Shall the bill pass?".

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

	YES 62	NO 3	EXCUSED 0	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	Y	Stengel	Y
7	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
8	Cadman	N	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	Y	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	N	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	N

20
21 Co-sponsors added: Representatives Alexander, Borodkin, Hefley, Hodge,
22 Mace, Tapia, Tochtrop, Williams S.

23
24 **HB02-1224** by Representative(s) Madden; also Senator(s) Phillips--
25 Concerning the use of sales tax revenue by a local
26 improvement district to promote business development
27 within the district.

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

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

	YES 56	NO 9	EXCUSED 0	ABSENT 0				
33								
34								
35								
36	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
37	Bacon	Y	Grossman	Y	Miller	Y	Spradley	N
38	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
39	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
40	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
41	Cadman	N	Hoppe	Y	Ragsdale	Y	Tapia	Y
42	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
43	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
44	Cloer	N	Johnson	Y	Romanoff	Y	Vigil	Y
45	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
46	Crane	Y	King	N	Sanchez	Y	Weddig	Y
47	Daniel	Y	Larson	Y	Schultheis	N	White	Y
48	Decker	Y	Lawrence	Y	Scott	N	Williams S.	Y
49	Fairbank	N	Lee	Y	Sinclair	Y	Williams T.	N
50	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
51	Garcia	Y	Madden	Y	Snook	Y	Young	Y
52							Mr. Speaker	N

53
54 Co-sponsors added: Representatives Groff, Jahn, Jameson, Marshall, Tapia,
55 Veiga, Vigil, Weddig.

56

1 Garcia Y Madden Y Snook Y Young Y
 2 Mr. Speaker Y

3
 4 Co-sponsors added: Representatives Cloer, Harvey, Mace, Paschall, Smith,
 5 Spradley, Stafford.

6
 7 **HB02-1014** by Representative(s) Smith; also Senator(s) Fitz-Gerald--
 8 Concerning the removal by the secretary of state of
 9 identification numbers from financing statements filed
 10 before July 1, 2001, pursuant to repealed provisions of
 11 article 9 of the "Uniform Commercial Code", and making
 12 an appropriation therefor.

13
 14 The question being "Shall the bill pass?".
 15 A roll call vote was taken. As shown by the following recorded vote, a
 16 majority of those elected to the House voted in the affirmative and the bill
 17 was declared **passed**.

18

19	YES	65	NO	0	EXCUSED	0	ABSENT	0
21	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
22	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
23	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
24	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
25	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
26	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
27	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
28	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
29	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
30	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
31	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
32	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
33	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
34	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
35	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
36	Garcia	Y	Madden	Y	Snook	Y	Young	Y
37							Mr. Speaker	Y

38
 39 Co-sponsors added: Representatives Fritz, Garcia, Kester, Romanoff.

40
 41 **HB02-1160** by Representative(s) Dean; also Senator(s) Taylor--
 42 Concerning the reestablishment of the requirement that
 43 Colorado state individual income tax return forms contain
 44 a line whereby individual taxpayers may make a voluntary
 45 contribution to the United States Olympic committee, and
 46 making an appropriation in connection therewith.

47
 48 The question being "Shall the bill pass?".
 49 A roll call vote was taken. As shown by the following recorded vote, a
 50 majority of those elected to the House voted in the affirmative and the bill
 51 was declared **passed**.

52

53	YES	49	NO	16	EXCUSED	0	ABSENT	0
54	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
55	Bacon	Y	Grossman	N	Miller	Y	Spradley	Y
56	Berry	N	Harvey	Y	Mitchell	Y	Stafford	Y

1	Borodkin	N	Hefley	Y	Paschall	N	Stengel	Y
2	Boyd	N	Hodge	Y	Plant	Y	Swenson	N
3	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
4	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
5	Clapp	N	Jameson	N	Rippy	Y	Veiga	Y
6	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
7	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
8	Crane	N	King	Y	Sanchez	Y	Weddig	N
9	Daniel	N	Larson	Y	Schultheis	Y	White	Y
10	Decker	N	Lawrence	N	Scott	Y	Williams S.	Y
11	Fairbank	Y	Lee	N	Sinclair	Y	Williams T.	Y
12	Fritz	Y	Mace	Y	Smith	Y	Witwer	N
13	Garcia	N	Madden	Y	Snook	Y	Young	Y
14							Mr. Speaker	Y

16 Co-sponsors added: Representatives Alexander, Cloer, Jahn, Kester, Larson,
17 Mace, Miller, Scott, Spradley, Stafford, White, Williams S.

18
19 **HB02-1165** by Representative(s) Chavez; also Senator(s) Tate--
20 Concerning the establishment of an independent governing
21 board for Metropolitan state college of Denver.

22
23 The question being "Shall the bill pass?".

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

27								
28	<u>YES</u>	56	<u>NO</u>	9	<u>EXCUSED</u>	0	<u>ABSENT</u>	0
29								
30	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
31	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
32	Berry	Y	Harvey	Y	Mitchell	N	Stafford	Y
33	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
34	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
35	Cadman	N	Hoppe	Y	Ragsdale	Y	Tapia	Y
36	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
37	Clapp	N	Jameson	Y	Rippy	Y	Veiga	Y
38	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
39	Coleman	N	Kester	Y	Saliman	Y	Webster	Y
40	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
41	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
42	Decker	N	Lawrence	Y	Scott	Y	Williams S.	Y
43	Fairbank	N	Lee	N	Sinclair	Y	Williams T.	Y
44	Fritz	N	Mace	Y	Smith	Y	Witwer	Y
45	Garcia	Y	Madden	Y	Snook	Y	Young	Y
46							Mr. Speaker	N

47
48 Co-sponsors added: Representatives Berry, Groff, Lawrence, Marshall, Scott,
49 Smith, Snook, Spence, Vigil, Williams S.

50
51 **HB02-1176** by Representative(s) Alexander, Larson; also Senator(s)
52 Tate--Concerning the requirement that Colorado state
53 individual income tax return forms contain a line whereby
54 individual taxpayers may make a voluntary contribution to
55 the Colorado court-appointed special advocates fund, and
56 making an appropriation in connection therewith.

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 56	NO 9	EXCUSED 0	ABSENT 0			
8 Alexander	Y	Groff	Y	Marshall	Y	Spence	N
9 Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
10 Berry	N	Harvey	Y	Mitchell	Y	Stafford	Y
11 Borodkin	Y	Hefley	Y	Paschall	N	Stengel	Y
12 Boyd	Y	Hodge	Y	Plant	Y	Swenson	N
13 Cadman	N	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	Y	Romanoff	Y	Vigil	Y
17 Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
18 Crane	N	King	Y	Sanchez	Y	Weddig	Y
19 Daniel	Y	Larson	Y	Schultheis	Y	White	Y
20 Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
21 Fairbank	N	Lee	Y	Sinclair	Y	Williams T.	Y
22 Fritz	Y	Mace	Y	Smith	Y	Witwer	N
23 Garcia	Y	Madden	Y	Snook	Y	Young	N
						Mr. Speaker	Y

26 Co-sponsors added: Representatives Bacon, Borodkin, Coleman, Garcia, Groff,
 27 Hodge, Jahn, Madden, Miller, Plant, Ragsdale, Romanoff, Stafford.

30 **HB02-1186** by Representative(s) Plant, Hodge, Johnson, Snook,
 31 Alexander, Jameson, Tochtrop; also Senator(s) Isgar--
 32 Concerning the state certification of organic producers
 33 pursuant to the federal "Organic Foods Production Act of
 34 1990", and making an appropriation therefor.

36 As shown by the following roll call vote, a majority of all members
 37 elected to the House voted in the affirmative, and Representative Plant
 38 was given permission to offer a Third Reading amendment:

	YES 63	NO 2	EXCUSED 0	ABSENT 0			
42 Alexander	Y	Groff	N	Marshall	Y	Spence	Y
43 Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
44 Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
45 Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
46 Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
47 Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
48 Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
49 Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
50 Cloer	Y	Johnson	N	Romanoff	Y	Vigil	Y
51 Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
52 Crane	Y	King	Y	Sanchez	Y	Weddig	Y
53 Daniel	Y	Larson	Y	Schultheis	Y	White	Y
54 Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
55 Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
56 Fritz	Y	Mace	Y	Smith	Y	Witwer	Y

1 Garcia Y Madden Y Snook Y Young Y
 2 Mr. Speaker Y
 3
 4
 5

6 **Third Reading amendment No. 1**, by Representative Plant.

7
 8 Amend engrossed bill, page 13, line 1, strike "1, 4, 6, 7, 8, 9, 10, 11," and
 9 substitute "2, 5, 7, 8, 9, 10, 11, 12, and 13";

10
 11 line 2, strike "and 12".

12
 13 The amendment was declared **passed** by the following roll call vote:

14
 15 YES 65 NO 0 EXCUSED 0 ABSENT 0

16
 17 Alexander Y Groff Y Marshall Y Spence Y
 18 Bacon Y Grossman Y Miller Y Spradley Y
 19 Berry Y Harvey Y Mitchell Y Stafford Y
 20 Borodkin Y Hefley Y Paschall Y Stengel Y
 21 Boyd Y Hodge Y Plant Y Swenson Y
 22 Cadman Y Hoppe Y Ragsdale Y Tapia Y
 23 Chavez Y Jahn Y Rhodes Y Tochtrop Y
 24 Clapp Y Jameson Y Rippy Y Veiga Y
 25 Cloer Y Johnson Y Romanoff Y Vigil Y
 26 Coleman Y Kester Y Saliman Y Webster Y
 27 Crane Y King Y Sanchez Y Weddig Y
 28 Daniel Y Larson Y Schultheis Y White Y
 29 Decker Y Lawrence Y Scott Y Williams S. Y
 30 Fairbank Y Lee Y Sinclair Y Williams T. Y
 31 Fritz Y Mace Y Smith Y Witwer Y
 32 Garcia Y Madden Y Snook Y Young Y
 33 Mr. Speaker Y
 34
 35

36 The question being, "Shall the bill, as amended, pass?".

37 A roll call vote was taken. As shown by the following recorded vote, a
 38 majority of those elected to the House voted in the affirmative, and the
 39 bill, as amended, was declared **passed**.

40
 41 YES 65 NO 0 EXCUSED 0 ABSENT 0

42
 43 Alexander Y Groff Y Marshall Y Spence Y
 44 Bacon Y Grossman Y Miller Y Spradley Y
 45 Berry Y Harvey Y Mitchell Y Stafford Y
 46 Borodkin Y Hefley Y Paschall Y Stengel Y
 47 Boyd Y Hodge Y Plant Y Swenson Y
 48 Cadman Y Hoppe Y Ragsdale Y Tapia Y
 49 Chavez Y Jahn Y Rhodes Y Tochtrop Y
 50 Clapp Y Jameson Y Rippy Y Veiga Y
 51 Cloer Y Johnson Y Romanoff Y Vigil Y
 52 Coleman Y Kester Y Saliman Y Webster Y
 53 Crane Y King Y Sanchez Y Weddig Y
 54 Daniel Y Larson Y Schultheis Y White Y
 55 Decker Y Lawrence Y Scott Y Williams S. Y
 56 Fairbank Y Lee Y Sinclair Y Williams T. Y

1 Fritz Y Mace Y Smith Y Witwer Y
 2 Garcia Y Madden Y Snook Y Young Y
 3 Mr. Speaker Y
 4

5 Co-sponsors added: Representatives Coleman, Daniel, Grossman, Jahn,
 6 Madden, Rippy, Romanoff, Scott, Smith, Stafford, Stengel, Tapia, Veiga,
 7 Weddig, Williams S.
 8

9 **HB02-1146** by Representative(s) Smith; also Senator(s) Gordon--
 10 Concerning a uniform state privacy policy for the purpose
 11 of standardizing the treatment of personally identifiable
 12 information collected by state governmental entities.
 13

14 The question being "Shall the bill pass?".
 15 A roll call vote was taken. As shown by the following recorded vote, a
 16 majority of those elected to the House voted in the affirmative and the bill
 17 was declared **passed**.
 18

	YES 65	NO 0	EXCUSED 0	ABSENT 0		
21 Alexander	Y	Groff	Y	Marshall	Y	Spence Y
22 Bacon	Y	Grossman	Y	Miller	Y	Spradley Y
23 Berry	Y	Harvey	Y	Mitchell	Y	Stafford Y
24 Borodkin	Y	Hefley	Y	Paschall	Y	Stengel Y
25 Boyd	Y	Hodge	Y	Plant	Y	Swenson Y
26 Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia Y
27 Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop Y
28 Clapp	Y	Jameson	Y	Rippy	Y	Veiga Y
29 Cloer	Y	Johnson	Y	Romanoff	Y	Vigil Y
30 Coleman	Y	Kester	Y	Saliman	Y	Webster Y
31 Crane	Y	King	Y	Sanchez	Y	Weddig Y
32 Daniel	Y	Larson	Y	Schultheis	Y	White Y
33 Decker	Y	Lawrence	Y	Scott	Y	Williams S. Y
34 Fairbank	Y	Lee	Y	Sinclair	Y	Williams T. Y
35 Fritz	Y	Mace	Y	Smith	Y	Witwer Y
36 Garcia	Y	Madden	Y	Snook	Y	Young Y
37						Mr. Speaker Y

38
 39 Co-sponsors added: Representatives Garcia, Grossman, Harvey, Mace, Miller,
 40 Romanoff, Scott, Williams S.
 41

42 **HB02-1284** by Representative(s) Grossman, Sinclair; also Senator
 43 Isgar--Concerning the authorization of need-based grants
 44 for veterans to defray the costs of attendance at the dedica-
 45 tion of the world war II memorial in Washington, D.C.
 46

47 The question being "Shall the bill pass?".
 48 A roll call vote was taken. As shown by the following recorded vote, a
 49 majority of those elected to the House voted in the affirmative and the bill
 50 was declared **passed**.
 51

	YES 65	NO 0	EXCUSED 0	ABSENT 0		
54 Alexander	Y	Groff	Y	Marshall	Y	Spence Y
55 Bacon	Y	Grossman	Y	Miller	Y	Spradley Y
56 Berry	Y	Harvey	Y	Mitchell	Y	Stafford Y

1	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
2	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
3	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
4	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
5	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
6	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
7	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
8	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
9	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
10	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
11	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
12	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
13	Garcia	Y	Madden	Y	Snook	Y	Young	Y
14							Mr. Speaker	Y
15								

16 Co-sponsors added: Representatives Alexander, Bacon, Borodkin, Boyd,
17 Cadman, Chavez, Clapp, Cloer, Coleman, Crane, Daniel, Decker, Fairbank,
18 Fritz, Garcia, Groff, Harvey, Hefley, Hodge, Hoppe, Jahn, Jameson, Johnson,
19 Kester, King, Larson, Lawrence, Lee, Mace, Madden, Marshall, Miller,
20 Mitchell, Paschall, Plant, Ragsdale, Rhodes, Rippy, Romanoff, Saliman,
21 Sanchez, Schultheis, Scott, Smith, Snook, Spence, Spradley, Stafford, Stengel,
22 Tapia, Tochtrop, Veiga, Vigil, Webster, Weddig, White, Williams S.,
23 Williams T., Witwer, Young, Mr. Speaker.

24
25 **HB02-1287** by Representative(s) Veiga; also Senator(s) Phillips--
26 Concerning access to records for purposes of background
27 checks conducted in connection with firearm transfers.

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

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

34	YES	63	NO	2	EXCUSED	0	ABSENT	0
35								
36	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
37	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
38	Berry	Y	Harvey	N	Mitchell	Y	Stafford	Y
39	Borodkin	Y	Hefley	Y	Paschall	N	Stengel	Y
40	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
41	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
42	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
43	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
44	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
45	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
46	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
47	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
48	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
49	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
50	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
51	Garcia	Y	Madden	Y	Snook	Y	Young	Y
52							Mr. Speaker	Y
53								

54 Co-sponsors added: Representatives Borodkin, Boyd, Garcia, Groff, Grossman,
55 Jahn, Jameson, Madden, Marshall, Plant, Romanoff, Tapia, Weddig, Williams S.

56

1 On motion of Representative Stafford, the House resolved itself into
 2 Committee of the Whole for consideration of General Orders, and she
 3 was called to the Chair to act as Chairman.

4
5
6 **GENERAL ORDERS--SECOND READING OF BILLS**

7
8 The Committee of the Whole having risen, the Chairman reported the
 9 titles of the following bills had been read (reading at length had been
 10 dispensed with by unanimous consent), the bills considered and action
 11 taken thereon as follows:

12
13 (Amendments to the committee amendment are to the printed committee
 14 report which was printed and placed in the members' bill file.)

15
16 **HB02-1192** by Representative(s) Sinclair, Hefley, Dean, Decker, Lee,
 17 Marshall, Plant; also Senator(s) Linkhart--Concerning the
 18 enactment of the "Citizen Participation in Government Act
 19 of 2002".
 20

21 Laid over until February 28, retaining place on Calendar.

22
23 **HB02-1051** by Representative(s) Romanoff, Veiga, also Senator(s)
 24 Entz--Concerning measures to protect victims.
 25

26 Amendment No. 1, Business Affairs & Labor Report, dated January 24,
 27 2002, and placed in member's bill file; Report also printed in House
 28 Journal, January 25, pages 173-174.
 29

30 Amendment No. 2, by Representative Romanoff.

31
32 Amend the Business Affairs and Labor Committee Report, dated January
 33 24, 2002, page 1, after line 7, insert the following:

34
35 "line 19, strike "CHILDREN;" and substitute "CHILDREN TO ADDRESS
 36 PHYSICAL OR PSYCHOLOGICAL INJURIES RESULTING FROM THE ACT OF
 37 DOMESTIC ABUSE, STALKING, OR SEXUAL ASSAULT OR OTHER CRIME
 38 INVOLVING DOMESTIC VIOLENCE;"";
 39

40 strike line 8 of the committee report and substitute the following:

41
42 "strike line 20 and substitute the following:

43
44 "(III) MAKING HIS OR HER HOME SECURE FROM THE PERPETRATOR
 45 OF THE ACT OF DOMESTIC ABUSE, STALKING, OR SEXUAL ASSAULT OR
 46 OTHER CRIME INVOLVING DOMESTIC VIOLENCE OR SEEKING NEW HOUSING
 47 TO ESCAPE SAID PERPETRATOR;"";
 48

49 line 9 of the committee report, strike ""(IV)";" and substitute ""(IV)" and
 50 after "ASSISTANCE", insert "TO ADDRESS ISSUES ARISING FROM THE ACT OF
 51 DOMESTIC ABUSE, STALKING, OR SEXUAL ASSAULT OR OTHER CRIME
 52 INVOLVING DOMESTIC VIOLENCE;"";
 53

54 after line 9 of the committee report, insert the following:

55 "line 22, strike "PROCEEDINGS." and substitute "PROCEEDINGS ARISING
 56 FROM SAID ACT OR CRIME."";

1 Page 2 of the committee report, line 2, after "line 23," insert "after "(2)",
2 insert "(a)" and";

3

4 strike line 6 of the committee report and substitute the following:

5

6 "Page 4, strike line 1 and substitute the following:

7

8 "BY THE EMPLOYER.

9

10 (b) AN EMPLOYEE SEEKING LEAVE PURSUANT TO THIS SECTION,
11 PRIOR TO RECEIVING SUCH LEAVE, SHALL EXHAUST ANY AND ALL ANNUAL
12 OR VACATION LEAVE, PERSONAL LEAVE, AND SICK LEAVE, IF APPLICABLE,
13 THAT MAY BE AVAILABLE TO THE EMPLOYEE, UNLESS THE EMPLOYER
14 WAIVES THIS REQUIREMENT.

15

16 (c) ALL INFORMATION RELATED TO THE EMPLOYEE'S";

17

18 after line 3, insert:".

19

20 Amendment No. 3, by Representative Spradley.

21

22 Amend the Business Affairs and Labor Committee Report, dated January
23 24, 2002, page 1, line 4, strike "FIFTEEN" and substitute "THREE".

24

25 As amended, laid over until February 28, retaining place on Calendar.

26

27

28 **HB02-1270** by Representative(s) Williams T., Spradley, White,
29 Mitchell, Spence--Concerning limitations on the double
30 recovery of damages for noneconomic loss or injury in
31 civil actions involving claims under both state and federal
32 employment discrimination laws.

33

34 Amendment No. 1, by Representative Williams T.

35

36 Amend printed bill, page 2, strike line 6 and substitute the following:

37 "ANY CIVIL ACTION INVOLVING EMPLOYMENT AND IN WHICH THE PLAINTIFF
38 ASSERTS BOTH STATE LAW CLAIMS FOR RELIEF AND FEDERAL LAW".

39

40 As amended, ordered engrossed and placed on the Calendar for Third
41 Reading and Final Passage.

42

43

44 On motion of Representative Spradley, the remainder of the General
45 Orders Calendar (**SB02-005, HB02-1333**) was laid over until
46 February 28, retaining place on Calendar.

47

48

49

50 ADOPTION OF COMMITTEE OF THE WHOLE REPORT

51

52 Passed Second Reading: **HB02-1270 amended.**

53

54 Laid over until date indicated retaining place on Calendar:

55 **HB02-1192, 1051 amended, SB02-005, HB02-1333**--February 28, 2002.

56

1 The Chairman moved the adoption of the Committee of the Whole
 2 Report. As shown by the following roll call vote, a majority of those
 3 elected to the House voted in the affirmative, and the Report was
 4 **adopted.**

	YES 53	NO 12	EXCUSED 0	ABSENT 0				
7	Alexander	Y	Groff	N	Marshall	N	Spence	Y
8	Bacon	N	Grossman	N	Miller	Y	Spradley	Y
9	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
10	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
11	Boyd	Y	Hodge	Y	Plant	N	Swenson	Y
12	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	N
13	Chavez	N	Jahn	Y	Rhodes	Y	Tochtrop	Y
14	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	N
15	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
16	Coleman	Y	Kester	Y	Saliman	N	Webster	Y
17	Crane	Y	King	Y	Sanchez	Y	Weddig	N
18	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
19	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
20	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
21	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
22	Garcia	N	Madden	N	Snook	Y	Young	Y
23							Mr. Speaker	Y

26 **REPORTS OF COMMITTEE OF REFERENCE**

27 **EDUCATION**

28 After consideration on the merits, the Committee recommends the
 29 following:

30 **HB02-1277** be postponed indefinitely.

31 **HB02-1324** be amended as follows, and as so amended, be referred to
 32 the Committee of the Whole with favorable
 33 recommendation:

34 Amend printed bill, page 2, line 11, strike "IN";

35 line 12, strike "COLLABORATION WITH COLORADO STATE UNIVERSITY";

36 line 13, after the period, add "IN ADDITION, OTHER MASTERS-LEVEL
 37 GRADUATE PROGRAMS SHALL BE OFFERED BY THE UNIVERSITY IN
 38 COLLABORATION WITH COLORADO STATE UNIVERSITY WHEN
 39 APPROPRIATE.".

40 **HB02-1349** be amended as follows, and as so amended, be referred to
 41 the Committee on Appropriations with favorable
 42 recommendation:

43 Amend printed bill, page 5, line 3, strike "THE FOLLOWING NEW
 44 SUBSECTIONS," and substitute "A NEW SUBSECTION,";

45 strike lines 7 through 20.

1 Page 6, strike lines 8 through 12 and substitute the following:

2

3 "(b) (I) FOR BUDGET YEARS COMMENCING ON AND AFTER JULY 1,
4 2002, THE GREATER OF:

5

6 (A) THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE
7 BUDGET YEAR; OR

8

9 (B) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
10 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
11 THE IMMEDIATELY PRECEDING BUDGET YEAR; OR

12

13 (C) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
14 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
15 THE TWO IMMEDIATELY PRECEDING BUDGET YEARS; OR

16

17 (D) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
18 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
19 THE THREE IMMEDIATELY PRECEDING BUDGET YEARS.

20

21 (II) (A) FOR PURPOSES OF SUBPARAGRAPH (I) OF THIS PARAGRAPH
22 (b), NOTWITHSTANDING ANY LAW TO THE CONTRARY, FOR ANY BUDGET
23 YEAR COMMENCING PRIOR TO JULY 1, 2002, THE DISTRICT'S PUPIL
24 ENROLLMENT FOR THAT BUDGET YEAR SHALL BE THE DISTRICT'S PUPIL
25 ENROLLMENT, AS DEFINED BY SECTION 22-54-103 (10) (a) AS IT EXISTED
26 IMMEDIATELY PRIOR TO THE EFFECTIVE DATE OF THIS ACT, FOR THAT
27 BUDGET YEAR.

28

29 (B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1,
30 2005. "

31

32 Page 8, strike lines 3 through 11 and substitute the following:

33

34 "(A) (DISTRICT PER PUPIL FUNDING X (DISTRICT FUNDED PUPIL
35 COUNT - DISTRICT ON-LINE PUPIL ENROLLMENT)) + DISTRICT AT-RISK
36 FUNDING + DISTRICT ON-LINE FUNDING; OR

37

38 (B) \$5,391 X DISTRICT FUNDED PUPIL COUNT. "

39

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

41

42 "BY THE ADDITION OF A NEW SUBSECTION to read:

43

44 **22-54-104. District total program - repeal.** (4.5) A DISTRICT'S
45 ON-LINE FUNDING SHALL BE DETERMINED IN".

46

47 Page 11, strike lines 18 through 26.

48

49 Strike pages 12 through 14.

50

51 Page 15, strike lines 1 through 13.

52

53 Renumber succeeding sections accordingly.

54

55 Page 15, after line 13, insert the following:

56

1 **"SECTION 7.** 22-54-105 (1) (b) (I), (1) (b) (III), (2) (b) (I), and
2 (2) (c), Colorado Revised Statutes, are amended to read:

3
4 **22-54-105. Instructional supplies and materials - capital**
5 **reserve and insurance reserve - at-risk funding - preschool funding -**
6 **repeal.** (1) (b) (I) The amount to be budgeted in any budget year shall
7 be the amount determined by multiplying one hundred thirty-four dollars
8 by the district's funded pupil count MINUS THE DISTRICT'S ON-LINE PUPIL
9 ENROLLMENT.

10
11 (III) (A) In addition to the amounts specified in subparagraphs (I)
12 and (II) of this paragraph (b), the amount budgeted in the 2001-02 budget
13 year shall be increased by the amount determined by multiplying twenty
14 dollars by the district's funded pupil count as of October 1, 2001, and the
15 amount budgeted in the 2002-03 budget year shall be increased by the
16 amount determined by multiplying twenty-one dollars by the district's
17 funded pupil count as of October 1, 2002, MINUS THE DISTRICT'S ON-LINE
18 PUPIL ENROLLMENT. The additional amount budgeted pursuant to this
19 subparagraph (III) shall only be used to purchase new textbooks.

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

42
43 (b) (I) The amount to be budgeted in any budget year shall be the
44 amount determined by multiplying two hundred sixteen dollars by the
45 district's funded pupil count MINUS THE DISTRICT'S ON-LINE PUPIL
46 ENROLLMENT. Such amount shall be the minimum required to be
47 budgeted, and the district may elect to budget up to eight hundred dollars
48 multiplied by the district's funded pupil count MINUS THE DISTRICT'S
49 ON-LINE PUPIL ENROLLMENT.

50
51 (c) For the 1999-2000 budget year and any budget year thereafter,
52 if a district has moneys in its capital reserve fund equal to or in excess of
53 five times the minimum dollar amount required to be budgeted per pupil
54 pursuant to paragraph (b) of this subsection (2) multiplied by the district's
55 funded pupil count MINUS THE DISTRICT'S ON-LINE PUPIL ENROLLMENT for
56 the applicable budget year, the board of education of the district may

- 1 determine whether to budget the minimum dollar amount per pupil
2 required by this subsection (2) in that budget year, budget a lesser
3 amount, or budget no amount at all. Such determination shall be made by
4 the board of education on an annual basis based upon the capital outlay
5 expenditure requirements of the district."
6
7 Renumber succeeding sections accordingly.
8
9 Page 15, line 18, strike "enrollment," and substitute "enrollment AND";
10
11 strike line 19 and substitute the following:
12
13 "ON-LINE PUPIL ENROLLMENT of".
14
15 Page 27, strike lines 18 through 20 and substitute the following:
16
17 "STATE TREASURER SHALL CHARGE INTEREST ON LOANS MADE AT A RATE
18 DESIGNED TO MATCH THE RATE OF INTEREST DERIVED FROM THE DEPOSIT
19 AND INVESTMENT OF MONEYS IN THE PUBLIC SCHOOL FUND."
20
21 Page 29, line 12, strike "OF NO MORE";
22
23 strike line 13 and substitute the following:
24
25 "IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION FOR:";
26
27 line 24, strike "THE GREATER OF";
28
29 line 26, strike "AVERAGE".
30
31 Page 30, line 3, strike "DISTRICT." and substitute "DISTRICT, WHICHEVER
32 IS THE LESSER AMOUNT.";
33
34 line 8, strike "AVERAGE".
35
36 Page 34, line 6, after "YEAR," insert "WERE ENROLLED AFTER OCTOBER
37 1 IN PUBLIC SCHOOLS OR CHARTER SCHOOLS OF SCHOOL DISTRICTS IN THIS
38 STATE OR".
39
40 Page 37, line 16, after "(a.8)," insert "(3) (a) (II)".
41
42 Page 38, line 2, after "22-54-124 (1) (f)", insert "OR (1) (f.5), WHICHEVER
43 IS APPLICABLE, IDENTIFY EACH QUALIFIED CHARTER SCHOOL THAT WILL BE
44 OPERATING IN A SCHOOL DISTRICT FACILITY FOR WHICH IT WILL NOT BE
45 REQUIRED TO PAY RENT DURING THE NEXT BUDGET YEAR,".
46
47 Page 39, line 16, strike "federally required educational" and substitute
48 "~~federally required educational~~ SPECIAL EDUCATION";
49
50 line 20, strike "federally required" and substitute "~~federally required~~
51 ~~educational~~ SPECIAL EDUCATION";
52
53 line 21, strike "educational";
54
55 line 25, strike "federally required educational" and substitute "~~federally~~
56 ~~required educational~~ SPECIAL EDUCATION";

1 after line 25, insert the following:

2
3 "(3) (a) (II) For budget year 2000-2001 2000-01 and budget years
4 thereafter, if the charter school and the school district have negotiated to
5 allow the charter school to provide ~~federally required educational~~ SPECIAL
6 EDUCATION services pursuant to paragraph (a.8) of subsection (2) of this
7 section, the proportionate share of state and federal resources generated
8 by students receiving such ~~federally required educational~~ SPECIAL
9 EDUCATION services or staff serving them shall be directed by the school
10 district or administrative unit to the charter school enrolling such
11 students."

12
13 Page 40, line 1, strike "federally required educational" and substitute
14 "~~federally required educational~~ SPECIAL EDUCATION";

15
16 line 19, strike "(4.6)" and substitute "(4.5)";

17
18 line 22, strike "(a)," and substitute "(a) and (1) (c),";

19
20 line 23, strike "is" and substitute "are";

21
22 line 26, strike "(f)," and substitute "(f) OR (1) (f.5), WHICHEVER IS
23 APPLICABLE,".

24
25 Page 41, after line 7, insert the following:

26
27 "(c) A district shall provide funding to each qualified charter
28 school, as defined in section 22-54-124 (1) (f) OR (1) (f.5), WHICHEVER IS
29 APPLICABLE, by making a single lump sum payment to the qualified
30 charter school as soon as possible after the district receives a lump sum
31 payment of state education fund moneys pursuant to section 22-54-124
32 (4).";

33
34 strike lines 21 through 27.

35
36 Page 42, strike lines 1 through 13 and substitute the following:

37
38 "**SECTION 29. Repeal.** 22-42-104.5, Colorado Revised Statutes,
39 is repealed as follows:

40
41 **22-42-104.5. Pro rata distribution of bond revenues to qualified**
42 **charter schools.** ~~(1) Any qualified charter school, as defined in section~~
43 ~~22-54-124 (1) (f), that is similarly situated to a noncharter public school~~
44 ~~that will be constructed, repaired, or otherwise maintained or improved~~
45 ~~by an expenditure of a district's proceeds of bonds to be issued upon the~~
46 ~~approval of a question of contracting bonded indebtedness submitted to~~
47 ~~the eligible electors of the district on or after July 1, 2002, shall receive~~
48 ~~a portion of the proceeds of said bonds in proportion to the ratio of the~~
49 ~~qualified charter school's pupil enrollment at grade levels that are also~~
50 ~~served by one or more similarly situated noncharter public schools that~~
51 ~~will be constructed, repaired, or otherwise maintained or improved by the~~
52 ~~district's expenditure of bond proceeds to the total pupil enrollment of all~~
53 ~~schools in the district that will be constructed, repaired, or otherwise~~
54 ~~maintained or improved by the district's expenditure of bond proceeds.~~
55 ~~Any question of contracting bonded indebtedness submitted to the~~
56 ~~eligible electors of a district on or after July 1, 2002, shall identify any~~

1 qualified charter school that will receive bond proceeds.

2

3 ~~(2) For purposes of this section, a qualified charter school is~~
4 ~~similarly situated to a noncharter public school if:~~

5

6 ~~(a) The noncharter public school is in the district that granted the~~
7 ~~qualified charter school's charter; and~~

8

9 ~~(b) The qualified charter school and the noncharter public school~~
10 ~~both serve students at one or more of the same grade levels.";~~

11

12 line 15, strike "A NEW SUBSECTION" and substitute "THE
13 FOLLOWING NEW SUBSECTIONS".

14

15 Page 43, after line 4, insert the following:

16

17 "(6) ANY TERM INCLUDED IN A CHARTER CONTRACT THAT WOULD
18 REQUIRE A CHARTER SCHOOL TO WAIVE OR OTHERWISE FOREGO RECEIPT
19 OF ANY AMOUNT OF OPERATIONAL OR CAPITAL CONSTRUCTION FUNDS
20 PROVIDED TO THE CHARTER SCHOOL PURSUANT TO THE PROVISIONS OF
21 THIS ARTICLE OR PURSUANT TO ANY OTHER PROVISION OF LAW IS HEREBY
22 DECLARED NULL AND VOID AS AGAINST PUBLIC POLICY AND IS
23 UNENFORCEABLE.";

24

25 line 27, strike "federally required educational" and substitute "federally
26 required educational SPECIAL EDUCATION".

27

28 Page 44, line 4, strike "federally required" and substitute "federally
29 required educational SPECIAL EDUCATION";

30

31 line 5, strike "educational";

32

33 line 8, strike "federally" and substitute "federally required educational
34 SPECIAL EDUCATION";

35

36 line 9, strike "required educational";

37

38 line 12, strike "FEDERALLY REQUIRED EDUCATIONAL" and substitute
39 "SPECIAL EDUCATION";

40

41 line 22, strike "FEDERALLY REQUIRED" and substitute "SPECIAL".

42

43 Page 45, after line 11, insert the following:

44

45 **"SECTION 34.** Article 30.5 of title 22, Colorado Revised
46 Statutes, is amended BY THE ADDITION OF A NEW PART to read:

47

48 PART 4

49

50 CHARTER SCHOOL CAPITAL FACILITIES FINANCING ACT

51

52 **22-30.5-401. Short title.** THIS PART 4 SHALL BE KNOWN AND MAY
53 BE CITED AS THE "CHARTER SCHOOL FACILITIES FINANCING ACT".

54

55 **22-30.5-402. Legislative declaration.** (1) THE GENERAL
56 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

1 (a) THE "CHARTER SCHOOLS ACT", PART 1 OF ARTICLE 30.5 OF
2 THIS TITLE, WAS ENACTED BY THE GENERAL ASSEMBLY WITHOUT
3 PROVIDING A METHOD FOR FUNDING THE CAPITAL CONSTRUCTION NEEDS
4 OF CHARTER SCHOOLS.

5
6 (b) SINCE THE ENACTMENT OF THE "CHARTER SCHOOLS ACT", THE
7 GENERAL ASSEMBLY HAS ENACTED LEGISLATION REQUIRING A PORTION OF
8 THE MONEYS IN THE STATE EDUCATION FUND TO BE DISTRIBUTED TO
9 CHARTER SCHOOLS FOR USE IN FUNDING CAPITAL CONSTRUCTION, BUT
10 SUCH MONEYS ARE NOT SUFFICIENT TO FULLY MEET THE CAPITAL
11 CONSTRUCTION NEEDS OF CHARTER SCHOOLS.

12
13 (c) PURSUANT TO SENATE BILL 01-237, ENACTED AT THE FIRST
14 REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY, THE GENERAL
15 ASSEMBLY DECLARED ITS INTENT TO ESTABLISH A METHOD FOR FUNDING
16 THE CAPITAL CONSTRUCTION NEEDS OF CHARTER SCHOOLS THAT IS
17 EQUITABLE, WITHSTANDS CONSTITUTIONAL CHALLENGE, AND PROMOTES
18 COOPERATION BETWEEN CHARTER SCHOOLS AND THEIR AUTHORIZING
19 SCHOOL DISTRICTS AND ENCOURAGED REPRESENTATIVES OF LOCAL
20 BOARDS OF EDUCATION, SCHOOL DISTRICT ADMINISTRATORS, CHARTER
21 SCHOOLS, THE BUSINESS COMMUNITY, AND ANY OTHER INTERESTED
22 PERSONS TO MEET AND DEVELOP A COMPREHENSIVE LEGISLATIVE
23 PROPOSAL FOR FUNDING THE CAPITAL CONSTRUCTION NEEDS OF CHARTER
24 SCHOOLS FOR CONSIDERATION BY THE SIXTY-THIRD GENERAL ASSEMBLY
25 AT THE 2002 REGULAR SESSION.

26
27 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT
28 THIS PART 4 IS THE PRODUCT OF LEGISLATIVE EXAMINATION AND
29 MODIFICATION OF A COMPREHENSIVE LEGISLATIVE PROPOSAL THAT
30 RESULTED FROM MEETINGS OF REPRESENTATIVES OF LOCAL BOARDS OF
31 EDUCATION, SCHOOL DISTRICT ADMINISTRATORS, CHARTER SCHOOLS, THE
32 BUSINESS COMMUNITY, AND ANY OTHER INTERESTED PERSONS AND
33 REPRESENTS A COMPREHENSIVE LEGISLATIVE PROPOSAL FOR FUNDING THE
34 CAPITAL CONSTRUCTION NEEDS OF CHARTER SCHOOLS THAT IS EQUITABLE,
35 WITHSTANDS CONSTITUTIONAL CHALLENGE, AND PROMOTES COOPERATION
36 BETWEEN CHARTER SCHOOLS AND THEIR AUTHORIZING SCHOOL DISTRICTS.

37
38 **22-30.5-403. Definitions.** AS USED IN THIS PART 4, UNLESS THE
39 CONTEXT OTHERWISE REQUIRES:

40
41 (1) "BOARD OF EDUCATION" OR "BOARD" MEANS A SCHOOL
42 DISTRICT BOARD OF EDUCATION.

43
44 (2) "BUDGET YEAR" MEANS THE PERIOD BEGINNING ON JULY 1 OF
45 EACH YEAR AND ENDING ON THE FOLLOWING JUNE 30 FOR WHICH A
46 BUDGET FOR A DISTRICT IS ADOPTED.

47
48 (3) "CHARTER SCHOOL" MEANS A CHARTER SCHOOL AS DESCRIBED
49 IN SECTION 22-30.5-104, AND ALSO INCLUDES A NONPROFIT CORPORATION
50 EXEMPT FROM TAXATION UNDER SECTION 501(c) (3) OF THE FEDERAL
51 "INTERNAL REVENUE CODE OF 1986", AS AMENDED, THAT OWNS A
52 FACILITY USED FOR OCCUPANCY BY PUPILS ENROLLED OR TO BE ENROLLED
53 IN A CHARTER SCHOOL ON BEHALF OF A CHARTER SCHOOL.

54
55 (4) "CHARTER SCHOOL CAPITAL CONSTRUCTION" OR "CAPITAL
56 CONSTRUCTION" MEANS CONSTRUCTING, DEMOLISHING, REMODELING,

1 FINANCING, OR REFINANCING THE ACQUISITION OF LAND, BUILDINGS, OR
2 FACILITIES USED FOR OCCUPANCY BY PUPILS ENROLLED IN OR TO BE
3 ENROLLED IN A CHARTER SCHOOL. THE TERM ALSO INCLUDES ACTIONS
4 TAKEN TO ACHIEVE THE PURPOSES SET FORTH IN SECTION 22-42-102 (2) (a)
5 (I) TO (2) (a) (V).

6
7 (5) "CHARTER SCHOOL PER PUPIL FACILITIES AID PROGRAM
8 MONEYS" MEANS STATE EDUCATION FUND MONEYS TO BE DISTRIBUTED TO
9 CHARTER SCHOOLS FOR CAPITAL CONSTRUCTION PURSUANT TO SECTION
10 22-54-124.

11
12 (6) "SCHOOL DISTRICT" OR "DISTRICT" MEANS A SCHOOL DISTRICT
13 ORGANIZED AND EXISTING PURSUANT TO LAW; EXCEPT THAT THE TERM
14 DOES NOT INCLUDE A JUNIOR COLLEGE DISTRICT.

15
16 (7) "SPECIAL MILL LEVY" MEANS A MILL LEVY AUTHORIZED BY
17 SECTION 22-30.5-405.

18
19 **22-30.5-404. Needs-based inclusion of charter schools in**
20 **district bond elections - eligibility - determination of need - allocation**
21 **of bond revenues.** (1) IN ENACTING THIS SECTION, IT IS THE INTENT OF
22 THE GENERAL ASSEMBLY TO RESPECT THE PRINCIPLE OF SCHOOL DISTRICT
23 LOCAL CONTROL AND TO ENCOURAGE SCHOOL DISTRICTS AND CHARTER
24 SCHOOLS TO WORK TOGETHER TO ENSURE THAT THE CAPITAL
25 CONSTRUCTION NEEDS OF CHARTER SCHOOLS CAN BE MET. ACCORDINGLY,
26 NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT IN ANY WAY THE
27 EXISTING ABILITY OF ANY SCHOOL DISTRICT TO INCLUDE A CHARTER
28 SCHOOL IN ANY LOCAL BOND ELECTIONS OR TO OTHERWISE ASSIST A
29 CHARTER SCHOOL IN FINANCING ITS CAPITAL CONSTRUCTION NEEDS IN ANY
30 LEGAL MANNER MUTUALLY AGREED UPON BY THE SCHOOL DISTRICT AND
31 THE CHARTER SCHOOL. EACH SCHOOL DISTRICT THAT IS CONSIDERING
32 SUBMITTING ANY QUESTION OF CONTRACTING BONDED INDEBTEDNESS TO
33 THE ELIGIBLE ELECTORS OF THE DISTRICT AT AN UPCOMING ELECTION
34 SHALL INVITE EACH CHARTER SCHOOL CHARTERED BY THE DISTRICT TO
35 PARTICIPATE IN DISCUSSIONS REGARDING THE POSSIBLE SUBMISSION OF
36 SUCH A QUESTION AT THE EARLIEST POSSIBLE TIME, AND EACH SCHOOL
37 DISTRICT IS ENCOURAGED TO VOLUNTARILY INCLUDE FUNDING FOR THE
38 CAPITAL CONSTRUCTION NEEDS OF CHARTER SCHOOLS IN THE DISTRICT'S
39 QUESTIONS OF CONTRACTING BONDED INDEBTEDNESS WITHOUT REQUIRING
40 A CHARTER SCHOOL TO COMPLY WITH THE CAPITAL CONSTRUCTION PLAN
41 SUBMISSION PROCESS SET FORTH IN SUBSECTION (3) OF THIS SECTION.

42
43 (2) A CHARTER SCHOOL THAT HAS CAPITAL CONSTRUCTION NEEDS
44 MAY SEEK TO OBTAIN MONEYS TO FUND SUCH CAPITAL CONSTRUCTION
45 NEEDS BY REQUESTING THAT THE BOARD OF EDUCATION OF ITS
46 CHARTERING SCHOOL DISTRICT:

47
48 (a) INCLUDE THE CHARTER SCHOOL'S CAPITAL CONSTRUCTION
49 NEEDS AS PART OF A BALLOT QUESTION FOR APPROVAL OF BONDED
50 INDEBTEDNESS TO BE SUBMITTED BY THE DISTRICT TO THE VOTERS OF THE
51 DISTRICT; OR

52
53 (b) SUBMIT A BALLOT QUESTION FOR APPROVAL OF A SPECIAL MILL
54 LEVY TO THE VOTERS OF THE DISTRICT PURSUANT TO SECTION 22-30.5-405.

55
56 (3) A CHARTER SCHOOL THAT SEEKS TO HAVE ITS CAPITAL

1 CONSTRUCTION NEEDS INCLUDED AS PART OF A BALLOT QUESTION TO BE
2 SUBMITTED BY THE BOARD OF EDUCATION OF ITS CHARTERING SCHOOL
3 DISTRICT TO THE VOTERS OF THE DISTRICT OR THAT SEEKS TO OBTAIN
4 FUNDING FOR ITS CAPITAL CONSTRUCTION NEEDS THROUGH THE
5 IMPOSITION OF A SPECIAL MILL LEVY PURSUANT TO SECTION 22-30.5-405
6 SHALL SUBMIT A CAPITAL CONSTRUCTION PLAN TO THE BOARD OF
7 EDUCATION OF ITS CHARTERING SCHOOL DISTRICT. THE PLAN SHALL
8 INCLUDE:

9
10 (a) A STATEMENT OF REASONS WHY THE CAPITAL CONSTRUCTION
11 TO BE FINANCED BY BONDED INDEBTEDNESS OR A SPECIAL MILL LEVY IS
12 NECESSARY;

13
14 (b) A DESCRIPTION OF THE CAPITAL CONSTRUCTION TO BE
15 FINANCED BY BONDED INDEBTEDNESS OR REVENUES FROM A SPECIAL MILL
16 LEVY;

17
18 (c) A DESCRIPTION OF THE ARCHITECTURAL, FUNCTIONAL, AND
19 CONSTRUCTION STANDARDS THAT ARE TO BE APPLIED TO EACH FACILITY
20 THAT IS THE SUBJECT OF THE CAPITAL CONSTRUCTION PROJECT;

21
22 (d) AN ESTIMATE OF THE TOTAL COST OF COMPLETING THE CAPITAL
23 CONSTRUCTION TO BE FINANCED BY BONDED INDEBTEDNESS OR A SPECIAL
24 MILL LEVY AND, IF ANY MONEYS OTHER THAN PROCEEDS OF BONDED
25 INDEBTEDNESS OR A SPECIAL MILL LEVY AND INTEREST EARNED ON SUCH
26 PROCEEDS ARE TO BE USED TO FINANCE THE CAPITAL CONSTRUCTION, A
27 BREAKDOWN OF THE MONEYS THAT WILL BE USED TO FINANCE THE
28 CAPITAL CONSTRUCTION;

29
30 (e) AN ESTIMATE OF THE AMOUNT OF TIME NEEDED TO COMPLETE
31 THE CAPITAL CONSTRUCTION;

32
33 (f) A STATEMENT OF REASONS WHY REVENUE SOURCES OTHER
34 THAN BONDED INDEBTEDNESS OR A SPECIAL MILL LEVY ARE INADEQUATE
35 TO FULLY FINANCE THE CAPITAL CONSTRUCTION; AND

36
37 (g) A STATEMENT OF THE CHARTER SCHOOL'S PREFERRED MEANS
38 OF OBTAINING MONEYS.

39
40 (4) THE BOARD OF EDUCATION OF A SCHOOL DISTRICT SHALL
41 REVIEW A CAPITAL CONSTRUCTION PLAN SUBMITTED BY A CHARTER
42 SCHOOL PURSUANT TO SUBSECTION (3) OF THIS SECTION AND DETERMINE
43 WHETHER THE CHARTER SCHOOL HAS ESTABLISHED A NEED FOR THE
44 CAPITAL CONSTRUCTION, A NEED TO INCUR BONDED INDEBTEDNESS OR
45 OBTAIN REVENUES FROM A SPECIAL MILL LEVY TO FINANCE THE CAPITAL
46 CONSTRUCTION, AND A VIABLE PLAN FOR THE CAPITAL CONSTRUCTION. IF
47 THE BOARD DETERMINES THAT:

48
49 (a) THE CHARTER SCHOOL HAS ESTABLISHED CAPITAL
50 CONSTRUCTION NEEDS, A NEED TO INCUR BONDED INDEBTEDNESS OR
51 OBTAIN REVENUES FROM A SPECIAL MILL LEVY TO FINANCE THE CAPITAL
52 CONSTRUCTION, AND A VIABLE PLAN, THE BOARD SHALL EITHER INCLUDE
53 THE CHARTER SCHOOL'S CAPITAL CONSTRUCTION IN A BALLOT QUESTION
54 FOR APPROVAL OF BONDED INDEBTEDNESS IN ACCORDANCE WITH
55 SUBSECTION (5) OF THIS SECTION OR SUBMIT A SEPARATE SPECIAL MILL
56 LEVY QUESTION TO THE VOTERS OF THE DISTRICT PURSUANT TO SECTION

1 22-30.5-405. THE BOARD SHALL HAVE THE DISCRETION TO CHOOSE
2 BETWEEN THE BOND OR SPECIAL MILL LEVY OPTIONS AND TO DETERMINE
3 THE AMOUNT OF BONDS THAT WILL BE NEEDED TO BE SOLD OR THE
4 AMOUNT OF MONEYS THAT WILL BE NEEDED TO BE RAISED BY A SPECIAL
5 MILL LEVY, BUT THE BOARD SHALL FIRST CONSIDER ANY INFORMATION
6 PROVIDED OR PREFERENCES EXPRESSED BY THE CHARTER SCHOOL.
7

8 (b) THE CHARTER SCHOOL HAS NOT ESTABLISHED CAPITAL
9 CONSTRUCTION NEEDS, A NEED TO INCUR BONDED INDEBTEDNESS OR
10 OBTAIN REVENUES FROM A SPECIAL MILL LEVY TO FINANCE THE CAPITAL
11 CONSTRUCTION, OR A VIABLE PLAN:
12

13 (I) THE BOARD SHALL PROVIDE THE CHARTER SCHOOL WITH A
14 WRITTEN STATEMENT SPECIFYING ITS REASONS FOR CONCLUDING THAT THE
15 CHARTER SCHOOL HAS NOT ESTABLISHED CAPITAL CONSTRUCTION NEEDS,
16 A NEED TO INCUR BONDED INDEBTEDNESS OR OBTAIN REVENUES FROM A
17 SPECIAL MILL LEVY TO FINANCE THE CAPITAL CONSTRUCTION, OR A VIABLE
18 PLAN; AND
19

20 (II) THE BOARD NEED NOT INCLUDE THE CHARTER SCHOOL'S
21 CAPITAL CONSTRUCTION IN THE DISTRICT'S BALLOT QUESTION FOR
22 APPROVAL OF BONDED INDEBTEDNESS BUT SHALL SUBMIT A SPECIAL MILL
23 LEVY BALLOT QUESTION TO THE VOTERS OF THE DISTRICT PURSUANT TO
24 SECTION 22-30.5-405 IF THE CHARTER SCHOOL REQUESTS THAT A SPECIAL
25 MILL LEVY BE SUBMITTED AND AGREES TO PAY ALL OF THE COSTS OF
26 SUBMITTING THE SPECIAL MILL LEVY BALLOT QUESTION.
27

28 (5) IF THE BOARD OF A SCHOOL DISTRICT CHOOSES TO INCLUDE A
29 CHARTER SCHOOL'S CAPITAL CONSTRUCTION IN A DISTRICT BALLOT
30 QUESTION SEEKING APPROVAL OF BONDED INDEBTEDNESS:
31

32 (a) THE BOARD SHALL CONSULT WITH THE CHARTER SCHOOL IN
33 DETERMINING THE AMOUNT OF, AND REPAYMENT SCHEDULE FOR, THE
34 BONDS PROPOSED TO BE SOLD TO FINANCE THE CHARTER SCHOOL'S
35 CAPITAL CONSTRUCTION;
36

37 (b) THE BOARD AND THE CHARTER SCHOOL SHALL AGREE TO THE
38 PRIORITIZATION OF THE DISTRIBUTION OF BOND PROCEEDS BETWEEN THE
39 CHARTER SCHOOL AND ANY OTHER PUBLIC SCHOOL THAT WILL RECEIVE
40 BOND PROCEEDS BEFORE SUBMITTING THE BALLOT QUESTION TO THE
41 VOTERS OF THE SCHOOL DISTRICT; AND
42

43 (c) THE COSTS OF SUBMITTING THE BALLOT QUESTION SHALL BE
44 BORNE BY BOTH THE DISTRICT AND THE CHARTER SCHOOL IN PROPORTION
45 TO THEIR RESPECTIVE PORTIONS OF THE TOTAL BOND PROCEEDS TO BE
46 RECEIVED UNLESS THE BOARD AND THE CHARTER SCHOOL AGREE TO A
47 DIFFERENT COST-SHARING ARRANGEMENT. EXCEPT AS OTHERWISE
48 PROVIDED IN PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION, IF THE
49 BOARD OF THE DISTRICT SUBMITS A SEPARATE SPECIAL MILL LEVY BALLOT
50 QUESTION ON THE SAME BALLOT AS A BALLOT QUESTION FOR APPROVAL OF
51 BONDED INDEBTEDNESS, THE COSTS OF SUBMITTING THE SPECIAL MILL
52 LEVY BALLOT QUESTION SHALL BE BORNE AS AGREED UPON BY THE
53 SCHOOL DISTRICT AND THE CHARTER SCHOOL.
54

55 (6) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
56 NO BONDS SHALL BE ISSUED FOR THE PURPOSE OF FINANCING CHARTER

1 SCHOOL CAPITAL CONSTRUCTION UNLESS THE CHARTER SCHOOL THAT IS
2 TO RECEIVE BOND PROCEEDS AND THE DISTRICT HAVE ENTERED INTO A
3 CONTRACT SPECIFYING TO WHOM THE OWNERSHIP OF ANY CAPITAL
4 CONSTRUCTION FINANCED BY BOND REVENUES SHALL REVERT IF THE
5 CHARTER SCHOOL LOSES ITS CHARTER, FAILS TO PAY FOR THE CAPITAL
6 CONSTRUCTION TO BE FINANCED BY BOND REVENUES, OR BECOMES
7 INSOLVENT AND CAN NO LONGER OPERATE AS A CHARTER SCHOOL.

8
9 **22-30.5-405. Mill levy for charter school capital construction.**

10 (1) WITH THE AGREEMENT OF ALL CHARTER SCHOOLS THAT WILL RECEIVE
11 THE REVENUES GENERATED BY A SPECIAL MILL LEVY, THE BOARD OF
12 EDUCATION OF ANY SCHOOL DISTRICT SHALL, AT ANY TIME AT WHICH A
13 BALLOT ISSUE ARISING UNDER SECTION 20 OF ARTICLE X OF THE STATE
14 CONSTITUTION MAY BE DECIDED, SUBMIT TO THE ELIGIBLE ELECTORS OF
15 THE DISTRICT THE QUESTION OF WHETHER TO IMPOSE A MILL LEVY OF A
16 STATED AMOUNT FOR THE PURPOSE OF FINANCING CAPITAL CONSTRUCTION
17 FOR ONE OR MORE CHARTER SCHOOLS CHARTERED BY THE DISTRICT,
18 WHICH MILL LEVY SHALL NOT EXCEED ONE MILL IN ANY YEAR OR EXCEED
19 TEN YEARS IN DURATION. WHEN A MILL LEVY FOR MORE THAN ONE YEAR
20 HAS BEEN APPROVED, THE BOARD SHALL, WITHOUT CALLING AN ELECTION,
21 DECREASE THE AMOUNT OR DURATION OF THE MILL LEVY AS NECESSARY
22 TO AVOID EXCESSIVE COLLECTIONS AS EACH CAPITAL CONSTRUCTION
23 PROJECT FINANCED BY THE MILL LEVY IS COMPLETED. IF THE BOARD IS
24 REQUIRED TO SUBMIT THE BALLOT QUESTION FOR A MILL LEVY PURSUANT
25 TO SECTION 22-30.5-404 (4), THE BOARD SHALL CONSULT WITH ALL
26 AFFECTED CHARTER SCHOOLS THAT WILL RECEIVE THE REVENUES
27 GENERATED BY THE SPECIAL MILL LEVY BEFORE DETERMINING THE
28 AMOUNT AND DURATION OF THE SPECIAL MILL LEVY.

29
30 (2) ANY ELECTION CALLED PURSUANT TO SUBSECTION (1) OF THIS
31 SECTION SHALL BE CONDUCTED PURSUANT TO THE PROVISIONS OF
32 ARTICLES 1 TO 13 OF TITLE 1, C.R.S. THE COSTS OF THE ELECTION SHALL
33 BE BORNE BY EACH CHARTER SCHOOL THAT IS TO RECEIVE REVENUES
34 GENERATED BY THE MILL LEVY IN PROPORTION TO THE AMOUNT OF
35 REVENUES IT IS TO RECEIVE UNLESS OTHER COST-SHARING ARRANGEMENTS
36 ARE AGREED TO BY THE CHARTER SCHOOLS AND, IF THE SCHOOL DISTRICT
37 SUBMITTING THE BALLOT QUESTION AGREES TO BEAR ANY OF THE COSTS
38 OF THE ELECTION AND IS NOT PROHIBITED FROM BEARING SUCH COSTS BY
39 SECTION 22-30.5-404 (4) (b), THE DISTRICT.

40
41 (3) IF THE MAJORITY OF VOTES CAST AT AN ELECTION HELD
42 PURSUANT TO THIS SECTION ARE IN FAVOR OF THE QUESTION, THE MILL
43 LEVY OF THE DISTRICT FOR CHARTER SCHOOL CAPITAL CONSTRUCTION
44 SHALL BE AS SO APPROVED BY THE ELIGIBLE ELECTORS OF THE DISTRICT
45 AND TAXES SHALL BE LEVIED AS SO APPROVED.

46
47 (4) NOTWITHSTANDING THE PROVISIONS OF SECTION 22-30.5-404
48 (4) AND ANY OTHER PROVISIONS OF THIS SECTION, NO MILL LEVY SHALL BE
49 IMPOSED PURSUANT TO THIS SECTION TO BENEFIT A CHARTER SCHOOL
50 UNLESS THE CHARTER SCHOOL AND THE DISTRICT HAVE ENTERED INTO A
51 CONTRACT SPECIFYING TO WHOM THE OWNERSHIP OF ANY CAPITAL
52 CONSTRUCTION FINANCED BY THE MILL LEVY SHALL REVERT IF THE
53 CHARTER SCHOOL LOSES ITS CHARTER, FAILS TO PAY FOR THE CAPITAL
54 CONSTRUCTION TO BE FINANCED BY REVENUES FROM THE MILL LEVY, OR
55 BECOMES INSOLVENT AND CAN NO LONGER OPERATE AS A CHARTER
56 SCHOOL.

1 (5) A SCHOOL DISTRICT MAY IMPOSE A TOTAL MILL LEVY
2 PURSUANT TO THIS SECTION IN EXCESS OF ONE MILL IN ANY YEAR IF THE
3 VOTERS OF THE DISTRICT APPROVE MULTIPLE BALLOT QUESTIONS, BUT THE
4 MILL LEVY IMPOSED PURSUANT TO ANY SINGLE BALLOT QUESTION
5 SUBMITTED PURSUANT TO THIS SECTION SHALL NOT EXCEED ONE MILL IN
6 ANY YEAR AS SPECIFIED IN SUBSECTION (1) OF THIS SECTION. THE
7 IMPOSITION OF A SECOND OR SUBSEQUENT MILL LEVY PURSUANT TO THIS
8 SECTION SHALL NOT AFFECT THE RIGHTS OF ANY CHARTER SCHOOL TO THE
9 REVENUES GENERATED BY ANY PREEXISTING SPECIAL MILL LEVY.

10

11 **22-30.5-406. Direct payment of charter school bonds by the**
12 **state treasurer and school districts.** (1) (a) FOR THE PURPOSE OF
13 ENHANCING THE ABILITY OF A CHARTER SCHOOL TO OBTAIN FAVORABLE
14 FINANCING TERMS ON BONDS ISSUED ON BEHALF OF THE CHARTER SCHOOL
15 BY A GOVERNMENTAL ENTITY OTHER THAN A SCHOOL DISTRICT FOR THE
16 PURPOSE OF FINANCING CHARTER SCHOOL CAPITAL CONSTRUCTION, A
17 CHARTER SCHOOL THAT IS ENTITLED TO RECEIVE MONEYS FROM THE STATE
18 PUBLIC SCHOOL FUND PURSUANT TO PART 1 OF THIS ARTICLE MAY REQUEST
19 THAT THE STATE TREASURER MAKE DIRECT PAYMENTS OF PRINCIPAL AND
20 INTEREST ON THE BONDS ON BEHALF OF THE CHARTER SCHOOL. THE
21 CHARTER SCHOOL SHALL SPECIFY THE AMOUNT OF EACH PAYMENT TO BE
22 MADE.

23

24 (b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS
25 SUBSECTION (1), IF THE STATE TREASURER CONCLUDES THAT THE AMOUNT
26 OF MONEYS FROM THE STATE PUBLIC SCHOOL FUND THAT A CHARTER
27 SCHOOL WILL RECEIVE PURSUANT TO PART 1 OF THIS ARTICLE FOR ANY
28 GIVEN BUDGET YEAR WILL BE LESS THAN THE AMOUNT OF THE PAYMENTS
29 SPECIFIED BY THE CHARTER SCHOOL PURSUANT TO PARAGRAPH (a) OF THIS
30 SUBSECTION (1) THAT WILL BE DUE DURING THE BUDGET YEAR, THE STATE
31 TREASURER SHALL NOT AGREE TO MAKE DIRECT PAYMENTS ON BEHALF OF
32 THE CHARTER SCHOOL.

33

34 (c) THE STATE TREASURER SHALL WITHHOLD THE AMOUNT OF ANY
35 DIRECT PAYMENTS MADE ON BEHALF OF A CHARTER SCHOOL PLUS
36 ADMINISTRATIVE COSTS ASSOCIATED WITH THE MAKING OF DIRECT
37 PAYMENTS IN AN AMOUNT AGREED UPON BY THE STATE TREASURER AND
38 THE CHARTER SCHOOL FROM THE PAYMENTS TO THE CHARTERING DISTRICT
39 OF THE STATE SHARE OF THE DISTRICT'S TOTAL PROGRAM MADE PURSUANT
40 TO ARTICLE 54 OF THIS TITLE. THE STATE TREASURER SHALL NOTIFY THE
41 CHIEF FINANCIAL OFFICERS OF THE CHARTERING DISTRICT AND THE
42 CHARTER SCHOOL OF ANY AMOUNT OF MONEYS WITHHELD AND THE
43 CHARTERING DISTRICT SHALL REDUCE THE AMOUNT OF FUNDING IT
44 PROVIDES TO THE CHARTER SCHOOL BY SAID AMOUNT. ANY
45 ADMINISTRATIVE COSTS WITHHELD BY THE STATE TREASURER PURSUANT
46 TO THIS PARAGRAPH (c) SHALL BE CREDITED TO THE CHARTER SCHOOL
47 FINANCING ADMINISTRATIVE CASH FUND, WHICH FUND IS HEREBY
48 CREATED. MONEYS IN THE FUND SHALL BE CONTINUOUSLY APPROPRIATED
49 TO THE STATE TREASURER FOR THE DIRECT AND INDIRECT COSTS OF THE
50 ADMINISTRATION OF THIS SECTION. MONEYS IN THE CHARTER SCHOOL
51 FINANCING ADMINISTRATIVE CASH FUND SHALL REMAIN IN THE FUND AND
52 SHALL NOT REVERT TO THE GENERAL FUND AT THE END OF ANY FISCAL
53 YEAR.

54

55 (d) THE STATE TREASURER SHALL ESTABLISH THE PROCEDURES
56 NECESSARY TO IMPLEMENT THIS SUBSECTION (1) AND MAY PROMULGATE

1 RULES FOR THAT PURPOSE. ANY RULES SHALL BE PROMULGATED IN
2 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

3
4 (e) THIS SUBSECTION (1) SHALL NOT BE CONSTRUED TO REQUIRE
5 THE STATE TO CONTINUE THE PAYMENT OF STATE ASSISTANCE TO ANY
6 SCHOOL DISTRICT OR TO LIMIT OR PROHIBIT THE STATE FROM REPEALING
7 OR AMENDING ANY LAW RELATING TO THE AMOUNT OF STATE ASSISTANCE
8 TO SCHOOL DISTRICTS OR THE MANNER OR TIMING OF THE PAYMENT OF
9 SUCH ASSISTANCE. THIS SUBSECTION (1) SHALL NOT BE CONSTRUED TO
10 CREATE A DEBT OF THE STATE OR ANY STATE FINANCIAL OBLIGATION
11 WHATSOEVER WITH RESPECT TO ANY BONDS ISSUED ON BEHALF OF A
12 CHARTER SCHOOL BY A GOVERNMENTAL ENTITY OTHER THAN A SCHOOL
13 DISTRICT FOR THE PURPOSE OF FINANCING CHARTER SCHOOL CAPITAL
14 CONSTRUCTION WITHIN THE MEANING OF ANY STATE CONSTITUTIONAL
15 PROVISION OR TO CREATE ANY LIABILITY EXCEPT TO THE EXTENT
16 PROVIDED IN THIS SUBSECTION (1).

17
18 (2) (a) IF THE STATE TREASURER DOES NOT AGREE TO MAKE DIRECT
19 PAYMENTS OF PRINCIPAL AND INTEREST ON BONDS ON BEHALF OF A
20 CHARTER SCHOOL PURSUANT TO SUBSECTION (1) OF THIS SECTION BECAUSE
21 THE CHARTER SCHOOL IS NOT ENTITLED TO RECEIVE MONEYS FROM THE
22 STATE PUBLIC SCHOOL FUND PURSUANT TO PART 1 OF THIS ARTICLE OR
23 BECAUSE THE STATE TREASURER HAS CONCLUDED THAT THE AMOUNT OF
24 MONEYS FROM THE STATE PUBLIC SCHOOL FUND THAT THE CHARTER
25 SCHOOL WILL RECEIVE PURSUANT TO PART 1 OF THIS ARTICLE FOR ANY
26 GIVEN BUDGET YEAR WILL BE LESS THAN THE AMOUNT OF THE DIRECT
27 PAYMENT SPECIFIED BY THE CHARTER SCHOOL THAT WILL BE DUE DURING
28 THE BUDGET YEAR, THE CHARTER SCHOOL MAY REQUEST THAT ITS
29 CHARTERING DISTRICT MAKE DIRECT PAYMENTS OF PRINCIPAL AND
30 INTEREST ON THE BONDS ON BEHALF OF THE CHARTER SCHOOL. THE
31 CHARTER SCHOOL SHALL SPECIFY THE AMOUNT OF EACH PAYMENT TO BE
32 MADE.

33
34 (b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS
35 SUBSECTION (2), IF THE BOARD OF EDUCATION OF A CHARTERING DISTRICT
36 CONCLUDES THAT THE TOTAL AMOUNT OF MONEYS THAT A CHARTER
37 SCHOOL WILL RECEIVE FOR ANY GIVEN BUDGET YEAR FROM THE DISTRICT
38 PURSUANT TO THE OPERATING CONTRACT BETWEEN THE DISTRICT AND THE
39 CHARTER SCHOOL WILL BE LESS THAN THE AMOUNT OF THE PAYMENTS
40 SPECIFIED BY THE CHARTER SCHOOL PURSUANT TO PARAGRAPH (a) OF THIS
41 SUBSECTION (2) THAT WILL BE DUE DURING THE BUDGET YEAR, THE
42 CHARTERING DISTRICT SHALL NOT AGREE TO MAKE DIRECT PAYMENTS ON
43 BEHALF OF THE CHARTER SCHOOL.

44
45 (c) A CHARTERING DISTRICT SHALL WITHHOLD THE AMOUNT OF
46 ANY DIRECT PAYMENTS MADE ON BEHALF OF A CHARTER SCHOOL PLUS
47 ADMINISTRATIVE COSTS ASSOCIATED WITH THE MAKING OF DIRECT
48 PAYMENTS IN AN AMOUNT AGREED UPON BY THE CHARTERING DISTRICT
49 AND THE CHARTER SCHOOL FROM THE FUNDING PROVIDED BY THE
50 DISTRICT TO THE CHARTER SCHOOL PURSUANT TO PART 1 OF THIS ARTICLE.

51
52 (d) THIS SUBSECTION (2) SHALL NOT BE CONSTRUED TO CREATE A
53 DEBT OF ANY CHARTERING DISTRICT OR ANY DISTRICT OBLIGATION
54 WHATSOEVER WITH RESPECT TO ANY LEASE AGREEMENT OR INSTALLMENT
55 PURCHASE AGREEMENT ENTERED INTO BY A CHARTER SCHOOL WITHIN THE
56 MEANING OF ANY STATE CONSTITUTIONAL PROVISION OR TO CREATE ANY

1 LIABILITY EXCEPT TO THE EXTENT PROVIDED IN THIS SUBSECTION (2).

2

3 **22-30.5-407. Charter school debt reserve fund - creation - use**
4 **of fund moneys - legislative declaration.** (1) THE GENERAL ASSEMBLY
5 HEREBY FINDS AND DECLARES THAT:

6

7 (a) THE CHARTER SCHOOL DEBT RESERVE FUND CREATED BY THIS
8 SECTION IS INTENDED TO ENHANCE THE ABILITY OF ANY CHARTER SCHOOL
9 THAT CHOOSES TO FINANCE CAPITAL CONSTRUCTION WITH REVENUES
10 FROM BONDS ISSUED ON BEHALF OF THE CHARTER SCHOOL BY A
11 GOVERNMENTAL ENTITY OTHER THAN A SCHOOL DISTRICT TO OBTAIN SUCH
12 FINANCING ON FAVORABLE TERMS BY PROVIDING A SOURCE OF MONEYS
13 THAT CAN BE USED TO MAKE BOND PAYMENTS IF THE CHARTER SCHOOL
14 FAILS TO MAKE SUCH PAYMENTS.

15

16 (b) IT IS APPROPRIATE FOR STATE EDUCATION FUND MONEYS TO BE
17 APPROPRIATED TO THE CHARTER SCHOOL DEBT RESERVE FUND AND IT IS
18 ALSO APPROPRIATE FOR THOSE CHARTER SCHOOLS THAT RECEIVE MORE
19 FAVORABLE FINANCING TERMS DUE TO THE EXISTENCE OF THE CHARTER
20 SCHOOL DEBT RESERVE FUND TO PAY A PORTION OF THEIR RESULTING
21 SAVINGS TO THE CHARTER SCHOOL DEBT RESERVE FUND AND FOR ALL
22 CHARTER SCHOOLS TO BEAR THE RISK OF HAVING CHARTER SCHOOL PER
23 PUPIL FACILITIES AID PROGRAM MONEYS WITHHELD TO REPLENISH THE
24 CHARTER SCHOOL DEBT RESERVE FUND IN THE EVENT THAT MONEYS FROM
25 THE CHARTER SCHOOL DEBT RESERVE FUND ARE EXPENDED TO MAKE BOND
26 PAYMENTS.

27

28 (2) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE
29 CHARTER SCHOOL DEBT RESERVE FUND. THE FUND SHALL CONSIST OF THE
30 FOLLOWING MONEYS:

31

32 (I) TWO MILLION DOLLARS THAT ARE HEREBY APPROPRIATED FROM
33 THE STATE EDUCATION FUND TO THE CHARTER SCHOOL DEBT RESERVE
34 FUND ON JULY 1, 2002;

35

36 (II) MONEYS CREDITED TO THE CHARTER SCHOOL INTEREST
37 SAVINGS ACCOUNT OF THE FUND PURSUANT TO SUBSECTION (3) OF THIS
38 SECTION; AND

39

40 (III) MONEYS TRANSFERRED FROM THE STATE EDUCATION FUND TO
41 THE CHARTER SCHOOL DEBT RESERVE FUND PURSUANT TO PARAGRAPH (d)
42 OF SUBSECTION (4) OF THIS SECTION.

43

44 (b) THERE IS HEREBY CREATED WITHIN THE CHARTER SCHOOL DEBT
45 RESERVE FUND THE CHARTER SCHOOL INTEREST SAVINGS ACCOUNT. THE
46 ACCOUNT SHALL CONSIST OF MONEYS CREDITED TO THE ACCOUNT BY THE
47 STATE TREASURER PURSUANT TO SUBSECTION (3) OF THIS SECTION AND
48 ANY INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT
49 OF MONEYS IN THE ACCOUNT.

50

51 (c) ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND
52 INVESTMENT OF MONEYS IN THE CHARTER SCHOOL DEBT RESERVE FUND
53 SHALL BE CREDITED TO THE STATE EDUCATION FUND; EXCEPT THAT ALL
54 INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF
55 MONEYS IN THE CHARTER SCHOOL INTEREST SAVINGS ACCOUNT SHALL BE
56 CREDITED TO THE ACCOUNT IN ACCORDANCE WITH PARAGRAPH (b) OF THIS

1 SUBSECTION (2). AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND
2 UNENCUMBERED MONEYS IN THE CHARTER SCHOOL DEBT RESERVE FUND
3 AND THE ACCOUNT SHALL REMAIN IN THE FUND AND THE ACCOUNT
4 RESPECTIVELY.

5
6 (d) ALL MONEYS CREDITED TO THE CHARTER SCHOOL DEBT
7 RESERVE FUND OR EXPENDED FROM THE FUND, OTHER THAN MONEYS
8 CREDITED TO OR EXPENDED FROM THE CHARTER SCHOOL INTEREST
9 SAVINGS ACCOUNT, ARE MONEYS ORIGINALLY CREDITED TO THE STATE
10 EDUCATION FUND AND ARE THEREFORE, IN ACCORDANCE WITH SECTION 17
11 (3) OF ARTICLE IX OF THE STATE CONSTITUTION AND SECTION 22-55-103
12 (5), EXEMPT FROM:

13
14 (I) THE LIMITATION ON STATE FISCAL YEAR SPENDING SET FORTH
15 IN SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION AND
16 SECTION 24-77-103, C.R.S.; AND

17
18 (II) THE LIMITATION ON LOCAL GOVERNMENT FISCAL YEAR
19 SPENDING SET FORTH IN SECTION 20 (7) (b) OF ARTICLE X OF THE STATE
20 CONSTITUTION.

21
22 (3) A CHARTER SCHOOL THAT CHOOSES TO FINANCE CAPITAL
23 CONSTRUCTION WITH REVENUES FROM BONDS ISSUED ON BEHALF OF THE
24 CHARTER SCHOOL BY A GOVERNMENTAL ENTITY OTHER THAN A SCHOOL
25 DISTRICT AND THAT ALSO CHOOSES TO RELY UPON THE EXISTENCE OF THE
26 CHARTER SCHOOL DEBT RESERVE FUND TO OBTAIN MORE FAVORABLE
27 FINANCING TERMS SHALL PAY TO THE STATE TREASURER, AT THE TIME ANY
28 BOND PAYMENT IS DUE, AN AMOUNT EQUAL TO TEN PERCENT OF THE
29 REDUCTION IN THE AMOUNT OF THE PAYMENT RESULTING FROM THE MORE
30 FAVORABLE FINANCING TERMS. AT THE TIME THE BONDS ARE ISSUED, THE
31 CHARTER SCHOOL SHALL OBTAIN AND PROVIDE TO THE STATE TREASURER
32 SUFFICIENT DOCUMENTATION OF THE SAVINGS RESULTING FROM THE
33 CHARTER SCHOOL'S ABILITY TO OBTAIN MORE FAVORABLE FINANCING
34 TERMS BY RELYING UPON THE EXISTENCE OF THE CHARTER SCHOOL DEBT
35 RESERVE FUND. THE STATE TREASURER SHALL CREDIT ANY PAYMENT
36 RECEIVED PURSUANT TO THIS SUBSECTION (3) TO THE CHARTER SCHOOL
37 INTEREST SAVINGS ACCOUNT.

38
39 (4) (a) MONEYS IN THE CHARTER SCHOOL DEBT RESERVE FUND ARE
40 HEREBY CONTINUOUSLY APPROPRIATED TO THE STATE TREASURER, WHO
41 SHALL EXPEND SUCH MONEYS SOLELY FOR THE PURPOSE OF PAYING
42 PRINCIPAL AND INTEREST ON BONDS ISSUED ON BEHALF OF A CHARTER
43 SCHOOL BY A GOVERNMENTAL ENTITY OTHER THAN A SCHOOL DISTRICT
44 AND ONLY IF:

45
46 (I) THE STATE TREASURER HAS BEEN NOTIFIED AND HAS
47 CONFIRMED, IN ACCORDANCE WITH PARAGRAPH (b) OF THIS SUBSECTION
48 (4), THAT THE CHARTER SCHOOL HAS EXPENDED ALL MONEYS IN ITS OWN
49 DEBT SERVICE RESERVE FUND OR ACCOUNT THAT HAS BEEN FUNDED WITH
50 PROCEEDS DERIVED FROM THE ISSUANCE OF THE BONDS AND IS UNABLE TO
51 MAKE BOND PAYMENTS; AND

52
53 (II) THE CHARTER SCHOOL HAS RELIED UPON THE EXISTENCE OF
54 THE CHARTER SCHOOL DEBT RESERVE FUND TO OBTAIN MORE FAVORABLE
55 FINANCING TERMS FOR THE BONDS AND HAS MADE PAYMENTS TO THE
56 STATE TREASURER AS REQUIRED BY SUBSECTION (3) OF THIS SECTION.

1 (b) WHENEVER THE TRUSTEE RESPONSIBLE FOR MAKING PAYMENTS
2 TO THE HOLDERS OF ANY BONDS ISSUED ON BEHALF OF A CHARTER SCHOOL
3 BY A GOVERNMENTAL ENTITY OTHER THAN A SCHOOL DISTRICT FOR WHICH
4 THE CHARTER SCHOOL HAS OBTAINED MORE FAVORABLE FINANCING TERMS
5 BY RELYING ON THE EXISTENCE OF THE CHARTER SCHOOL DEBT RESERVE
6 FUND HAS NOT RECEIVED PAYMENT OF PRINCIPAL OR INTEREST ON THE
7 BONDS ON THE BUSINESS DAY IMMEDIATELY PRIOR TO THE DATE ON WHICH
8 SUCH PAYMENT IS DUE, THE TRUSTEE SHALL SO NOTIFY THE STATE
9 TREASURER AND THE CHARTER SCHOOL BY TELEPHONE, FACSIMILE, OR
10 OTHER SIMILAR COMMUNICATION, FOLLOWED BY WRITTEN VERIFICATION,
11 OF SUCH PAYMENT STATUS. THE STATE TREASURER SHALL IMMEDIATELY
12 CONTACT THE CHARTER SCHOOL AND DETERMINE WHETHER THE CHARTER
13 SCHOOL WILL MAKE THE PAYMENT BY THE DATE ON WHICH IT IS DUE AND,
14 IF THE STATE TREASURER CONFIRMS THAT THE CHARTER SCHOOL WILL NOT
15 MAKE THE PAYMENT, THE STATE TREASURER SHALL MAKE THE PAYMENT.
16

17 (c) THE STATE TREASURER SHALL EXPEND ALL MONEYS IN THE
18 CHARTER SCHOOL INTEREST SAVINGS ACCOUNT BEFORE EXPENDING ANY
19 OTHER MONEYS IN THE CHARTER SCHOOL DEBT RESERVE FUND.
20

21 (d) IF THE STATE TREASURER EXPENDS MONEYS FROM THE PORTION
22 OF THE CHARTER SCHOOL DEBT RESERVE FUND THAT IS NOT THE CHARTER
23 SCHOOL INTEREST SAVINGS ACCOUNT, THE STATE TREASURER SHALL
24 WITHHOLD CHARTER SCHOOL PER PUPIL FACILITIES AID PROGRAM MONEYS
25 TO THE EXTENT NECESSARY TO RESTORE THAT PORTION OF THE CHARTER
26 SCHOOL DEBT RESERVE FUND, BY THE TRANSFER OF ALL WITHHELD
27 AMOUNTS FROM THE STATE EDUCATION FUND TO THAT PORTION OF THE
28 CHARTER SCHOOL DEBT RESERVE FUND, TO A TWO MILLION DOLLAR
29 BALANCE IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:
30

31 (I) EACH CHARTER SCHOOL THAT HAS RELIED UPON THE EXISTENCE
32 OF THE CHARTER SCHOOL DEBT RESERVE FUND TO OBTAIN MORE
33 FAVORABLE FINANCING TERMS FOR BONDS ISSUED ON ITS BEHALF BY A
34 GOVERNMENTAL ENTITY OTHER THAN A SCHOOL DISTRICT SHALL HAVE ITS
35 PAYMENTS REDUCED BY THE SAME PERCENTAGE AND BY A MAXIMUM OF
36 FIFTY PERCENT.
37

38 (II) IF, IN ANY GIVEN FISCAL YEAR, THE STATE TREASURER
39 DETERMINES THAT AFTER WITHHOLDING OF THE MAXIMUM AMOUNT OF
40 CHARTER SCHOOL PER PUPIL FACILITIES AID PROGRAM MONEYS THAT MAY
41 BE WITHHELD PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (d)
42 THE PORTION OF THE CHARTER SCHOOL DEBT RESERVE FUND THAT IS NOT
43 THE CHARTER SCHOOL INTEREST SAVINGS ACCOUNT WILL NOT BE
44 RESTORED TO A TWO MILLION DOLLAR BALANCE, EACH CHARTER SCHOOL
45 THAT HAS NOT RELIED UPON THE EXISTENCE OF THE CHARTER SCHOOL
46 DEBT RESERVE FUND TO OBTAIN MORE FAVORABLE FINANCING TERMS FOR
47 BONDS ISSUED ON ITS BEHALF BY A GOVERNMENTAL ENTITY OTHER THAN
48 A SCHOOL DISTRICT SHALL HAVE ITS PAYMENT REDUCED BY THE SAME
49 PERCENTAGE AND BY A MAXIMUM OF TEN PERCENT.
50

51 (5) THIS SECTION SHALL NOT BE CONSTRUED TO CREATE ANY
52 STATE DEBT, TO REQUIRE THE STATE TO MAKE ANY BOND PAYMENTS ON
53 BEHALF OF ANY CHARTER SCHOOL FROM ANY SOURCE OF STATE MONEYS
54 OTHER THAN THE CHARTER SCHOOL DEBT RESERVE FUND, OR TO REQUIRE
55 THE STATE TO FULLY PAY OFF ANY OUTSTANDING BONDS OF A CHARTER
56 SCHOOL THAT CANNOT MAKE SCHEDULED BOND PAYMENTS.

1 **22-30.5-408. Replenishment of qualified charter school debt**
2 **service reserve funds. (1) AS USED IN THIS SECTION:**

3
4 (a) "INVESTMENT GRADE" MEANS DEBT OBLIGATIONS THAT ARE
5 RATED IN ONE OF THE FOUR HIGHEST INVESTMENT RATING CATEGORIES BY
6 ONE OR MORE NATIONALLY RECOGNIZED RATING AGENCIES.

7
8 (b) "QUALIFIED CHARTER SCHOOL" MEANS A CHARTER SCHOOL
9 WHOSE DEBT IS RATED AT LEAST INVESTMENT GRADE BY A NATIONALLY
10 RECOGNIZED RATING AGENCY PRIOR TO THE ISSUANCE OF ANY QUALIFIED
11 CHARTER SCHOOL BONDS ON BEHALF OF THE CHARTER SCHOOL BY:

12
13 (I) THE COLORADO EDUCATIONAL AND CULTURAL FACILITIES
14 AUTHORITY PURSUANT TO THE "COLORADO EDUCATIONAL AND CULTURAL
15 FACILITIES AUTHORITY ACT", ARTICLE 15 OF TITLE 23, C.R.S.; OR

16
17 (II) ANY OTHER GOVERNMENTAL ENTITY OTHER THAN A SCHOOL
18 DISTRICT THAT HAS AUTHORITY TO ISSUE BONDS ON BEHALF OF A CHARTER
19 SCHOOL.

20
21 (c) "QUALIFIED CHARTER SCHOOL BONDS" MEANS BONDS THAT ARE
22 ISSUED BY THE COLORADO EDUCATIONAL AND CULTURAL FACILITIES
23 AUTHORITY OR ANY OTHER GOVERNMENTAL ENTITY OTHER THAN A
24 SCHOOL DISTRICT THAT HAS AUTHORITY TO ISSUE BONDS ON BEHALF OF A
25 CHARTER SCHOOL FOR THE PURPOSE OF FINANCING A FACILITY TO BE USED
26 FOR OCCUPANCY BY PUPILS ENROLLED IN A CHARTER SCHOOL.

27
28 (d) "QUALIFIED CHARTER SCHOOL DEBT SERVICE RESERVE FUND
29 REQUIREMENT" MEANS THE LEVEL OF FUNDING REQUIRED FOR A QUALIFIED
30 CHARTER SCHOOL DEBT SERVICE RESERVE FUND AS SPECIFIED IN THE
31 TRUST INDENTURE OR RESOLUTION PURSUANT TO WHICH QUALIFIED
32 CHARTER SCHOOL BONDS HAVE BEEN ISSUED.

33
34 (e) "QUALIFIED CHARTER SCHOOL DEBT SERVICE RESERVE
35 REQUIREMENT" MEANS A REASONABLY REQUIRED DEBT SERVICE RESERVE
36 FUND OR ACCOUNT THAT HAS BEEN FUNDED WITH PROCEEDS DERIVED
37 FROM THE ISSUANCE OF QUALIFIED CHARTER SCHOOL BONDS.

38
39 (f) "RATING AGENCY" MEANS ANY NATIONALLY RECOGNIZED
40 STATISTICAL RATING ORGANIZATION AS DEFINED UNDER RULE 2a-7 OF THE
41 "SECURITIES EXCHANGE ACT OF 1934", AS AMENDED, 17 CFR 270.2a-7 (a)
42 (17).

43
44 (2) (a) NO LATER THAN JANUARY 15, 2003, AND NO LATER THAN
45 JANUARY 15 OF EACH SUCCEEDING YEAR, IF THE COLORADO EDUCATIONAL
46 AND CULTURAL FACILITIES AUTHORITY OR ANY OTHER GOVERNMENTAL
47 ENTITY OTHER THAN A SCHOOL DISTRICT THAT HAS AUTHORITY TO ISSUE
48 BONDS ON BEHALF OF A CHARTER SCHOOL HAS ISSUED QUALIFIED CHARTER
49 SCHOOL BONDS ON BEHALF OF ANY CHARTER SCHOOL THAT HAS FAILED
50 DURING THE PRIOR CALENDAR YEAR TO RESTORE ITS QUALIFIED CHARTER
51 SCHOOL DEBT SERVICE RESERVE FUND TO THE APPLICABLE QUALIFIED
52 CHARTER SCHOOL DEBT SERVICE RESERVE FUND REQUIREMENT, THE
53 GOVERNING BODY OF THE GOVERNMENTAL ENTITY THAT ISSUED THE
54 QUALIFIED CHARTER SCHOOL BONDS SHALL SUBMIT TO THE GOVERNOR A
55 CERTIFICATE CERTIFYING ANY AMOUNT OF MONEYS REQUIRED TO RESTORE
56 THE QUALIFIED CHARTER SCHOOL DEBT SERVICE RESERVE FUND TO THE

1 APPLICABLE QUALIFIED CHARTER SCHOOL DEBT SERVICE RESERVE FUND
2 REQUIREMENT. THE GOVERNOR MAY, IN THE GOVERNOR'S DISCRETION,
3 SUBMIT TO A REQUEST FOR APPROPRIATIONS IN AN AMOUNT SUFFICIENT TO
4 RESTORE ANY OR ALL QUALIFIED CHARTER SCHOOL DEBT RESERVE FUNDS
5 TO THEIR RESPECTIVE QUALIFIED CHARTER SCHOOL DEBT SERVICE
6 RESERVE FUND REQUIREMENTS AND THE GENERAL ASSEMBLY MAY, BUT
7 SHALL NOT BE REQUIRED TO, APPROPRIATE MONEYS FOR SAID PURPOSE.
8

9 (b) ANY MONEYS APPROPRIATED FOR THE PURPOSE OF RESTORING
10 ANY QUALIFIED CHARTER SCHOOL DEBT SERVICE RESERVE FUND TO ITS
11 QUALIFIED CHARTER SCHOOL DEBT SERVICE RESERVE FUND REQUIREMENT
12 SHALL BE DEPOSITED INTO THE APPLICABLE QUALIFIED CHARTER SCHOOL
13 DEBT SERVICE RESERVE FUND.
14

15 (3) THIS SECTION SHALL NOT BE CONSTRUED TO CREATE ANY DEBT
16 OF THE STATE OR ANY STATE FINANCIAL OBLIGATION WHATSOEVER WITHIN
17 THE MEANING OF ANY STATE CONSTITUTIONAL PROVISION OR TO CREATE
18 ANY STATE LIABILITY WHATSOEVER.
19

20 **SECTION 35.** 2-3-115 (1) (a), Colorado Revised Statutes, is
21 amended to read:
22

23 **2-3-115. Use of state education fund moneys for school capital**
24 **construction - audits - reports.** (1) For the 2001-02 school district
25 budget year and each school district budget year thereafter, for the
26 purpose of determining the amount of state education fund moneys
27 expended by each school district in the state for capital construction and
28 identifying the schools and projects on which school districts expended
29 such moneys, the state auditor shall annually examine the records of each
30 school district in the state that received state education fund moneys for
31 the budget year:
32

33 (a) Directly from the department of education for capital
34 construction aid to qualified charter schools, as defined in section
35 22-54-124 (1) (f) OR (1) (f.5), C.R.S., WHICHEVER IS APPLICABLE, in
36 accordance with section 22-54-124 (4), C.R.S.; or
37

38 **SECTION 36.** 22-30.5-105 (2), Colorado Revised Statutes, is
39 amended BY THE ADDITION OF A NEW PARAGRAPH to read:
40

41 **22-30.5-105. Charter schools - contract contents - regulations**
42 **- repeal.** (2) (c) ANY CONTRACT BETWEEN A CHARTER SCHOOL AND A
43 LOCAL BOARD OF EDUCATION APPROVED ON OR AFTER JULY 1, 2002,
44 SHALL SPECIFY:
45

46 (I) IF THE CONTRACT IS NOT A RENEWAL OF AN EXPIRING
47 CONTRACT, THE MANNER IN WHICH THE SCHOOL DISTRICT GOVERNED BY
48 THE LOCAL BOARD OF EDUCATION WILL SUPPORT ANY START-UP FACILITY
49 NEEDS OF THE CHARTER SCHOOL;
50

51 (II) THE MANNER IN WHICH THE SCHOOL DISTRICT GOVERNED BY
52 THE LOCAL BOARD OF EDUCATION WILL SUPPORT ANY LONG-TERM
53 FACILITY NEEDS OF THE CHARTER SCHOOL; AND
54

55 (III) THE ACTIONS THAT THE CHARTER SCHOOL MUST TAKE IN
56 ORDER TO:

1 (A) HAVE ITS CAPITAL CONSTRUCTION NEEDS INCLUDED AS PART
2 OF THE NEXT BALLOT QUESTION FOR APPROVAL OF BONDED INDEBTEDNESS
3 TO BE SUBMITTED BY THE LOCAL BOARD OF EDUCATION OF ITS
4 CHARTERING SCHOOL DISTRICT TO THE VOTERS OF THE DISTRICT; OR

5
6 (B) HAVE THE LOCAL BOARD OF EDUCATION SUBMIT A BALLOT
7 QUESTION FOR APPROVAL OF A SPECIAL MILL LEVY TO FINANCE THE
8 CAPITAL CONSTRUCTION NEEDS OF THE CHARTER SCHOOL TO THE VOTERS
9 OF THE DISTRICT PURSUANT TO SECTION 22-30.5-405.

10
11 **SECTION 37.** 22-30.5-112 (2), Colorado Revised Statutes, is
12 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

13
14 **22-30.5-112. Charter schools - financing - guidelines.**
15 (2) (a.9) FOR BUDGET YEAR 2002-03 AND BUDGET YEARS THEREAFTER,
16 AND IN ACCORDANCE WITH SECTION 22-30.5-406, THE FUNDING PROVIDED
17 BY A CHARTERING SCHOOL DISTRICT TO A CHARTER SCHOOL PURSUANT TO
18 THIS SUBSECTION (2) SHALL BE REDUCED BY THE AMOUNT OF ANY DIRECT
19 PAYMENTS OF PRINCIPAL AND INTEREST DUE ON BONDS ISSUED ON BEHALF
20 OF A CHARTER SCHOOL BY A GOVERNMENTAL ENTITY OTHER THAN A
21 SCHOOL DISTRICT FOR THE PURPOSE OF FINANCING CHARTER SCHOOL
22 CAPITAL CONSTRUCTION THAT WERE MADE BY THE STATE TREASURER OR
23 THE CHARTERING SCHOOL DISTRICT ON BEHALF OF THE CHARTER SCHOOL.

24
25 **SECTION 38.** 22-32-110 (1) (f), Colorado Revised Statutes, is
26 amended to read:

27
28 **22-32-110. Board of education - specific powers - repeal.**
29 (1) In addition to any other power granted to a board of education of a
30 school district by law, each board of education of a school district shall
31 have the following specific powers, to be exercised in its judgment:

32
33 (f) To rent or lease district property not needed for its purposes
34 for terms not exceeding ten years, OR IN THE CASE OF UNIMPROVED REAL
35 PROPERTY LEASED TO A LESSEE THAT IS A CHARTER SCHOOL AS DEFINED IN
36 SECTION 22-30.5-403 (3), FOR A TERM NOT EXCEEDING THIRTY YEARS, OR
37 IN THE CASE OF A CHARTER SCHOOL USING DEBT FINANCING, FOR A TERM
38 NOT EXCEEDING THE TERM OF THE DEBT FINANCING, subject to all land use
39 and building and zoning plans, codes, resolutions, and regulations, and
40 to permit the use of district property by community organizations upon
41 such terms and conditions as it may approve. No finding that the
42 property is not needed for the district's purposes shall be necessary if the
43 board anticipates that the district will become the subtenant of the
44 property under a sublease, and under such circumstances the term of the
45 lease may exceed ten years but may not exceed fifty years.

46
47 **SECTION 39.** 22-54-115 (3) (a), Colorado Revised Statutes, is
48 amended to read:

49
50 **22-54-115. Distribution from state public school fund.** (3) No
51 later than the twenty-fifth day of each month, the state treasurer shall:

52
53 (a) Pay the amount certified, LESS THE TOTAL AMOUNT OF ANY
54 DIRECT PAYMENTS MADE BY THE STATE TREASURER ON BEHALF OF
55 CHARTER SCHOOLS CHARTERED BY EACH SCHOOL DISTRICT OF ANY
56 PRINCIPAL AND INTEREST DUE ON BONDS PURSUANT TO SECTION

1 22-30.5-406 directly to the treasurer of each district or, in accordance
2 with written instructions from the district, directly to an account
3 designated by the district that allows the district to retain title to the
4 funds; and

5

6 **SECTION 40.** 22-54-117 (1.7) (a), Colorado Revised Statutes,
7 is amended to read:

8

9 **22-54-117. Contingency reserve - capital construction**
10 **expenditures reserve.** (1.7) (a) In addition to any amount annually
11 appropriated by the general assembly to the state public school fund as
12 a contingency reserve and any amount appropriated from the general fund
13 to the state public school fund as a school capital construction
14 expenditures reserve in accordance with section 24-75-201.1 (4) (b),
15 C.R.S., and subsection (1.5) of this section, for the 2001-02 budget year
16 and budget years thereafter, an amount equal to the amount appropriated
17 for the budget year from the state education fund to the department of
18 education pursuant to section 22-54-124 (4) shall be appropriated from
19 the state education fund created in section 17 (4) of article IX of the state
20 constitution to the school capital construction expenditures reserve
21 created in said subsection (1.5) to be used only as provided in said
22 subsection (1.5); EXCEPT THAT, FOR THE 2002-03 BUDGET YEAR THROUGH
23 THE 2010-11 BUDGET YEAR, AN AMOUNT EQUAL TO SEVENTY PERCENT OF
24 THE AMOUNT APPROPRIATED FOR THE BUDGET YEAR FROM THE STATE
25 EDUCATION FUND TO THE DEPARTMENT OF EDUCATION PURSUANT TO
26 SECTION 22-54-124 (4) SHALL BE APPROPRIATED FROM THE STATE
27 EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE
28 CONSTITUTION TO THE SCHOOL CAPITAL CONSTRUCTION EXPENDITURES
29 RESERVE CREATED IN SAID SUBSECTION (1.5) TO BE USED ONLY AS
30 PROVIDED IN SAID SUBSECTION (1.5).

31

32 **SECTION 41.** 22-54-124 (1) (f) and (3), Colorado Revised
33 Statutes, are amended, and the said 22-54-124 (1) is further amended BY
34 THE ADDITION OF A NEW PARAGRAPH, to read:

35

36 **22-54-124. State aid for charter schools - use of state education**
37 **fund moneys.** (1) As used in this section:

38

39 (f) FOR BUDGET YEARS COMMENCING BEFORE JULY 1, 2002,
40 "qualified charter school" means:

41

42 (I) A charter school that will receive funding from a district
43 pursuant to section 22-30.5-112 for the budget year for which state
44 education fund moneys are to be appropriated and distributed pursuant to
45 subsection (4) of this section, that received such funding from the district
46 for the budget year two years prior to the budget year for which state
47 education fund moneys are to be appropriated, and that expended more
48 than three percent of its operating revenues for said prior budget year for
49 capital construction; or

50

51 (II) Any other charter school if:

52

53 (A) The charter school will receive funding from a district
54 pursuant to section 22-30.5-112 for the budget year for which state
55 education fund moneys are to be appropriated and distributed pursuant to
56 subsection (4) of this section; and

1 (B) The proposed budget for the charter school submitted by the
2 charter school to the district that granted its charter for the budget year for
3 which state education fund moneys are to be appropriated and distributed
4 pursuant to subsection (4) of this section indicates that the charter school
5 will expend more than three percent of its operating revenues for said
6 budget year for capital construction.

7
8 (f.5) FOR BUDGET YEARS COMMENCING ON OR AFTER JULY 1, 2002,
9 "QUALIFIED CHARTER SCHOOL" MEANS A CHARTER SCHOOL.

10
11 (3) (a) (I) The amount of state education fund moneys to be
12 distributed to an eligible district for the 2001-02 budget year ~~and each~~
13 ~~budget year thereafter~~ shall be calculated by multiplying the district's
14 certified charter school pupil enrollment by an amount equal to one
15 hundred thirty percent of the minimum capital reserve amount per pupil.

16
17 (II) (A) EXCEPT AS OTHERWISE PROVIDED IN SUB-SUBPARAGRAPH
18 (B) OF THIS SUBPARAGRAPH (II), THE TOTAL AMOUNT OF STATE EDUCATION
19 FUND MONEYS TO BE DISTRIBUTED TO ALL ELIGIBLE DISTRICTS FOR EACH
20 BUDGET YEAR FROM THE 2002-03 BUDGET YEAR THROUGH THE 2010-11
21 BUDGET YEAR SHALL BE AN AMOUNT EQUAL TO THE TOTAL AMOUNT OF
22 STATE EDUCATION FUND MONEYS DISTRIBUTED TO ALL ELIGIBLE DISTRICTS
23 FOR THE PRECEDING BUDGET YEAR PURSUANT TO THIS SUBSECTION (3)
24 INCREASED BY THE RATE OF INFLATION FOR THE CALENDAR YEAR ENDING
25 IN THE PRECEDING BUDGET YEAR PLUS ONE PERCENTAGE POINT. THE
26 TOTAL AMOUNT OF STATE EDUCATION FUND MONEYS TO BE DISTRIBUTED
27 TO ALL ELIGIBLE DISTRICTS FOR THE 2011-12 BUDGET YEAR AND EACH
28 BUDGET YEAR THEREAFTER SHALL BE AN AMOUNT EQUAL TO THE TOTAL
29 AMOUNT DISTRIBUTED TO ALL ELIGIBLE DISTRICTS FOR THE PRECEDING
30 BUDGET YEAR INCREASED BY THE RATE OF INFLATION FOR THE CALENDAR
31 YEAR ENDING IN THE PRECEDING BUDGET YEAR.

32
33 (B) FOR BUDGET YEARS 2002-03 THROUGH 2010-11, ADDITIONAL
34 STATE EDUCATION FUND MONEYS IN AN AMOUNT EQUAL TO THIRTY
35 PERCENT OF THE TOTAL AMOUNT OF STATE EDUCATION FUND MONEYS TO
36 BE DISTRIBUTED TO ELIGIBLE DISTRICTS PURSUANT TO SUB-SUBPARAGRAPH
37 (A) OF THIS SUBPARAGRAPH (II) SHALL BE DISTRIBUTED TO ALL ELIGIBLE
38 DISTRICTS.

39
40 (C) FOR THE 2002-03 BUDGET YEAR AND EACH BUDGET YEAR
41 THEREAFTER, THE AMOUNT OF STATE EDUCATION FUND MONEYS TO BE
42 DISTRIBUTED TO AN ELIGIBLE DISTRICT SHALL BE AN AMOUNT EQUAL TO
43 THE PERCENTAGE OF THE SUM OF THE DISTRICT'S CERTIFIED CHARTER
44 SCHOOL PUPIL ENROLLMENT FOR ALL ELIGIBLE DISTRICTS IN THE STATE
45 THAT IS ATTRIBUTABLE TO THE ELIGIBLE DISTRICT MULTIPLIED BY THE
46 TOTAL AMOUNT OF STATE EDUCATION FUND MONEYS DISTRIBUTED TO ALL
47 ELIGIBLE DISTRICTS FOR THE SAME BUDGET YEAR PURSUANT TO
48 SUB-SUBPARAGRAPHS (A) AND (B) OF THIS SUBPARAGRAPH (II).

49
50 (b) No later than February 1 of each budget year, the department
51 of education shall certify to the education committees of the senate and
52 the house of representatives and the joint budget committee of the general
53 assembly the total number of pupils expected to be enrolled in all
54 qualified charter schools in the state during the next budget year, as
55 derived from reports provided to the department by districts pursuant to
56 section 22-30.5-112 (1). FOR THE PURPOSES OF ANY CERTIFICATION MADE

1 DURING THE 2002-03 BUDGET YEAR AND BUDGET YEARS THEREAFTER, A
2 PUPIL EXPECTED TO BE ENROLLED IN A QUALIFIED CHARTER SCHOOL THAT
3 WILL BE OPERATING IN A SCHOOL DISTRICT FACILITY FOR WHICH IT WILL
4 NOT BE REQUIRED TO PAY RENT DURING THE NEXT BUDGET YEAR SHALL BE
5 COUNTED AS ONE-HALF OF ONE PUPIL.

6
7 **SECTION 42.** Part 6 of article 7 of title 22, Colorado Revised
8 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
9 read:

10
11 **22-7-603.7. Academic growth pilot program - legislative**
12 **declaration - creation. (1) Legislative declaration.** THE GENERAL
13 ASSEMBLY HEREBY FINDS THAT:

14
15 (a) IN 1993, THE GENERAL ASSEMBLY ADOPTED HOUSE BILL
16 93-1313, ESTABLISHING STATE MODEL CONTENT STANDARDS IN SEVERAL
17 AREAS, INCLUDING READING, WRITING, AND MATHEMATICS, AND
18 DIRECTING SCHOOL DISTRICTS TO ADOPT DISTRICT STANDARDS IN THESE
19 AREAS;

20
21 (b) THE STATE MODEL CONTENT STANDARDS WERE DESIGNED TO
22 MEASURE WHAT EACH CHILD SHOULD KNOW AND BE ABLE TO DO AT
23 VARIOUS LEVELS OF DEVELOPMENT IN THE CHILD'S ACADEMIC CAREER;

24
25 (c) IN 1997, COLORADO BEGAN IMPLEMENTING THE COLORADO
26 STUDENT ASSESSMENT PROGRAM TO MEASURE WHETHER STUDENTS WERE
27 SUCCESSFULLY MEETING THE STATE MODEL CONTENT STANDARDS;

28
29 (d) A NEXT STEP IN IMPLEMENTING CONTENT STANDARDS IN
30 EDUCATION IS TO IDENTIFY HOW MUCH ACADEMIC GROWTH IS REQUIRED
31 TO MEET EACH LEVEL OF CONTENT STANDARD AND TO MEASURE WHETHER
32 STUDENTS ARE ACHIEVING THIS GROWTH;

33
34 (e) THE GOAL FOR MOST STUDENTS, NO MATTER WHERE A STUDENT
35 STARTS, IS TO ACHIEVE ACADEMIC GROWTH EQUIVALENT TO AT LEAST ONE
36 ACADEMIC GRADE DURING A SCHOOL YEAR, AND, FOR STUDENTS WHOSE
37 LEVEL OF ACHIEVEMENT IS BELOW PROFICIENT, THE GOAL IS TO ACHIEVE
38 ACADEMIC GROWTH EQUIVALENT TO MORE THAN AN ACADEMIC GRADE
39 DURING A SCHOOL YEAR;

40
41 (f) ANNUALLY TESTING EACH STUDENT TO DETERMINE HIS OR HER
42 LEVEL OF PROFICIENCY IN READING, WRITING, AND MATHEMATICS WILL
43 NOT, ALONE, INDICATE WHETHER THE STUDENT IS PROGRESSING IN HIS OR
44 HER LEARNING AT A SATISFACTORY PACE AND WHETHER THE STUDENT HAS
45 ACTUALLY ACHIEVED A YEAR'S WORTH OF ACADEMIC GROWTH BETWEEN
46 TESTING PERIODS;

47
48 (g) THE NUMERIC CSAP SCORES RECEIVED BY EACH STUDENT IN
49 SUCCESSIVE SCHOOL YEARS CAN BE USED TO PROVIDE A MEASURE THAT
50 WILL INDICATE THE STUDENT'S DEGREE OF ACADEMIC GROWTH OVER TIME;

51
52 (h) ESTABLISHING A SYSTEM FOR MEASURING ACTUAL ACADEMIC
53 GROWTH WILL INCREASE PARENTS' UNDERSTANDING OF THEIR CHILDREN'S
54 ACTUAL ACADEMIC PROGRESS, ASSIST TEACHERS IN MEETING EACH
55 STUDENT'S ACADEMIC NEEDS AND RAISING EACH STUDENT'S RATE OF
56 ACADEMIC GROWTH, AND INCREASE EACH PUBLIC SCHOOL'S AND SCHOOL

1 DISTRICT'S LEVEL OF ACCOUNTABILITY FOR THE EDUCATIONAL SERVICES
2 IT PROVIDES;

3

4 (i) MEASURING EACH STUDENT'S ACADEMIC GROWTH OVER TIME
5 WILL PROVIDE NECESSARY INFORMATION TO ASSIST PARENTS, TEACHERS,
6 SCHOOLS, AND SCHOOL DISTRICTS IN IDENTIFYING STUDENTS WHO NEED
7 ADDITIONAL ASSISTANCE AND IN MEASURING THOSE STUDENTS'
8 PERFORMANCE OVER TIME TO CLOSE THE LEARNING GAP THAT SOMETIMES
9 EXISTS AMONG STUDENTS IN THE SAME CLASSROOMS;

10

11 (j) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO ADOPT
12 LEGISLATION TO IMPLEMENT A PROCESS FOR MEASURING ACADEMIC
13 GROWTH THAT WILL CREATE A COOPERATIVE ATMOSPHERE AMONG
14 STUDENTS, PARENTS, TEACHERS, SCHOOL DISTRICT ADMINISTRATORS, THE
15 DEPARTMENT OF EDUCATION, AND THE STATE BOARD OF EDUCATION AND
16 WILL PROVIDE THE GREATEST BENEFIT TO THE ACADEMIC GROWTH OF
17 STUDENTS IN THIS STATE.

18

19 (2) **Pilot program created.** (a) THERE IS HEREBY CREATED THE
20 ACADEMIC GROWTH PILOT PROGRAM, REFERRED TO IN THIS SECTION AS
21 THE "PILOT PROGRAM", TO USE STUDENTS' CSAP SCORES OVER TIME TO
22 MEASURE THE ACADEMIC GROWTH OF EACH STUDENT AND DETERMINE
23 WHETHER EACH STUDENT IS ACHIEVING APPROPRIATE RATES OF ACADEMIC
24 GROWTH OVER THE PERIODS BETWEEN THE ADMINISTRATION OF CSAP
25 ASSESSMENTS.

26

27 (b) PARTICIPATION IN THE ACADEMIC GROWTH PILOT PROGRAM
28 SHALL BE ON A SCHOOL-DISTRICT BASIS AND SHALL BE VOLUNTARY UNTIL
29 THE 2005-06 SCHOOL YEAR. EACH SCHOOL DISTRICT THAT CHOOSES TO
30 PARTICIPATE IN THE PILOT PROGRAM MAY CHOOSE TO INCLUDE ALL OF THE
31 SCHOOL DISTRICT'S SCHOOLS, INCLUDING ITS CHARTER SCHOOLS, IN THE
32 PILOT PROGRAM OR MAY SELECT THOSE SCHOOLS WITHIN THE SCHOOL
33 DISTRICT THAT WILL PARTICIPATE IN THE PILOT PROGRAM. EACH SCHOOL
34 DISTRICT IS STRONGLY ENCOURAGED TO PARTICIPATE IN THE PILOT
35 PROGRAM AND TO ENCOURAGE EACH OF ITS SCHOOLS, INCLUDING ITS
36 CHARTER SCHOOLS, TO PARTICIPATE IN THE PILOT PROGRAM.

37

38 (3) **Full implementation of program.** BEGINNING WITH THE
39 2005-06 SCHOOL YEAR, THE PILOT PROGRAM SHALL CEASE OPERATING AS
40 A PILOT PROGRAM AND EVERY SCHOOL DISTRICT IN THE STATE SHALL
41 PARTICIPATE IN THE ACADEMIC GROWTH PROGRAM. FOR THE 2005-06
42 SCHOOL YEAR, AND EACH SCHOOL YEAR THEREAFTER, EACH PUBLIC
43 SCHOOL IN EACH SCHOOL DISTRICT, INCLUDING EACH CHARTER SCHOOL,
44 SHALL RECEIVE AN ACADEMIC GROWTH RATING. EACH SCHOOL DISTRICT
45 IS STRONGLY ENCOURAGED TO INCLUDE THE ACADEMIC GROWTH RATING
46 FOR EACH PUBLIC SCHOOL IN THE SCHOOL DISTRICT ON THE SCHOOL
47 DISTRICT'S WEB SITE AND TO PROVIDE ADDITIONAL PUBLIC NOTICE OF THE
48 ACADEMIC GROWTH RATINGS ACHIEVED BY EACH PUBLIC SCHOOL IN THE
49 SCHOOL DISTRICT.

50

51 (4) **Full year of growth - determination.** (a) ON OR BEFORE
52 JULY 1, 2003, THE DEPARTMENT, USING THE DATA COLLECTED FOR
53 LONGITUDINAL ANALYSIS AS REQUIRED IN SECTION 22-7-603.5, SHALL
54 DETERMINE THE LEVELS OF INCREASE THAT CONSTITUTE A FULL YEAR OF
55 ACADEMIC GROWTH IN READING AT EACH GRADE LEVEL TESTED BY THE
56 CSAP. ON OR BEFORE JULY 1, 2004, THE DEPARTMENT, USING THE DATA

1 FOR LONGITUDINAL ANALYSIS, SHALL DETERMINE THE LEVELS OF
2 INCREASE THAT CONSTITUTE A FULL YEAR OF ACADEMIC GROWTH IN
3 WRITING AND MATHEMATICS AT EACH GRADE LEVEL TESTED BY THE CSAP.
4 THE DEPARTMENT SHALL USE THE DATA FOR LONGITUDINAL ANALYSIS TO
5 REVIEW AND REVISE THE DETERMINATION OF ACADEMIC GROWTH AS
6 NECESSARY.

7
8 (b) THE STATE BOARD SHALL PROMULGATE RULES ESTABLISHING
9 CATEGORIES OF ACADEMIC GROWTH REFLECTING UNSATISFACTORY, LOW,
10 AVERAGE, HIGH, AND EXCELLENT GROWTH, BASED ON THE AMOUNT OF
11 ACADEMIC GROWTH ACHIEVED OVER THE PERIODS BETWEEN THE
12 ADMINISTRATION OF CSAP ASSESSMENTS. THE AMOUNT OF ACADEMIC
13 GROWTH SHALL BE BASED ON THE ACADEMIC GROWTH LEVELS IDENTIFIED
14 BY THE DEPARTMENT PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION
15 (4). THE STATE BOARD SHALL REVIEW AND REVISE THE CATEGORIES OF
16 ACADEMIC GROWTH AS NECESSARY.

17
18 (5) **Information provided by department.** (a) (I) ON OR BEFORE
19 AUGUST 1, 2003, THE DEPARTMENT SHALL PROVIDE TO EACH SCHOOL
20 DISTRICT PARTICIPATING IN THE PILOT PROGRAM AN ACADEMIC GROWTH
21 INFORMATION REPORT FOR EACH STUDENT ENROLLED IN A PARTICIPATING
22 PUBLIC SCHOOL OF THE PARTICIPATING SCHOOL DISTRICT, BASED ON THE
23 CSAP ASSESSMENT RESULTS FOR THE 2002-03 SCHOOL YEAR. THE
24 ACADEMIC GROWTH INFORMATION REPORT SHALL INCLUDE THE STUDENT'S
25 CSAP SCORES FOR EACH CSAP ASSESSMENT TAKEN BY THE STUDENT
26 WHILE ENROLLED AT A PUBLIC SCHOOL IN THIS STATE AND THE GROWTH
27 AMOUNTS THAT INDICATE THE STUDENT'S LEVEL OF GROWTH IN READING
28 OVER THE PERIOD BETWEEN THE ADMINISTRATION OF CSAP ASSESSMENTS.

29
30 (II) ON OR BEFORE JULY 15, 2004, THE DEPARTMENT SHALL
31 PROVIDE TO EACH SCHOOL DISTRICT PARTICIPATING IN THE PILOT
32 PROGRAM AN ACADEMIC GROWTH INFORMATION REPORT FOR EACH
33 STUDENT ENROLLED IN A PARTICIPATING PUBLIC SCHOOL OF THE
34 PARTICIPATING SCHOOL DISTRICT, BASED ON THE CSAP ASSESSMENT
35 RESULTS FOR THE 2003-04 SCHOOL YEAR. THE ACADEMIC GROWTH
36 INFORMATION REPORT SHALL INCLUDE THE STUDENT'S CSAP SCORES FOR
37 EACH CSAP ASSESSMENT TAKEN BY THE STUDENT WHILE ENROLLED AT A
38 PUBLIC SCHOOL IN THIS STATE AND THE GROWTH AMOUNTS THAT INDICATE
39 THE STUDENT'S LEVEL OF GROWTH IN READING, WRITING, AND
40 MATHEMATICS OVER THE PERIOD BETWEEN THE ADMINISTRATION OF CSAP
41 ASSESSMENTS.

42
43 (III) ON OR BEFORE JULY 1, 2005, THE DEPARTMENT SHALL
44 PROVIDE TO EACH SCHOOL DISTRICT PARTICIPATING IN THE PILOT
45 PROGRAM AN ACADEMIC GROWTH INFORMATION REPORT, AS DESCRIBED
46 IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), FOR EACH STUDENT
47 ENROLLED IN A PARTICIPATING PUBLIC SCHOOL OF THE PARTICIPATING
48 SCHOOL DISTRICT, BASED ON THE CSAP ASSESSMENT RESULTS FOR THE
49 2004-05 SCHOOL YEAR.

50
51 (b) ON OR BEFORE JULY 1, 2006, AND ON OR BEFORE JULY 1 EACH
52 YEAR THEREAFTER, THE DEPARTMENT SHALL PROVIDE TO EACH SCHOOL
53 DISTRICT IN THE STATE AN ACADEMIC GROWTH INFORMATION REPORT, AS
54 DESCRIBED IN SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION
55 (5), FOR EACH STUDENT ENROLLED IN THE SCHOOL DISTRICT, BASED ON
56 THE CSAP ASSESSMENT RESULTS FOR THE IMMEDIATELY PRECEDING

1 SCHOOL YEAR.

2

3 (c) THE STATE BOARD SHALL PROMULGATE RULES ESTABLISHING
4 THE PROCEDURES BY AND TIME FRAMES IN WHICH THE DEPARTMENT SHALL
5 PROVIDE THE ACADEMIC GROWTH INFORMATION REPORTS TO SCHOOL
6 DISTRICTS. THE DEPARTMENT MAY PROVIDE THE ACADEMIC GROWTH
7 INFORMATION REPORTS IN AN ELECTRONIC FORMAT.

8

9 (6) **Request for proposals - contract with entity to provide**
10 **reports and academic growth ratings.** (a) ON OR BEFORE SEPTEMBER
11 1, 2002, AND ON OR BEFORE SEPTEMBER 1 EVERY FIVE YEARS
12 THEREAFTER, THE DEPARTMENT SHALL ISSUE A REQUEST FOR PROPOSALS
13 FROM PUBLIC OR PRIVATE ENTITIES TO CALCULATE ANNUALLY THE
14 AMOUNT OF EACH STUDENT'S ACADEMIC GROWTH IN READING, AND
15 BEGINNING JULY 1, 2004, IN READING, WRITING, AND MATHEMATICS, OVER
16 THE PERIODS BETWEEN THE ADMINISTRATION OF CSAP ASSESSMENTS.
17 THE CALCULATIONS SHALL BE BASED ON STUDENTS' CSAP SCORES.

18

19 (b) ON OR BEFORE JANUARY 15, 2003, AND ON OR BEFORE
20 JANUARY 15 EVERY FIVE YEARS THEREAFTER, THE DEPARTMENT SHALL
21 SELECT FROM AMONG THE RESPONSES RECEIVED PURSUANT TO PARAGRAPH
22 (a) OF THIS SUBSECTION (6) AND CONTRACT WITH AN ENTITY TO PROVIDE
23 THE INFORMATION SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (6).
24 A CONTRACT ENTERED INTO PURSUANT TO THIS PARAGRAPH (b) SHALL BE
25 FOR A TERM OF FIVE YEARS. ANY ENTITY WITH WHICH THE DEPARTMENT
26 CONTRACTS SHALL, AT A MINIMUM, DEMONSTRATE THE FOLLOWING:

27

28 (I) EXPERIENCE WORKING WITH MIXED-MODEL STATISTICAL
29 ANALYSIS;

30

31 (II) THE ABILITY TO WORK WITH TEST DATA FROM A VARIETY OF
32 SOURCES AND TO PROVIDE A VARIETY OF ANALYSES OF SUCH DATA;

33

34 (III) THE ABILITY TO TREAT ANALYSIS AND REPORTING OF DATA
35 ELECTRONICALLY;

36

37 (IV) CONSISTENT SUCCESS IN COMPLYING WITH DEADLINES AND
38 TIME FRAMES FOR THE DELIVERY OF INFORMATION AND PRODUCTS; AND

39

40 (V) EXPERIENCE WORKING WITH SCHOOLS AND SCHOOL DISTRICTS.

41

42 (c) IN ADDITION TO CALCULATING THE AMOUNT OF ACADEMIC
43 GROWTH, THE ENTITY SELECTED BY THE DEPARTMENT SHALL:

44

45 (I) PREPARE THE ACADEMIC GROWTH INFORMATION REPORTS
46 DESCRIBED IN PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION WITHIN
47 THE DEADLINES SPECIFIED IN SUBSECTION (5) OF THIS SECTION;

48

49 (II) FOR THE 2002-03, 2003-04, AND 2004-05 SCHOOL YEARS,
50 CALCULATE THE ACADEMIC GROWTH RATING FOR EACH PUBLIC SCHOOL
51 THAT IS PARTICIPATING IN THE PILOT PROGRAM; AND

52

53 (III) FOR THE 2005-06 SCHOOL YEAR, AND SCHOOL YEARS
54 THEREAFTER, CALCULATE THE ACADEMIC GROWTH RATING FOR EACH
55 PUBLIC SCHOOL.

56

1 **(7) School districts - use of information.** (a) EACH SCHOOL
2 DISTRICT THAT PARTICIPATES IN THE PILOT PROGRAM SHALL ESTABLISH A
3 POLICY FOR USING THE INFORMATION PROVIDED IN THE ACADEMIC
4 GROWTH INFORMATION REPORTS RECEIVED PURSUANT TO SUBSECTION (5)
5 OF THIS SECTION. AT A MINIMUM, SUCH POLICY SHALL INCLUDE CREATION
6 OF AN ACADEMIC GROWTH PROFILE FOR EACH STUDENT WHO PARTICIPATES
7 IN THE CSAP FOR READING, WRITING, AND MATHEMATICS, AND IS
8 ENROLLED IN A PUBLIC SCHOOL THAT IS PARTICIPATING IN THE PILOT
9 PROGRAM. EACH STUDENT'S ACADEMIC GROWTH PROFILE SHALL MEET THE
10 MINIMUM REQUIREMENTS SPECIFIED IN PARAGRAPH (b) OF THIS
11 SUBSECTION (7). IN ADDITION, THE POLICY SHALL INCLUDE PROCEDURES
12 BY WHICH:

13
14 (I) EACH STUDENT'S ACADEMIC GROWTH PROFILE IS PREPARED AND
15 DISSEMINATED TO THE PRINCIPAL OF THE PUBLIC SCHOOL IN WHICH THE
16 STUDENT IS ENROLLED AND PROVIDED TO THE STUDENT'S CLASSROOM
17 TEACHER ON OR BEFORE OCTOBER 1, IF POSSIBLE, BUT IN NO EVENT LATER
18 THAN DECEMBER 1;

19
20 (II) EACH STUDENT'S ACADEMIC GROWTH PROFILE IS SHARED WITH
21 THE STUDENT'S PARENTS AND WITH THE STUDENT IN A DISCUSSION OF THE
22 STUDENT'S ACADEMIC STRENGTHS AND WEAKNESSES AND STRATEGIES TO
23 INCREASE THE STUDENT'S ACADEMIC GROWTH;

24
25 (III) EACH STUDENT'S ACADEMIC GROWTH PROFILE IS APPLIED AS
26 A TOOL IN INCREASING THE STUDENT'S ACADEMIC ACHIEVEMENT.

27
28 (b) EACH STUDENT'S ACADEMIC GROWTH PROFILE SHALL BE
29 PREPARED IN A FORMAT THAT IS BENEFICIAL AND USEFUL TO THE
30 STUDENT'S PARENTS AND TEACHERS IN HELPING THE STUDENT TO GROW
31 ACADEMICALLY. EACH STUDENT'S ACADEMIC GROWTH PROFILE, AT A
32 MINIMUM, SHALL INCLUDE THE FOLLOWING INFORMATION:

33
34 (I) ALL OF THE INFORMATION INCLUDED IN THE STUDENT'S
35 ACADEMIC GROWTH INFORMATION REPORT PROVIDED BY THE DEPARTMENT
36 PURSUANT TO SUBSECTION (5) OF THIS SECTION;

37
38 (II) ANALYSIS OF THE STUDENT'S LEARNING NEEDS AND
39 STRENGTHS; AND

40
41 (III) INSTRUCTIONAL STRATEGIES TO ASSIST THE STUDENT IN
42 INCREASING HIS OR HER ACADEMIC GROWTH.

43
44 (c) EACH SCHOOL DISTRICT MAY CONTRACT WITH ONE OR MORE
45 PUBLIC OR PRIVATE ENTITIES FOR ANALYSIS OF THE ACADEMIC GROWTH
46 INFORMATION REPORTS, PREPARATION OF THE ACADEMIC GROWTH
47 PROFILES, AND TECHNICAL ASSISTANCE IN DEVELOPING AND APPLYING THE
48 INFORMATION IN THE ACADEMIC GROWTH PROFILES. ENTITIES WITH
49 WHICH A SCHOOL DISTRICT MAY CONTRACT INCLUDE, BUT ARE NOT
50 LIMITED TO, ANY PRIVATE ENTITY, THE DEPARTMENT, AND ANY BOARD OF
51 COOPERATIVE SERVICES CREATED PURSUANT TO ARTICLE 5 OF THIS TITLE.

52
53 (d) FOR THE 2005-06 SCHOOL YEAR, AND EACH SCHOOL YEAR
54 THEREAFTER, EACH SCHOOL DISTRICT SHALL COMPLY WITH THE
55 REQUIREMENTS SPECIFIED IN THIS SUBSECTION (7); EXCEPT THAT THE
56 SCHOOL DISTRICT'S ACADEMIC GROWTH PROFILE POLICY SHALL ENSURE

1 THAT THE ACADEMIC GROWTH PROFILES ARE DELIVERED TO THE
2 APPROPRIATE TEACHERS ON OR BEFORE OCTOBER 1, 2006, AND ON OR
3 BEFORE OCTOBER 1 EACH YEAR THEREAFTER.

4
5 **(8) Confidentiality of information.** (a) THE DEPARTMENT AND
6 SCHOOL DISTRICTS SHALL MAINTAIN THE CONFIDENTIALITY OF EACH
7 STUDENT'S CSAP SCORES; EXCEPT THAT SUCH SCORES MAY BE ACCESSED
8 USING STUDENT IDENTIFIERS, FOR PURPOSES OF PREPARING THE ACADEMIC
9 GROWTH INFORMATION REPORTS, BY THE ENTITY WITH WHICH THE
10 DEPARTMENT CONTRACTS PURSUANT TO SUBSECTION (6) OF THIS SECTION
11 AND MAY BE ACCESSED USING STUDENT IDENTIFIERS, FOR PURPOSES OF
12 PREPARING THE ACADEMIC GROWTH PROFILES, BY ANY ENTITY WITH
13 WHICH A SCHOOL DISTRICT CONTRACTS PURSUANT TO PARAGRAPH (c) OF
14 SUBSECTION (7) OF THIS SECTION.

15
16 (b) EACH STUDENT'S ACADEMIC GROWTH INFORMATION REPORT
17 AND THE STUDENT'S ACADEMIC GROWTH PROFILE PREPARED BY THE
18 SCHOOL DISTRICT SHALL BE INCLUDED IN HIS OR HER INDIVIDUAL STUDENT
19 RECORD MAINTAINED BY THE SCHOOL DISTRICT IN WHICH THE STUDENT IS
20 ENROLLED.

21
22 **(9) Pilot program - department to encourage participation.**
23 THE DEPARTMENT SHALL WORK WITH SCHOOL DISTRICTS AND INDIVIDUAL
24 PUBLIC SCHOOLS, INCLUDING CHARTER SCHOOLS, TO EXPLAIN THE PILOT
25 PROGRAM TO SCHOOL DISTRICTS AND ENCOURAGE PARTICIPATION IN THE
26 PILOT PROGRAM.

27
28 **(10) Funding.** (a) THE GENERAL ASSEMBLY HEREBY FINDS THAT
29 PREPARATION AND PROVISION OF ACADEMIC GROWTH INFORMATION
30 REPORTS AND ACADEMIC GROWTH PROFILES CONSTITUTE ACCOUNTABLE
31 EDUCATION REFORM AND MAY THEREFORE BE FUNDED FROM MONEYS IN
32 THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF
33 THE STATE CONSTITUTION.

34
35 (b) THE DEPARTMENT SHALL ANNUALLY ALLOCATE TO EACH
36 SCHOOL DISTRICT THAT CHOOSES TO PARTICIPATE IN THE PILOT PROGRAM
37 THE AMOUNTS SPECIFIED IN THIS PARAGRAPH (b) FROM MONEYS
38 APPROPRIATED TO THE DEPARTMENT FOR THE PURPOSE OF IMPLEMENTING
39 THE PILOT PROGRAM:

40
41 (I) FOR THE 2003-04 BUDGET YEAR, AN AMOUNT EQUAL TO FIFTY
42 PERCENT OF THE COSTS INCURRED BY THE SCHOOL DISTRICT IN PREPARING
43 THE ACADEMIC GROWTH PROFILES PURSUANT TO SUBSECTION (7) OF THIS
44 SECTION OR FIFTY CENTS PER ACADEMIC GROWTH PROFILE, WHICHEVER IS
45 LESS;

46
47 (II) FOR THE 2004-05 BUDGET YEAR, AN AMOUNT EQUAL TO
48 SEVENTY-FIVE PERCENT OF THE COSTS INCURRED BY THE SCHOOL DISTRICT
49 IN PREPARING THE ACADEMIC GROWTH PROFILES PURSUANT TO
50 SUBSECTION (7) OF THIS SECTION OR SEVENTY-FIVE CENTS PER ACADEMIC
51 GROWTH PROFILE, WHICHEVER IS LESS;

52
53 (III) FOR THE 2005-06 BUDGET YEAR, AN AMOUNT EQUAL TO ONE
54 HUNDRED PERCENT OF THE COSTS INCURRED BY THE SCHOOL DISTRICT IN
55 PREPARING THE ACADEMIC GROWTH PROFILES PURSUANT TO SUBSECTION
56 (7) OF THIS SECTION OR ONE DOLLAR PER ACADEMIC GROWTH PROFILE,

1 WHICHEVER IS LESS.

2
3 (c) FOR THE 2006-07 BUDGET YEAR AND BUDGET YEARS
4 THEREAFTER, THE DEPARTMENT SHALL ALLOCATE TO EACH SCHOOL
5 DISTRICT, FROM MONEYS APPROPRIATED FOR THE IMPLEMENTATION OF
6 THIS SECTION, A UNIFORM AMOUNT ESTABLISHED BY RULE OF THE STATE
7 BOARD TO OFFSET THE COSTS INCURRED IN PREPARING THE ACADEMIC
8 GROWTH PROFILES. THE AMOUNT ESTABLISHED BY THE STATE BOARD
9 SHALL REFLECT THE AVERAGE DIRECT AND INDIRECT COSTS INCURRED BY
10 EACH SCHOOL DISTRICT IN PREPARING THE ACADEMIC GROWTH PROFILES.
11 THE STATE BOARD SHALL ALSO ESTABLISH BY RULE THE METHOD OF
12 DETERMINING THE AMOUNT TO BE ALLOCATED PURSUANT TO THIS
13 PARAGRAPH (c) IN ANY BUDGET YEAR IN WHICH THE AMOUNT
14 APPROPRIATED IS INSUFFICIENT TO COVER THE FULL ALLOCATION AMOUNT
15 SPECIFIED BY RULE OF THE STATE BOARD.

16
17 (11) **School academic growth rating.** (a) FOR THE 2002-03,
18 2003-04, AND 2004-05 SCHOOL YEARS, THE DEPARTMENT SHALL
19 ANNUALLY ASSIGN A RATING FOR ACADEMIC GROWTH TO EACH PUBLIC
20 SCHOOL THAT PARTICIPATES IN THE PILOT PROGRAM. SUCH RATING SHALL
21 BE "EXCELLENT", "HIGH", "AVERAGE", "LOW", OR "UNSATISFACTORY",
22 BASED ON A COMPOSITE OF THE AMOUNT OF ACADEMIC GROWTH, AS
23 DETERMINED PURSUANT TO SUBSECTION (4) OF THIS SECTION, ACHIEVED
24 BY STUDENTS ENROLLED IN THE PUBLIC SCHOOL, ON THE CSAP
25 ASSESSMENTS IN THE AREA OF READING FOR THE 2002-03 SCHOOL YEAR,
26 AND IN THE AREAS OF READING, WRITING, AND MATHEMATICS FOR THE
27 2003-04 AND 2004-05 SCHOOL YEARS. THE STATE BOARD SHALL
28 PROMULGATE RULES ESTABLISHING THE METHOD OF CALCULATING THE
29 COMPOSITE OF THE STUDENTS' ACADEMIC GROWTH AMOUNTS AND
30 ESTABLISHING THE SCALE REFLECTING "EXCELLENT", "HIGH", "AVERAGE",
31 "LOW", AND "UNSATISFACTORY" ACADEMIC GROWTH ON THE SCHOOL
32 LEVEL. EACH SCHOOL DISTRICT THAT PARTICIPATES IN THE PILOT
33 PROGRAM SHALL DETERMINE WHETHER TO PROVIDE NOTICE OF A SCHOOL'S
34 ACADEMIC GROWTH RATING TO THE PARENTS OF STUDENTS ENROLLED IN
35 THE SCHOOL BY INCLUDING, AT THE SCHOOL DISTRICT'S EXPENSE, AN
36 ADDENDUM TO THE SCHOOL'S ACCOUNTABILITY REPORT, AS ALLOWED
37 PURSUANT TO SECTION 22-7-605 (11).

38
39 (b) FOR THE 2005-06 SCHOOL YEAR, AND FOR SCHOOL YEARS
40 THEREAFTER, THE DEPARTMENT SHALL ANNUALLY ASSIGN A RATING FOR
41 ACADEMIC GROWTH TO EACH PUBLIC SCHOOL OF "EXCELLENT", "HIGH",
42 "AVERAGE", "LOW", OR "UNSATISFACTORY". THE SCHOOL ACADEMIC
43 GROWTH RATING SHALL BE BASED ON A COMPOSITE OF THE AMOUNT OF
44 ACADEMIC GROWTH, AS DETERMINED PURSUANT TO SUBSECTION (4) OF
45 THIS SECTION, ACHIEVED BY STUDENTS ENROLLED IN THE PUBLIC SCHOOL,
46 ON THE CSAP ASSESSMENTS IN THE AREAS OF READING, WRITING, AND
47 MATHEMATICS. THE DEPARTMENT SHALL APPLY THE RULES ESTABLISHED
48 BY THE STATE BOARD PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION
49 (11) IN CALCULATING THE COMPOSITE OF THE STUDENTS' ACADEMIC
50 GROWTH AMOUNTS AND ASSIGNING THE RATING FOR ACADEMIC GROWTH.
51 EACH SCHOOL DISTRICT SHALL DETERMINE WHETHER TO PROVIDE NOTICE
52 OF A SCHOOL'S ACADEMIC GROWTH RATING TO THE PARENTS OF STUDENTS
53 ENROLLED IN THE SCHOOL BY INCLUDING, AT THE SCHOOL DISTRICT'S
54 EXPENSE, AN ADDENDUM TO THE SCHOOL'S ACCOUNTABILITY REPORT, AS
55 ALLOWED PURSUANT TO SECTION 22-7-605 (11).

56

- 1 (12) **Pilot program report.** (a) ON OR BEFORE JANUARY 15,
2 2005, THE DEPARTMENT SHALL SUBMIT TO THE GOVERNOR'S OFFICE AND
3 TO THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF
4 REPRESENTATIVES A REPORT ADDRESSING IMPLEMENTATION OF THE PILOT
5 PROGRAM AND THE EFFECTIVENESS OF THE PILOT PROGRAM IN MEASURING
6 STUDENTS' ACADEMIC GROWTH. AT A MINIMUM, THE REPORT SHALL
7 ADDRESS THE FOLLOWING ISSUES:
8
9 (I) WHETHER THE MEASUREMENT OF STUDENT ACADEMIC GROWTH
10 AND OVERALL ACADEMIC GROWTH WITHIN A SCHOOL AS PROVIDED IN THIS
11 SECTION EFFECTIVELY MEASURES OR DEMONSTRATES ADEQUATE YEARLY
12 PROGRESS BY STUDENTS AND ACADEMIC IMPROVEMENT WITHIN A SCHOOL;
13
14 (II) WHETHER THE DEADLINES AND TIME FRAMES SPECIFIED IN THIS
15 SECTION ARE APPROPRIATE AND SUFFICIENT TO ALLOW THE DEPARTMENT
16 AND SCHOOL DISTRICTS TO PREPARE THE ACADEMIC GROWTH
17 INFORMATION REPORTS AND THE STUDENT GROWTH PROFILES FOR USE IN
18 THE UPCOMING SCHOOL YEAR;
19
20 (III) THE MANNER IN WHICH SCHOOL DISTRICTS USE THE
21 INFORMATION RECEIVED FROM THE ACADEMIC GROWTH INFORMATION
22 REPORTS, THE TYPES OF STRATEGIES SCHOOL DISTRICTS APPLY TO ADDRESS
23 STUDENTS' LEARNING NEEDS, AND THE SUCCESS OF THESE STRATEGIES;
24
25 (IV) WHETHER THE OVERALL GROWTH RATES INCREASED
26 BETWEEN THE 2002-03 SCHOOL YEAR AND THE 2004-05 SCHOOL YEAR AND
27 WHETHER THE GROWTH RATES FOR STUDENTS AT EACH ACHIEVEMENT
28 LEVEL WERE COMPARABLE;
29
30 (V) WHETHER THE QUESTIONS INCLUDED IN THE CSAP
31 ASSESSMENTS ARE SUFFICIENT TO MEASURE GROWTH AT EACH
32 ACHIEVEMENT LEVEL FOR READING, WRITING, AND MATHEMATICS AND, IF
33 NOT, WHETHER ADDITIONAL QUESTIONS ARE NEEDED AND THE AREAS IN
34 WHICH THEY ARE NEEDED;
35
36 (VI) WHETHER THE ACADEMIC GROWTH RATINGS COMPUTED
37 PURSUANT TO THIS SECTION ARE SUFFICIENTLY CREDIBLE TO PROVIDE
38 SIGNIFICANT INFORMATION TO PARENTS AND WHETHER THEY SHOULD BE
39 INCLUDED ON THE ACCOUNTABILITY REPORTS PREPARED PURSUANT TO
40 SECTION 22-7-605;
41
42 (VII) WHETHER THE LEVELS OF INCREASE ESTABLISHED BY THE
43 DEPARTMENT PURSUANT TO PARAGRAPH (a) OF SUBSECTION (4) OF THIS
44 SECTION AND THE CATEGORIES OF ACADEMIC GROWTH ESTABLISHED BY
45 RULE PURSUANT TO PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION
46 ADEQUATELY MEASURE EACH YEAR OF ACADEMIC GROWTH;
47
48 (VIII) WHAT ARE THE APPROPRIATE STANDARDS FOR DETERMINING
49 THE CATEGORIES OF ACADEMIC GROWTH;
50
51 (IX) WHETHER THE ACADEMIC GROWTH INFORMATION REPORTS
52 AND THE ACADEMIC GROWTH PROFILES CONTAIN THE APPROPRIATE AND
53 NECESSARY INFORMATION FOR MEASURING AND IMPROVING ACADEMIC
54 GROWTH, AND, IF NOT, WHAT INFORMATION WOULD BE APPROPRIATE;
55
56 (X) THE MANNER IN WHICH THE STANDARDS FOR ACCOUNTABILITY

1 AND ACCREDITATION MAY BE MORE EFFECTIVELY HARMONIZED AND
2 IMPLEMENTED.

3
4 (b) FOLLOWING RECEIPT OF THE REPORT PREPARED PURSUANT TO
5 PARAGRAPH (a) OF THIS SUBSECTION (12), THE GENERAL ASSEMBLY SHALL
6 CONSIDER WHETHER TO CONTINUE THE ACADEMIC GROWTH PROGRAM AS
7 AN INDEPENDENT PROGRAM OR TO CONSOLIDATE THE ACADEMIC GROWTH
8 RATINGS WITH THE ACCOUNTABILITY REPORTS PREPARED PURSUANT TO
9 SECTION 22-7-605 OR WITH FEDERAL REQUIREMENTS SPECIFIED IN THE "NO
10 CHILD LEFT BEHIND ACT OF 2001", PUBLIC LAW 107-110.

11
12 **SECTION 43.** 22-7-604 (2) and (6) (a), Colorado Revised
13 Statutes, are amended to read:

14
15 **22-7-604. Academic performance - academic improvement -**
16 **rating - designation and methodology.** (2) EXCEPT AS OTHERWISE
17 PROVIDED IN PARAGRAPH (a) OF SUBSECTION (6) OF THIS SECTION, ratings
18 assigned to public schools pursuant to this section shall be determined by
19 the levels of student achievement and improvement on all CSAP
20 assessments and curriculum-based, achievement college entrance exams
21 administered by the public school in each school year pursuant to section
22 22-7-409. Each new CSAP assessment area and grade level shall enter
23 the calculations of ratings pursuant to this section at a weight equivalent
24 to that assigned to existing assessment areas and grade levels.

25
26 (6) **School improvement measurement.** (a) Beginning with the
27 2001-02 school year, the department shall annually assign a rating for
28 academic improvement to each public school of "significant
29 improvement", "improvement", "stable", "decline", or "significant
30 decline". The academic improvement rating shall be based upon the
31 change in the school's standardized, weighted total score calculated
32 pursuant to subsection (5) of this section; EXCEPT THAT, FOR ANY YEAR IN
33 WHICH CSAP ASSESSMENTS ARE ADMINISTERED IN THE CURRENT YEAR
34 THAT WERE NOT ADMINISTERED IN THE PREVIOUS YEAR, THE DEPARTMENT
35 SHALL CALCULATE AN ALTERNATE STANDARDIZED, WEIGHTED TOTAL
36 SCORE, USING THE METHODOLOGY SPECIFIED IN SUBSECTION (5) OF THIS
37 SECTION, FOR THE CURRENT YEAR AND FOR THE PREVIOUS YEAR USING
38 ONLY RESULTS FROM THE ASSESSMENTS ADMINISTERED IN BOTH YEARS
39 AND BASE THE ACADEMIC IMPROVEMENT RATING ON SUCH ALTERNATE
40 STANDARDIZED, WEIGHTED TOTAL SCORE."

41
42 Renumber succeeding sections accordingly.

43
44
45
46 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

47
48 The Speaker has signed: **HB02-1327, 1328.**

49
50
51 **DELIVERY OF BILLS TO GOVERNOR**

52
53 The Chief Clerk of the House of Representatives reports the following
54 bills have been delivered to the Office of the Governor: **HB02-1327,**
55 **1328; HJR02-1004** at 11:55 a.m., on February 27, 2002.

MESSAGE FROM THE SENATE

1
2 Mr. Speaker:

3
4 The Senate has adopted and returns herewith: HJR02-1018.
5
6

INTRODUCTION OF BILL
First Reading

7
8
9
10
11 The following bill was read by title and referred to the committee
12 indicated:

13
14 **HB02-1354** by Representative(s) Cloer, Jahn, Dean, Fairbank, Stengel;
15 also Senator(s) Takis, Thiebaut--Concerning distributions
16 to purse funds from pari-mutuel wagering receipts on
17 simulcast races.

18 Committee on Finance
19
20

INTRODUCTION OF RESOLUTIONS

21
22
23
24 The following resolution was read by title and laid over until later in the
25 day:

26
27 **HJR02-1020** by Representative(s) Young, Berry, Saliman; also
28 Senator(s) Reeves, Tate, Owen--Concerning the
29 certification by the general assembly of the amount of
30 state education fund revenues that are available for
31 appropriation for the 2002-03 state fiscal year.
32

33 WHEREAS, Section 22-55-104, Colorado Revised Statutes,
34 requires the General Assembly to make an annual certification of the
35 amount of moneys in the state education fund created in section
36 22-55-103, Colorado Revised Statutes, that are available for appropriation
37 for the next state fiscal year; and

38
39 WHEREAS, A total of \$2,607.7 million in state moneys is
40 required to meet the public education funding requirements of sections
41 22-55-106 and 22-55-107, Colorado Revised Statutes, for the 2002-03
42 state fiscal year, including:

43
44 (1) \$2,449.9 million for the state share of districts' total program
45 pursuant to the "Public School Finance Act of 1994", article 54 of title
46 22, Colorado Revised Statutes, based on a required increase in the
47 statewide base per pupil funding of 5.7 percent; and

48
49 (2) \$157.8 million for total state funding for all categorical
50 programs, based on a required increase in such funding of 5.7 percent;
51 and

52
53 WHEREAS, The amount of state moneys available from funds
54 other than the general fund and the state education fund to meet the
55 funding requirements of sections 22-55-106 and 22-55-107, Colorado
56 Revised Statutes, is \$53.2 million, including:

1 (1) \$52.9 million from the state public school fund created in
2 section 22-54-114, Colorado Revised Statutes; and

3
4 (2) \$0.3 million from the Colorado comprehensive health
5 education fund created in section 22-25-109, Colorado Revised Statutes;
6 and

7
8 WHEREAS, The projection of revenues in the state education fund
9 for the 2002-03 state fiscal year is \$362.3 million; and

10
11 WHEREAS, Pursuant to section 22-55-105, Colorado Revised
12 Statutes, the minimum amount of moneys that can be appropriated from
13 the general fund for the 2002-03 state fiscal year for total program under
14 the "Public School Finance Act of 1994", article 54 of title 22, Colorado
15 Revised Statutes, is \$2,177.1 million, which is an amount equal to
16 \$2,073.4 million, the aggregate amount of general fund appropriations for
17 total program under the "Public School Finance Act of 1994", article 54
18 of title 22, Colorado Revised Statutes, for the 2001-02 state fiscal year,
19 increased by 5.0 percent; and

20
21 WHEREAS, The maximum amount of moneys that can be
22 appropriated from the state education fund and the minimum amount of
23 moneys that can be appropriated from the general fund for the 2002-03
24 state fiscal year to meet the public education funding requirements of
25 sections 22-55-106 and 22-55-107, Colorado Revised Statutes, and to
26 comply with the required increase in general fund appropriations for total
27 program under the "Public School Finance Act of 1994", article 54 of title
28 22, Colorado Revised Statutes, without adversely impacting the solvency
29 of the state education fund or the ability of the General Assembly to
30 comply with said funding requirements in future years are as follows:

31
32 (1) \$234.4 million from the state education fund; and

33
34 (2) \$2,226.6 million from the general fund, which is an amount
35 equal to \$2,073.4 million, the aggregate amount of general fund
36 appropriations for total program under the "Public School Finance Act of
37 1994", article 54 of title 22, Colorado Revised Statutes, for the 2001-02
38 state fiscal year, increased by 7.39 percent; and

39
40 WHEREAS, If the aggregate amount of general fund
41 appropriations for total program under the "Public School Finance Act of
42 1994", article 54 of title 22, Colorado Revised Statutes, for the 2002-03
43 state fiscal year is increased by various amounts over the aggregate
44 general fund appropriation for total program under the "Public School
45 Finance Act of 1994", article 54 of title 22, Colorado Revised Statutes,
46 for the 2001-02 state fiscal year, the amount of state education fund
47 moneys that are available to fund new programs that are authorized by the
48 General Assembly in the 2002 Regular Session and that are consistent
49 with section 17 (4) (b) of article IX of the state constitution will increase
50 as follows:

51
52 (1) If the aggregate amount of general fund appropriations for
53 total program is increased by 7.44 percent, the amount of state education
54 fund moneys available to provide ongoing funding for new programs will
55 be \$1.7 million;

56

1 (2) If the aggregate amount of general fund appropriations for
2 total program is increased by 7.44 percent, the amount of state education
3 fund moneys available to provide one-time funding for new programs will
4 be \$22 million;

5
6 (3) If the aggregate amount of general fund appropriations for
7 total program is increased by 7.49 percent, the amount of state education
8 fund moneys available to provide ongoing funding for new programs will
9 be \$3.4 million;

10
11 (4) If the aggregate amount of general fund appropriations for
12 total program is increased by 7.49 percent, the amount of state education
13 fund moneys available to provide one-time funding for new programs will
14 be \$44 million; and

15
16 WHEREAS, The additional information in this Joint Resolution
17 regarding the aggregate amount of the general fund appropriation for total
18 program under the "Public School Finance Act of 1994", article 54 of title
19 22, Colorado Revised Statutes, and the availability of revenues from other
20 state funds is provided for the purpose of providing direction and
21 guidance to the Joint Budget Committee in the preparation of the general
22 appropriation act for the 2002-03 state fiscal year and to the General
23 Assembly in the consideration of the general appropriation act for the
24 2002-03 state fiscal year, the school finance act for the 2002-03 state
25 fiscal year, and any other bill that would require an appropriation from
26 the state education fund, and does not affect the ability of the General
27 Assembly to make spending decisions in the general appropriation act and
28 the school finance act; and

29
30 WHEREAS, The projections and estimates contained in this Joint
31 Resolution may be adjusted if additional relevant information is received
32 by the General Assembly after the adoption thereof; and

33
34 WHEREAS, For purposes of section 39 of article V of the state
35 constitution, this Joint Resolution relates solely to the transaction of
36 business of the two houses of the General Assembly; now, therefore,

37
38 *Be It Resolved by the House of Representatives of the Sixty-third*
39 *General Assembly of the State of Colorado, the Senate concurring*
40 *herein:*

41
42 (1) That, in accordance with section 22-55-104, Colorado Revised
43 Statutes, the General Assembly hereby certifies that the amount of
44 moneys in the state education fund that is available for appropriation for
45 the state fiscal year beginning July 1, 2002, is \$234.4 million; and

46
47 (2) That, based on a general fund appropriation for total program
48 under the "Public School Finance Act of 1994", article 54 of title 22,
49 Colorado Revised Statutes, equal to 7.39 percent over \$2,073.4 million,
50 which is the aggregate amount of the general fund appropriation for total
51 program under the "Public School Finance Act of 1994", article 54 of title
52 22, Colorado Revised Statutes, for the 2001-02 state fiscal year, the
53 General Assembly further certifies that, of the \$234.4 million available
54 for appropriation from the state education fund for the 2002-03 state
55 fiscal year:

56

1 (a) \$164.4 million is required to fund the state share of districts'
2 total program pursuant to the "Public School Finance Act of 1994",
3 article 54 of title 22, Colorado Revised Statutes;

4
5 (b) \$15.7 million is required to fund all categorical programs;

6
7 (c) \$54.3 million is required to fund programs that were
8 authorized by the General Assembly in the 2001 Regular Session; and

9
10 (d) No additional moneys are available from the state education
11 fund to provide either ongoing or one-time funding for new programs that
12 are authorized by the General Assembly in the 2002 Regular Session and
13 that are consistent with section 17 (4) (b) of article IX of the state
14 constitution.

15
16 *Be It Further Resolved*, That a copy of this Joint Resolution be
17 transmitted to every member of the General Assembly.

18
19
20
21
22 The following resolutions were read by title and laid over one day under
23 the rules:

24
25 **HJR02-1021** by Representative(s) Cloer, Crane, Daniel, Dean, Harvey,
26 Jahn, Mace, Rhodes, Schultheis, Snook, Stafford,
27 Williams S., Witwer; also Senator(s) Lamborn--Con-
28 cerning Pregnancy and Infant Loss Remembrance Day.

29
30 WHEREAS, An overwhelming number of American families
31 suffer the heartbreak of miscarriage, stillbirth, and infant loss every year;
32 and

33
34 WHEREAS, According to a study by the Centers for Disease
35 Control, in 1996, 16% of over 6 million pregnancies ended in either
36 miscarriage or stillbirth, totaling nearly one million prenatal losses.
37 Although 3,720,000 of those pregnancies resulted in live births, 26,784
38 of those infants died within their first 11 months of life; and

39
40 WHEREAS, While miscarriages and stillbirths are most often
41 caused by abnormal development in the womb, the exact cause of the loss
42 of a pregnancy often goes unexplained; and

43
44 WHEREAS, Because of the nature of miscarriages and stillbirths
45 and the lack of understanding of pregnancy loss among the public,
46 women and families that suffer this tragedy are often forced to bear their
47 pain and sorrow over their loss in private and are not given the
48 opportunity to grieve publicly; and

49
50 WHEREAS, Infant death results from a number of causes
51 including Sudden Infant Death Syndrome, or SIDS, which kills many
52 more children than cancer, heart disease, pneumonia, child abuse, AIDS,
53 cystic fibrosis, and muscular dystrophy, combined; and

54
55 WHEREAS, The availability of information about pregnancy and
56 infant loss is of the utmost importance to those who suffer this tragedy,

1 and a public that is well informed and well educated about pregnancy and
2 infant loss and its effects upon individuals and families can better respond
3 with compassion and understanding to affected families; and
4

5 WHEREAS, Professionals, such as health care providers, clergy,
6 funeral directors, and law enforcement officers, who come in contact with
7 individuals and families who have suffered miscarriage, still birth, or
8 infant loss can better serve families if they have special training and
9 knowledge of miscarriage, still birth, and infant loss and its effects; and
10

11 WHEREAS, Support from family, friends, and members of the
12 community is essential in helping those who have suffered from
13 miscarriage, still birth, and infant loss to cope with their loss; now,
14 therefore,
15

16 *Be It Resolved by the House of Representatives of the Sixty-third*
17 *General Assembly of the State of Colorado:*
18

19 (1) That we, the members of the House of Representatives of the
20 Sixty-third General Assembly, proclaim October 15, 2002, Pregnancy and
21 Infant Loss Remembrance Day to remember all of the pregnancies and
22 infants lost, to lend support and comfort in a time of pain and heartache
23 for those who have suffered from miscarriage, still birth, and infant loss,
24 and to create hope for the future.
25

26 (2) That citizens of the State of Colorado be called upon to
27 become educated and informed about the effects of miscarriage, still
28 birth, and infant loss in order to provide compassionate support to
29 individuals and families who are affected by this tragedy.
30

31
32
33 **HJR02-1022** by Representative(s) Spence; also Senator(s) Pascoe--
34 Concerning encouragement to school districts to recycle
35 surplus educational materials.
36

37 WHEREAS, House Bill 01-1272 provided increased funding for
38 textbooks in the 2001-02 and 2002-03 budget years for Colorado's school
39 districts; and
40

41 WHEREAS, This increased funding may result in many school
42 districts replacing textbooks, which will result in the districts facing the
43 challenge of how to dispose of outdated and surplus textbooks; and
44

45 WHEREAS, In addition to traditional recycling, many textbooks
46 may be reused; and
47

48 WHEREAS, Schools and nonprofit organizations throughout
49 Colorado, the United States, and the world are in need of textbooks; and
50

51 WHEREAS, Organizations such as Friends of the Library, Books
52 for Africa, and the Asia Foundation collect used books and textbooks for
53 use by economically disadvantaged schools and libraries; and
54

55 WHEREAS, School districts may also find it necessary to dispose
56 of outdated and surplus computers; and

1 WHEREAS, Computers, like textbooks, may be reused as well as
2 recycled using traditional recycling methods; and
3

4 WHEREAS, Colorado organizations such as Computer Equal Start
5 Educational Program, Computers of Community, and Global
6 Technologies Foundation can facilitate the donation of used computer
7 hardware to economically disadvantaged individuals, schools, and social
8 service agencies and other worthy recipients; now, therefore,
9

10 *Be It Resolved by the House of Representatives of the Sixty-third*
11 *General Assembly of the State of Colorado, the Senate concurring*
12 *herein:*
13

14 (1) That we, the members of the Sixty-third General Assembly,
15 encourage school districts to recycle outdated and surplus educational
16 materials by using traditional recycling methods as well as by donating
17 such materials to organizations for distribution to individuals, schools,
18 and social service agencies and other worthy recipients.
19

20 (2) That we, the members of the Sixty-third General Assembly,
21 also encourage the Colorado Department of Education, the Colorado
22 Education Association, the Colorado Association of School Boards, and
23 the Colorado Association of School Executives to provide to school
24 districts information regarding recycling and donating outdated and
25 surplus educational materials.
26

27 *Be It Further Resolved*, That a copy of this joint resolution be sent
28 to the Colorado Department of Education, the Colorado Education
29 Association, the Colorado Association of School Boards, and the
30 Colorado Association of School Executives.
31

32
33
34 **HR02-1007** by Representative(s) Clapp, Crane, Fairbank, Johnson,
35 Mace, Miller, Mitchell, Paschall, Rhodes, Snook,
36 Spradley, Stafford, Stengel, Williams S., Williams T.,
37 Witwer--Concerning the health care needs of the people of
38 Colorado.
39

40 WHEREAS, President George W. Bush has proposed an
41 innovative and comprehensive plan to improve access to health care as
42 part of his proposed budget for 2003; and
43

44 WHEREAS, President Bush's proposed budget contains an
45 allocation of eighty-nine billion dollars for new tax credits for health care
46 expenses (health credits) to be available for working individuals and
47 families; and
48

49 WHEREAS, These health credits could mean up to three thousand
50 dollars in tax relief for eligible families and up to one thousand dollars for
51 eligible individuals; and
52

53 WHEREAS, To enhance the effect of these health credits,
54 President Bush has proposed that states could provide the power of group
55 purchasing for the health credits through state-sponsored purchasing
56 pools for certain individuals; and

1 WHEREAS, These health credits will make private health
2 insurance more affordable for many Coloradans who do not currently
3 have employer-subsidized insurance; and
4

5 WHEREAS, President Bush's proposed budget will also loosen the
6 restrictions on medical savings accounts (MSAs) and flexible spending
7 accounts (FSAs); and
8

9 WHEREAS, Employees who purchase a high-deductible health
10 care plan will be permitted to make contributions to MSAs in an amount
11 equal to the amount of the deductible; and
12

13 WHEREAS, MSAs will be made available to all employers, and
14 they will be made permanent; and
15

16 WHEREAS, Employees will be permitted to rollover up to five
17 hundred dollars in unspent health care contributions to an FSA to use the
18 following year or to contribute to a 401(k) plan; and
19

20 WHEREAS, These changes will make MSAs and FSAs more
21 attractive to employees and employers and therefore improve the quality
22 of health care for working individuals and families from Colorado; and
23

24 WHEREAS, President Bush has also worked with a bipartisan
25 group of legislators to establish the framework for legislation to improve
26 Medicare and keep its benefits secure based on the following principles:
27

28 1) Promoting the option of a subsidized prescription drug benefit
29 as part of a modernized Medicare;
30

31 2) Providing better coverage for preventive care and serious
32 illnesses;
33

34 3) Allowing current and future beneficiaries to have the option of
35 keeping the traditional Medicare plan with no charges;
36

37 4) Providing better health insurance options;
38

39 5) Strengthening the long-term financial security of Medicare;
40

41 6) Updating and streamlining Medicare's regulations and
42 administrative procedures, while reducing its fraud and abuse;
43

44 7) Encouraging high quality health care for all seniors; and
45

46 WHEREAS, President Bush's framework for bipartisan legislation
47 will help modernize Medicare and help fulfill its promise of health care
48 security for Colorado's seniors and people with disabilities; and
49

50 WHEREAS, Proposed legislation entitled the "Immediate Helping
51 Hand Prescription Drug Assistance Act" would give states block grants
52 to provide a drug benefit for low-income Medicare beneficiaries; and
53

54 WHEREAS, The "Immediate Helping Hand Prescription Drug
55 Assistance Act" would provide forty-eight billion dollars to states over
56 seven years, including over eighty-five million dollars to Colorado; and

1 WHEREAS, This federal assistance would help Colorado's seniors
2 afford prescription drugs; and
3

4 WHEREAS, President Bush's plans for extending health credits,
5 increasing the flexibility of MSAs and FSAs, and modernizing Medicare,
6 as well as the "Immediate Helping Hand Prescription Drug Assistance
7 Act" will vastly improve the quality of health care for the citizens of
8 Colorado; now, therefore,
9

10 *Be It Resolved by the House of Representatives of the Sixty-third*
11 *General Assembly of the State of Colorado:*
12

13 That we, the members of the House of Representatives of the State
14 of Colorado, encourage the Colorado congressional delegation to support
15 and work to pass President Bush's proposed budget for 2003, the
16 "Immediate Helping Hand Prescription Drug Assistance Act", and any
17 other legislation that modernizes Medicare based on the principles
18 established by President Bush.
19

20 *Be It Further Resolved,* That copies of this Resolution be sent to
21 the President of the United States, the Secretary of the United States
22 Department of Health and Human Services, and each member of
23 Colorado's delegation to the United States Congress.
24

25
26 House in recess. House reconvened.
27

28
29 **MESSAGE FROM THE SENATE**

30 Mr. Speaker:

31
32 The Senate voted to reconsider SB02-064 and requests the return of the
33 bill.
34

35
36 **RECALL OF SB02-064**
37

38 Representative Spradley moved that the rules be suspended for the recall
39 of **SB02-064** from the Committee on Criminal Justice. The motion was
40 declared **passed** by following roll call vote:
41

42	YES	60	NO	0	EXCUSED	5	ABSENT	0
44	Alexander	E	Groff	Y	Marshall	Y	Spence	Y
45	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
46	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
47	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
48	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
49	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
50	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
51	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
52	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
53	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
54	Crane	Y	King	Y	Sanchez	Y	Weddig	E
55	Daniel	E	Larson	E	Schultheis	Y	White	Y
56	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y

1	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
2	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
3	Garcia	Y	Madden	E	Snook	Y	Young	Y
4							Mr. Speaker	Y

7 Representative Spradley moved for the recall of **SB02-064** from the
 8 Committee on Criminal Justice for the purpose of recall and
 9 reconsideration by the Senate. The motion was declared **passed** by the
 10 following roll call vote:

11								
12	<u>YES</u>	60	<u>NO</u>	0	<u>EXCUSED</u>	5	<u>ABSENT</u>	0
13								
14	Alexander	E	Groff	Y	Marshall	Y	Spence	Y
15	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
16	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
17	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
18	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
19	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
20	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
21	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
22	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
23	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
24	Crane	Y	King	Y	Sanchez	Y	Weddig	E
25	Daniel	E	Larson	E	Schultheis	Y	White	Y
26	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
27	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
28	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
29	Garcia	Y	Madden	E	Snook	Y	Young	Y
30							Mr. Speaker	Y

32 The bill was ordered recalled from the Committee on Criminal Justice
 33 and SB02-064 was returned to the Senate.

36 CONSIDERATION OF RESOLUTION

38 **HJR02-1020** by Representative(s) Young, Berry, Saliman; also
 39 Senator(s) Reeves, Tate, Owen--Concerning the
 40 certification by the general assembly of the amount of
 41 state education fund revenues that are available for
 42 appropriation for the 2002-03 state fiscal year.

44 (Printed and placed in member's file; also printed in House Journal,
 45 February 27, 2002, pages 622-625.)

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

50 On motion of Representative Young, the resolution was **adopted** by the
 51 following roll call vote:

52								
53	<u>YES</u>	53	<u>NO</u>	6	<u>EXCUSED</u>	6	<u>ABSENT</u>	0
54	Alexander	E	Groff	Y	Marshall	Y	Spence	Y
55	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
56	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y

1	Borodkin	Y	Hefley	N	Paschall	N	Stengel	Y
2	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
3	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
4	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
5	Clapp	N	Jameson	Y	Rippy	Y	Veiga	Y
6	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
7	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
8	Crane	Y	King	Y	Sanchez	Y	Weddig	E
9	Daniel	E	Larson	E	Schultheis	Y	White	Y
10	Decker	Y	Lawrence	E	Scott	Y	Williams S.	Y
11	Fairbank	Y	Lee	N	Sinclair	Y	Williams T.	Y
12	Fritz	N	Mace	Y	Smith	Y	Witwer	N
13	Garcia	Y	Madden	E	Snook	Y	Young	Y
14							Mr. Speaker	Y

15
16 Co-sponsors added: Representatives Spence, White.

17
18
19 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

20
21 The Speaker has signed: **SB02-031**.

22
23
24 **INTRODUCTION OF BILL**
25 **First Reading**

26
27 The following bill was read by title and referred to the committee
28 indicated:

29
30 **HB02-1355** by Representative(s) Cloer, Boyd, Dean, Grossman,
31 Harvey, Rhodes; also Senator(s) Tate, Andrews--
32 Concerning whether certain business practices violate the
33 prohibition upon charging a higher price based on the
34 customer's use of a credit card rather than other forms of
35 payment.

36 Committee on Business Affairs & Labor

37
38
39 **LAY OVER OF CALENDAR ITEMS**

40
41 On motion of Representative Spradley, the following items on the
42 Calendar were laid over until February 28, retaining place on Calendar:

43
44 Consideration of Resolution--**HJR02-1019**.

45 Consideration of Senate Amendments--**HB02-1008**.

46
47
48 On motion of Representative Spradley, the House adjourned until
49 9:00 a.m., February 28, 2002.

50 Approved:

51
52 DOUG DEAN,
53 Speaker

54 Attest:

55 JUDITH RODRIGUE,
56 Chief Clerk