

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

One-hundred-twentieth Legislative Day Wednesday, May 8, 2002

- Prayer By President Matsunaka.
- Call to Order By the President at 10:00 a.m.
- Roll Call Present--Total, 32.
Absent/Excused--Hanna, Isgar, Thiebaut--Total, 3.
Present later--Hanna, Isgar, Thiebaut.
- Quorum The President announced a quorum present.
- Reading of Journal On motion of Senator Takis, reading of the Journal of Tuesday, May 7, was dispensed with and the Journal was approved as corrected by the Secretary.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions: **SR02-017, SR02-019.**

CONSIDERATION OF RESOLUTIONS

SR02-017 by Senator(s) Thiebaut--Concerning the designation of the Transportation Technology Center, Inc., Emergency Response Training Center, located in Pueblo County, Colorado, as the Colorado state training center for domestic preparedness.

On motion of Senator Thiebaut, the resolution was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	E	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: Hernandez, Nichol, Phillips, Takis, Teck.

SR02-019 by Senator(s) Thiebaut--Concerning encouraging school districts to adopt policies concerning the use of hazardous substances that would include public notice of such use.

On motion of Senator Thiebaut, the resolution was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	E	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Third Reading--Final Passage of Bills: **HB02-1472, HB02-1473, HB02-1471, HB02-1474, HB02-1475, HB02-1477, HB02-1478.**

THIRD READING--FINAL PASSAGE OF BILLS

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

HB02-1472 by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--
Concerning a supplemental appropriation to the department of corrections.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	E	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

HB02-1473 by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--
Concerning a supplemental appropriation to the department of health care policy and financing.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	E	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

HB02-1471 by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--
Concerning funding for capital construction, and making supplemental appropriations in connection therewith.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	E	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

HB02-1474 by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--
Concerning a supplemental appropriation to the department of human services.

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

HB02-1474

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	E	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

HB02-1475

by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning authorization for the controller to allow the department of corrections to make a one-time overexpenditure of line item appropriations to fund portions of the medical services subprogram for department institutions for the 2001-02 fiscal year.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	E	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

HB02-1477

by Representative(s) Saliman, Young, Berry; also Senator(s) Owen, Reeves, Tate-- Concerning clarification of the cost-neutral requirement in the performance plan for periodic salary increases for certain employees of the department of higher education who are included in the state personnel system.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	E	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

HB02-1478

by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning the fiscal policy of the state for the 2001-02 and 2002-03 state fiscal years in relation to the statutorily required general fund reserve in the event of a revenue shortfall.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	E	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

HB02-1478

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

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions: **SJR02-023, SR02-014, SJR02-040, HJR02-1038**.

CONSIDERATION OF RESOLUTIONS

SJR02-023

by Senator(s) Owen, Dyer, Epps, Tate; also Representative(s) Saliman, Berry--Concerning the encouragement of an interstate compact for the purchase of prescription drugs.

On motion of Senator Owen, the resolution was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: Fitz-Gerald, Hernandez, Matsunaka, May, Pascoe, Taylor, Tupa.

SR02-014

by Senator(s) Gordon--Concerning the recommendation of conservation to reduce global warming.

Amendment No. 1(L.001), by Senator Gordon.

Amend printed resolution, page 1, strike lines 11 through 14;

line 17, strike "gasses" and substitute "gases".

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

On motion of Senator Gordon, the resolution, as amended, was **adopted** by the following roll call vote:

YES	23	NO	11	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	N	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	N	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	N	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	N	Linkhart	Y	Reeves	Y		

Co-sponsors added: Fitz-Gerald, Hanna, Linkhart, Pascoe, Perlmutter, Tate, Tupa, Windels.

SJR02-040

by Senator(s) Lamborn, McElhany, Anderson, Arnold, Cairns, Chlouber, Dyer, Entz, Hagedorn, Hernandez, May, Musgrave, Owen, Takis, Teck, Tupa; also Representative(s) Mitchell, Madden, Scott--Concerning honoring former Supreme Court Justice Byron White.

On motion of Senator Lamborn, the resolution was **adopted** by the following roll call vote:

SJR02-040

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: The present roll call of the Senate.

HJR02-1038

by Representative(s) Hoppe; also Senator(s) Isgar, Entz, Taylor--Concerning the species conservation eligibility list.

On motion of Senator Isgar, the resolution was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: Fitz-Gerald, Hanna, Linkhart, Matsunaka, Musgrave, Nichol, Pascoe, Phillips, Tate, Windels.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Third Reading--Final Passage of Bills: **HB02-1468**.

THIRD READING--FINAL PASSAGE OF BILLS

On Third Reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

HB02-1468

by Representative(s) Berry, Young, Saliman; also Senator(s) Tate, Reeves, Owen--Concerning the state contribution for employees enrolled in group benefit plans that include enrollment in medical benefits, and making an appropriation in connection therewith.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Arnold, Chlouber, Phillips, Thiebaut.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions: **HJR02-1065, SJR02-044, HJR02-1041, SR02-018, HJR02-1051**.

CONSIDERATION OF RESOLUTIONS

HJR02-1065 by Representative(s) Boyd, Tochtrop, Alexander, Borodkin, Daniel, Jahn, Sanchez, Veiga; also Senator(s) Windels--Concerning the designation of National Nursing Home Week in Colorado.

On motion of Senator Windels, the resolution was read at length and **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: The present roll call of the Senate.

SJR02-044 by Senator(s) Andrews, Arnold, Cairns, Chlouber, Dyer, Epps, Evans, Gordon, Hagedorn, Hernandez, Hillman, Lamborn, May, Musgrave, Nichol, Owen, Taylor, Teck; also Representative(s) Mitchell--Concerning the support of the General Assembly for constitutional protections accorded elected officials in expressing their views on public issues.

Amendment No. 1, Public Policy and Planning Committee Amendment.
(Printed in Senate Journal, May 1, page 1097 and placed in members' bill file.)

On motion of Senator Andrews, the resolution, as amended, was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: The present roll call of the Senate.

HJR02-1041 by Representative(s) Williams S., Alexander, Berry, Borodkin, Boyd, Clapp, Coleman, Hefley, Hodge, Hoppe, Jahn, Lawrence, Mace, Madden, Marshall, Ragsdale, Romanoff, Sanchez, Stafford, Tochtrop, Veiga, Williams T., Witwer; also Senator(s) Hanna, Fitz-Gerald, Gordon, Hagedorn, Isgar, Linkhart, Nichol, Pascoe, Perlmutter, Phillips, Takis, Tate, Tupa, Windels--Concerning the resolution of the General Assembly to support women's health care issues, and, in connection therewith, commending the Women in Government organization for its work regarding quality health care for women.

On motion of Senator Hanna, the resolution was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: The present roll call of the Senate.

SR02-018 by Senator(s) Isgar, Entz, Hillman, Musgrave--Concerning emergency drought disaster designation.

SR02-018On motion of Senator Isgar, the resolution was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: The present roll call of the Senate.

HJR02-1051

by Representative(s) Alexander; also Senator(s) Isgar--Concerning opposition to the federal Recreational Fee Demonstration Program.

On motion of Senator Isgar, the resolution was **adopted** by the following roll call vote:

YES	31	NO	3	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	N
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	N	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	N	Reeves	Y		

Co-sponsors added: Chlouber, Hillman, May, McElhany, Owen, Taylor, Teck.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Memorials: **SJM02-002**.

CONSIDERATION OF MEMORIALS

SJM02-002

by Senator(s) Teck--Concerning memorializing Congress to require conspicuous disclosure of rollover billing in consumer credit transactions.

On motion of Senator Teck, the memorial was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsor added: Cairns.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of House Amendments to Senate Resolutions: **SJR02-008**.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE RESOLUTIONS

SJR02-008

by Senator(s) Thiebaut; also Representative(s) Tapia--Concerning support for the federal Steel Revitalization Act of 2001, and, in connection therewith, endorsing the emergency measures needed to save the American steel industry.

SJR02-008

Senator Thiebaut moved that the Senate concur in House amendments to **SJR02-008** as printed in House Journal, March 19, page 938. The motion was **passed** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	32	NO	2	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	Y	Gordon	Y	McElhany	N	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

A majority of all members elected to the Senate having voted in the affirmative, the resolution, as amended, was declared **repassed**.

Co-sponsors added: Fitz-Gerald, Nichol, Pascoe, Tupa, Windels.

COMMITTEE OF REFERENCE REPORTS

Education

After consideration on the merits, the committee recommends that **HB02-1272** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

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

"SECTION 1. 22-33-104.6 (1) and the introductory portion to 22-33-104.6 (4) (a), Colorado Revised Statutes, are amended, and the said 22-33-104.6 (4) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

22-33-104.6. On-line program - legislative declaration - authorized - definitions. (1) **Legislative declaration.** The general assembly hereby finds and declares that:

(a) Technological advances, particularly in the development and dissemination of resources through the world wide web, can provide alternatives for the provision of educational services that can be customized to serve the diverse needs of today's student population;

(b) ~~The general assembly further finds and declares that~~ The state should avail itself of the enhanced services available as a result of such technological advances to serve the citizens of the state more appropriately; AND

(c) FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, MAKING PARTICIPATION IN ON-LINE PROGRAMS AVAILABLE TO CHILDREN WHO HAD, IN THE PRECEDING ACADEMIC YEAR, BEEN ENROLLED IN PRIVATE SCHOOLS, PARTICIPATED IN NONPUBLIC HOME-BASED EDUCATION PROGRAMS, OR PARTICIPATED IN HOME INSTRUCTION IS LIKELY TO RESULT IN EXPANDING THE ON-LINE PROGRAMS OFFERED BY SCHOOL DISTRICTS, THEREBY EXPANDING TECHNOLOGY EDUCATION, AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

HB02-1272

(4) **Pupil enrollment.** (a) If a child is participating in an on-line program created by a school district, the school district PROVIDING THE ON-LINE PROGRAM shall be entitled to count such child in accordance with the provisions of section 22-54-103 (10) for purposes of determining pupil enrollment under the "Public School Finance Act of 1994", article 54 of this title if, in the preceding academic year, such child either:

(d) FOR THE 2002-03 BUDGET YEAR AND FOR EACH BUDGET YEAR THEREAFTER, FOR PURPOSES OF DETERMINING SCHOOL DISTRICTS' PUPIL ENROLLMENT UNDER THE "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF THIS TITLE, IN ADDITION TO THE CHILDREN COUNTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4), SCHOOL DISTRICTS MAY COUNT UP TO A STATEWIDE TOTAL OF ONE HUNDRED THIRTY-FIVE CHILDREN WHO ARE ENROLLED IN ON-LINE PROGRAMS CREATED PURSUANT TO THIS SECTION AND WHO, FOR THE PRECEDING SCHOOL YEAR, WERE ENROLLED AFTER OCTOBER 1 IN PUBLIC SCHOOLS IN THIS STATE OR WERE ENROLLED IN PRIVATE SCHOOLS OR PARTICIPATING IN NONPUBLIC HOME-BASED EDUCATIONAL PROGRAMS OR PARTICIPATING IN HOME INSTRUCTION BY LICENSED TEACHERS.

SECTION 2. 22-54-104.2, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-54-104.2. Legislative declaration. (3) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, MAKING PARTICIPATION IN ON-LINE PROGRAMS CREATED AND MAINTAINED PURSUANT TO SECTION 22-33-104.6 AVAILABLE TO CHILDREN WHO HAD, IN THE PRECEDING ACADEMIC YEAR, BEEN ENROLLED IN PRIVATE SCHOOLS, PARTICIPATED IN NONPUBLIC HOME-BASED EDUCATION PROGRAMS, OR PARTICIPATED IN HOME INSTRUCTION IS LIKELY TO RESULT IN EXPANDING THE ON-LINE PROGRAMS OFFERED BY SCHOOL DISTRICTS, THEREBY EXPANDING TECHNOLOGY EDUCATION, AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Appropriations

After consideration on the merits, the committee recommends that **HB02-1476** be referred favorably to the Committee of the Whole.

Appropriations

The committee returns herewith HB02-1410 and reports that said bill has been considered on its merits and voted upon by the Committee, and that final action has not been taken by this Committee. Said bill cannot be passed within the time remaining in the current legislative session; therefore, said bill is deemed to be postponed indefinitely.

SENATE SERVICES REPORT

Senate Services

- Correctly printed: SR02-018, 019.
- Correctly engrossed: SJR02-006, 026, 035.
- Correctly reengrossed: SB02-050, 206, 212, 222, 225, 227, 229, 230, 231, 233, 234, 235, 236; SCR02-006.
- Correctly revised: HB02-1003, 1015, 1024, 1038, 1044, 1046, 1136, 1147, 1203, 1237, 1259, 1288, 1297, 1303, 1315, 1319, 1326, 1344, 1358, 1395, 1399, 1403, 1409, 1415, 1440, 1447, 1450, 1455, 1456, 1458, 1459, 1465, 1468, 1470, 1471, 1472, 1473, 1474, 1475, 1477, 1478; HJR02-1064, 1074.
- Correctly rerevised: HB02-1457, 1461.
- Correctly enrolled: SJR02-018, 027, 028, 029, 032, 036, 037, 041.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

MESSAGE FROM THE HOUSE

May 7, 2002

Mr. President:

The House failed to pass SB02-195 on Second Reading. The bill is returned herewith.

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The President has signed: **HB02-1064**.

CONFERENCE COMMITTEE GRANTED FURTHER POWERS

HB02-1349 by Representative(s) King; also Senator(s) Thiebaut--Concerning the financing of public schools, and making an appropriation therefor.

Senator Thiebaut moved that the Senate Conferes on the First Conference Committee on **HB02-1349** be given the powers to go beyond the scope of the differences between the two Houses.

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

Senate in Recess--Senate Reconvened

SENATE RECEDE ON SB02-065

SB02-065 by Senator(s) Pascoe; also Representative(s) Spence--Concerning the establishment of a program designed to improve the academic achievement of disadvantaged children, and making an appropriation therefor.

Senator Andrews moved that the Conference Committee be dissolved and that the Senate Conferes be discharged. The motion was declared **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Senator Andrews moved that the Senate recede from its position and concur in House amendments to **SB02-065**, as printed, in House journal, April 30, page 1656. The motion was declared **lost** by the following roll call vote.

YES	16	NO	19	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	N	May	Y	Takis	N
Andrews	Y	Gordon	N	McElhany	Y	Tate	N
Arnold	Y	Hagedorn	N	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	N	Nichol	N	Teck	Y
Chlouber	Y	Hernandez	N	Owen	Y	Thiebaut	N
Dyer	Y	Hillman	Y	Pascoe	N	Tupa	N
Entz	N	Isgar	N	Perlmutter	N	Windels	N
Epps	Y	Lamborn	Y	Phillips	N	Mr. President	N
Evans	Y	Linkhart	N	Reeves	N		

Senator Thiebaut moved that the Senate adhere to its position on **SB02-065**. The motion was declared **adopted** by the following roll call vote.

SB02-065

YES	19	NO	16	EXCUSED	0	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	N
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	N	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	N	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	N	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	N	Linkhart	Y	Reeves	Y		

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Third Reading--Final Passage of Bills: **HB02-1046, HB02-1259, HB02-1344, HB02-1450, HB02-1415, HB02-1319, HB02-1038, HB02-1044, HB02-1403, HB02-1297, HB02-1447.**

THIRD READING--FINAL PASSAGE OF BILLS

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

HB02-1046 by Representative(s) Lee, Decker, Groff, Hefley, Madden, Mitchell; also Senator(s) Windels, Dyer, Arnold, Gordon, Linkhart--Concerning the relocation of certain existing criminal sentencing statutes to a new article in title 18, Colorado Revised Statutes.

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

Third Reading Amendment, by Senator Windels.

Amend reengrossed bill, page 241, strike lines 17 and 18 and substitute the following:

"SECTION 159. 17-2-201 (4) (a), (5) (a), (5) (a.7), (5) (b), (5) (c) (II) (D), and (6), Colorado Revised Statutes, are amended to read:".

Page 242, after line 26, insert the following:

"(a.7) As to any person sentenced for conviction of a sex offense pursuant to the provisions of ~~part 8 of article 13 of title 16~~ PART 10 OF ARTICLE 1.3 OF TITLE 18, C.R.S., committed on or after November 1, 1998, the board shall grant parole or refuse to grant parole, fix the conditions thereof, and set the duration of the term of parole granted pursuant to the provisions of ~~part 8 of article 13 of title 16~~ PART 10 OF ARTICLE 1.3 OF TITLE 18, C.R.S.".

Page 243, after line 11, insert the following:

"(6) The board has the authority at any time after the period of any parole is fixed to shorten the period thereof or to lengthen said period within the limits specified in subsection (5) of this section; except that the provisions of this subsection (6) shall not apply to any person sentenced as a sex offender pursuant to ~~part 8 of article 13 of title 16~~ PART 10 OF ARTICLE 1.3 OF TITLE 18, C.R.S.".

Page 251, strike line 24 and substitute the following:

~~"part 8 of article 13 of title 16~~ PART 10 OF ARTICLE 1.3 OF TITLE 18, C.R.S., for commission of a sex offense".

Page 266, strike lines 3 and 4 and substitute the following:

"SECTION 189. 18-3-402 (5) (b) (I) and (6), Colorado Revised Statutes, are amended to read:";

after line 13, insert the following:

"(6) Any person convicted of sexual assault committed on or after November 1, 1998, under any of the circumstances described in this

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1046

section shall be sentenced in accordance with the provisions of ~~part 8 of article 13 of title 16, C.R.S.~~ PART 10 OF ARTICLE 1.3 OF THIS TITLE." .

Page 366, after line 3, insert the following:

"SECTION 391. 18-6-303 (3), Colorado Revised Statutes, is amended to read:

18-6-303. Sentencing. (3) The court shall sentence a defendant who is convicted of any offense specified in this part 3 committed on or after November 1, 1998, pursuant to the provisions of ~~part 8 of article 13 of title 16, C.R.S.~~ PART 10 OF ARTICLE 1.3 OF THIS TITLE.

SECTION 392. 16-11-214 (1), Colorado Revised Statutes, as amended by Senate Bill 02-018, enacted at the Second Regular Session of the Sixty-third General Assembly, is amended to read:

16-11-214. Fund created - probation services. (1) There is hereby created in the state treasury the offender services fund to which shall be credited one hundred percent of any cost of care payments or probation supervision fees paid to the state pursuant to section 16-11-204 (2) (a) (V) or section 19-2-114 (1), C.R.S., and from which the general assembly shall make annual appropriations for administrative and personnel costs for adult and juvenile probation services as well as for adjunct adult and juvenile probation services in the judicial department, including treatment services, contract services, drug and alcohol treatment services, and program development, and for associated administrative and personnel costs. The general assembly also shall make annual appropriations from the offender services fund to continue the demonstration drug court program in accordance with the provisions of section ~~16-7-403.7(5)~~ 18-1.3-103 (5), C.R.S. Any moneys remaining in said fund at the end of any fiscal year shall not revert to the general fund.

SECTION 393. 18-3-412.5 (2) (b), Colorado Revised Statutes, as amended by Senate Bill 02-010, enacted at the Second Regular Session of the Sixty-third General Assembly, is amended to read:

18-3-412.5. Failure to register as a sex offender. (2) (b) Any person convicted of felony failure to register as a sex offender shall be sentenced pursuant to the provisions of section ~~18-1-105~~ 18-1.3-401. If such person is sentenced to probation, the court shall require, as a condition of probation, that the person participate until further order of the court in an intensive supervision probation program established pursuant to section ~~16-13-807, C.R.S.~~ 18-1.3-1007. If such person is sentenced to incarceration and subsequently released on parole, the parole board shall require, as a condition of parole, that the person participate in an intensive supervision parole program established pursuant to section ~~16-13-805, C.R.S.~~ 18-1.3-1005.

SECTION 394. 16-22-111 (1) (c) (II), Colorado Revised Statutes, as enacted by Senate Bill 02-010, enacted at the Second Regular Session of the Sixty-third General Assembly, is amended to read:

16-22-111. Internet posting of sex offenders - procedure. (1) The CBI shall post a link on the state of Colorado homepage on the internet to a list containing the names, addresses, and physical descriptions of certain persons and descriptions of the offenses committed by said persons. A person's physical description shall include, but need not be limited to, the person's sex, height, and weight, any identifying characteristics of the person, and a digitized photograph or image of the person. The list shall specifically exclude any reference to any victims of the offenses. The list shall include the following persons:

(c) Any person who is required to register pursuant to section 16-22-103 and who has been convicted as an adult of two or more of the following offenses:

(II) A crime of violence as defined in section ~~16-11-309~~ 18-1.3-406, C.R.S.; and

SECTION 395. 18-12-205 (2) (a), Colorado Revised Statutes, as

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1046

enacted by House Bill 02-1410, enacted at the Second Regular Session of the Sixty-third General Assembly, is amended to read:

18-12-205. Sheriff - application - procedure - background check. (2) (a) An applicant shall complete the permit application form and return it, in person, to the sheriff of the county or city and county in which the applicant resides or to the sheriff of the county or city and county in which the applicant maintains a secondary residence or owns or leases real property used by the applicant in a business. The applicant shall sign the completed permit application form in person before the sheriff. The signature shall be given voluntarily upon a sworn oath that the applicant knows the contents of the permit application and that the information contained in the permit application is true and correct. Any applicant who knowingly and intentionally makes any false or misleading statement on a permit application or deliberately omits any material information requested on the application commits perjury as defined in section 18-8-503. Upon conviction, said applicant shall be punished as provided in section ~~18-1-106~~ 18-1.3-501. In addition, said applicant shall be denied the right to obtain or possess a permit, and the sheriff shall revoke said applicant's permit if issued prior to conviction.

SECTION 396. 26-6-404 (1) (a) (I) (B), Colorado Revised Statutes, as enacted by House Bill 02-1361, enacted at the Second Regular Session of the Sixty-third General Assembly, is amended to read:

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

(B) A crime of violence, as defined in section ~~16-11-309~~ 18-1.3-406, C.R.S.;

SECTION 397. 22-60.5-107 (2.5) (b), Colorado Revised Statutes, as enacted by Senate Bill 02-228, enacted at the Second Regular Session of the Sixty-third General Assembly, is amended to read:

22-60.5-107. Grounds for denying, annulling, suspending, or revoking license, certificate, endorsement, or authorization. (2.5) Any license, certificate, endorsement, or authorization shall be denied, annulled, suspended, or revoked in the manner prescribed in section 22-60.5-108, notwithstanding the provisions of subsection (1) of this section to the contrary, if the person applying for or holding such license, certificate, endorsement, or authorization has been convicted of, pled nolo contendere to, or received a deferred sentence or a deferred prosecution for a violation of any law of this state involving unlawful behavior pursuant to any of the following statutory provisions:

(b) A crime of violence, as defined in section ~~16-11-309~~ 18-1.3-406, C.R.S.;"

Renumber succeeding sections accordingly.

Page 366, line 6, before "sections", insert "statutory";

line 11, strike "2002." and substitute "2002, except that section 194 of this act shall not take effect if Senate Bill 02-010 is enacted at the Second Regular Session of the Sixty-third General Assembly and becomes law, section 389 of this act shall only take effect if House Bill 02-1258 is enacted at the Second Regular Session of the Sixty-third General Assembly and becomes law, section 390 of this act shall only take effect if Senate Bill 02-132 is enacted at the Second Regular Session of the Sixty-third General Assembly and becomes law, section 392 of this act shall only take effect if Senate Bill 02-018 is enacted at the Second Regular Session of the Sixty-third General Assembly and becomes law, sections 393 and 394 of this act shall only take effect if Senate Bill 02-010 is enacted at the Second Regular Session of the Sixty-third General Assembly and becomes law, section 395 of this act shall only

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1046

take effect if House Bill 02-1410 is enacted at the Second Regular Session of the Sixty-third General Assembly and becomes law, section 396 of this act shall only take effect if House Bill 02-1361 is enacted at the Second Regular Session of the Sixty-third General Assembly and becomes law, and section 397 of this act shall only take effect if Senate Bill 02-228 is enacted at the Second Regular Session of the Sixty-third General Assembly and becomes law."

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

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Lamborn.

HB02-1259

by Representative(s) Marshall; also Senator(s) Tate--Concerning protection of consumers' home ownership equity.

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

Third Reading Amendment, by Senator Tate.

Amend revised bill, page 11, line 27, strike "LENDER MAKING A".

Page 12, line 1, strike lines 1 through 9 and substitute the following:

"COVERED LOAN MAY INCLUDE, DIRECTLY OR INDIRECTLY, FINANCING OF ANY PREMIUMS FOR ANY CREDIT LIFE, CREDIT DISABILITY, CREDIT PROPERTY, OR CREDIT UNEMPLOYMENT INSURANCE, ANY OTHER LIFE OR HEALTH INSURANCE PRODUCTS, OR ANY PAYMENTS FOR ANY DEBT CANCELLATION OR SUSPENSION AGREEMENT OR CONTRACTS; EXCEPT THAT CALCULATED INSURANCE PREMIUMS OR DEBT CANCELLATION OR SUSPENSION FEES PAID ON A MONTHLY BASIS SHALL NOT BE CONSIDERED TO HAVE BEEN FINANCED BY THE LENDER FOR PURPOSES OF THIS PARAGRAPH (f)."

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

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

YES	31	NO	4	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

HB02-1259 Co-sponsors added: Epps, Fitz-Gerald, Hanna, Linkhart, Teck, Tupa, Windels. 1

HB02-1344 by Representative(s) Scott; also Senator(s) Linkhart--Concerning the water quality control discharge permit program, and, in connection therewith, increasing permit fees, requiring a study to determine whether such program should be modified to reasonably accommodate the unique attributes of Colorado's water bodies, and making an appropriation. 2
3
4
5
6

Laid over until later in the day, Wednesday, May 8. 7
8

HB02-1450 by Representative(s) Fairbank; also Senator(s) Tate--Concerning expenditures for political messages by candidate committees of nominees for the offices of governor and lieutenant governor. 9
10
11
12

The question being "Shall the bill pass?", the roll call was taken with the following result: 13
14

YES	34	NO	1	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	N	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**. 15
16
17
18
19
20
21
22
23
24
25
26

Co-sponsors added: Pascoe, Windels. 27
28
29
30

HB02-1415 by Representative(s) Hoppe, Swenson, Cloer, Garcia, Harvey, Johnson, Kester, Miller, Smith, Snook, Spradley; also Senator(s) Isgar, Chlouber, Entz, Owen, Phillips, Taylor--Concerning net metering by electric utilities. 31
32
33
34
35

The question being "Shall the bill pass?", the roll call was taken with the following result: 36
37

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**. 38
39
40
41
42
43
44
45
46
47
48

Co-sponsors added: Hanna, Pascoe, Perlmutter, Taylor, Teck. 49
50
51
52

HB02-1319 by Representative(s) Webster; also Senator(s) Takis--Concerning the acquisition of rights to a noninterfering use of railroad rights-of-way. 53
54
55
56

The question being "Shall the bill pass?", the roll call was taken with the following result: 57
58

YES	34	NO	1	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**. 59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1319 Co-sponsor added: Isgar.

HB02-1038 by Representative(s) Tapia; also Senator(s) Arnold--Concerning the unlawful possession of certain items with intent to manufacture a controlled substance, and making an appropriation in connection therewith.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Anderson, Chlouber, Entz, Epps, Evans, Fitz-Gerald, Gordon, Hagedorn, Hanna, Hernandez, Isgar, Lamborn, Musgrave, Nichol, Teck, Windels.

HB02-1044 by Representative(s) Williams S., Stafford; also Senator(s) Tupa, Entz, Isgar--Concerning the issuance of certain special license plates, and making an appropriation in connection therewith.

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

Third Reading Amendment, by Senator Owen.

Amend revised bill, page 7, line 26, strike "SECTION" and substitute "SECTIONS 42-3-115.5 AND";

line 27, after "42-3-116.7", insert "FOR THE ISSUANCE OF A LICENSE PLATE PURSUANT TO SECTIONS 42-3-115.5 (9) AND 42-3-116.7"

Page 8, line 5, strike "SECTION" and substitute "SECTIONS 42-3-115.5 (9) AND".

line 26, before "plates," insert "plates and veteran of the Korean war special license";

strike line 27 and substitute "of thirty thousand four hundred fifteen dollars (\$30,415), or so".

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

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

YES	26	NO	9	EXCUSED	0	ABSENT	0
Anderson	N	Fitz-Gerald	N	May	N	Takis	N
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	N	Hanna	Y	Nichol	N	Teck	N
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	N		

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

Co-sponsors added: Chlouber, Epps, Evans, Musgrave, Owen, Pascoe, Phillips, Taylor.

HB02-1403

by Representative(s) Schultheis; also Senator(s) Nichol--Concerning the modification of governmental appointments to accommodate the effect of redistricting Colorado congressional districts.

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

YES	33	NO	2	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Fitz-Gerald, Hernandez, Isgar, Phillips.

HB02-1297

by Representative(s) Hefley, Spence, Alexander, Bacon, Clapp, Daniel, Groff, Lawrence, Romanoff; also Senator(s) Linkhart--Concerning school readiness through community consolidated child care pilots, and making an appropriation in connection therewith.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Hanna, Isgar, Phillips, Tate, Tupa.

HB02-1447

by Representative(s) Alexander; also Senator(s) Isgar--Concerning the direct care provider career path pilot program, and making an appropriation in connection therewith.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Hanna, Phillips, Taylor, Tupa.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of House Amendments to Senate Bills: **SB02-010, SB02-018, SB02-087, SB02-086, SB02-071, SB02-057, SB02-078, SB02-196, SB02-097, SB02-059, SB02-016, SB02-027, SB02-094, SB02-159, SB02-089.**

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB02-010

by Senator(s) Anderson; also Representative(s) Veiga--Concerning sex offender registration.

Senator Anderson moved that the Senate concur in House amendments to **SB02-010**, as printed in House Journal, April 29, page 1638 and May 6, pages 1850-1852. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	N
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

SB02-018

by Senator(s) Linkhart; also Representative(s) Hefley--Concerning the continued funding of the demonstration drug courts through the increase of probation supervision fees, and making an appropriation in connection therewith.

Senator Linkhart moved that the Senate concur in House amendments to **SB02-018**, as printed in House Journal, April 24, page 1548. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

SB02-018

Co-sponsor added: Windels.

SB02-087

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

Senator Evans moved that the Senate concur in House amendments to **SB02-087**, as printed in House Journal, April 24, page 1548. The motion was **passed** by the following roll call vote:

YES	33	NO	2	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	31	NO	4	EXCUSED	0	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	N	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsor added: Isgar.

SB02-086

by Senator(s) Nichol, Entz, Evans, Takis, Tupa; also Representative(s) Grossman--Concerning neighborhood notification of transportation construction projects.

Senator Nichol moved that the Senate concur in House amendments to **SB02-086**, as printed in House Journal, April 24, page 1548. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

SB02-086

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

SB02-071

by Senator(s) Windels; also Representative(s) Jahn--Concerning the implementation of consumer satisfaction surveys to determine the level of satisfaction among nursing facility residents, and making an appropriation in connection therewith.

Senator Windels moved that the Senate concur in House amendments to **SB02-071**, as printed in House Journal, April 24, page 1547-1548. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	30	NO	5	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	Y	Gordon	Y	McElhany	N	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	N	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	N	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

SB02-057

by Senator(s) Hagedorn; also Representative(s) Smith--Concerning a nonsubstantive recodification of statutes relating to the operation of motor vehicles by persons who have consumed chemical substances including alcohol.

Senator Hagedorn moved that the Senate concur in House amendments to **SB02-057**, as printed in House Journal, April 25, page 1593-1594. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

SB02-057

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

SB02-078

by Senator(s) Hagedorn; also Representative(s) Fritz--Concerning genetic privacy.

Senator Hagedorn moved that the Senate concur in House amendments to **SB02-078**, as printed in House Journal, April 25, pages 1593-1594. The motion was **passed** by the following roll call vote:

YES	34	NO	1	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	N
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Evans, Hernandez, Pascoe.

SB02-196

by Senator(s) Perlmutter, Anderson, Hagedorn, Hernandez, McElhany, Phillips, Taylor, Teck; also Representative(s) Spradley, Chavez, Groff, Grossman, Kester, Stafford, White--Concerning real estate brokers who are engaged by members of the public.

Senator Perlmutter moved that the Senate concur in House amendments to **SB02-196**, as printed in House Journal, April 26, page 1609. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	33	NO	2	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	N	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	N	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

SB02-196

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

Co-sponsors added: May, Owen, Taylor.

SB02-097

by Senator(s) Tate, Fitz-Gerald, Takis; also Representative(s) Romanoff-- Concerning the modification of state housing authority law to make the statutory provisions governing all housing authorities consistent with the provisions governing city housing authorities, and making an appropriation in connection therewith.

Senator Tate moved that the Senate concur in House amendments to **SB02-097**, as printed in House Journal, April 26, page 1609. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	29	NO	6	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	Y	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Hernandez, Phillips, Tupa.

SB02-059

by Senator(s) Matsunaka; also Representative(s) Bacon--Concerning the design of assessments administered through the Colorado student assessment program.

Senator Matsunaka moved that the Senate concur in House amendments to **SB02-059**, as printed in House Journal, April 29, page 1639. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

SB02-059

YES	33	NO	2	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Fitz-Gerald, Nichol, Pascoe, Windels.

SB02-016

by Senator(s) Takis, Anderson, Windels; also Representative(s) Hoppe, Snook, Veiga-- Concerning screening of certain persons for mental illness.

Senator Takis moved that the Senate concur in House amendments to **SB02-016**, as printed in House Journal, April 29, page 1642. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	28	NO	7	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	Y	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Fitz-Gerald, Hanna, Hernandez, Nichol.

SB02-027

by Senator(s) Hernandez; also Representative(s) Stafford, Mace, Romanoff--Concerning the creation of in-home support services, and making an appropriation in connection therewith.

Senator Hernandez moved that the Senate concur in House amendments to **SB02-027**, as printed in House Journal, April 29, page 1642 and April 30, pages 1654-1655. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

SB02-027

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsor added: Pascoe

SB02-094

by Senator(s) Anderson; also Representative(s) Spence--Concerning accountability for alternative schools.

Senator Anderson moved that the Senate concur in House amendments to **SB02-094**, as printed in House Journal, May 2, page 1766-1767. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

SB02-159

by Senator(s) Evans, Epps, Gordon, Linkhart, Perlmutter; also Representative(s) Plant, Groff, Hefley, Lee, Mitchell--Concerning the revision of statutes in the Colorado Revised Statutes, as amended, amending or repealing obsolete, inconsistent, and conflicting provisions of law and clarifying the language to reflect the legislative intent of the laws.

Senator Evans moved that the Senate concur in House amendments to **SB02-159**, as printed in House Journal, May 6, pages 1868-1871. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

SB02-159

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

SB02-089

by Senator(s) Phillips, Takis; also Representative(s) Jahn--Concerning disclosure of credit scoring information to consumers for consumer loans secured by a dwelling.

Senator Phillips moved that the Senate concur in House amendments to **SB02-089**, as printed in House Journal, May 6, pages 1871-1872. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	30	NO	5	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	N
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Fitz-Gerald, Hernandez, Nichol, Tate, Windels.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Third Reading--Final Passage of Bills: **HB02-1455, HB02-1465, HB02-1358, HB02-1315, HB02-1399, HB02-1024, HB02-1456, HB02-1015, HB02-1237, HB02-1409, HB02-1003, HB02-1326, HB02-1303, HB02-1440, HB02-1395.**

THIRD READING--FINAL PASSAGE OF BILLS

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

HB02-1455

by Representative(s) Paschall, Lee, Crane, Daniel, Dean, Hefley, Johnson, Rhodes, Rippy, Saliman, Scott, Spence, Stafford, Stengel, Veiga, Webster, Weddig, Young; also Senator(s) Linkhart, Andrews, Cairns, Chlouber, Evans, Hanna, Hillman, Lamborn, May-- Concerning a restriction in the class of motor vehicles for which emissions test fees are collected upon registration to only those that have been clean screened.

HB02-1455 Laid over to follow **HB02-1358**.

HB02-1465 by Representative(s) Scott; also Senator(s) Phillips--Concerning the division of special districts into subdistricts.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

HB02-1358 by Representative(s) Alexander; also Senator(s) Fitz-Gerald--Concerning the assessment of a bed and breakfast for property tax purposes.

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Chlouber, Hanna, Hernandez, Hillman, Isgar, Lamborn, Taylor.

HB02-1455 by Representative(s) Paschall, Lee, Crane, Daniel, Dean, Hefley, Johnson, Rhodes, Rippy, Saliman, Scott, Spence, Stafford, Stengel, Veiga, Webster, Weddig, Young; also Senator(s) Linkhart, Andrews, Cairns, Chlouber, Evans, Hanna, Hillman, Lamborn, May--Concerning a restriction in the class of motor vehicles for which emissions test fees are collected upon registration to only those that have been clean screened.

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

Third Reading Amendment, by Senator Linkhart.

Amend revised bill, page 9, strike lines 12 and 13 and substitute the following:

"exceed fifteen dollars for the inspection of vehicles, model year 1981 and older, at facilities licensed or authorized within either the basic or enhanced emissions program; except that for 1982 model and newer vehicles a test facility may charge a fee not to exceed twenty-five dollars."

strike lines 17 through 24 and substitute the following:

"inspected under section 42-4-310."

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1455

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsor added: Lamborn.

HB02-1315

by Representative(s) Mitchell; also Senator(s) Hagedorn--Concerning Colorado's response to terrorism, and, in connection therewith, creating the office of preparedness, security, and fire safety.

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

Third Reading Amendment, by Senator Chlouber.

Amend revised bill, page 12, line 15, strike "GROUNDS, UNLESS" and substitute "GROUNDS. UNLESS";

line 16, strike "RULES" and substitute "RULES,".

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

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Chlouber, Entz, Gordon, Nichol, Perlmutter, Phillips, Taylor, Teck.

HB02-1399

by Representative(s) Spradley, Dean, Boyd, Cadman, Cloer, Fritz, King, Schultheis, Sinclair, Smith, Vigil, Williams T.; also Senator(s) Matsunaka, Hernandez, Musgrave--Concerning the Economic Recovery Act, and, in connection therewith, increasing the maximum term for which a school district board of education, a county, or a municipality may negotiate a business incentive agreement, requiring a school district board of education to submit a business incentive agreement for the review of the Colorado economic development commission before entering into the business incentive agreement, and repealing a statutory provision that requires the creation and review of a plan establishing criteria, procedures, and a schedule for the termination of enterprise zones or portions thereof that no longer meet specified criteria.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1399

YES	33	NO	1	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	*	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	N		

Abstaining (*) from voting under Senate Rule 17(c)--Pascoe.

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

Co-sponsors added: Chlouber, Epps, Lamborn, May, McElhany, Owen.

HB02-1024

by Representative(s) White, Hodge, Hoppe, Rippy, Tapia; also Senator(s) Taylor, Entz, Isgar--Concerning the creation of a permanent water resources review committee of the Colorado general assembly.

Laid over until later in the day, Wednesday, May 8.

HB02-1456

by Representative(s) Williams T.; also Senator(s) Tate--Concerning statutory provisions governing business entities contained in title 7 of the Colorado Revised Statutes, and making an appropriation therefor.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

HB02-1015

by Representative(s) Scott; also Senator(s) Perlmutter--Concerning a requirement that a portion of the general fund surplus for any fiscal year be reserved until such time as the state resumes the use of the accrual system of accounting, as enunciated by the governmental accounting standards board, to determine the general fund surplus.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Arnold, Cairns, Hillman, Matsunaka, Nichol, Owen, Tate, Taylor, Teck, Tupa, Windels.

HB02-1237

by Representative(s) Hefley; also Senator(s) Gordon--Concerning substantive changes for the strengthening of criminal laws.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1237

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

YES	29	NO	6	EXCUSED	0	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	N
Arnold	Y	Hagedorn	Y	Musgrave	N	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	N
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Hanna, Tupa.

HB02-1409

by Representative(s) Rhodes; also Senator(s) Taylor--Concerning the repeal date of a provision that authorizes the use of moneys in the petroleum storage tank fund to verify that petroleum storage systems comply with applicable standards.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Entz, Hernandez, Isgar.

HB02-1003

by Representative(s) Spradley, Clapp, Williams T.; also Senator(s) Hagedorn, Owen--Concerning expanded access to health insurance.

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

Third Reading Amendment, by Senator Hagedorn.

Amend revised bill, page 35, line 17, strike "23" and substitute "28";

line 19, strike "23" and substitute "28";

line 21, strike "16 through 25" and substitute "20 through 30";

line 24, strike "15 and 16" and substitute "16 and 17"

line 26, strike "17 and 18" and substitute "18 and 19".

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

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

HB02-1003 A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Epps, Hernandez, Isgar, Taylor.

HB02-1326 by Representative(s) Scott, Fritz, Chavez, Coleman, Crane, Dean, Fairbank, Garcia, Groff, Grossman, Hefley, Hoppe, Jahn, Johnson, Kester, Mace, Madden, Marshall, Miller, Mitchell, Plant, Rhodes, Rippy, Romanoff, Sanchez, Sinclair, Snook, Spradley, Tapia, Tochtrop, Veiga, Vigil, Weddig, White, Williams S., Williams T., Witwer; also Senator(s) Fitz-Gerald--Concerning adoption of the "Uniform Electronic Transactions Act", and, in connection therewith, making an appropriation.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Hanna, Lamborn, May, Nichol, Phillips, Reeves, Tate, Teck, Tupa.

HB02-1303 by Representative(s) Coleman, Dean, Hefley, Kester, Mace, Sanchez; also Senator(s) Evans, Takis--Concerning the establishment of a family literacy education grant program, and making an appropriation therefor.

Laid over until later in the day, Wednesday, May 8.

HB02-1440 by Representative(s) Young, Alexander, Berry, Clapp, Cloer, Crane, Kester, Larson, Miller, Rhodes, Rippy, Romanoff, Sanchez, Smith, Snook, Spradley, Stafford, Tochtrop, Webster, White; also Senator(s) Entz--Concerning state emergency services, and making an appropriation in connection therewith.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsor added: Isgar.

HB02-1395 by Representative(s) Sinclair, Cadman, Crane, Decker, Hodge, Miller, Ragsdale; also Senator(s) Taylor--Concerning the denial of the right of inspection of certain military records filed with the county clerk and recorder's office regarding a member of the military's separation from service.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1395

YES	34	NO	1	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	N	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Entz, Hernandez, Owen.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Conference Committee Reports: **HB02-1131, HB02-1061, HB02-1155, HB02-1263, HB02-1284, HB02-1013, HB02-1161**.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

HB02-1131

by Representative(s) Hodge; also Senator(s) Takis--Concerning the qualifications required of an applicant before a special license plate may be issued.

Senator Takis moved for the adoption of the First Report of the First Conference Committee on **HB02-1131**, as printed in Senate Journal, March 20, page 528. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Entz, Tupa.

HB02-1061

by Representative(s) Garcia; also Senator(s) Entz--Concerning applications for absentee ballots.

Senator Entz moved for the adoption of the First Report of the First Conference Committee on **HB02-1061**, as printed in Senate Journal, March 12, page 455. The motion was **adopted** by the following roll call vote:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1061

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Dyer, May.

HB02-1155

by Representative(s) Clapp, Fairbank, Fritz, Hefley, Hoppe, Kester, Lawrence, Mace, Mitchell, Scott, Snook, Spence, Stafford, Swenson, Webster, White, Witwer; also Senator(s) Owen--Concerning the coverage of pregnant women under the children's basic health plan, and making an appropriation therefor.

Senator Owen moved for the adoption of the First Report of the First Conference Committee on **HB02-1155**, as printed in Senate Journal, April 30, page 1068. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	33	NO	2	EXCUSED	0	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Musgrave, Pascoe, Phillips, Tupa.

HB02-1263

by Representative(s) Alexander; also Senator(s) Hagedorn--Concerning substance abuse treatment, and making an appropriation in connection therewith.

HB02-1263

Senator Hagedorn moved for the adoption of the First Report of the First Conference Committee on **HB02-1263**, as printed in Senate Journal, April 30, page 1059. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	33	NO	2	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsor added: Windels.

HB02-1284

by Representative(s) Grossman, Sinclair; also Senator(s) Isgar--Concerning the authorization of need-based grants for veterans to defray the costs of attendance at the dedication of the world war II memorial in Washington, D.C.

Senator Isgar moved for the adoption of the First Report of the First Conference Committee on **HB02-1284**, as printed in Senate Journal, April 18, page 906. The motion was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	E	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	E	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Chlouber, Entz, Fitz-Gerald, Hanna, Hernandez, Lamborn, Musgrave, Phillips, Teck, Tupa.

HB02-1013

by Representative(s) Spradley, Williams T.; also Senator(s) McElhany, Owen--Concerning the guaranteed issue of health insurance benefits for business groups of one.

Senator McElhany moved for the adoption of the First Report of the First Conference Committee on **HB02-1013**, as printed in Senate Journal, April 1, page 611. The motion was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	E	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	31	NO	3	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	E	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	N
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	N	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	N	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

HB02-1161

by Representative(s) Young; also Senator(s) Hillman--Concerning the creation of enhanced rural enterprise zones, and, in connection therewith, establishing state income tax credits for taxpayers who establish new business facilities in enhanced rural enterprise zones.

Senator Hillman moved for the adoption of the First Report of the First Conference Committee on **HB02-1161**, as printed in Senate Journal, April 30, page 1068. The motion was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	E	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	27	NO	7	EXCUSED	1	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	E	Takis	N
Andrews	Y	Gordon	Y	McElhany	Y	Tate	N
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	N	Hillman	Y	Pascoe	N	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	N	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	N		

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

HB02-1161 Co-sponsors added: Phillips, Taylor.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Third Reading--Final Passage of Bills: **HB02-1303**.

THIRD READING--FINAL PASSAGE OF BILLS

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

HB02-1303 by Representative(s) Coleman, Dean, Hefley, Kester, Mace, Sanchez; also Senator(s) Evans, Takis--Concerning the establishment of a family literacy education grant program, and making an appropriation therefor.

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

Third Reading Amendment, by Senator Evans.

Amend revised bill, page 10, line 16, strike "(I)" and substitute "(a)";

line 24, strike "(II)" and substitute "(b)".

Page 11, line 4, strike "(III)" and substitute "(c)";

line 8, strike "(IV)" and substitute "(d)".

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

As amended, laid over until later in the day, Wednesday, May 8.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions: **HJR02-1027, HJR02-1071, HJR02-1079**.

CONSIDERATION OF RESOLUTIONS

HJR02-1027 by Representative(s) Sinclair; also Senator(s) Hernandez--Concerning declaring September to be prostate cancer awareness month.

On motion of Senator Hernandez, the resolution was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	E	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: The present roll call of the Senate.

HJR02-1071 by Representative(s) Cloer, Snook, Mace, Coleman, Garcia, Lawrence, Sanchez, Vigil; also Senator(s) Hernandez--Concerning the recognition of Colorado's Hispanic population and designating a month to acknowledge their contributions to the state.

On motion of Senator Hernandez, the resolution was **adopted** by the following roll call vote:

HJR02-1071

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	E	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: The present roll call of the Senate.

HJR02-1079

by Representative(s) Dean; also Senator(s) Entz--Concerning employer support of the National Guard and Reserve.

On motion of Senator Entz, the resolution was read at length and adopted by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	E	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: The present roll call of the Senate.

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON HB02-1349

***** THIS REPORT AMENDS THE REENGROSSED BILL *****

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

Your first conference committee appointed on HB02-1349, concerning the financing of public schools, and making an appropriation therefor, has met and reports that it has agreed upon the following:

1. That the Senate recede from its amendments made to the bill, as said amendments appear in the rerevised bill, and that the following amendments be substituted therefor:

Amend reengrossed bill, page 5, line 1, strike "(a)," and substitute "(a) (II),".

Page 6, line 12, strike "SECTION 22-54-103 (10) (a)" and substitute "PARAGRAPH (a) OF SUBSECTION (10) OF THIS SECTION";

line 21, strike "DISTRICT." and substitute "DISTRICT, MINUS ANY SUCH PUPILS WHO WERE ENROLLED IN ANY SUCH ON-LINE PROGRAMS FOR THE 2001-02 SCHOOL YEAR.";

strike lines 22 through 27.

Page 7, strike lines 1 through 11 and substitute the following:

"(10) (a) (II) "Pupil enrollment" shall include a pupil who WAS ENROLLED DURING THE 2001-02 SCHOOL YEAR IN AN ON-LINE PROGRAM AUTHORIZED PURSUANT TO SECTION 22-33-104.6 AND WHO is enrolled and participates in an ANY SUCH on-line program authorized pursuant to section 22-33-104.6 ON OCTOBER 1 WITHIN THE APPLICABLE BUDGET YEAR OR THE SCHOOL DAY NEAREST SAID DATE."

HB02-1349

Page 8, line 4, strike "OR (7)";

line 10, strike "\$5,391" and substitute "\$5,435";

line 23, strike "and budget years thereafter," and substitute "~~and budget years thereafter~~ THROUGH THE 2001-02 BUDGET YEAR,".

Page 10, line 8, strike "THE FOLLOWING" and substitute "A" and strike "SUBSECTIONS" and substitute "SUBSECTION";

line 14, strike "(\$5,391" and substitute "(\$5,435";

line 17, strike "(\$5,391" and substitute "(\$5,435";

strike lines 20 through 27.

Page 11, strike lines 1 through 11;

strike lines 19 through 27.

Page 12, strike lines 1 through 17.

Renumber succeeding sections accordingly.

Page 16, strike lines 6 through 9 and substitute the following:

"PUPIL ENROLLMENT FOR THE CURRENT BUDGET YEAR AND THE TWO PRECEDING BUDGET YEARS HAS INCREASED BY AN AVERAGE OF AT LEAST NINE PERCENT PER YEAR.".

Page 17, strike lines 18 through 27.

Page 18, strike lines 1 through 16.

Renumber succeeding sections accordingly.

Page 18, line 17, strike "(I) and (2) (d) (III)," and substitute "(I),";

line 18, strike "are" and substitute "is".

Page 19, strike lines 1 through 17 and substitute the following:

~~and~~ to not more than 10,050 in the 2001-02 budget year, AND TO NOT MORE THAN 11,050 IN THE 2002-03 and budget years thereafter.

(III.1) FOR THE 2002-03 BUDGET YEAR AND BUDGET YEARS THEREAFTER, THE DEPARTMENT SHALL ALLOW SCHOOL DISTRICTS TO APPLY TO THE DEPARTMENT FOR AUTHORIZATION TO SERVE NO MORE THAN ONE THOUSAND FIVE HUNDRED ELIGIBLE CHILDREN THROUGH A FULL-DAY KINDERGARTEN COMPONENT OF THE DISTRICT'S PRESCHOOL PROGRAM. THE DEPARTMENT, USING ESTABLISHED CRITERIA, SHALL SELECT SCHOOL DISTRICTS TO PARTICIPATE IN SUCH FULL-DAY KINDERGARTEN PROGRAMS UNTIL THE TOTAL NUMBER OF FULL-DAY KINDERGARTEN POSITIONS APPLIED FOR HAS BEEN FILLED OR THE LIMITATION OF ONE THOUSAND FIVE HUNDRED CHILDREN HAS BEEN REACHED, WHICHEVER EVENT OCCURS FIRST. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO WAIVERS SHALL BE GRANTED BY THE DEPARTMENT THAT WOULD ALLOW MORE THAN ONE THOUSAND FIVE HUNDRED FULL-DAY KINDERGARTEN CHILDREN.

(III.2) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, SCHOOL DISTRICTS THAT DID NOT HAVE ANY CHILDREN PARTICIPATE IN THE STATE PRESCHOOL PROGRAM DURING THE 2001-02 BUDGET YEAR SHALL BE GIVEN THE FIRST OPPORTUNITY TO HAVE UP TO ONE THOUSAND CHILDREN PARTICIPATE IN THE STATE PRESCHOOL PROGRAM DURING THE 2002-03 BUDGET YEAR, WITH THE DEPARTMENT GIVING PRIORITY TO SCHOOL DISTRICTS THAT HAVE BEEN WAITING TO PARTICIPATE IN THE STATE PRESCHOOL PROGRAM FOR THE LONGEST PERIOD. IF SUCH SCHOOL DISTRICTS DO NOT USE ALL ONE THOUSAND POSITIONS, ANY REMAINING UNUSED POSITIONS SHALL BE ALLOWED TO ANY OTHER SCHOOL DISTRICTS THAT ARE PARTICIPATING IN THE STATE PRESCHOOL PROGRAM DURING THE 2002-03 BUDGET YEAR.";

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1349

line 18, strike "(III.2)" and substitute "(III.3)";

line 23, strike "POSITIONS" and substitute "POSITIONS.";

strike lines 24 and 25 and substitute the following:

"ANY SCHOOL".

Page 20, strike lines 4 through 13 and substitute the following:

"CONSIDERATION.

SECTION 11. 22-28-104 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-28-104. Establishment of public preschool programs.

(1) There is hereby established a state preschool program, which shall be implemented in school districts beginning in January of 1989. The purposes of the program are:

(a.5) FOR THE 2002-03 SCHOOL YEAR AND EACH SCHOOL YEAR THEREAFTER, TO ALSO SERVE THREE-YEAR-OLD CHILDREN WHO LACK OVERALL LEARNING READINESS DUE TO SIGNIFICANT FAMILY RISK FACTORS, WHO ARE IN NEED OF LANGUAGE DEVELOPMENT, OR WHO ARE RECEIVING SERVICES FROM THE STATE DEPARTMENT OF HUMAN SERVICES PURSUANT TO ARTICLE 5 OF TITLE 26, C.R.S., AS NEGLECTED OR DEPENDENT CHILDREN AND WHO WOULD BENEFIT FROM PARTICIPATION IN THE STATE PRESCHOOL PROGRAM;

SECTION 12. The introductory portion to 22-28-106 (1) (a) and 22-28-106 (1) (a) (I) and (1) (a) (II), Colorado Revised Statutes, are amended to read:

22-28-106. Eligibility of children for participation in district program. (1) (a) The department shall establish, by rule, ~~and regulation,~~ criteria for each school district to use in determining which children in the district shall be eligible for participation in the district preschool program, subject to the following requirements:

(I) FOR EACH SCHOOL YEAR PRIOR TO THE 2002-03 SCHOOL YEAR, no child shall participate in the district preschool program unless he OR SHE is four or five years old and would be eligible to enroll in kindergarten in the following academic year. FOR THE 2002-03 SCHOOL YEAR AND EACH SCHOOL YEAR THEREAFTER, A CHILD WHO IS THREE, FOUR, OR FIVE YEARS OLD AND MEETS THE CRITERIA SPECIFIED IN SUBPARAGRAPHS (II) TO (IV) OF THIS PARAGRAPH (a) AND ANY OTHER CRITERIA ESTABLISHED BY RULE MAY PARTICIPATE IN THE DISTRICT PRESCHOOL PROGRAM.

(II) No child shall participate in the district preschool program unless such child lacks overall learning readiness due to significant family risk factors, is in need of language development, including but not limited to the ability to speak English, or is receiving services from the state department of human services pursuant to article 5 of title 26, C.R.S., as a neglected or dependent child; EXCEPT THAT NO CHILD WHO IS THREE YEARS OF AGE SHALL PARTICIPATE IN THE DISTRICT PRESCHOOL PROGRAM UNLESS SUCH CHILD LACKS OVERALL LEARNING READINESS THAT IS ATTRIBUTABLE TO AT LEAST THREE OF THE SIGNIFICANT FAMILY RISK FACTORS."

Renumber succeeding sections accordingly.

Page 34, line 15, strike "FIVE HUNDRED" and substitute "ONE HUNDRED THIRTY-FIVE".

Page 37, line 26, strike "(2) (a.8), (3) (a) (II),".

Page 38, strike lines 14 and 15 and substitute the following:

"DISTRICT FACILITY AND THAT DOES NOT HAVE ONGOING FINANCIAL OBLIGATIONS INCURRED TO REPAY THE OUTSTANDING COSTS OF NEW

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1349

CONSTRUCTION UNDERTAKEN FOR THE CHARTER SCHOOL'S BENEFIT, and provide an estimate of the number".

Page 40, strike lines 2 through 22;

line 23, before "(III)", insert "(3) (a)";

line 25, strike "~~federally required educational~~" and substitute "federally required educational";

line 26, strike "SPECIAL EDUCATION".

Page 46, line 6, strike "SCHOOL." and substitute "SCHOOL AND THAT WAS CREATED FOR THE SOLE PURPOSE OF HOLDING TITLE TO SUCH FACILITY.".

Page 48, line 18, after "THAT", insert "MEET APPLICABLE STATE BUILDING CODE REQUIREMENTS AND".

Page 49, after line 1, insert the following:

"(f) A STATEMENT ADDRESSING WHETHER CONSTRUCTION AND RENOVATION, PAYMENT OF OVERRUN COSTS, AND OTHER CAPITAL CONSTRUCTION PROJECT ISSUES ARE TO BE MANAGED BY THE CHARTER SCHOOL OR THE DISTRICT, WITH COSTS FOR MANAGEMENT TO BE NEGOTIATED BY THE CHARTER SCHOOL AND THE DISTRICT;"

Reletter succeeding paragraphs accordingly.

Page 49, line 13, after "CONSTRUCTION.", insert "THE BOARD SHALL ALSO DETERMINE THE PRIORITY OF THE CHARTER SCHOOL CAPITAL CONSTRUCTION NEED IN RELATION TO THE CAPITAL CONSTRUCTION NEEDS OF THE ENTIRE DISTRICT.";

line 18, after "PLAN,", insert "AND THE BOARD HAS PRIORITIZED THE CHARTER SCHOOL CAPITAL CONSTRUCTION NEEDS IN RELATION TO THE CAPITAL CONSTRUCTION NEEDS OF THE ENTIRE DISTRICT,".

Page 51, line 3, strike "AND";

after line 3, insert the following:

"(c) THE INVESTMENT AND INTEREST EARNINGS ON BOND PROCEEDS SHALL BE DISTRIBUTED ON A PRO RATA BASIS TO THE PARTICIPATING CHARTER SCHOOL AFTER MANAGEMENT FEES HAVE BEEN COLLECTED; AND";

line 4, strike "(c)" and substitute "(d)";

strike line 19 and substitute the following:

"CONTRACT SPECIFYING THAT:

(a) THE OWNERSHIP OF ANY CAPITAL";

line 20, strike "REVERT" and substitute "AUTOMATICALLY REVERT TO THE DISTRICT";

line 23, strike "SCHOOL." and substitute "SCHOOL; AND";

after line 23, insert the following:

"(b) THE CHARTER SCHOOL SHALL NOT ENCUMBER ANY CAPITAL CONSTRUCTION FINANCED BY BOND REVENUES WITH ANY ADDITIONAL DEBT.".

Page 57, line 17, strike "A";

strike line 18 and substitute the following:

"THE COLORADO EDUCATIONAL AND CULTURAL FACILITIES AUTHORITY CREATED IN SECTION 23-15-104 (1) (a), C.R.S., TO OBTAIN SUCH".

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1349

Page 58, line 9, strike "Two" and substitute "One".

Page 59, strike line 22 and substitute the following:

"CHARTER SCHOOL BY THE COLORADO EDUCATIONAL AND CULTURAL FACILITIES AUTHORITY CREATED IN SECTION 23-15-104 (1) (a), C.R.S.";

line 23, strike "DISTRICT".

Page 60, strike line 13 and substitute the following:

"SCHOOL BY THE COLORADO EDUCATIONAL AND CULTURAL FACILITIES AUTHORITY";

strike line 27 and substitute the following:

"BY THE COLORADO EDUCATIONAL AND CULTURAL FACILITIES AUTHORITY FOR WHICH".

Page 61, line 23, strike "Two" and substitute "One";

line 27, strike "A".

Page 62, strike line 1 and substitute the following:

"THE COLORADO EDUCATIONAL AND CULTURAL FACILITIES AUTHORITY SHALL HAVE ITS";

line 10, strike "Two" and substitute "One";

strike lines 13 and 14 and substitute the following:

"BONDS ISSUED BY THE COLORADO EDUCATIONAL AND CULTURAL FACILITIES AUTHORITY SHALL HAVE ITS PAYMENT REDUCED BY THE SAME".

Page 63, strike lines 3 and 4 and substitute the following:

"CHARTER SCHOOL BONDS ON BEHALF OF THE CHARTER SCHOOL BY THE COLORADO EDUCATIONAL AND CULTURAL FACILITIES";

line 6, strike "C.R.S.; OR" and substitute "C.R.S.";

strike lines 7 through 9;

strike lines 12 through 14 and substitute the following:

"AUTHORITY FOR THE PURPOSE OF FINANCING A FACILITY TO BE USED".

Page 64, line 4, strike "OR ANY OTHER GOVERNMENTAL";

strike lines 5 and 6 and substitute the following:

"HAS ISSUED QUALIFIED CHARTER";

strike lines 11 and 12 and substitute the following:

"BOARD OF DIRECTORS OF THE COLORADO EDUCATIONAL AND CULTURAL FACILITIES AUTHORITY SHALL SUBMIT TO THE GOVERNOR A";

line 17, strike "TO";

line 21, after the period, add "If, in its sole discretion, the general assembly appropriates any moneys for said purpose, the aggregate amount of moneys that may be appropriated for said purpose shall not exceed two hundred million dollars.".

Page 65, after line 3, insert the following:

"22-30.5-409. Annual reports on bonds issued on behalf of charter schools - review by state auditor. (1) PRIOR TO JANUARY 30, 2003, AND PRIOR TO JANUARY 30 OF EACH YEAR THEREAFTER, THE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1349

COLORADO EDUCATIONAL AND CULTURAL FACILITIES AUTHORITY CREATED IN SECTION 23-15-104 (1) (a), C.R.S., SHALL SUBMIT A REPORT TO THE STATE AUDITOR THAT INCLUDES INFORMATION CONCERNING THE ISSUANCE OF QUALIFIED CHARTER SCHOOL BONDS, AS DEFINED IN SECTION 22-30.5-408 (1) (c), THAT HAVE RESULTED IN CHARTER SCHOOLS OBTAINING MORE FAVORABLE FINANCING TERMS BY RELIANCE ON THE EXISTENCE OF THE CHARTER SCHOOL DEBT RESERVE FUND CREATED IN SECTION 22-30.5-407 (2) (a) AND THE POTENTIAL REPLENISHMENT OF THE CHARTER SCHOOL DEBT RESERVE FUND PURSUANT TO SECTION 22-30.5-408 (2) (a). SUCH REPORT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

(a) THE TOTAL AMOUNT OF SUCH QUALIFIED CHARTER SCHOOL BONDS ISSUED DURING THE MOST RECENTLY COMPLETED CALENDAR YEAR;

(b) THE CHARTER SCHOOLS ON WHOSE BEHALF SUCH QUALIFIED CHARTER SCHOOL BONDS WERE ISSUED;

(c) AN ITEMIZATION OF THE CHARTER SCHOOL FACILITIES FOR WHICH SUCH QUALIFIED CHARTER SCHOOL BONDS WERE ISSUED, THE TOTAL COST OF EACH SUCH CHARTER SCHOOL FACILITY, AND THE PERCENTAGE OF THE TOTAL COST OF EACH SUCH FACILITY TO BE PAID FROM THE PROCEEDS OBTAINED FROM THE ISSUANCE OF SUCH QUALIFIED CHARTER SCHOOL BONDS;

(d) THE INVESTMENT RATINGS OF SUCH QUALIFIED CHARTER SCHOOL BONDS;

(e) THE TOTAL AMOUNT OF NET AND GROSS PROCEEDS OBTAINED FROM THE ISSUANCE OF SUCH QUALIFIED CHARTER SCHOOL BONDS DURING THE MOST RECENTLY COMPLETED CALENDAR YEAR;

(f) THE TOTAL AMOUNT OF SUCH OUTSTANDING QUALIFIED CHARTER SCHOOL BONDS;

(g) THE TOTAL AMOUNT OF ANNUAL INSTALLMENTS OF PRINCIPAL AND INTEREST ON SUCH QUALIFIED CHARTER SCHOOL BONDS THAT WERE SCHEDULED TO BE PAID DURING THE MOST RECENTLY COMPLETED CALENDAR YEAR, THE TOTAL AMOUNT OF SUCH ANNUAL INSTALLMENTS ACTUALLY PAID DURING THE MOST RECENTLY COMPLETED CALENDAR YEAR, AND THE TOTAL AMOUNT OF SUCH ANNUAL INSTALLMENTS SCHEDULED TO BE PAID DURING THE CURRENT CALENDAR YEAR AND FUTURE CALENDAR YEARS;

(h) THE TOTAL AMOUNT, IF ANY, OF MONEYS EXPENDED FROM EACH CHARTER SCHOOL'S OWN DEBT SERVICE RESERVE FUND OR ACCOUNT DURING THE MOST RECENTLY COMPLETED CALENDAR YEAR FOR THE PURPOSE OF PAYING PRINCIPAL AND INTEREST ON SUCH QUALIFIED CHARTER SCHOOL BONDS; AND

(i) THE TOTAL AMOUNT, IF ANY, OF MONEYS EXPENDED FROM THE CHARTER SCHOOL DEBT RESERVE FUND DURING THE MOST RECENTLY COMPLETED CALENDAR YEAR FOR THE PURPOSE OF PAYING PRINCIPAL AND INTEREST ON SUCH QUALIFIED CHARTER SCHOOL BONDS.

(2) NO LATER THAN MARCH 1, 2002, AND NO LATER THAN MARCH 1 EACH YEAR THEREAFTER, THE STATE AUDITOR SHALL EXAMINE THE REPORT SUBMITTED IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION AND, UPON COMPLETION OF SUCH REVIEW, SHALL REPORT ANY FINDINGS REGARDING SAID SUBMITTED REPORT TO THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, THE LEGISLATIVE AUDIT COMMITTEE, THE CAPITAL DEVELOPMENT COMMITTEE, THE JOINT BUDGET COMMITTEE, AND THE DEPARTMENT OF EDUCATION."

Page 68, strike lines 4 through 27.

Page 69, strike line 1, insert the following:

"SECTION 37. 22-54-124, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1349

22-54-124. State aid for charter schools - use of state education fund moneys. (8) THE GENERAL ASSEMBLY HEREBY FINDS THAT WITH THE ADOPTION OF THE NEW DEFINITION OF "QUALIFIED CHARTER" SCHOOL, ENACTED IN HOUSE BILL 02-1349 DURING THE SECOND REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY, THE PROGRAM CREATED IN THIS SECTION IS A NEW PROGRAM AS OF THE EFFECTIVE DATE OF SAID ACT AND THAT THE GENERAL ASSEMBLY ENACTED SUCH NEW PROGRAM IN ORDER TO MEET THE ELIGIBILITY REQUIREMENTS OF THE INCENTIVE GRANT PROGRAM INCLUDED IN THE FEDERAL "NO CHILD LEFT BEHIND ACT OF 2001", P.L. No. 107-110."

Page 70, strike lines 13 and 14 and substitute the following:

"(II) THE TOTAL AMOUNT OF STATE EDUCATION FUND MONEYS TO BE DISTRIBUTED TO ALL ELIGIBLE DISTRICTS FOR THE 2002-03 BUDGET YEAR SHALL BE SEVEN MILLION EIGHT HUNDRED THIRTEEN THOUSAND NINE HUNDRED FORTY-THREE DOLLARS.

(III) (A) THE TOTAL AMOUNT OF STATE EDUCATION";

strike line 16 and substitute the following:

"BUDGET YEAR FROM THE 2003-04 BUDGET YEAR THROUGH THE 2011-12";

line 19, strike "(I)" and substitute "(II)";

line 24, strike "2011-12" and substitute "2012-13".

Page 71, strike lines 3 through 8;

line 9, strike "(C)" and substitute "(B)";

strike line 17 and substitute the following:

"SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III).";

line 27, strike "FOR WHICH IT WILL" and substitute "AND THAT DOES NOT HAVE ONGOING FINANCIAL OBLIGATIONS INCURRED TO REPAY THE OUTSTANDING COSTS OF NEW CONSTRUCTION UNDERTAKEN FOR THE CHARTER SCHOOL'S BENEFIT SHALL BE".

Page 72, strike line 1.

Page 89, strike line 27.

Strike pages 90 and 91.

Page 92, strike lines 1 through 13 and substitute the following:

"programs and requiring compliance with the Colorado rules ~~and regulations~~ for child care centers promulgated by the department of human services pursuant to section 26-6-106, C.R.S.; EXCEPT THAT A FULL-DAY KINDERGARTEN COMPONENT OF A DISTRICT'S PRESCHOOL PROGRAM NEED NOT BE IN COMPLIANCE WITH SUCH RULES.

SECTION 50. 26-6-102 (1.5), Colorado Revised Statutes, is amended to read:

26-6-102. Definitions. As used in this article, unless the context otherwise requires:

(1.5) "Child care center" means a facility, by whatever name known, that is maintained for the whole or part of a day for the care of five or more children who are eighteen years of age or younger and who are not related to the owner, operator, or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes, but is not limited to, facilities commonly known as day care centers, school-age child care centers, before and after school programs, nursery schools, kindergartens, preschools, day camps, summer camps, and centers for developmentally disabled children and those facilities that give

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1349

twenty-four-hour care for children and includes those facilities for children under the age of six years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school; except that the term shall not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six grades OR OPERATED AS A COMPONENT OF A SCHOOL DISTRICT'S PRESCHOOL PROGRAM OPERATED PURSUANT TO ARTICLE 28 OF TITLE 22, C.R.S. The term shall not include any facility licensed as a family child care home or foster care home.

SECTION 51. 22-43.7-105, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-43.7-105. Financial assistance application requirements - evaluation criteria - oversight board - duties.

(6.5) NOTWITHSTANDING ANY PROVISION IN SUBSECTION (6) OF THIS SECTION TO THE CONTRARY, APPROPRIATIONS FOR THE CAPITAL CONSTRUCTION PROJECTS THAT WILL RECEIVE MATCHING GRANTS FROM THE CONSTRUCTION AND RENOVATION FUND FOR THE 2002-03 FISCAL YEAR MAY BE MADE TO THE DEPARTMENT OF EDUCATION IN HOUSE BILL 02-1349, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY.

SECTION 52. 22-7-607.5 (1) (a), (2) (a), (2) (b), (3) (a), and (3) (b), Colorado Revised Statutes, are amended to read:

22-7-607.5. Teacher pay incentive program - repeal. (1) As used in this section, unless the context otherwise requires:

(a) (I) "Eligible school" means, FOR THE 2001-02 SCHOOL YEAR, a public school that receives an academic performance rating of "low" or "unsatisfactory", pursuant to section 22-7-604, for the 2000-01 school year.

(II) "ELIGIBLE SCHOOL" MEANS, FOR THE 2002-03 SCHOOL YEAR AND SCHOOL YEARS THEREAFTER, A PUBLIC SCHOOL THAT RECEIVES AN ACADEMIC PERFORMANCE RATING OF "UNSATISFACTORY", PURSUANT TO SECTION 22-7-604, FOR THE 2000-01 SCHOOL YEAR.

(2) (a) (I) There is hereby established in the department the teacher pay incentive program to provide moneys to school districts with poorly performing schools to recruit and maintain quality teachers. EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), in the first school year following the year that a public school becomes an eligible school, and for each of the three subsequent school years, an eligible school shall receive a grant from the program in an amount equal to the per pupil grant amount calculated pursuant to paragraph (b) of this subsection (2), multiplied by the number of students enrolled in the eligible school. If, in any school year during the period in which the eligible school receives grants, the eligible school receives a school improvement rating of "significant improvement", the eligible school shall receive an additional award in an amount equal to the significant improvement bonus per pupil amount calculated pursuant to paragraph (c) of this subsection (2), multiplied by the number of students enrolled in the eligible school. If, in any school year during the period in which the eligible school receives grants, the eligible school receives a school improvement rating of "improvement", the eligible school shall receive an additional award in an amount equal to the improvement bonus per pupil amount calculated pursuant to paragraph (d) of this subsection (2), multiplied by the number of students enrolled in the eligible school.

(II) ANY PUBLIC SCHOOL THAT QUALIFIED FOR FUNDING AS AN ELIGIBLE SCHOOL, AS DEFINED IN SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, FOR THE 2001-02 BUDGET YEAR BUT DOES NOT QUALIFY AS AN ELIGIBLE SCHOOL, AS DEFINED IN SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, SHALL RECEIVE FUNDING PURSUANT TO THIS SECTION FOR THE 2001-02 BUDGET YEAR ONLY.

(b) The per pupil grant amount shall be an amount equal to ~~twelve million six hundred thirty thousand~~ THREE MILLION SIX HUNDRED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1349

TWENTY THOUSAND dollars divided by the total number of students enrolled in all eligible schools.

(3) (a) Moneys received from an award under this section shall be paid only as bonuses to teachers or for the payment of the costs of other benefits associated with a bonus paid to a teacher. The district school board of any school district with an eligible school shall determine in accordance with this section the policies and procedures by which teachers shall receive a bonus and the amount of the bonus. ~~except that the minimum amount of a yearly bonus to a teacher shall be one thousand dollars. The bonuses may only be used to:~~

~~(I) Reward outstanding teacher performance;~~

~~(II) Offer a recruitment bonus to encourage a teacher who holds a master certificate pursuant to section 22-60.5-202 to teach at the eligible school or a retention bonus to such a teacher who has taught at the school for at least one school year;~~

~~(III) Offer a recruitment bonus to encourage a teacher in a hard-to-recruit subject or a retention bonus to such a teacher who has taught at the school for at least one school year; or~~

~~(IV) Defray housing and living expenses if an eligible school is located in a community with a lack of adequate affordable housing.~~

~~(b) (I) To give a bonus under subparagraph (I) of paragraph (a) of this subsection (3), the district school board or district superintendent must specifically identify a data-driven evaluation based upon the results of student performance on the assessments administered pursuant to section 22-7-409 that was used to determine which teachers should receive the bonus.~~

~~(II) To give a recruitment bonus under subparagraph (II) or (III) of paragraph (a) of this subsection (3), the district school board or district superintendent must identify an open teaching position that is filled by a new teacher.~~

~~(III) The state board shall determine by rule what subjects constitute hard-to-recruit subjects for purposes of subparagraph (III) of paragraph (a) of this subsection (3).~~

SECTION 53. Article 54 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-54-123.5. School breakfast program - appropriation - low-performing schools. (1) FOR THE 2002-03 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE BY SEPARATE LINE ITEM A MINIMUM OF FIVE HUNDRED THOUSAND DOLLARS TO ASSIST SCHOOL DISTRICTS THAT ARE PROVIDING A SCHOOL BREAKFAST PROGRAM THROUGH PARTICIPATION IN PROGRAMS AUTHORIZED UNDER THE "NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ., OR THE "CHILD NUTRITION ACT", 42 U.S.C. SEC. 1771 ET SEQ. THE DEPARTMENT SHALL DEVELOP PROCEDURES TO APPROPRIATELY ALLOCATE AND DISBURSE THE FUNDS AMONG PARTICIPATING SCHOOL DISTRICTS. EACH SCHOOL DISTRICT THAT RECEIVES MONEYS PURSUANT TO THIS SECTION SHALL USE SUCH MONEYS TO CREATE, EXPAND, OR ENHANCE THE SCHOOL BREAKFAST PROGRAM IN EACH LOW-PERFORMING SCHOOL OF THE RECEIVING DISTRICT WITH THE GOAL OF IMPROVING THE ACADEMIC PERFORMANCE OF THE STUDENTS ATTENDING SUCH SCHOOLS.

(2) AS USED IN THIS SECTION, "LOW-PERFORMING SCHOOL" MEANS A SCHOOL THAT RECEIVED IN THE PRECEDING SCHOOL YEAR AN ACADEMIC PERFORMANCE RATING OF LOW OR UNSATISFACTORY PURSUANT TO SECTION 22-7-604.

SECTION 54. Title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1349

ARTICLE 86
Summer School Grant Program
Facility Schools

22-86-101. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) MANY CHILDREN WHO ARE PLACED OUTSIDE THE HOME, EITHER AS A RESULT OF A DEPENDENCY OR NEGLECT ACTION OR THROUGH INVOLVEMENT IN THE JUVENILE JUSTICE SYSTEM, ARE CURRENTLY RECEIVING EDUCATIONAL SERVICES THROUGH FACILITY SCHOOLS, INCLUDING BUT NOT LIMITED TO SCHOOLS OPERATED BY RESIDENTIAL TREATMENT CENTERS, RESIDENTIAL CHILD CARE FACILITIES, AND OTHER FORMS OF GROUP HOMES FOR CHILDREN.

(b) IN MANY CASES, CHILDREN RECEIVING EDUCATIONAL SERVICES THROUGH FACILITY SCHOOLS ARE PERFORMING ACADEMICALLY BELOW GRADE LEVEL AND ARE IN NEED OF EDUCATIONAL SERVICES THAT CONTINUE BEYOND THOSE PROVIDED IN A NORMAL ACADEMIC YEAR.

(c) IN MANY CASES, WHEN THEY RETURN TO THEIR HOMES, THESE CHILDREN ALSO RETURN TO THE PUBLIC SCHOOL SYSTEM WITH A LEARNING DEFICIT THAT MAY REQUIRE SIGNIFICANT EDUCATIONAL RESOURCES TO OVERCOME AND THAT MAY RESULT IN LOW PERFORMANCE ON ASSESSMENTS ADMINISTERED PURSUANT TO THE COLORADO STUDENT ASSESSMENT PROGRAM.

(d) ASSISTING FACILITY SCHOOLS TO CONTINUE PROVIDING EDUCATIONAL SERVICES TO CHILDREN THROUGHOUT THE SUMMER MONTHS WILL HELP TO REDUCE THE LEARNING DEFICIT EXPERIENCED BY MANY OF THESE CHILDREN AND WILL THEREBY ASSIST SCHOOL DISTRICTS IN WORKING WITH THESE CHILDREN WHEN THEY RETURN TO THE PUBLIC SCHOOL SYSTEM.

(2) THE GENERAL ASSEMBLY THEREFORE FINDS THAT A PROGRAM TO PROVIDE GRANTS TO FACILITY SCHOOLS TO ASSIST THEM IN PROVIDING SUMMER SCHOOLS FOR CHILDREN RESIDING IN RESIDENTIAL FACILITIES IS AN ACCOUNTABLE PROGRAM TO MEET STATE ACADEMIC STANDARDS AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

(3) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE FACILITY SUMMER SCHOOL GRANT PROGRAM CREATED IN THIS ARTICLE RECEIVE FUNDING FOR THE 2002-03 FISCAL YEAR FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION AND THAT ANY ADDITIONAL FUNDING IN SUBSEQUENT FISCAL YEARS FROM THE STATE EDUCATION FUND BE SUBJECT TO REVIEW AND DETERMINATION BY THE GENERAL ASSEMBLY ON AN ANNUAL BASIS.

22-86-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CSAP" MEANS THE COLORADO STUDENT ASSESSMENT PROGRAM ADMINISTERED PURSUANT TO SECTION 22-7-409.

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION CREATED IN SECTION 24-1-115, C.R.S.

(3) "FACILITY SCHOOL" MEANS A SCHOOL THAT IS OPERATED BY A RESIDENTIAL CHILD CARE FACILITY, A RESIDENTIAL TREATMENT CENTER, OR ANOTHER FACILITY INCLUDED ON THE FACILITY LIST MAINTAINED BY THE STATE BOARD PURSUANT TO SECTION 22-2-107 (1) (p) AND THAT RECEIVES A PORTION OF THE PER PUPIL OPERATING REVENUES OF ONE OR MORE SCHOOL DISTRICTS TO PROVIDE EDUCATIONAL SERVICES FOR CHILDREN WHO ARE INCLUDED ON THE ROLL OF OUT-OF-DISTRICT PLACED CHILDREN.

(4) "GRANT PROGRAM" MEANS THE FACILITY SUMMER SCHOOL GRANT PROGRAM CREATED PURSUANT TO SECTION 22-86-103.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1349

(5) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION CREATED PURSUANT TO SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

22-86-103. Facility summer school grant program - creation

- rules. (1) THERE IS HEREBY CREATED THE FACILITY SUMMER SCHOOL GRANT PROGRAM TO PROVIDE GRANTS TO FACILITY SCHOOLS THAT OPERATE SUMMER SCHOOL PROGRAMS FOR THE CHILDREN RESIDING IN THE FACILITIES. THE GRANT PROGRAM SHALL BE DESIGNED TO ASSIST FACILITY SCHOOLS IN PROVIDING INTENSIVE EDUCATIONAL SERVICES IN THE AREAS OF READING, WRITING, MATHEMATICS, AND SCIENCE FOR CHILDREN WHO ARE PERFORMING BELOW GRADE LEVEL IN THESE AREAS.

(2) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM AND THE STATE BOARD SHALL AWARD GRANTS AS PROVIDED IN THIS ARTICLE, SUBJECT TO AVAILABLE APPROPRIATIONS. GRANTS SHALL BE PAID OUT OF THE FACILITY SUMMER SCHOOL GRANT PROGRAM FUND CREATED PURSUANT TO SECTION 22-86-106.

(3) THE STATE BOARD SHALL PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., TO IMPLEMENT THE GRANT PROGRAM, INCLUDING BUT NOT LIMITED TO RULES SPECIFYING THE TIME FRAMES FOR SUBMITTING GRANT PROGRAM APPLICATIONS, THE FORM OF THE GRANT PROGRAM APPLICATION, AND THE TIME FRAMES FOR DISTRIBUTION OF THE GRANT MONEYS.

(4) THE DEPARTMENT SHALL SOLICIT AND MAY RECEIVE SUCH PUBLIC AND PRIVATE GIFTS, GRANTS, AND DONATIONS AS MAY BE AVAILABLE TO FUND THE GRANT PROGRAM. ANY MONEYS SO RECEIVED SHALL BE TRANSFERRED TO THE STATE TREASURER FOR DEPOSIT IN THE FACILITY SUMMER SCHOOL GRANT PROGRAM FUND CREATED PURSUANT TO SECTION 22-86-106.

22-86-104. Facility summer school grant program - application - criteria.

(1) A FACILITY SCHOOL THAT SEEKS TO RECEIVE A GRANT PURSUANT TO THIS ARTICLE SHALL SUBMIT AN APPLICATION TO THE DEPARTMENT IN ACCORDANCE WITH RULES PROMULGATED BY THE STATE BOARD. THE APPLICATION SHALL INCLUDE THE FOLLOWING INFORMATION:

(a) THE NUMBER OF CHILDREN RECEIVING EDUCATIONAL SERVICES FROM THE FACILITY SCHOOL;

(b) THE GRADE LEVELS OF CHILDREN RECEIVING EDUCATIONAL SERVICES FROM THE FACILITY SCHOOL AND THEIR LEVELS OF ACADEMIC PERFORMANCE IN THE AREAS OF READING, WRITING, MATHEMATICS, AND SCIENCE, INCLUDING THEIR LEVELS OF PERFORMANCE ON THE MOST RECENTLY ADMINISTERED CSAP ASSESSMENTS, IF AVAILABLE;

(c) A DESCRIPTION OF THE EDUCATIONAL SERVICES, INCLUDING BUT NOT LIMITED TO THE CURRICULA PROVIDED BY THE FACILITY SCHOOL AND THE EDUCATIONAL SERVICES THE FACILITY SCHOOL WOULD ANTICIPATE PROVIDING THROUGH A SUMMER SCHOOL PROGRAM;

(d) A DESCRIPTION OF THE METHOD USED BY THE FACILITY SCHOOL TO MEASURE CHILDREN'S ACADEMIC PERFORMANCE, INCLUDING THE METHOD USED TO DETERMINE WHETHER A CHILD IS PERFORMING AT, BELOW, OR ABOVE GRADE LEVEL AND THE METHOD, IF ANY, USED TO DETERMINE A CHILD'S ACADEMIC GROWTH OVER TIME;

(e) AN ITEMIZATION OF OTHER SOURCES OF FUNDING RECEIVED BY THE FACILITY SCHOOL AND USED TO PROVIDE EDUCATIONAL SERVICES, INCLUDING BUT NOT LIMITED TO A SUMMER SCHOOL PROGRAM;

(f) A DESCRIPTION OF THE GOALS THAT THE FACILITY SCHOOL'S SUMMER SCHOOL PROGRAM IS EXPECTED TO ACHIEVE AND THE METHOD BY WHICH THE FACILITY SCHOOL WILL MEASURE ACHIEVEMENT OF THE GOALS; AND

(g) ANY ADDITIONAL INFORMATION REQUIRED BY RULE OF THE STATE BOARD.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1349

(2) THE DEPARTMENT SHALL REVIEW THE APPLICATIONS RECEIVED FROM FACILITY SCHOOLS PURSUANT TO THIS SECTION AND SHALL MAKE RECOMMENDATIONS TO THE STATE BOARD CONCERNING THE AWARDING OF GRANTS AND THE AMOUNTS OF THE GRANTS. THE STATE BOARD SHALL TAKE INTO CONSIDERATION THE RECOMMENDATIONS OF THE DEPARTMENT AND SHALL ANNUALLY AWARD GRANTS TO FACILITY SCHOOLS IN AMOUNTS SPECIFIED BY THE STATE BOARD. IN AWARDING GRANTS PURSUANT TO THIS ARTICLE, THE STATE BOARD SHALL:

(a) CONSIDER THE GEOGRAPHIC LOCATION OF THE FACILITY SCHOOL AND, TO THE EXTENT POSSIBLE, ENSURE THAT GRANT MONEYS ARE AWARDED TO FACILITY SCHOOLS THROUGHOUT THE STATE;

(b) AWARD GRANTS TO FACILITY SCHOOLS THAT ARE IMPLEMENTING SUMMER SCHOOL PROGRAMS USING CURRICULA THAT ARE RESEARCH-BASED AND THAT HAVE BEEN USED WITH DEMONSTRATED SUCCESS EITHER BY THE APPLYING FACILITY SCHOOL OR BY ANOTHER SCHOOL; AND

(c) AWARD GRANTS TO FACILITY SCHOOLS THAT DEMONSTRATE SUCCESS IN IMPROVING THE ACADEMIC PERFORMANCE OF CHILDREN WHO ARE PERFORMING BELOW GRADE LEVEL IN THE AREAS OF READING, WRITING, MATHEMATICS, AND SCIENCE.

22-86-105. Reporting requirements. (1) ON OR BEFORE OCTOBER 1, 2004, AND ON OR BEFORE OCTOBER 1 EACH YEAR THEREAFTER, EACH FACILITY SCHOOL THAT RECEIVES A GRANT PURSUANT TO THIS ARTICLE SHALL SUBMIT A REPORT TO THE DEPARTMENT AFTER COMPLETION OF EACH ACADEMIC YEAR IN WHICH THE FACILITY SCHOOL PARTICIPATES IN THE GRANT PROGRAM. THE REPORT SHALL INCLUDE THE FOLLOWING INFORMATION:

(a) THE NUMBER OF CHILDREN WHO PARTICIPATED IN THE FACILITY SCHOOL'S SUMMER SCHOOL PROGRAM;

(b) THE LEVELS OF PERFORMANCE IN READING, WRITING, MATHEMATICS, AND SCIENCE DEMONSTRATED BY THE CHILDREN PARTICIPATING IN THE SUMMER SCHOOL PROGRAM BOTH BEFORE PARTICIPATION IN THE PROGRAM AND DURING THE SCHOOL YEAR FOLLOWING PARTICIPATION IN THE PROGRAM; AND

(c) SUCH OTHER INFORMATION AS THE STATE BOARD MAY BY RULE REQUIRE TO ASSESS THE EFFECTIVENESS OF THE FACILITY SCHOOL'S SUMMER SCHOOL PROGRAM AND OF THE GRANT PROGRAM.

22-86-106. Facility summer school grant program fund. THERE IS HEREBY CREATED IN THE STATE TREASURY THE FACILITY SUMMER SCHOOL GRANT PROGRAM FUND, REFERRED TO IN THIS SECTION AS THE "FUND", FOR THE PAYMENT OF FACILITY SUMMER SCHOOL GRANTS AWARDED PURSUANT TO THIS ARTICLE. THE FUND SHALL CONSIST OF SUCH MONEYS AS MAY BE APPROPRIATED THERETO FROM THE STATE GENERAL FUND AND FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION, AS WELL AS ANY MONEYS RECEIVED BY THE DEPARTMENT PURSUANT TO SECTION 22-86-103 (4). THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT FOR THE PURPOSES SPECIFIED IN THIS ARTICLE. THE DEPARTMENT MAY EXPEND UP TO ONE PERCENT OF THE MONEYS ANNUALLY APPROPRIATED FROM THE FUND TO OFFSET THE DOCUMENTED COSTS INCURRED IN IMPLEMENTING THE GRANT PROGRAM. ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND SHALL REMAIN THEREIN AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

SECTION 55. Part 1 of article 60.5 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-60.5-112.5. National credential - fee assistance - one-time payments. (1) (a) BEGINNING JULY 1, 2002, THE DEPARTMENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1349

OF EDUCATION SHALL ASSIST PERSONS WHO ARE SEEKING NATIONAL CREDENTIALS BY PAYING A PORTION OF THE FEES CHARGED FOR SUCH NATIONAL CREDENTIAL. FEE ASSISTANCE PURSUANT TO THIS SECTION SHALL BE AVAILABLE TO ANY PERSON WHO:

(I) IS SEEKING A NATIONAL CREDENTIAL FROM AN APPROVED PROFESSIONAL ORGANIZATION AS A REQUIREMENT FOR OR IN THE COURSE OF OBTAINING MASTER TEACHER CERTIFICATION PURSUANT TO THIS ARTICLE;

(II) RECEIVES NATIONAL CREDENTIAL FEE ASSISTANCE THROUGH A FEDERAL ASSISTANCE PROGRAM;

(III) IS EMPLOYED AS A TEACHER IN A PUBLIC SCHOOL IN THIS STATE AT THE TIME OF APPLYING FOR FEE ASSISTANCE PURSUANT TO THIS SECTION; AND

(IV) APPLIES FOR NATIONAL CREDENTIAL FEE ASSISTANCE AS PROVIDED IN THIS SECTION.

(b) THE AMOUNT OF FEE ASSISTANCE PAID PURSUANT TO THIS SUBSECTION (1) SHALL BE EQUAL TO THE AMOUNT OF THE NATIONAL CREDENTIAL FEE RECEIVED BY THE APPLYING TEACHER THROUGH A FEDERAL ASSISTANCE PROGRAM.

(2) (a) TO APPLY FOR NATIONAL CREDENTIAL FEE ASSISTANCE PURSUANT TO THIS SECTION, A PERSON SHALL PRESENT TO THE DEPARTMENT OF EDUCATION THE FOLLOWING ITEMS:

(I) PROOF THAT THE PERSON HAS BEGUN THE PROCESS TO OBTAIN THE NATIONAL CREDENTIAL AND IDENTIFICATION OF THE NATIONAL CREDENTIAL PROGRAM IN WHICH THE PERSON WILL PARTICIPATE TO OBTAIN THE NATIONAL CREDENTIAL;

(II) PROOF THAT THE PERSON HAS RECEIVED OR WILL RECEIVE NATIONAL CREDENTIAL FEE ASSISTANCE THROUGH A FEDERAL ASSISTANCE PROGRAM AND THE AMOUNT OF SUCH ASSISTANCE; AND

(III) PROOF THAT THE PERSON IS EMPLOYED AS A TEACHER AT A PUBLIC SCHOOL IN THIS STATE AT THE TIME OF APPLYING FOR NATIONAL CREDENTIAL FEE ASSISTANCE.

(b) FOLLOWING RECEIPT OF THE ITEMS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (2) AND VERIFICATION THAT THE PERSON MEETS THE CRITERIA SPECIFIED IN SUBSECTION (1) OF THIS SECTION, THE DEPARTMENT OF EDUCATION SHALL FORWARD THE FEE ASSISTANCE TO THE IDENTIFIED NATIONAL CREDENTIAL PROGRAM ON BEHALF OF THE PERSON IN THE AMOUNT SPECIFIED IN SUBSECTION (1) OF THIS SECTION. THE FEE ASSISTANCE SHALL BE PAID OUT OF MONEYS IN THE NATIONAL CREDENTIAL FUND CREATED IN PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION.

(c) IF A PERSON WHO RECEIVES FEE ASSISTANCE PURSUANT TO THIS SECTION DOES NOT COMPLETE THE NATIONAL CREDENTIAL PROGRAM FOR WHICH HE OR SHE RECEIVED SUCH ASSISTANCE, THE NATIONAL CREDENTIAL PROGRAM SHALL REFUND TO THE DEPARTMENT OF EDUCATION THE AMOUNT OF FEE ASSISTANCE PAID ON BEHALF OF SAID PERSON.

(3) (a) THE STATE BOARD OF EDUCATION SHALL PROMULGATE RULES AS NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION, INCLUDING BUT NOT LIMITED TO A RULE IDENTIFYING THOSE NATIONALLY RECOGNIZED PROFESSIONAL CREDENTIALING ORGANIZATIONS THAT ARE APPROVED FOR PURPOSES OF THIS SECTION.

(b) THE DEPARTMENT OF EDUCATION SHALL SEEK AND IS AUTHORIZED TO ACCEPT AND EXPEND ANY PUBLIC OR PRIVATE GIFTS, GRANTS, AND DONATIONS THAT MAY BE AVAILABLE TO FUND THE PURPOSES SPECIFIED IN THIS SECTION. ALL SUCH GIFTS, GRANTS, AND DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER WHO SHALL CREDIT THE SAME TO THE NATIONAL CREDENTIAL FUND CREATED IN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1349

PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION.

(4) (a) THE GENERAL ASSEMBLY RECOGNIZES THAT, TO OBTAIN A NATIONAL CREDENTIAL FROM AN APPROVED PROFESSIONAL ORGANIZATION, A TEACHER MUST DEMONSTRATE EXCELLENCE IN TEACHING SKILLS AND ACHIEVE A VERY HIGH LEVEL OF PERFORMANCE. THE GENERAL ASSEMBLY FURTHER RECOGNIZES THAT INCENTIVES TO ENCOURAGE TEACHERS TO OBTAIN NATIONAL CREDENTIALING WILL BENEFIT THE STUDENTS OF COLORADO BY ENCOURAGING TEACHERS TO ACHIEVE HIGHER LEVELS OF PERFORMANCE. THEREFORE, THE GENERAL ASSEMBLY HEREBY FINDS THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, PROVIDING NATIONAL CREDENTIAL FEE ASSISTANCE TO TEACHERS WHO OBTAIN A NATIONAL CREDENTIAL FROM AN APPROVED PROFESSIONAL ORGANIZATION CONSTITUTES A PERFORMANCE INCENTIVE FOR TEACHERS AND SUCH TEACHERS MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

(b) THERE IS HEREBY CREATED IN THE STATE TREASURY THE NATIONAL CREDENTIAL FUND, REFERRED TO IN THIS PARAGRAPH (b) AS THE "FUND". THE FUND SHALL CONSIST OF ANY MONEYS APPROPRIATED THERETO BY THE GENERAL ASSEMBLY FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION OR FROM THE STATE GENERAL FUND AND ANY MONEYS CREDITED THERETO PURSUANT TO PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION. MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY. MONEYS APPROPRIATED FROM THE FUND SHALL BE USED FOR THE PAYMENT OF FEE ASSISTANCE PURSUANT TO THIS SECTION. ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY AMOUNT REMAINING IN THE FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR CREDITED TO THE GENERAL FUND OR TO ANY OTHER FUND.

(5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "APPROVED PROFESSIONAL ORGANIZATION" MEANS A NATIONALLY RECOGNIZED PROFESSIONAL CREDENTIALING ORGANIZATION THAT IS APPROVED BY RULE OF THE STATE BOARD OF EDUCATION.

(b) "NATIONAL CREDENTIAL" MEANS A CERTIFICATION OR OTHER FORM OF REGISTRATION OR CREDENTIAL ISSUED BY A NATIONALLY RECOGNIZED PROFESSIONAL CREDENTIALING ORGANIZATION. "NATIONAL CREDENTIAL" SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, CERTIFICATION BY THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS.

SECTION 56. 22-41-104 (2), Colorado Revised Statutes, is amended to read:

22-41-104. Lawful investments. (2) The state treasurer has authority, to be exercised at the state treasurer's discretion, to effect exchanges or sales whenever such exchanges or sales will not result in any ultimate loss of principal and to effect exchanges or sales that will result in a loss of principal whenever such loss can be offset by a corresponding gain within ~~the same~~ THREE fiscal year YEARS of such exchange or sale. No exchange or sale of securities shall be consummated by the state treasurer ~~which~~ THAT will result in a net loss of principal unless the general assembly has previously appropriated a sum to the public school fund equivalent to the anticipated net loss of principal from such exchange or sale.

SECTION 57. 23-3.9-102 (2) (c) (II), Colorado Revised Statutes, is amended to read:

23-3.9-102. Teacher loan forgiveness pilot program - administration - fund - conditions. (2) In addition to any qualifications specified by the commission, to qualify for the teacher loan forgiveness pilot program, a teacher shall:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1349

(c) (II) Be fully qualified under a training program approved by a federal court or agency or the STATE department OF EDUCATION; and

SECTION 58. The introductory portion to 22-7-409 (1.2) (d) (I) and 22-7-409 (1.2) (d) (I) (B), Colorado Revised Statutes, are amended to read:

22-7-409. Assessments - repeal. (1.2) (d) (I) Every student enrolled in a public school shall be required to take the assessments administered pursuant to subsection (1) of this section AT THE GRADE LEVEL IN WHICH THE STUDENT IS ENROLLED, AS DETERMINED BY THE SCHOOL DISTRICT; except that the students described in sub-subparagraph (A) of this subparagraph (I) shall be required only to take the assessments required by said sub-subparagraph. However, the scores of the following students shall not be used by the state for purposes of calculating school academic performance ratings pursuant to section 22-7-604 ~~(5)~~ or for accreditation pursuant to article 11 of this title:

(B) Any student who transfers into the school after February † OCTOBER 1 of the school year in which the assessment is administered; and

SECTION 59. 22-7-605, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-7-605. School accountability reports - format. (9.5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, THE DEPARTMENT SHALL NOT INCLUDE ON ANY SCHOOL ACCOUNTABILITY REPORT A STATEMENT THAT THE INFORMATION PROVIDED IN SAID REPORT IS INDEPENDENTLY AUDITED AND VERIFIED FOR ACCURACY UNLESS SUCH INFORMATION HAS IN FACT BEEN SO AUDITED AND VERIFIED.

SECTION 60. 22-36-101, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-36-101. Choice of programs and schools within school districts. (5) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (5), ANY PUPIL WHO ENROLLS IN A SCHOOL DISTRICT OTHER THAN THE PUPIL'S SCHOOL DISTRICT OF RESIDENCE PURSUANT TO THIS ARTICLE MAY REMAIN ENROLLED IN THAT SCHOOL DISTRICT'S SCHOOL OR PROGRAM THROUGH THE END OF THE SCHOOL YEAR.

(b) THIS SUBSECTION (5) SHALL NOT APPLY IF:

(I) THE NONRESIDENT PUPIL IS EXPELLED PURSUANT TO STATUTE FROM THE SCHOOL OR PROGRAM DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (5);

(II) THE NONRESIDENT PUPIL'S ATTENDANCE OR PARTICIPATION IN THE SCHOOL OR PROGRAM DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (5) REQUIRES THE SCHOOL DISTRICT TO PERFORM ANY OF THE FUNCTIONS DESCRIBED IN SUBPARAGRAPHS (I) TO (III) OF PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION; OR

(III) THE NONRESIDENT PUPIL IS EXCLUDED FROM THE SCHOOL OR PROGRAM DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (5) FOR ANY OF THE REASONS DESCRIBED IN PARAGRAPHS (a) TO (d) OF SUBSECTION (3) OF THIS SECTION.

SECTION 61. 22-7-606 (1) (a) and (3), Colorado Revised Statutes, are amended to read:

22-7-606. School accountability reports - delivery website - repeal. (1) (a) The department shall deliver each public school's annual accountability report to the public school by September 15, 2001, and by ~~September 15~~ NOVEMBER 15, 2002, AND BY NOVEMBER 15 each year thereafter. The department shall print and provide to the public school copies of the accountability reports in the amount of: Total pupil enrollment at last annual count, plus the total number of teachers as listed on the school accountability report, plus an additional twenty-five

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1349

percent.

(3) (a) The department shall develop an internet website, which homepage address shall be "www.state.co.us/schools", specifically to place each public school's accountability report on the internet. The department shall design the website so that users may search for a particular school's accountability report through a number of sorting functions, including but not limited to school district, county, city, and zip code.

(b) EACH YEAR, UPON COMPLETING THE PREPARATION OF THE SCHOOL ACCOUNTABILITY REPORTS AND TRANSMITTING SUCH REPORTS FOR PRINTING, the department shall annually update the website to include each school accountability report prepared by the department and shall maintain at the website an archive accessible by internet users of the three previous years' school accountability reports. The website shall allow users to easily compare schools' overall academic performance ratings as determined pursuant to section 22-7-604. Such comparison shall be facilitated by search tools that allow a user, at a minimum, to find schools within different geographic ranges of another school and to find schools within different geographic areas and zip codes.

(c) On or before January 1, 2001, the state board shall contract with a private entity for the design, including the search and sort functions, of the school accountability report website. The department shall award the contract based upon a competitive bid; except that the provisions of the "Procurement Code", articles 101 to 112 of title 24, C.R.S., shall not apply to this contract.

SECTION 62. Part 6 of article 7 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-7-609.6. School improvement - appropriations. ON AND AFTER JULY 1, 2003, THE GENERAL ASSEMBLY MAY APPROPRIATE SUCH MONEYS AS ARE AVAILABLE TO ASSIST SCHOOL DISTRICTS IN IMPROVING THE ACADEMIC IMPROVEMENT OF SCHOOLS THAT RECEIVED AN ACADEMIC IMPROVEMENT RATING OF "UNSATISFACTORY". IN ADDITION, THE DEPARTMENT OF EDUCATION MAY ALLOCATE ANY MONEYS RECEIVED PURSUANT TO THE FEDERAL "NO CHILD LEFT BEHIND ACT OF 2001", PUBLIC LAW 107-110, FOR SUCH PURPOSE.

SECTION 63. No appropriation. The general assembly has determined that the increase in minimum per pupil funding pursuant to section 22-54-104 (2) (a) (V) (B), Colorado Revised Statutes, and the expansion of on-line students pursuant to section 22-33-104.6 (5) (b), Colorado Revised Statutes, can be implemented within the appropriation of general fund moneys for total program made in the long appropriations bill for the 2002-03 fiscal year in compliance with section 22-54-104.1 (4), Colorado Revised Statutes, and therefore no separate appropriation of general fund moneys is necessary to carry out said sections.

SECTION 64. Appropriation - adjustments to the 2002 long bill. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) of article IX of the state constitution not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2002, the sum of two hundred twenty-nine thousand dollars (\$229,000), or so much thereof as may be necessary, for the implementation of section 22-7-603.7, Colorado Revised Statutes.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state public school fund, created in section 22-54-114, Colorado Revised Statutes, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2002, the sum of two hundred sixty thousand three hundred fifty-four dollars (\$260,354), or so much thereof as may be necessary, for the implementation of section 22-54-125, Colorado Revised Statutes.

(3) In addition to any other appropriation, for the fiscal year beginning July 1, 2002, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) of article IX of the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1349

state constitution not otherwise appropriated, to the facility summer school grant program fund created in section 22-86-106, Colorado Revised Statutes, the sum of five hundred thousand dollars (\$500,000), and such sum, or so much thereof as may be necessary, is further appropriated to the department of education, for the implementation of article 86 of title 22, Colorado Revised Statutes.

(4) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2002, the sum of five hundred thousand dollars (\$500,000), or so much thereof as may be necessary, for the implementation of section 22-54-123.5, Colorado Revised Statutes.

(5) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) of article IX of the state constitution not otherwise appropriated, to the national credential fund created in section 22-60.5-112.5 (4) (b), Colorado Revised Statutes, for the fiscal year beginning July 1, 2002, the sum of sixty thousand dollars (\$60,000), and such sum, or so much thereof as may be necessary, is further appropriated to the department of education, for the implementation of section 22-60.5-112.5, Colorado Revised Statutes.

(6) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2002, shall be adjusted as follows:

(a) The cash funds exempt appropriation to the department of education, assistance to public schools, grant programs and other distributions, for the state public school fund, school capital construction expenditures reserve, is decreased by fifteen million six hundred twenty-seven thousand eight hundred eighty-six dollars (\$15,627,886). Of said sum, seven million eight hundred thirteen thousand nine hundred forty-three dollars (\$7,813,943) shall be from the state education fund, created pursuant to section 17 (4) of article IX of the state constitution, and seven million eight hundred thirteen thousand nine hundred forty-three dollars (\$7,813,943) shall be from the state public school fund, school capital construction expenditures reserve established in section 22-54-117 (1.5), Colorado Revised Statutes.

(b) The cash funds exempt appropriation to the department of education, assistance to public schools, grant programs and other distributions, for the teacher pay incentive program, is decreased by nine million ten thousand dollars (\$9,010,000). Said sum shall be from the state education fund, created pursuant to section 17 (4) of article IX of the state constitution.

(c) The appropriation to the department of education, assistance to public schools, public school finance, for the state share of districts' total program funding, is increased by two million eight hundred ninety thousand four hundred dollars (\$2,890,400), or so much thereof as may be necessary, to expand the number of preschool slots. Of said sum, one million five hundred twelve thousand one hundred eighty-seven dollars (\$1,512,187) shall be from the state education fund created pursuant to section 17 (4) of article IX of the state constitution, and one million three hundred seventy-eight thousand two hundred thirteen dollars (\$1,378,213) shall be from the general fund.

(d) The cash funds exempt appropriation to the department of education, assistance to public schools, public school finance, for the state share of districts' total program funding, is decreased by two hundred sixty thousand three hundred fifty-four dollars (\$260,354). Said sum shall be from the state public school fund, created in section 22-54-114, Colorado Revised Statutes.

(e) The appropriation to the department of education, assistance to public schools, public school finance, for the state share of districts' total program funding, is increased by two million five hundred eighty-seven thousand four hundred six dollars (\$2,587,406), or so much thereof as may be necessary, for the implementation of section 22-54-104

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1349

(5) (a) (IX), Colorado Revised Statutes. Said sum shall be from the state education fund, created pursuant to section 17 (4) of article IX of the state constitution."

Renumber succeeding section accordingly.

2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendments be recommended:

Amend reengrossed bill, page 4, line 10, after "TO", insert "AT LEAST".

Page 89, after line 21, insert the following:

"SECTION 43. 22-54-117 (1.7) (a), Colorado Revised Statutes, is amended to read:

22-54-117. Contingency reserve - capital construction expenditures reserve. (1.7) (a) In addition to any amount annually appropriated by the general assembly to the state public school fund as a contingency reserve and any amount appropriated from the general fund to the state public school fund as a school capital construction expenditures reserve in accordance with section 24-75-201.1 (4) (b), C.R.S., and subsection (1.5) of this section, for the 2001-02 budget year and FOR THE 2003-04 BUDGET YEAR AND budget years thereafter, an amount equal to the amount appropriated for the budget year from the state education fund to the department of education pursuant to section 22-54-124 (4) shall be appropriated from the state education fund created in section 17 (4) of article IX of the state constitution to the school capital construction expenditures reserve created in said subsection (1.5) to be used only as provided in said subsection (1.5).

SECTION 44. 24-75-201.1 (4) (b) (IV), Colorado Revised Statutes, is amended, and the said 24-75-201.1 (4) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

24-75-201.1. Restriction on state appropriations - legislative declaration - definitions. (4) (a.5) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

(I) FOR THE FISCAL YEAR 2002-03, GENERAL FUND REVENUES WILL NOT EXCEED GENERAL FUND OBLIGATIONS AND THE MONEYS REQUIRED TO BE ALLOCATED TO THE HIGHWAY USERS TAX FUND BY MORE THAN EIGHTY MILLION DOLLARS, AS REQUIRED IN PARAGRAPH (c) OF THIS SUBSECTION (4), AND, THEREFORE, THE GENERAL ASSEMBLY IS NOT OBLIGATED TO APPROPRIATE GENERAL FUND MONEYS FOR FISCAL YEAR 2002-03 AS WOULD OTHERWISE BE REQUIRED BY SUBPARAGRAPH (III) OF PARAGRAPH (b) OF THIS SUBSECTION (4);

(II) DESPITE THE FACT THAT THE STATE IS NOT OBLIGATED TO APPROPRIATE GENERAL FUND MONEYS FOR FISCAL YEAR 2002-03 FOR SCHOOL DISTRICT CAPITAL CONSTRUCTION PURSUANT TO THIS SUBSECTION (4), THE GENERAL ASSEMBLY RECOGNIZES THE IMPORTANCE OF ASSISTING SCHOOL DISTRICTS IN PROVIDING SAFE, ADEQUATE, AND NECESSARY BUILDINGS AND CLASSROOMS FOR SCHOOL CHILDREN;

(III) TO ASSIST SCHOOL DISTRICTS WITH CAPITAL CONSTRUCTION FUNDING TO THE GREATEST EXTENT POSSIBLE UNDER THE CURRENT FISCAL RESTRAINTS AND LIMITATIONS FACING THE STATE, THE GENERAL ASSEMBLY SHALL APPROPRIATE FIFTEEN MILLION DOLLARS FOR THE 2002-03 FISCAL YEAR, WHICH EQUALS THE AMOUNT OF GENERAL FUND APPROPRIATIONS THAT WOULD OTHERWISE BE REQUIRED TO BE APPROPRIATED FOR THE 2002-03 FISCAL YEAR PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH (b) OF THIS SUBSECTION (4), BUT FOR THE PROVISIONS OF PARAGRAPH (c) OF THIS SUBSECTION (4), FROM MONEYS THAT WOULD HAVE OTHERWISE BEEN CREDITED TO THE GENERAL FUND EXCEPT FOR INITIATED AND REFERRED MEASURES APPROVED BY THE VOTERS AT THE 2000 GENERAL ELECTION THAT DIVERTED SUCH GENERAL FUND MONEYS TO OTHER STATE FUNDS:

(A) BY TRANSFERRING MONEYS TRANSFERRED TO THE PUBLIC

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1349

SCHOOL FUND AS A CONTINGENCY RESERVE PURSUANT TO SECTION 22-54-117 (1.6) (a), C.R.S., TO THE SCHOOL CONSTRUCTION AND RENOVATION FUND CREATED IN SECTION 22-43.7-103 (1), C.R.S.; AND

(B) BY APPROPRIATING MONEYS FROM THE STATE EDUCATION FUND TO THE SCHOOL CONSTRUCTION AND RENOVATION FUND CREATED IN SECTION 22-43.7-103 (1), C.R.S., AND THE SCHOOL CAPITAL CONSTRUCTION EXPENDITURES RESERVE CREATED IN SECTION 22-54-117 (1.5) (a), C.R.S.

(b) (IV) For the fiscal year 2003-04, the general assembly shall continue to appropriate ten million dollars to the school capital construction expenditures reserve and five million dollars to the school construction and renovation fund, both of which appropriations WHICH APPROPRIATION will be included in the calculation of the maximum level of state general fund appropriations pursuant to said paragraph (a). The general assembly shall appropriate an additional five TEN million dollars to the school construction and renovation fund. Said additional amount shall be a general fund appropriation that exceeds the limitation on state general fund appropriations established by SAID paragraph (a) of subsection (1) of this section in the fiscal year in which first made but will be included in the calculation of the maximum level of state general fund appropriations pursuant to said paragraph (a) in the following fiscal year.

SECTION 45. 22-54-117 (1.6), Colorado Revised Statutes, is amended to read:

22-54-117. Contingency reserve - capital construction expenditures reserve. (1.6) (a) For each quarter including and after the first quarter of the state's fiscal year 2001-2002, all moneys that would otherwise be transferred to the general fund pursuant to section 3 (1) (b) (III) of article XXVII of the state constitution shall be transferred to the state public school fund as a contingency reserve exempt from any restriction on spending, revenues, or appropriations, including, without limitation, the restrictions of section 20 of article X of the state constitution. The state board is authorized to approve and order payments from the moneys transferred pursuant to this subsection SUBSECTION (1.6) only for supplemental assistance to districts for capital expenditures to address immediate safety hazards or health concerns within existing school facilities.

(b) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (1.6) TO THE CONTRARY, FOR EACH CALENDAR MONTH OF THE 2002-03 FISCAL YEAR, THROUGH JUNE 30, 2003, THE STATE TREASURER SHALL TRANSFER FROM THE CONTINGENCY RESERVE CREATED IN THE STATE PUBLIC SCHOOL FUND PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1.6) TO THE SCHOOL CONSTRUCTION AND RENOVATION FUND CREATED IN SECTION 22-43.7-103 (1) AN AMOUNT EQUAL TO THE MONEYS TRANSFERRED TO SAID CONTINGENCY RESERVE DURING SUCH CALENDAR MONTH NO LATER THAN THE LAST DAY OF THE MONTH IN WHICH SUCH MONEYS WERE TRANSFERRED TO SAID CONTINGENCY RESERVE. HOWEVER, THE TOTAL AMOUNT OF MONEYS TRANSFERRED FROM THE CONTINGENCY RESERVE CREATED IN THE STATE PUBLIC SCHOOL FUND TO THE SCHOOL CONSTRUCTION AND RENOVATION FUND PURSUANT TO THIS PARAGRAPH (b) SHALL NOT EXCEED FOUR MILLION ONE HUNDRED THOUSAND DOLLARS.

SECTION 46. Article 2 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-2-122. On-line education programs - study - report - repeal. (1) THE DEPARTMENT, IN CONJUNCTION WITH THE STUDY COMMITTEE APPOINTED PURSUANT TO SUBSECTION (2) OF THIS SECTION, SHALL CONDUCT A STUDY OF ELEMENTARY AND SECONDARY ON-LINE EDUCATION PROGRAMS THROUGH WHICH STUDENTS RECEIVE ALL OR MOST OF THEIR INSTRUCTION ON-LINE. THE STUDY SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, AN EXAMINATION AND EVALUATION OF THE FOLLOWING ISSUES:

(a) IDENTIFICATION OF THE GRADE LEVELS AND SUBJECT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1349

MATTER AREAS THAT ARE MOST APPROPRIATE FOR ON-LINE EDUCATION PROGRAMS AND FOR WHICH ON-LINE EDUCATION PROGRAMS ARE MOST EFFECTIVE;

(b) IDENTIFICATION OF THE SIGNIFICANT BENEFITS AND DETRIMENTS THAT MAY BE EXPERIENCED BY STUDENTS WHO RECEIVE THEIR EDUCATION THROUGH ON-LINE EDUCATION PROGRAMS;

(c) WHETHER ON-LINE EDUCATION PROGRAM CURRICULA ARE AVAILABLE THAT ARE ACADEMICALLY RIGOROUS, RESEARCH-BASED, AND SEQUENTIAL, AND METHODS OF ASSISTING SCHOOL DISTRICTS AND CHARTER SCHOOLS THAT OPERATE ON-LINE EDUCATION PROGRAMS IN DEVELOPING, OBTAINING, AND ACCESSING SUCH CURRICULA;

(d) IDENTIFICATION OF STRATEGIES THAT CAN EFFECTIVELY ENSURE STUDENT ENGAGEMENT AND FACILITATE STUDENT ACCOUNTABILITY;

(e) THE SIGNIFICANCE, IF ANY, OF THE GEOGRAPHIC LOCATION OF THE STUDENTS PARTICIPATING IN AN ON-LINE EDUCATION PROGRAM IN RELATION TO THE SCHOOL DISTRICT OR CHARTER SCHOOL OPERATING THE PROGRAM;

(f) IDENTIFICATION OF THOSE STUDENTS WHO ARE MOST EFFECTIVELY SERVED BY OR WHO BENEFIT MOST FROM PARTICIPATION IN ON-LINE EDUCATION PROGRAMS BASED ON SIGNIFICANT CHARACTERISTICS, INCLUDING BUT NOT LIMITED TO AGE, AT-RISK FACTORS, GEOGRAPHIC LOCATION, AND PHYSICAL OR EMOTIONAL DISABILITIES;

(g) THE MINIMUM REQUIREMENTS FOR AN EFFECTIVE ON-LINE EDUCATION PROGRAM, INCLUDING BUT NOT LIMITED TO THE NECESSARY LEVEL OF TECHNICAL SUPPORT AND THE NECESSARY LEVEL OF STUDENT ENROLLMENT TO MAINTAIN THE EDUCATIONAL FEASIBILITY AND INTEGRITY OF THE PROGRAM;

(h) IDENTIFICATION OF THE MINIMUM COMPUTER HARDWARE AND SOFTWARE REQUIREMENTS FOR AN EFFECTIVE ON-LINE EDUCATION PROGRAM AND CONSIDERATION OF THE ISSUES SURROUNDING PROVISION AND OWNERSHIP OF SUCH HARDWARE AND SOFTWARE;

(i) IDENTIFICATION OF APPROPRIATE AND EFFECTIVE METHODS OF MEASURING STUDENT PROGRESS AND SUCCESS IN ON-LINE EDUCATION PROGRAMS AND WHETHER ACADEMIC ACHIEVEMENT AND PROGRESS IN AN ON-LINE EDUCATION PROGRAM MAY BE MEASURED THROUGH DEMONSTRATED LEARNING BASED ON COMPLETION OF ASSIGNMENTS AND ASSESSMENTS, THROUGH REQUIRING A SPECIFIED NUMBER OF ON-LINE PARTICIPATION HOURS PER DAY, THROUGH A COMBINATION OF SUCH METHODS, OR THROUGH OTHER METHODS OF TRACKING AND MEASURING STUDENT ENGAGEMENT;

(j) METHODS FOR EFFECTIVELY MONITORING AND AUDITING STUDENT PARTICIPATION IN ON-LINE PROGRAMS, INCLUDING BUT NOT LIMITED TO ENSURING IT IS ACTUALLY THE STUDENT PARTICIPATING IN THE PROGRAM AND COMPLETING ASSIGNMENTS AND ASSESSMENTS;

(k) THE MOST EFFECTIVE MANNER IN WHICH STUDENTS PARTICIPATING IN ON-LINE EDUCATION PROGRAMS MAY PARTICIPATE IN THE COLORADO STUDENT ASSESSMENT PROGRAM;

(l) THE FEASIBILITY, DESIRABILITY, AND ESTIMATED COST OF DEVELOPING A STATEWIDE CURRICULA FOR BOTH FULL-TIME AND COURSE-SPECIFIC ON-LINE EDUCATION PROGRAMS, OF CREATING A STATEWIDE ENTITY WITH REPRESENTATION FROM SCHOOL DISTRICTS AND CHARTER SCHOOLS FOR THE IMPLEMENTATION OF BOTH FULL-TIME AND COURSE-SPECIFIC ON-LINE EDUCATION PROGRAMS, AND OF CREATING A RESOURCE BANK OF FULL-TIME AND COURSE-SPECIFIC ON-LINE EDUCATION PROGRAM MATERIALS AVAILABLE TO SCHOOL DISTRICTS AND CHARTER SCHOOLS;

(m) ISSUES REGARDING OWNERSHIP AND USE OF A STATEWIDE ON-LINE EDUCATION PROGRAM CURRICULA;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1349

(n) IDENTIFICATION OF ANY ADDITIONAL COSTS INCURRED AND SAVINGS RECOGNIZED IN OPERATING ON-LINE EDUCATION PROGRAMS, AS COMPARED TO TRADITIONAL EDUCATION PROGRAMS, INCLUDING BUT NOT LIMITED TO THE APPROPRIATENESS OF FUNDING STUDENTS ENROLLED IN ON-LINE EDUCATION PROGRAMS AT A LOWER LEVEL THAN OTHER STUDENTS AND THE APPROPRIATENESS OF REQUIRING SCHOOL DISTRICTS TO ALLOCATE A CERTAIN AMOUNT PER ON-LINE STUDENT TO CAPITAL RESERVE AND INSURANCE RESERVE ACCOUNTS.

(2) (a) THERE IS HEREBY CREATED A STUDY COMMITTEE TO WORK WITH THE DEPARTMENT IN CONDUCTING THE STUDY REQUIRED BY THIS SECTION. THE STUDY COMMITTEE SHALL CONSIST OF MEMBERS APPOINTED AS PROVIDED IN PARAGRAPHS (b) AND (c) OF THIS SUBSECTION (2).

(b) FOUR MEMBERS OF THE STUDY COMMITTEE SHALL BE APPOINTED AS FOLLOWS:

(I) TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES WHO ARE NOT MEMBERS OF THE SAME POLITICAL PARTY;

(II) TWO MEMBERS OF THE SENATE APPOINTED BY THE PRESIDENT OF THE SENATE WHO ARE NOT MEMBERS OF THE SAME POLITICAL PARTY.

(c) TEN MEMBERS OF THE STUDY COMMITTEE SHALL BE APPOINTED BY THE GOVERNOR. NO MORE THAN FIVE OF THE MEMBERS APPOINTED BY THE GOVERNOR SHALL BE FROM THE SAME POLITICAL PARTY. THE MEMBERS SHALL BE APPOINTED AS FOLLOWS:

(I) ONE MEMBER WHO IS A REPRESENTATIVE OF A PUBLIC OR PRIVATE ENTITY THAT DESIGNS AND PRODUCES CURRICULA FOR ELEMENTARY OR SECONDARY ON-LINE EDUCATION PROGRAMS;

(II) ONE MEMBER WHO IS A REPRESENTATIVE OF A STATEWIDE PARENT, TEACHER, AND STUDENT ORGANIZATION WHO HAS EXPERIENCE WITH ELEMENTARY OR SECONDARY ON-LINE EDUCATION PROGRAMS;

(III) TWO MEMBERS WHO ARE EMPLOYED BY SCHOOL DISTRICTS OR CHARTER SCHOOLS, ONE OF WHICH IS IN A RURAL AREA OF THE STATE AND ONE OF WHICH IS IN AN URBAN AREA OF THE STATE, BOTH OF WHICH MEMBERS HAVE EXPERIENCE IN OPERATING ELEMENTARY OR SECONDARY ON-LINE EDUCATION PROGRAMS;

(IV) TWO MEMBERS WHO ARE MEMBERS OF SCHOOL DISTRICT BOARDS OF EDUCATION OR CHARTER SCHOOL GOVERNING BOARDS IN SCHOOL DISTRICTS OR CHARTER SCHOOLS THAT OPERATE ELEMENTARY OR SECONDARY ON-LINE EDUCATION PROGRAMS, ONE OF WHICH IS IN A RURAL AREA OF THE STATE AND ONE OF WHICH IS IN AN URBAN AREA OF THE STATE;

(V) TWO MEMBERS WHO ARE CLASSROOM TEACHERS WHO SPEND A SIGNIFICANT AMOUNT OF TIME TEACHING STUDENTS THROUGH ELEMENTARY OR SECONDARY ON-LINE EDUCATION PROGRAMS, ONE OF WHOM IS EMPLOYED BY A SCHOOL DISTRICT AND ONE OF WHOM IS EMPLOYED BY A CHARTER SCHOOL;

(VI) ONE MEMBER WHO IS A REPRESENTATIVE OF THE DEPARTMENT OF EDUCATION; AND

(VII) ONE MEMBER WHO IS A MEMBER OF THE STATE BOARD OF EDUCATION.

(3) THE DEPARTMENT SHALL PROVIDE SUCH CLERICAL AND TECHNICAL ASSISTANCE AS MAY BE REQUESTED BY THE STUDY COMMITTEE IN COMPLETING THE STUDY DESCRIBED IN THIS SECTION.

(4) NO LATER THAN DECEMBER 31, 2002, THE DEPARTMENT SHALL PRESENT THE STUDY FINDINGS, THE FINDINGS RESULTING FROM STUDIES CONDUCTED BY THE DEPARTMENT OF COURSE-SPECIFIC ON-LINE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1349

EDUCATION PROGRAMS, AND RECOMMENDATIONS REGARDING THE DESIGN AND IMPLEMENTATION OF FULL-TIME AND COURSE-SPECIFIC ELEMENTARY AND SECONDARY ON-LINE EDUCATION PROGRAMS TO THE STATE BOARD OF EDUCATION AND THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

(5) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2003.

SECTION 47. 22-7-607.5 (1) (c), (2) (c), and (2) (d), Colorado Revised Statutes, are amended to read:

22-7-607.5. Teacher pay incentive program - repeal. (1) As used in this section, unless the context otherwise requires:

(c) "Teacher" means a person who IS EMPLOYED AS A RESIDENT TEACHER PURSUANT TO SECTION 22-32-110.3 OR is licensed pursuant to article 60.5 of this title, or authorized by a letter of authorization issued pursuant to section 22-60.5-111, to teach and is primarily engaged in teaching during the majority of a school day.

(2) (c) The significant improvement bonus per pupil amount shall be an amount equal to four hundred twenty thousand dollars divided by the total number of students enrolled in all eligible schools that receive a school improvement rating of "significant improvement". IN ANY FISCAL YEAR IN WHICH NO ELIGIBLE SCHOOLS RECEIVE A SCHOOL IMPROVEMENT RATING OF "SIGNIFICANT IMPROVEMENT", THE AMOUNT SPECIFIED FOR SIGNIFICANT IMPROVEMENT BONUSES PURSUANT TO THIS PARAGRAPH (c) SHALL BE ADDED TO THE TOTAL AMOUNT TO BE DISTRIBUTED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2).

(d) The improvement bonus per pupil amount shall be an amount equal to two hundred ten thousand dollars divided by the total number of students enrolled in all eligible schools that receive a school improvement rating of "improvement". IN ANY FISCAL YEAR IN WHICH NO ELIGIBLE SCHOOLS RECEIVE A SCHOOL IMPROVEMENT RATING OF "IMPROVEMENT", THE AMOUNT SPECIFIED FOR IMPROVEMENT BONUSES PURSUANT TO THIS PARAGRAPH (d) SHALL BE ADDED TO THE TOTAL AMOUNT TO BE DISTRIBUTED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2).

SECTION 48. 34-63-102 (2), Colorado Revised Statutes, is amended to read:

34-63-102. Creation of mineral leasing fund - distribution - advisory committee. (2) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2), twenty-five percent of all moneys described in paragraph (a) of subsection (1) of this section together with any funds for public schools derived from the application of paragraph (b) of subsection (3) of this section shall, upon receipt, be paid into the state public school fund to be used for the support of the public schools of this state.

(b) FOR THE PURPOSE OF REPAYING AN ADDITIONAL EXPENDITURE OF MONEYS FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) (a) OF ARTICLE IX OF THE STATE CONSTITUTION FOR THE STATE'S SHARE OF TOTAL PROGRAM PURSUANT TO ARTICLE 54 OF TITLE 22, C.R.S., MADE FOR THE 2001-02 FISCAL YEAR DUE TO A PROJECTED SHORTFALL IN THE AMOUNT OF MONEYS DESCRIBED IN PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION RECEIVED BY THE STATE TREASURER IN SAID FISCAL YEAR, NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, UPON RECEIPT BY THE STATE TREASURER OF ANY MONEYS DESCRIBED IN PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION DURING THE 2002-03 FISCAL YEAR, OF THE PORTION OF SAID MONEYS THAT WOULD OTHERWISE BE PAID TO THE STATE PUBLIC SCHOOL FUND PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2), THE STATE TREASURER SHALL FIRST TRANSFER AN AMOUNT OF SAID MONEYS EQUAL TO SIX MILLION DOLLARS TO THE STATE EDUCATION FUND CREATED PURSUANT TO SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION PRIOR TO PAYING SAID PORTION OF MONEYS TO THE STATE PUBLIC SCHOOL FUND IN ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (2)."

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1349

Renumber succeeding sections accordingly.

Page 92, before line 14, insert the following:

"SECTION 65. Appropriation - adjustments to the 2002 long bill. (1) In addition to any other appropriation, for the fiscal year beginning July 1, 2002, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) of article IX of the state constitution not otherwise appropriated, to the school construction and renovation fund created in section 22-43.7-103 (1), Colorado Revised Statutes, the sum of nine hundred thousand dollars (\$900,000), and such sum, or so much thereof as may be necessary, is further appropriated to the department of education, for the purpose of providing matching grants for eligible capital construction projects in accordance with article 43.7 of title 22, Colorado Revised Statutes.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the school construction and renovation fund created in section 22-43.7-103 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2002, the sum of four million one hundred thousand dollars (\$4,100,000), or so much thereof as may be necessary, for the purpose of providing matching grants for eligible capital construction projects in accordance with article 43.7 of title 22, Colorado Revised Statutes.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) of article IX of the state constitution, not otherwise appropriated, to the school capital construction expenditures reserve in the state public school fund created in section 22-54-117 (1.5), Colorado Revised Statutes, for the fiscal year beginning July 1, 2002, the sum of ten million dollars (\$10,000,000), and such sum, or so much thereof as may be necessary, is further appropriated to the department of education, for the purpose of providing supplemental assistance for school district capital expenditures in accordance with section 22-54-117 (1.5), Colorado Revised Statutes.

(4) (a) In addition to any other appropriation, there is hereby appropriated, to the department of education, for the fiscal year beginning July 1, 2002, the sum of twenty thousand dollars (\$20,000), or so much thereof as may be necessary, for the purpose of implementing section 22-2-122, Colorado Revised Statutes. Said sum shall be from the general fund.

(b) It is the intent of the general assembly that the general fund appropriation in paragraph (a) of this subsection (4) shall be derived from savings generated from the implementation of the provisions of House Bill 02-1226, as enacted during the Second Regular Session of the Sixty-third General Assembly.

(5) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2002, shall be adjusted as follows:

(a) The cash funds exempt appropriation of lottery proceeds to the department of education, assistance to public schools, grant programs and other distributions, for the state public school fund, contingency reserve, is decreased by four million one hundred thousand dollars (\$4,100,000).

(b) The general fund appropriation to the department of education, assistance to public schools, grant programs and other distributions, for the teacher development fund, is decreased by nine hundred seventy-eight thousand two hundred thirteen dollars (\$978,213).

(c) The cash funds exempt appropriation from the teacher development fund, created in section 22-7-708, Colorado Revised Statutes, to the department of education, assistance to public schools, grant programs and other distributions, for the teacher development grant program, is decreased by nine hundred seventy-eight thousand two

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1349

hundred thirteen dollars (\$978,213).

(d) The general fund appropriation to the department of education, assistance to public schools, grant programs and other distributions, for the state public school fund, contingency reserve, is decreased by nine hundred thousand dollars (\$900,000).

1
2
3
4
5
6
7
8
9

HB02-1349

SECTION 67. Effective date. (1) This act shall take effect upon passage; except that section 22-2-122, Colorado Revised Statutes, contained in section 46 of this act, and subsection (4) of section 65 of this act shall take effect only if:

(a) The final fiscal estimate for House Bill 02-1226, as reflected in the appropriations clause for said act, shows a net general fund savings that is equal to or greater than the final general fund fiscal estimate for this act, as reflected in subsection (4) of section 65 of this act; and

(b) House Bill 02-1226 is enacted at the Second Regular Session of the Sixty-third General Assembly and becomes law."

Renumber succeeding section accordingly.

Respectfully submitted,

House Committee:Senate Committee:

(Signed)
Representative King, Chairman

(Signed)
Senator Thiebaut, Chairman

(Signed)
Representative Spence

(Signed)
Senator Pascoe

(Signed)
Representative Mace

(Signed)
Senator Anderson

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Conference Committee Reports: **HB02-1349**.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

HB02-1349

by Representative(s) King; also Senator(s) Thiebaut--Concerning the financing of public schools, and making an appropriation therefor.

Senator Thiebaut moved for the adoption of the First Report of the First Conference Committee on **HB02-1349**, as printed in Senate Journal, May 8, pages 1304-1329. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

On motion of Senator Theibaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of House Adherence: **HB02-1029**.

CONSIDERATION OF HOUSE ADHERENCE

HB02-1029 by Representative(s) Romanoff, Clapp, Mace, Stafford; also Senator(s) Hanna, Hernandez--Concerning expansion of the program of all-inclusive care for the elderly, and making an appropriation in connection therewith.

Senator Hanna moved that the Senate recede from its position on **HB02-1029**. The motion was declared **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Third Reading--Final Passage of Bills: **HB02-1344, HB02-1303**.

THIRD READING--FINAL PASSAGE OF BILLS

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

HB02-1344 by Representative(s) Scott; also Senator(s) Linkhart--Concerning the water quality control discharge permit program, and, in connection therewith, increasing permit fees, requiring a study to determine whether such program should be modified to reasonably accommodate the unique attributes of Colorado's water bodies, and making an appropriation.

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

YES	28	NO	7	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	N	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	N	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

HB02-1344 A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

HB02-1303 by Representative(s) Coleman, Dean, Hefley, Kester, Mace, Sanchez; also Senator(s) Evans, Takis--Concerning the establishment of a family literacy education grant program, and making an appropriation therefor.

(Amended in Third Reading--Final Passage of Bills, as printed in Senate Journal, May 8, pages 1302-1303.)

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Epps, Fitz-Gerald, Hanna, Linkhart, Matsunaka, Pascoe, Phillips, Windels.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Conference Committee Reports: **HB02-1359**.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

HB02-1359 by Representative(s) Stafford, Coleman, Harvey, Mace, Paschall, Sanchez; also Senator(s) Linkhart--Concerning child placement in dependency or neglect actions.

Senator Linkhart moved to reject the First Report of the First Conference Committee on **HB02-1359**, as printed in Senate Journal, April 30, page 1050 and that a new Conference Committee be appointed. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

The President appointed Senators Linkhart, Chairman, Gordon, and Dyer as Senate Conferees on the Second Conference Committee on **HB02-1359**.

COMMITTEE OF REFERENCE REPORTS

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

COLORADO CHILDREN'S TRUST FUND BOARD

for terms expiring November 7, 2004:

Thomas H. McMillen of Golden, Colorado, to serve as a representative with knowledge of child abuse prevention, reappointed;

Nancy J. McNally of Westminster, Colorado, to serve as a parent representative, appointed.

Health,
Environment,
Children &
Families

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

CHIEF MEDICAL OFFICER

effective January 7, 2002, for a term expiring at the pleasure of the Governor:

Ned Calonge, M.D., M.P.H. of Greenwood Village, Colorado.

Health,
Environment,
Children &
Families

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

STATE BOARD OF HEALTH

for terms expiring March 1, 2005:

Commissioner Charlotte Bobicki of Alamosa, Colorado, to serve as a county commissioner and as a Democrat from the Third Congressional District, appointed.

Health,
Environment,
Children &
Families

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

AIR QUALITY CONTROL COMMISSION

for terms expiring January 31, 2005:

Robert H. Lowdermilk of Denver, Colorado, to serve as a member with industrial experience and as a Republican, reappointed;

Doug N. Blewitt of Englewood, Colorado, to serve a member with technical experience and as an Unaffiliated, reappointed;

Cynthia S. Peterson of Littleton, Colorado, to serve as a member with technical experience and as a Democrat, reappointed.

Health,
Environment,
Children &
Families

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

STATE BOARD OF HEALTH

for a term expiring March 1, 2005:

Glenn H. Schlabs of Colorado Springs, Colorado, to serve as a Democrat from the Fifth Congressional District, appointed;

Kindra K. Mulch of Burlington, Colorado, to serve as a Democrat from the Fourth Congressional District, reappointed;

David A. Sprepace of Denver, Colorado, to serve as a Republican from the First Congressional District, appointed;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

Franklyn N. Judson, M.D. of Denver, Colorado, to serve as a Republican from the First Congressional District, reappointed.

Health,
Environment,
Children &
Families

The Committee returns herewith Senate Bill 02-022 and Senate Bill 02-224 because consideration of the measures were postponed for more than 30 days or until a date beyond the date of adjournment sine die of the legislative session. Therefore, under Senate Rule 22 (f), said bills are deemed to be postponed indefinitely.

MESSAGE FROM THE HOUSE

May 7, 2002

Mr. President:

In response to the request of the Senate, the Speaker has appointed Representatives Lee, chairman, Hefley, and Mace as House conferees on the First Conference Committee on SB02-064.

The House has postponed indefinitely SB02-205, and 212. The bills are returned herewith.

In response to the request of the Senate, the Speaker has appointed Representatives King, chairman, Fairbank, and Veiga as House conferees on the First Conference Committee on SB02-179.

The House failed to pass SB02-225. The bill is returned herewith.

May 8, 2002

Mr. President:

The House has adopted and transmits herewith HJR02-1059, as printed in House Journal, April 17, pages 1403-1405.

The House has adopted and transmits herewith HJR02-1077, as printed in House Journal, May 2, page 1801.

The House has adopted and transmits herewith HJR02-1078, as printed in House Journal, May 2, page 1802. Pursuant to the resolution, the Speaker has appointed Representatives Paschall, chairman, Swenson, and Chavez.

The House has adopted and returns herewith SJR02-038, 025, 046, 006, 026.

The House has adopted and returns herewith SJM02-001, amended as printed in House Journal, May 6, page 1190.

May 8, 2002

Mr. President:

The House has adopted the First Report of the First Conference Committee on HB02-1135, as printed in House Journal, May 3, page 1824, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on SB02-032, as printed in House Journal, May 3, pages 1826-1827, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on SB02-019, as printed in House Journal, May 7, pages 1918-1919, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on SB02-049, as printed in House Journal, May 7, pages 1949-1950, and has repassed the bill as so amended. The bill is returned herewith.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

The House has voted to recede from its position, dissolve the First Conference Committee on HB02-1179, and concur in Senate amendments, and has repassed the bill. The House requests return of the bill.

The House voted to adhere to its position on HB02-1186.

May 8, 2002

Mr. President:

The House has adopted the First Report of the First Conference Committee on HB02-1420, as printed in House Journal, May 8, and has repassed the bill as amended.

The House has passed on Third Reading and returns herewith SB02-218, 221.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB02-210, amended as printed in House Journal, May 7, page 1928.) SB02-219, amended as printed in House Journal, May 7, page 1944-1945, and on Third Reading, May 8.) SB02-190, amended as printed in House Journal, May 7, page 1992, and on Third Reading, May 8.).

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

- HJR02-1059** by Representative(s) Clapp; also Senator(s) Andrews--Concerning honoring former governor of Colorado Ralph L. Carr.
- HJR02-1077** by Representative(s) Spradley, Dean, Grossman; also Senator(s) Thiebaut, Matsunaka, Andrews--Concerning the retention of officers and employees of the Second Regular Session of the Sixty-third General Assembly.
- HJR02-1078** by Representative(s) Spradley, Dean, Grossman; also Senator(s) Thiebaut, Matsunaka, Andrews--Concerning the appointment of a joint committee to notify the governor that the Second Regular Session of the Sixty-third General Assembly is about to adjourn sine die.

**MEMORANDUM
REPORT FORM THE HOUSE AND SENATE
COMMITTEES ON DELAYED BILLS**

Pursuant to Joint Rule 23 (c), the House and Senate Committees on Delayed Bills, acting jointly, extend the following deadline for House Bill 02-1349, Concerning the Financing of Public Schools and Making an Appropriation Therefor:

The Friday, March 15 deadline (the 66th legislative day) for final passage, including any conference committee report, for any bill prescribing all or a substantial portion of the total funding for public schools pursuant to the "Public School Finance Act of 1994", article 54 of title 22, Colorado Revised Statutes, as extended until Monday, April 15, 2002, (the 97th legislative day) and as further extended until Monday, April 29, 2002 (the 111th legislative day) is further extended until Wednesday, May 8, 2002 (the 120th legislative day).

This memorandum shall be printed in the journal of each house as is required by said Joint Rule 23 (c).

(Signed)
Representative Dean
Speaker of the House of Representative

(Signed)
Senator Matsunaka
President of the Senate

(Signed)
Representative Spradley
House Majority Leader

(Signed)
Senator Thiebaut
Senate Majority Leader

(Signed)
Representative Grossman
House Minority Leader

(Signed)
Senator Andrews
Senate Minority Leader

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: HB02-1176; HJR02-1040.

MESSAGE FROM THE GOVERNOR

May 8, 2002

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I hereby withdraw the following nominee:

MEMBER OF THE
COLORADO CHILDREN'S TRUST FUND BOARD

effective May 8, 2002:

Brian E. Williamson of Denver, Colorado, resigned.

Sincerely,

(Signed)
Bill Owens
Governor

Rec'd: 05/08/02
H. Horvath, Asst. Secretary

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Conference Committee Reports: **SB02-049**.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

SB02-049

by Senator(s) Gordon; also Representative(s) Mitchell--Concerning limits on access to court records in domestic relations actions filed pursuant to title 14, Colorado Revised Statutes.

Senator Gordon moved for the adoption of the First Report of the First Conference Committee on **SB02-049**, as printed in Senate Journal, April 29, page 1640. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

SB02-049

YES	30	NO	5	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	N
Arnold	N	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	N	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

MESSAGE FROM THE HOUSE

May 8, 2002

Mr. President:

The House voted to adhere to its position on HB02-1468. The bill is transmitted herewith.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Adherence: **HB02-1468**.

CONSIDERATION OF HOUSE ADHERENCE

HB02-1468

by Representative(s) Berry, Young, Saliman; also Senator(s) Tate, Reeves, Owen-- Concerning the state contribution for employees enrolled in group benefit plans that include enrollment in medical benefits, and making an appropriation in connection therewith.

Senator Tate moved that the Senate recede from its position on **HB02-1468**. The motion was declared adopted by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Third Reading--Final Passage of Bills: **HB02-1024, HB02-1147**.

THIRD READING--FINAL PASSAGE OF BILLS

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

HB02-1024 by Representative(s) White, Hodge, Hoppe, Rippy, Tapia; also Senator(s) Taylor, Entz, Isgar--Concerning the creation of a permanent water resources review committee of the Colorado general assembly.

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Dyer, Musgrave, Pascoe, Teck.

HB02-1147 by Representative(s) Cloer; also Senator(s) Hagedorn--Concerning public information requirements, and making an appropriation in connection therewith.

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	N	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions: **HJR02-1070**.

CONSIDERATION OF RESOLUTIONS

HJR02-1070 by Representative(s) Cloer, Garcia; also Senator(s) Hagedorn--Concerning the recognition of firefighters who have given their lives in the line of duty.

On motion of Senator Hagedorn, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: The present roll call of the Senate.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of House Amendments to Senate Memorials: **SJM02-001**.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE MEMORIALS

SJM02-001 by Senator(s) Thiebaut; also Representative(s) Tapia--Memorializing Congress to demand the return of the USS Pueblo to the United States Navy.

Senator Thiebaut moved that the Senate concur in House amendments to **SJM02-001**, as printed in House Journal, May 6, page 1190. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

A majority of all members elected to the Senate having voted in the affirmative, the memorial, as amended, was declared **repassed**.

Co-sponsors added: The present roll call of the Senate.

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, as amended, SB02-210, 190, and 219.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of House Amendments to Senate Bills: **SB02-210, SB02-190**.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB02-210 by Senator(s) Fitz-Gerald; also Representative(s) Boyd--Concerning mandatory reporting of child abuse or neglect by clergy members.

Senator Fitz-Gerald moved that the Senate concur in House amendments to **SB02-210**, as printed in House Journal, May 7, page 1928. The motion was **passed** by the following roll call vote:

SB02-210

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	31	NO	4	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

SB02-190

by Senator(s) Phillips, Anderson, Fitz-Gerald, Gordon, Hernandez, Hillman, Matsunaka, Musgrave, Nichol, Takis, Tate, Taylor, Teck, Tupa; also Representative(s) Hoppe, Boyd, Cloer, Daniel, Fairbank, Garcia, Kester, Lawrence, Miller, Rippy, Scott, Snook, Spence, Tapia, Veiga, White--Concerning expansion of the stationary source voluntary emission reduction program, and, in connection therewith, providing for additional flexibility and cost recovery incentives.

Senator Phillips moved that the Senate adhere to its position on **SB02-190**. The motion was declared adopted by the following roll call vote:

YES	22	NO	12	EXCUSED	0	ABSENT	1
Anderson	Y	Fitz-Gerald	Y	May	A	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	Y	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	N	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	N	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	N	Linkhart	Y	Reeves	Y		

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Matsunaka, Chairman, May, and Nichol as Senate Conferees on the First Conference Committee on **HB02-1310**.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of House Amendments to Senate Bills: **SB02-219**.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB02-219

by Senator(s) Perlmutter; also Representative(s) Smith--Concerning property exempt from levy and sale under writ.

Senator Perlmutter moved that the Senate concur in House amendments to **SB02-219**, as printed in House Journal, May 7, pages 1944-1945. The motion was **passed** by the following roll call vote:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB02-219

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsor added: Musgrave.

MESSAGE FROM THE HOUSE

May 8, 2002

Mr. President:

The House has adopted the First Report of the First Conference Committee on HB02-1246, as printed in House Journal, May 3, pages 1825-1826, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on SB02-161, as printed in House Journal, May 6, pages 1863-1865, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on HB02-1131, as printed in House Journal, May 8, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB02-1061, as printed in House Journal, May 8, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB02-1155, as printed in House Journal, May 8, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB02-1263, as printed in House Journal, May 8, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB02-1284, as printed in House Journal, May 8, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB02-1013, as printed in House Journal, May 8, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB02-1161, as printed in House Journal, May 8, and has repassed the bill as amended.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Conference Committee Reports: **SB02-161, SB02-113, SB02-032, SB02-019, HB02-1186.**

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

SB02-161

by Senator(s) Perlmutter; also Representative(s) Smith--Concerning the modification of procedures for the foreclosure of deeds of trust.

Senator Perlmutter moved for the adoption of the First Report of the First Conference Committee on **SB01-161**, as printed in Senate Journal, May 7, pages 1208-1210. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

SB02-113

by Senator(s) Epps; also Representative(s) King--Concerning cooperation by institutions of higher education with federal anti-terrorism measures.

Senator Epps moved for the adoption of the First Report of the First Conference Committee on **SB02-113**, as printed in Senate Journal, May 3, page 1142-1143. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	33	NO	2	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	N
Dyer	Y	Hillman	Y	Pascoe	N	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

SB02-113 Co-sponsors added: Andrews, Arnold, Cairns, Dyer, Lamborn, Matsunaka, Perlmutter, Teck.

SB02-032 by Senator(s) Teck; also Representative(s) Berry--Concerning the extension of the period that a portion of municipal taxes may be allocated to a special fund to pay indebtedness related to a downtown development authority.

Senator Teck moved for the adoption of the First Report of the First Conference Committee on **SB02-032**, as printed in Senate Journal, May 7, pages 1207-1208. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Cairns, Chlouber, Taylor.

SB02-019 by Senator(s) Lamborn; also Representative(s) Grossman--Concerning DNA testing of all felons.

Senator Lamborn moved for the adoption of the First Report of the First Conference Committee on **SB02-019**, as printed in Senate Journal, May 7, pages 1210-1211. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	33	NO	2	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	N
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	N
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

SB02-019

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

Co-sponsors added: Arnold, Chlouber, Epps.

HB02-1186

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

Senator Isgar moved that the Conference Committee on **HB02-1186** be dissolved and that the Senate Conferees be discharged. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Senator Isgar moved that the Senate recede from its position on **HB02-1186**. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Chlouber, Entz, Taylor.

MESSAGE FROM THE HOUSE

May 8, 2002

Mr. President:

The House has voted to concur in the Senate amendments to HB02-1471, 1259, 1403, 1038, 1415, 1044, 1465, 1358, 1326, 1440, 1395 and has repassed the bills as so amended.

May 8, 2002

Mr. President:

The House has voted to concur in the Senate amendments to HB02-1237, 1315, 1046, 1455, 1003 and has repassed the bill as so amended.

The House voted to adhere to its position on HB02-1303. The bill is transmitted herewith.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of House Adherence: **HB02-1303**.

CONSIDERATION OF HOUSE ADHERENCE

HB02-1303 by Representative(s) Coleman, Dean, Hefley, Kester, Mace, Sanchez; also Senator(s) Evans, Takis--Concerning the establishment of a family literacy education grant program, and making an appropriation therefor.

Senator Evans moved that the Senate recede from its position on **SB02-1303**. The motion was **passed** by the following roll call vote:

YES	30	NO	5	EXCUSED	0	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	N	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	N	Hillman	Y	Pascoe	Y	Tupa	N
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	N	Reeves	Y		

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

YES	32	NO	3	EXCUSED	0	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	N	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	N	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Linkhart.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions: **HJR02-1077, HJR02-1078**.

CONSIDERATION OF RESOLUTIONS

HJR02-1077 by Representative(s) Spradley, Dean, Grossman; also Senator(s) Thiebaut, Matsunaka, Andrews--Concerning the retention of officers and employees of the Second Regular Session of the Sixty-third General Assembly.

Senator Thiebaut moved to suspend Senate Rule 30(e).

A two-thirds majority of those elected to the Senate having voted in the affirmative, Senate Rule 30(e) was suspended and immediate consideration granted.

On motion of Senator Thiebaut, the resolution was **adopted** by the following roll call vote:

HJR02-1077

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: Pascoe, Perlmutter, Taylor.

HJR02-1078

by Representative(s) Spradley, Dean, Grossman; also Senator(s) Thiebaut, Matsunaka, Andrews--Concerning the appointment of a joint committee to notify the governor that the Second Regular Session of the Sixty-third General Assembly is about to adjourn sine die.

Senator Thiebaut moved to suspend Senate Rule 30(e).

A two-thirds majority of those elected to the Senate having voted in the affirmative, Senate Rule 30(e) was suspended and immediate consideration granted.

On motion of Senator Thiebaut, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

(For appointments, see Senate Journal, May 7, page 1227.)

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Third Reading--Final Passage of Bills: **HB02-1203, HB02-1136, HB02-1459.**

THIRD READING--FINAL PASSAGE OF BILLS

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

HB02-1203

by Representative(s) Lee, Hefley, Mitchell; also Senator(s) Linkhart, Epps, Evans, Gordon, Perlmutter--Concerning implementation of recommendations of the committee on legal services in connection with legislative review of rules and regulations of state agencies, and making an appropriation in connection therewith.

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

Third Reading Amendment, by Senator Linkhart.

Amend revised bill, page 8, after line 4, insert the following:

"SECTION 2. 24-4-103 (3) (b), (9), (11) (b), (11) (d), (11) (f), (11) (g), (11) (h), (11) (i), (11) (k), and (12), Colorado Revised Statutes, are amended to read:

24-4-103. Rule-making - procedure. (3) (b) Each rule-making agency shall maintain a list of all persons who request notification of proposed rule-making, including temporary or emergency rule-making. Any person on such list who requests a copy of the proposed rules shall submit to the agency a fee ~~which~~ THAT shall be set by such agency based upon the agency's actual cost of copying and mailing the proposed rules to such person. All fees collected by the agency are hereby appropriated to the agency solely for the purpose of defraying such cost. On or before the date of the publication of notice of proposed rule-making in the

HB02-1203

Colorado register, the agency shall mail the notice of proposed rule-making to all persons on such list. IF A PERSON REQUESTS TO BE NOTIFIED BY ELECTRONIC MAIL, NOTICE IS SUFFICIENT BY SUCH MEANS IF A COPY OF THE PROPOSED RULES IS ATTACHED OR INCLUDED IN THE ELECTRONIC MAIL OR IF THE ELECTRONIC MAIL PROVIDES THE LOCATION WHERE THE PROPOSED RULES MAY BE VIEWED ON THE INTERNET. NO FEES SHALL BE CHARGED FOR NOTIFICATION BY ELECTRONIC MAIL. A person may only request notification on his OR HER own behalf, and a request for notification by one person on behalf of another person need not be honored.

(9) Each agency shall make available to the public and shall deliver to anyone requesting it a copy of ~~any rule of the agency then in effect or of any notice of proposed rule-making proceeding in which action has not been completed.~~ Upon request, such copy shall be certified. The agency may make a reasonable charge for supplying any such copy. ~~Except for temporary or emergency rules adopted pursuant to this section, such copy shall be in the same format as the rule appears in the code of Colorado regulations or the Colorado register established pursuant to subsection (11) of this section.~~

(11) (b) The secretary of state shall cause to be published IN ELECTRONIC FORM AND MAY CAUSE TO BE PUBLISHED IN PRINTED FORM, at ~~no~~ THE LEAST cost POSSIBLE to the state, the code of Colorado regulations ~~no later than January 1, 1978,~~ and the Colorado register no less often than once each calendar month ~~on and after such date~~ and shall make all diligent effort to enter into a publication agreement to such effect ~~on or before eight weeks from June 19, 1977,~~ for a period not to exceed five years, but SUCH AGREEMENT may include a renewal provision ~~The publication and format of rules and proposed rules shall be in a form approved by the committee on legal services of the Colorado general assembly~~ FOR ADDITIONAL PERIODS NOT TO EXCEED FIVE YEARS EACH.

(d) (I) Each agency subject to the provisions of this section shall, on or before ~~September 1, 1977~~ A DATE DURING THE FISCAL YEAR BEGINNING ON JULY 1, 2002, SPECIFIED BY THE SECRETARY OF STATE, file or verify that there is on file with the secretary of state a copy of each currently effective rule specified in subsection (1) of this section IN PRINT AND IN ELECTRONIC FORM AS SPECIFIED BY THE SECRETARY OF STATE. Any rule in effect prior to such date ~~which~~ THAT is not on file with the secretary of state on ~~September 1, 1977~~ SUCH DATE, shall not continue in effect on or after ~~January 1, 1978~~ SUCH DATE.

(II) Each rule adopted, ~~on or after September 1, 1977,~~ together with the attorney general's opinion rendered in connection therewith, shall be filed pursuant to subsection (12) of this section within twenty days thereafter with the secretary of state for publication in the Colorado register. Upon written request of an agency, the secretary of state shall correct typographical and other nonsubstantive errors appearing in the rules as filed by such agency that occur after adoption of the rules by the agency during the preparation of such rules for publication in order to conform the published rules with the adopted rules. Notices of rule-making proceedings pursuant to subsection (3) of this section ~~which proceedings are to be held after January 1, 1978,~~ shall also be filed with the secretary of state in sufficient time for publication pursuant to subsection (5) of this section in the Colorado register. ~~on or after January 1, 1978.~~ Rules revised to conform with action taken by the general assembly shall be filed with the secretary of state for publication in the register and in the code. The legal services committee of the general assembly shall notify the secretary of state whenever a rule published in the code is rescinded or a portion thereof is deleted by the general assembly and whenever a rule or a portion thereof is allowed to expire in accordance with section 24-4-108 or with subparagraph (I) of paragraph (c) of subsection (8) of this section, and the secretary of state shall direct the removal from the code of material so deleted, rescinded, or allowed to expire.

(f) Publication of the code of Colorado regulations shall be effected by making the same available ~~by January 1, 1978,~~ for purchase by any person, public or private, at a reasonable price approved by the secretary of state.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1203

(g) Publication of notices and other required information related to proposed and adopted rules shall be by ~~the delivery~~ ELECTRONIC PUBLICATION or BY mailing ~~on or after January 1, 1978,~~ of the Colorado register to persons on the ~~mailing~~ SUBSCRIBER list maintained pursuant to paragraph (h) of this subsection (11). The date of publication of the Colorado register shall be the date of ~~the last regular delivery or mailing~~ THAT THE LAST REGULAR MAILING AND THE ELECTRONIC PUBLICATION ARE COMPLETED. The Colorado register shall likewise be available for purchase by any person, public or private, at a reasonable price approved by the secretary of state.

(h) In order to facilitate the ~~delivery or mailing~~ PUBLICATION of the ~~said~~ code OF COLORADO REGULATIONS and THE COLORADO register, the publishing agent shall maintain a current ~~mailing~~ SUBSCRIBER list for the ~~said~~ code and register of all persons requesting to be placed thereon and having paid the approved purchase price, including those persons on any agency's mailing list ~~on January 1, 1978,~~ who pay such purchase price. THE SUBSCRIBER LIST SHALL SHOW FOR EACH SUBSCRIBER WHETHER THE SUBSCRIBER HAS PURCHASED A PRINT SUBSCRIPTION, AN ELECTRONIC SUBSCRIPTION, OR BOTH.

(i) (I) The ~~publication agreement entered into by the secretary of state shall provide for the publication no later than January 1, 1978,~~ of the code of Colorado regulations and of the Colorado register ~~on and after such date by mailing at intervals of not less than once each calendar month.~~ Said code shall contain only those rules effective on the date of publication, subject to the provisions of paragraph (d) of this subsection (11) concerning rules filed with the secretary of state.

(II) The Colorado register shall contain only such notices, proposed rules, adopted rules, opinions, and other relevant information and materials as are filed pursuant to law with the secretary of state.

(III) If, for any reason, the code of Colorado regulations is ~~not published on or before January 1, 1978,~~ or if, ~~on or after such date,~~ the Colorado register is not published for three consecutive months or during a total of four calendar months during any twelve-month period, said agreement shall be void and all right, title, and interest to the information, copyright, mailing lists, other materials, and work product of the publishing agent shall vest, without compensation, in the state of Colorado. In such event, the secretary of state shall notify each agency of the termination of such agreement and shall publish or cause to be published the code of Colorado regulations and the Colorado register. Until the secretary of state has the facilities and funds and is fully prepared to publish each notice of rule-making and each rule as finally adopted and so notifies the agencies, each agency shall publish its own notices of rule-making and rules as finally adopted. Publication shall be by mailing a copy to each person on the agency's mailing list, which shall include the attorney general and every person who has requested to be placed thereon and who has paid any fee set by the agency for such purpose, such fee to approximate the cost of the mailing to such person, and by placing and keeping a copy on permanent file in the agency's office for inspection by any person during regular office hours.

(k) Each agency promulgating or administering rules shall obtain the appropriate portion or portions of the code of Colorado regulations and the ~~annual~~ portion or portions of the Colorado register pertaining thereto and shall maintain the same in its office for its use and that of the public as a public record.

(12) All rules of any agency that have been submitted to the attorney general under the provisions of subsection (8) of this section and the opinion of the attorney general, when issued, shall be filed in the office of the secretary of state. The secretary of state ~~may~~ SHALL require that such rules be filed in an electronic format that complies with any requirements established pursuant to sections 24-71.1-110, 24-37.5-106, and 24-37.5-205.

SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of state cash fund created in section 24-21-104, Colorado

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1203

Revised Statutes, not otherwise appropriated, to the department of state, the sum of four hundred sixty-four thousand nine hundred nineteen dollars (\$464,919) and 3.7 FTE, or so much thereof as may be necessary, for the implementation of this act. The moneys appropriated by this section shall become available upon passage of this act and shall remain available through June 30, 2003."

Renumber succeeding section accordingly.

Page 1, strike line 104 and substitute the following:

"AGENCIES, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

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

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

YES	26	NO	9	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	N	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	N	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	N	Linkhart	Y	Reeves	Y		

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

HB02-1136

by Representative(s) Williams T., Borodkin, Jameson, Kester, Marshall, Paschall, White; also Senator(s) Fitz-Gerald--Concerning regulatory functions of the division of insurance, and, in connection therewith, extending the functions of the division of insurance, and making an appropriation therefor.

A majority of those elected to the Senate having voted in the affirmative, Senator Fitz-Gerald was given permission to offer Third Reading amendments.

Third Reading Amendment, by Senator Fitz-Gerald.

Amend revised bill, page 10, after line 5, insert the following:

"SECTION 11. 10-4-706 (1) (d) (III), (1) (f) (I), (2) (a) (I), (2) (b), (2) (c), and (2) (d) (I), the introductory portions to 10-4-706 (2) (f) and (3) (e) (I), and 10-4-706 (4) (a) and (5), Colorado Revised Statutes, are amended to read:

10-4-706. Required coverages - complying policies - PIP examination program. (1) Subject to the limitations and exclusions authorized by this part 7, the basic personal injury protection coverages required for compliance with this part 7 are as follows:

(d) (III) ~~(A)~~ Notwithstanding the requirements of this subsection (1), ~~the loss of gross income coverage set forth in this paragraph (d) may be declined at the option of the insured~~ AN INSURER MAY OFFER BENEFITS IN ADDITION TO THE BENEFITS REQUIRED PURSUANT TO PARAGRAPHS (b) AND (c) OF THIS SUBSECTION (1) THAT DO NOT INCLUDE GROSS INCOME LOSS PURSUANT TO THIS PARAGRAPH (d). THE NAMED INSURED MAY ACCEPT OR REJECT THE GROSS INCOME LOSS BENEFITS IF OFFERED BY THE INSURER. However, if such option to decline such coverage is exercised by the named insured, it shall apply only to such named insured, the insured's resident spouse, and any resident relative, as defined in section 10-4-703 (12). All other covered persons shall be entitled to the coverage as set forth in subparagraph (I) of this paragraph (d).

~~(B) On or after January 1, 1999, the insurer shall provide a notice by mail or by the same medium as that in which the insurance application~~

HB02-1136

~~was taken regarding the opportunity to waive the coverage under sub-subparagraph (A) of this subparagraph (III) to each named insured upon the first renewal of policies that are existing on January 1, 1999. Such notice shall include a description of the coverage that may be waived, the estimated cost of such coverage, and a statement indicating that such coverage may be waived at the option of the named insured. Such notice shall be deemed received by the named insured if mailed, postage prepaid, as part of the insurer's normal and customary business practice, to the last-known address of the named insured as shown on the insurer's records.~~

~~(C) For an application for a new policy and upon the first renewal of a policy existing on January 1, 1999, in order to waive the coverage under sub-subparagraph (A) of this subparagraph (III), the named insured shall sign a written waiver that describes the coverage being waived, provides the estimated cost of the coverage being waived, and indicates that such coverage is being voluntarily waived by the insured. The named insured may obtain or waive loss of gross income coverage at any time upon request to the insurer.~~

(f) (I) With respect to the medical and rehabilitation expense provisions in paragraphs (b) and (c) of this subsection (1), an insurer shall MAY make available and provide, at the option of the named insured, deductibles and coinsurance arrangements. Pursuant to such deductibles and coinsurance arrangements, the recipient of the care, treatment, services, products, expenses, or accommodations shall share in the payment obligations for such care, treatment, services, products, expenses, or accommodations.

(2) (a) (I) An insurer may offer in writing or by the same medium as that in which the insurance application was taken, and provide at the option of the named insured, the basic benefits described in paragraphs (b) and (c) of subsection (1) of this section through managed care arrangements such as a health maintenance organization (HMO) or a preferred provider organization. Insurers shall make deductibles and coinsurance options available in such policy and may make other conditions and limitations to coverage available.

~~(b) An insurer shall make available, and provide at the option of the named insured, deductible and coinsurance arrangements whereby the recipient of care, treatment, services, products, expenses, or accommodations shares in the payment obligation for such care, treatment, services, products, expenses, or accommodations.~~

(c) No deductible or coinsurance under a policy covered under paragraph (a) ~~or (b)~~ of this subsection (2) shall be applied with respect to care, treatment, services, products, or accommodation provided or expenses incurred by an insured during the first twenty-four hours in which emergency treatment has been provided or until the insured patient's emergency medical condition is stabilized, whichever is longer, or until the insured patient is transferred to a managed care provider in accordance with applicable law.

(d) (I) The optional coverage prescribed in paragraphs PARAGRAPH (a) ~~and (b)~~ of this subsection (2) shall apply only to the named insured, resident spouse, resident relative, and any person operating the described motor vehicle with the permission of the named insured or resident spouse.

(f) An insurer offering the coverages authorized in paragraphs PARAGRAPH (a) ~~and (b)~~ of this subsection (2) shall demonstrate in rate filings submitted to the commissioner the savings to the insured to be realized under the plan and shall further certify pursuant to section 10-4-725 to the commissioner any disclosure form to be used to record an insured's election for any coverage authorized in paragraphs PARAGRAPH (a) ~~and (b)~~ of this subsection (2). A disclosure form for a managed care arrangement shall include the following information in type of at least twelve-point size:

(3) (e) (I) Any insurer providing policies pursuant to this subsection (3) shall provide to any person qualified for such policies

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1136

pursuant to paragraph (c) of this subsection (3) a loss of gross income benefit. ~~except that~~ The INSURER MAY ALLOW AN insured ~~may~~ TO waive loss of gross income benefits. The insurer shall provide a notice regarding the opportunity to waive such coverage. ~~as required in sub-subparagraph (B) of subparagraph (III) of paragraph (d) of subsection (1) of this section. For an application for a new policy and upon the first renewal of a policy existing on January 1, 1999, an insured may waive such coverage by signing a written waiver in the form required by sub-subparagraph (C) of subparagraph (III) of paragraph (d) of subsection (1) of this section.~~ Such benefit shall be for a loss of gross income due to an injury arising out of the use or operation of a motor vehicle if such injury prevents the injured insured from earning income of up to and including five thousand dollars which shall be paid as follows:

(4) (a) An insurer issuing policies providing coverages as set forth in this section shall provide, ~~written~~ IN THE SAME MEDIUM IN WHICH THE APPLICATION WAS TAKEN, explanations of all available coverages prior to issuing any policy to an insured. After a named insured selects a policy with desired personal injury protection coverage, an insurer shall not be under any further obligation to notify such policyholder in any renewal or replacement policy of the availability of a reduced personal injury protection policy or of any alternative personal injury protection coverage. WHEN AN INSURER DISCONTINUES ADDITIONAL COVERAGES OFFERED PURSUANT TO SECTION 10-4-710 OR BENEFITS OFFERED PURSUANT TO THIS SECTION, THE INSURER SHALL RENEW THE INSURED'S POLICY AT A LEVEL AT LEAST EQUAL TO OR GREATER THAN THE BENEFIT LEVEL THAT THE INSURED HAD, WHICH COMPLIED WITH THIS PART 7 OFFERED BY THE INSURER. THE INSURER SHALL PROVIDE WRITTEN NOTICE OF THE DISCONTINUATION OF THE BENEFIT LEVEL AND THE CHANGE TO A DIFFERENT BENEFIT LEVEL TO THE INSURED AT LEAST SIXTY DAYS BEFORE DISCONTINUING THE ORIGINAL POLICY.

~~(5) Subsections (3) and (4) of this section and this subsection (5) are repealed, effective July 1, 2002.~~

SECTION 12. 10-4-710 (3), Colorado Revised Statutes, is amended to read:

10-4-710. Required coverages are minimum. (3) All insurers shall offer collision coverage for damage to insured motor vehicles. ~~subject to deductibles of one hundred dollars and two hundred fifty dollars. Insurers may offer such other reasonable deductibles as they deem appropriate.~~ Collision coverage shall provide insurance without regard to fault against accidental property damage to the insured motor vehicle with another motor vehicle or motor vehicle caused by physical contact of the insured with another object or by upset of the insured motor vehicle, if the accident occurs within the United States, its territories or possessions, Canada, or Mexico.

SECTION 13. Title 13, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 92

Service of Process upon the Secretary of State

13-92-101. Service of process - secretary of state - motor vehicle operator. (1) THE USE OR OPERATION OF A MOTOR VEHICLE IN THIS STATE BY ANY PERSON OR SUCH PERSON'S AGENT THAT RESULTS IN DAMAGES OR LOSS TO PERSON OR PROPERTY SHALL BE DEEMED AN IRREVOCABLE APPOINTMENT OF THE SECRETARY OF STATE TO BE SUCH PERSON'S AGENT UPON WHOM MAY BE SERVED A SUMMONS AND COMPLAINT OR OTHER PROCESS NECESSARY TO COMMENCE ANY ACTION OR PROCEEDING AGAINST SUCH PERSON OR SUCH PERSON'S PERSONAL REPRESENTATIVE INITIATED AS A RESULT OF DAMAGE OR LOSS TO PERSON OR PROPERTY RESULTING FROM THE USE OR OPERATION OF THE MOTOR VEHICLE, WHETHER SUCH DAMAGE OR LOSS OCCURRED ON A HIGHWAY OR ABUTTING PUBLIC OR PRIVATE PROPERTY IF, AFTER THE EXERCISE OF REASONABLE DILIGENCE, AS EVIDENCED BY REASONABLE INVESTIGATIVE EFFORTS TO LOCATE AND SERVE SUCH PERSON, AND AFTER A PERIOD OF ONE HUNDRED TWENTY DAYS, SUCH PERSON OR SUCH PERSON'S PERSONAL REPRESENTATIVE CANNOT BE LOCATED FOR THE PURPOSE OF OBTAINING

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1136

LEGAL PROCESS.

(2) THE USE OR OPERATION OF A MOTOR VEHICLE BY A RESIDENT OR NONRESIDENT SHALL SIGNIFY SUCH OPERATOR'S AGREEMENT THAT ANY PROCESS THAT IS SERVED IN ANY ACTION AGAINST SUCH OPERATOR OR SUCH OPERATOR'S PERSONAL REPRESENTATIVE PURSUANT TO THIS SECTION SHALL BE OF THE SAME LEGAL FORCE AND VALIDITY AS IF THE PROCESS WERE SERVED PERSONALLY UPON SUCH OPERATOR OR UPON SUCH OPERATOR'S PERSONAL REPRESENTATIVE.

13-92-102. Service of process upon office of secretary of state - fee - electronic filing. SERVICE OF PROCESS AUTHORIZED BY THIS ARTICLE SHALL BE MADE BY SERVING THE PROCESS UPON THE OFFICE OF THE SECRETARY OF STATE. THE SECRETARY OF STATE SHALL SET APPROPRIATE FEES FOR THE HANDLING OF SUCH PROCESS PURSUANT TO SECTION 24-21-104, C.R.S. SUCH SERVICE SHALL BE SUFFICIENT IF NOTICE OF SUCH SERVICE AND A COPY OF THE PROCESS ARE SENT BY MAIL BY THE PARTY EFFECTING SERVICE PURSUANT TO THIS SECTION TO THE DEFENDANT AT SUCH DEFENDANT'S LAST-KNOWN ADDRESS WITHIN TEN DAYS AFTER SERVICE UPON THE SECRETARY OF STATE. SUCH MAILING SHALL INCLUDE AN AFFIDAVIT OF COMPLIANCE OF THE PARTY OR HIS OR HER ATTORNEY WITH THIS SECTION ATTACHED TO THE PROCESS. THE SECRETARY OF STATE IS AUTHORIZED TO PERMIT THE ELECTRONIC FILING OF SUCH PROCESS. THE SECRETARY OF STATE SHALL KEEP A RECORD OF ALL SUCH SERVICE, INCLUDING THE DATE AND HOUR SERVICE WAS MADE. SUCH PROCESS SERVED UPON THE OFFICE OF THE SECRETARY OF STATE, TOGETHER WITH THE AFFIDAVIT OF COMPLIANCE, SHALL BE SERVED UPON THE DEFENDANT'S INSURANCE COMPANY, IF ANY, THAT WAS PROVIDING COVERAGE AT THE TIME THE CLAIMED DAMAGES OR LOSSES OCCURRED. THE FEE PAID BY THE PLAINTIFF TO THE SECRETARY OF STATE SHALL BE INCLUDED IN THE COSTS OF THE PLAINTIFF IF SUCH PLAINTIFF PREVAILS IN THE SUIT.

13-92-103. Repeal. THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2005."

Renumber succeeding sections accordingly.

Page 65, after line 13, insert the following:

"SECTION 49. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of state cash fund created in section 24-21-104, Colorado Revised Statutes, not otherwise appropriated, to the department of state, for the fiscal year beginning July 1, 2002, the sum of fifty thousand three hundred sixty-one dollars (\$50,361) and 0.1 FTE, or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding sections accordingly.

Page 65, line 16, strike "14" and substitute "29";

line 18, strike "9 and 11" and substitute "15 and 17";

after line 20, insert the following:

"(4) Sections 11 and 12 of this act shall apply to policies of motor vehicle insurance offered pursuant to part 7 of article 4 of title 10, Colorado Revised Statutes, that are issued or renewed on or after July 1, 2002."

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

Third Reading Amendment, by Senator Fitz-Gerald.

Amend revised bill, page 4, line 5, strike "INFORMATION:" and substitute "INFORMATION IN THE AGGREGATE:";

strike lines 20 through 22.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1136

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

Third Reading Amendment, by Senator Fitz-Gerald.

Amend the Fitz-Gerald floor amendment (HB1136_L.035), page 5, line 15, after "(1)" insert "(a)";

after line 30, insert the following:

"(b) IN THE EVENT A JUDGMENT IS ENTERED BY THE COURT, WITHOUT THE KNOWLEDGE OF THE PERSON AGAINST WHOM JUDGMENT IS ENTERED, AND UPON A MOTION TO THE COURT, SUCH JUDGMENT SHALL BE SET ASIDE IF THE MOTION IS FILED UP TO NINE MONTHS AFTER THE DATE THE JUDGMENT IS ENTERED."

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

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

YES	31	NO	4	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

HB02-1459

by Representative(s) Grossman; also Senator(s) Owen--Concerning federal requirements for the performance of non-firearm-related criminal history record checks, and making an appropriation in connection therewith.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsor added: Epps.

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB02-1310**

THIS REPORT AMENDS THE REREVISED BILL

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

Your first conference committee appointed on HB02-1310,
concerning modifications to state funding available to address critical

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1310

needs of the state's citizens, and making an appropriation in connection therewith, has met and reports that it has agreed upon the following:

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

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

"SECTION 1. Part 2 of article 75 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-75-217. Transfers of general fund surplus. (1) ON JULY 1, 2003, AND ON JULY 1 IN EACH SUCCEEDING FISCAL YEAR, THE GENERAL FUND SURPLUS DESIGNATED IN ACCORDANCE WITH SECTION 24-75-201 (1), LESS THE FOUR PERCENT RESERVE REQUIRED BY SECTION 24-75-201.1 (1) (d) (III), AND LESS ANY GENERAL FUND REVENUES THAT ARE DESIGNATED AS STATE REVENUES IN EXCESS OF THE CONSTITUTIONAL LIMITATION ON STATE FISCAL YEAR SPENDING FOR THE IMMEDIATELY PRECEDING FISCAL YEAR, SHALL BE CREDITED AND ALLOCATED AS FOLLOWS:

(a) TWO-THIRDS OF THE SURPLUS TO THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201, C.R.S.; AND

(b) ONE-THIRD OF THE SURPLUS TO THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302.

SECTION 2. 24-77-103 (2), Colorado Revised Statutes, is amended to read:

24-77-103. Limitation on state fiscal year spending - legislative declaration. (2) (a) (I) For purposes of paragraph (b) of subsection (1) of this section, AND IN ACCORDANCE WITH SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION, the percentage of allowable increase in state fiscal year spending shall equal the sum of inflation as modified by the percentage change in state population in the prior calendar year.

(II) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(A) SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION REQUIRES THE MAXIMUM ANNUAL PERCENTAGE CHANGE IN STATE FISCAL YEAR SPENDING TO EQUAL INFLATION PLUS THE PERCENTAGE CHANGE IN STATE POPULATION IN THE PRIOR CALENDAR YEAR ADJUSTED FOR REVENUE CHANGES APPROVED BY VOTERS.

(B) IT IS THE CONSIDERED JUDGMENT OF THE GENERAL ASSEMBLY THAT THE INCLUSION OF INFLATION AND THE PERCENTAGE CHANGE IN STATE POPULATION IN THE PRIOR CALENDAR YEAR WHEN CALCULATING THE MAXIMUM ANNUAL PERCENTAGE CHANGE IN STATE FISCAL YEAR SPENDING IS DESIGNED TO ALLOW STATE FISCAL YEAR SPENDING TO INCREASE TO THE EXTENT NECESSARY, BUT ONLY TO THE EXTENT NECESSARY, TO ENSURE THAT STATE POPULATION GROWTH AND INFLATION, WHICH ARE FACTORS BEYOND THE DIRECT CONTROL OF STATE GOVERNMENT, DO NOT UNDULY AFFECT THE ABILITY OF THE STATE TO FUND TRANSPORTATION PROJECTS AND OTHER PROJECTS AND SERVICES NEEDED TO MEET THE DEMANDS OF A GROWING POPULATION.

(III) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

(A) FOR THE PURPOSE OF DETERMINING THE MAXIMUM PERCENTAGE CHANGE IN STATE FISCAL YEAR SPENDING FOR ANY GIVEN FISCAL YEAR, SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION REQUIRES THE STATE TO ANNUALLY DETERMINE POPULATION BY ANNUAL FEDERAL CENSUS ESTIMATES AND TO FURTHER ADJUST THE POPULATION DETERMINED EVERY DECADE TO MATCH THE DECENNIAL FEDERAL CENSUS.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1310

(B) SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION DOES NOT SPECIFY HOW ADJUSTMENTS TO POPULATION TO MATCH THE DECENNIAL FEDERAL CENSUS ARE TO BE MADE AND IT IS THEREFORE WITHIN THE LEGISLATIVE PREROGATIVE TO DETERMINE THE MANNER IN WHICH SUCH ADJUSTMENTS ARE TO BE MADE.

(C) THE RESULTS OF THE 2000 FEDERAL CENSUS INDICATE THAT THE ANNUAL FEDERAL CENSUS ESTIMATES USED TO DETERMINE POPULATION FOR THE PURPOSE OF DETERMINING THE MAXIMUM ANNUAL PERCENTAGE CHANGE IN STATE FISCAL YEAR SPENDING IN THE FISCAL YEARS PRIOR TO THE 2001-02 FISCAL YEAR UNDERESTIMATED POPULATION GROWTH IN THE STATE, WHICH CAUSED A CUMULATIVE REDUCTION IN THE MAXIMUM ANNUAL PERCENTAGE CHANGE IN STATE FISCAL YEAR SPENDING DURING THE PRIOR FISCAL YEARS, RESULTED IN OVER-REFUNDS OF STATE REVENUES DURING THE PRIOR FISCAL YEARS, AND IMPAIRED THE STATE'S ABILITY TO FUND TRANSPORTATION PROJECTS AND OTHER PROJECTS AND SERVICES NEEDED TO MEET THE DEMANDS OF THE STATE'S GROWING POPULATION.

(D) IT IS CONSISTENT WITH THE PURPOSES OF SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION FOR THE GENERAL ASSEMBLY TO ENACT LEGISLATION THAT WILL ENSURE THAT THE STATE CAN RECOUP STATE REVENUES LOST BECAUSE THE UNDERESTIMATES OF POPULATION GROWTH IN THE STATE IN THE FISCAL YEARS PRIOR TO THE 2001-02 FISCAL YEAR RESULTED IN OVER-REFUNDS OF STATE REVENUES AND THAT THE STATE CAN ALSO RECOUP STATE REVENUES LOST IN THE FUTURE DUE TO OVER-REFUNDS RESULTING FROM FUTURE UNDERESTIMATES OF POPULATION GROWTH.

(E) THE MECHANISM FOR ALLOWING THE ADJUSTMENT OF POPULATION EVERY DECADE TO MATCH THE FEDERAL CENSUS TO OCCUR OVER MORE THAN ONE FISCAL YEAR WHEN THE ACTUAL AMOUNT OF STATE FISCAL YEAR SPENDING FOR THE FIRST FISCAL YEAR IN WHICH SUCH AN ADJUSTMENT CAN BE MADE IS INSUFFICIENT TO ALLOW THE STATE TO RECOUP THE FULL AMOUNT OF ALL OVER-REFUNDS RESULTING FROM UNDERESTIMATES OF POPULATION GROWTH THAT IS SET FORTH IN SUBPARAGRAPH (II.5) OF PARAGRAPH (b) OF THIS SUBSECTION (2), IS REASONABLE, NECESSARY, IN THE BEST INTERESTS OF THE STATE, AND CONSISTENT WITH THE REQUIREMENTS AND OBJECTIVES OF SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION.

(b) (I) Except as otherwise provided in ~~subparagraph (II)~~ SUBPARAGRAPHS (II) AND (II.5) of this paragraph (b), the percentage change in state population for any given calendar year shall be the percentage change between the estimate of state population due to be issued by the United States bureau of census in December of such calendar year with a reference date of July 1 of the same calendar year and the estimate of state population due to be issued by the United States bureau of census in December of the same calendar year with a reference date of July 1 of the immediately preceding calendar year.

(II) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II.5) OF THIS PARAGRAPH (b), for any calendar year for which an estimate of state population is not issued due to the federal census of the United States bureau of census, the percentage change in state population for such calendar year shall be the percentage change between the state population as reported in the federal census conducted by the United States bureau of census due in December of such calendar year and the estimate of state population due to be issued by the United States bureau of census in December of the same year with a reference date of July 1 of the immediately preceding calendar year.

(II.5) (A) IF THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR A GIVEN FISCAL YEAR IS CALCULATED WITH A PERCENTAGE OF ALLOWABLE INCREASE IN STATE FISCAL YEAR SPENDING THAT INCLUDES A PERCENTAGE CHANGE IN STATE POPULATION DETERMINED IN ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS PARAGRAPH (b) AND THE LIMITATION ON STATE FISCAL YEAR SPENDING EXCEEDS THE ACTUAL AMOUNT OF STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR, THE PERCENTAGE CHANGE IN STATE POPULATION SHALL BE REDUCED SO THAT THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1310

CALCULATED WITH A PERCENTAGE OF ALLOWABLE INCREASE IN STATE FISCAL YEAR SPENDING THAT INCLUDES SUCH REDUCED PERCENTAGE CHANGE IN STATE POPULATION EQUALS THE AMOUNT OF STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR.

(B) THE DIFFERENCE BETWEEN THE PERCENTAGE CHANGE IN STATE POPULATION DETERMINED IN ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS PARAGRAPH (b) AND THE REDUCED PERCENTAGE CHANGE IN STATE POPULATION USED TO CALCULATE THE LIMITATION ON STATE FISCAL YEAR SPENDING PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II.5) SHALL BE CARRIED FORWARD AS AN ADJUSTMENT OF THE PERCENTAGE CHANGE IN STATE POPULATION DETERMINED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) FOR A MAXIMUM PERIOD OF NINE FISCAL YEARS. IF THE AMOUNT OF STATE FISCAL YEAR SPENDING FOR THE IMMEDIATELY SUBSEQUENT FISCAL YEAR EXCEEDS THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR, THE UNUSED ADJUSTMENT SHALL BE ADDED FIRST TO THE PERCENTAGE CHANGE IN STATE POPULATION DETERMINED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) THAT IS INCLUDED IN THE PERCENTAGE OF THE ALLOWABLE INCREASE IN STATE FISCAL YEAR SPENDING USED IN CALCULATING THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR TO THE GREATEST EXTENT POSSIBLE WITHOUT CAUSING THE LIMITATION ON STATE FISCAL YEAR SPENDING TO EXCEED THE ACTUAL AMOUNT OF STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR.

(C) ANY REMAINING PORTION OF THE UNUSED ADJUSTMENT SHALL CONTINUE TO BE ADDED, TO THE GREATEST EXTENT POSSIBLE, TO THE PERCENTAGE CHANGE IN STATE POPULATION DETERMINED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) THAT IS INCLUDED IN THE PERCENTAGE OF ALLOWABLE INCREASE IN STATE FISCAL YEAR SPENDING USED IN CALCULATING THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR SUBSEQUENT FISCAL YEARS WITHOUT CAUSING THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR A GIVEN FISCAL YEAR TO EXCEED THE ACTUAL AMOUNT OF STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR.

(D) ANY PORTION OF THE UNUSED ADJUSTMENT THAT REMAINS UNUSED AFTER THE EXPIRATION OF THE MAXIMUM PERIOD OF NINE FISCAL YEARS SHALL NOT BE INCLUDED IN THE PERCENTAGE OF ALLOWABLE INCREASE IN STATE FISCAL YEAR SPENDING USED IN CALCULATING THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR ANY FISCAL YEAR SUBSEQUENT TO THE EXPIRATION OF SUCH PERIOD.

SECTION 3. 30-11-101 (1) (f), Colorado Revised Statutes, is amended, and the said 30-11-101 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

30-11-101. Powers of counties. (1) Each organized county within the state shall be a body corporate and politic, and as such shall be empowered for the following purposes:

(f) To develop, maintain, and operate mass transportation systems, which power shall be vested either individually in the board of county commissioners or jointly with other political subdivisions or governmental entities formed pursuant to the provisions of part 2 of article 1 of title 29, C.R.S. Except that AS PROVIDED IN PARAGRAPH (j) OF THIS SUBSECTION (1), this provision shall not apply to any county or portion thereof encompassed by the regional transportation district as formed pursuant to the provisions of article 9 of title 32, C.R.S. Counties, by ordinance adopted, administered, and enforced in accordance with part 4 of article 15 of this title, shall have the authority: To fix, maintain, and revise passenger fees, rates, and charges, and terms and conditions for such systems; to prescribe the method of development, maintenance, and operation of such mass transportation systems; and to receive contributions, gifts, or other support from public and private entities to defray the operating costs of such systems.

(j) FOR ANY COUNTY LOCATED IN WHOLE OR IN PART WITHIN THE BOUNDARIES OF THE REGIONAL TRANSPORTATION DISTRICT, TO PROVIDE TRANSIT SERVICES IN COOPERATION WITH AND PURSUANT TO CONSULTATION WITH THE BOARD OF DIRECTORS OF THE DISTRICT. FOR PURPOSES OF THIS PARAGRAPH (j), "COUNTY" MEANS ANY COUNTY OR CITY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1310

AND COUNTY.

SECTION 4. The introductory portion to 32-9-119 (2) (a), Colorado Revised Statutes, is amended to read:

32-9-119. Additional powers of district. (2) (a) To provide revenue to finance the operations of the district, to defray the cost of construction of capital improvements and acquisition of capital equipment, and to pay the interest and principal on securities of the district, the board, for and on behalf of the district after approval by election held pursuant to articles 1 to 13 of title 1, C.R.S., shall have the power to levy uniformly throughout the district a sales tax at the rate of six-tenths of one percent, OR AT THE RATE OF ONE PERCENT IF APPROVED BY THE ELIGIBLE ELECTORS OF THE DISTRICT IN ACCORDANCE WITH SECTION 32-9-119.4, upon every transaction or other incident with respect to which a sales tax is now levied by the state, pursuant to the provisions of article 26 of title 39, C.R.S.; except that:

SECTION 5. Article 9 of title 32, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

32-9-119.4. Election for a sales tax rate increase - petition requirement. (1) FOR PURPOSES OF COMPLYING WITH THE PROVISIONS OF SECTION 20 (4) OF ARTICLE X OF THE STATE CONSTITUTION AND UPON RECEIPT OF A NOTICE FROM THE SECRETARY OF STATE STATING THAT A VALID PETITION HAS BEEN FILED AND VERIFIED AND THE ADOPTION BY THE BOARD OF AN APPROPRIATE RESOLUTION, THE BOARD MAY SUBMIT TO THE REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT AT ANY GENERAL ELECTION OR ELECTION HELD IN NOVEMBER OF AN ODD-NUMBERED YEAR, THE BALLOT QUESTION SET FORTH IN SUBSECTION (3) OF THIS SECTION.

(2) A VALID PETITION:

(a) SHALL REQUEST THAT THE BOARD SUBMIT THE BALLOT QUESTION SET FORTH IN SUBSECTION (3) OF THIS SECTION TO THE REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT;

(b) SHALL BE SIGNED BY A NUMBER OF SUCH REGISTERED ELECTORS EQUAL TO AT LEAST FIVE PERCENT OF THE TOTAL NUMBER OF VOTES CAST WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT FOR ALL CANDIDATES FOR THE OFFICE OF SECRETARY OF STATE AT THE PREVIOUS GENERAL ELECTION; AND

(c) SHALL HAVE THE REQUIRED SIGNATURES VERIFIED BY THE SECRETARY OF STATE IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION.

(3) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (3), THE BALLOT QUESTION TO BE SUBMITTED BY THE BOARD PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE AS FOLLOWS:

"SHALL REGIONAL TRANSPORTATION DISTRICT TAXES BE INCREASED (FIRST FULL FISCAL YEAR DOLLAR INCREASE) ANNUALLY AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER BY INCREASING THE RATE OF SALES TAX LEVIED BY THE DISTRICT BY FOUR-TENTHS OF ONE PERCENT, FROM THE CURRENT SIX-TENTHS OF ONE PERCENT TO ONE PERCENT COMMENCING JANUARY 1 (FIRST CALENDAR YEAR THAT COMMENCES AFTER THE ELECTION AT WHICH THE BALLOT QUESTION IS SUBMITTED), AND, IN CONNECTION THEREWITH, SHALL REGIONAL TRANSPORTATION DISTRICT DEBT BE INCREASED (PRINCIPAL AMOUNT), WITH A REPAYMENT COST OF (MAXIMUM TOTAL DISTRICT COST) WITH ALL PROCEEDS OF DEBT AND TAXES TO BE USED AND SPENT FOR THE CONSTRUCTION AND OPERATION OF A FIXED GUIDE WAY MASS TRANSIT SYSTEM, THE CONSTRUCTION OF ADDITIONAL PARK-N-RIDE LOTS, THE EXPANSION AND IMPROVEMENT OF EXISTING PARK-N-RIDE LOTS, AND INCREASED BUS SERVICE, INCLUDING THE USE OF SMALLER BUSES AND VANS AND ALTERNATIVE FUEL VEHICLES AS APPROPRIATE, AS SPECIFIED IN THE TRANSIT EXPANSION PLAN ADOPTED BY THE BOARD OF DIRECTORS OF

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1310

THE DISTRICT ON OR BEFORE (SPECIFIED DATE) AND SHALL DEBT BE EVIDENCED BY BONDS, NOTES, OR OTHER MULTIPLE-FISCAL YEAR OBLIGATIONS INCLUDING REFUNDING BONDS THAT MAY BE ISSUED AS A LOWER OR HIGHER RATE OF INTEREST AND INCLUDING DEBT THAT MAY HAVE A REDEMPTION PRIOR TO MATURITY WITH OR WITHOUT PAYMENT OF A PREMIUM, PAYABLE FROM ALL REVENUES GENERATED BY SAID TAX INCREASE, FEDERAL FUNDS, INVESTMENT INCOME, PUBLIC AND PRIVATE CONTRIBUTIONS, AND OTHER REVENUES AS THE BOARD MAY DETERMINE, AND WITH SUCH REVENUES RAISED BY THE SALES TAX RATE INCREASE AND THE PROCEEDS OF DEBT OBLIGATIONS AND ANY INVESTMENT INCOME ON SUCH REVENUES AND PROCEEDS BEING EXEMPT FROM THE REVENUE AND SPENDING RESTRICTIONS CONTAINED IN SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION UNTIL SUCH TIME AS ALL DEBT IS REPAYED WHEN THE RATE OF TAX WILL BE DECREASED TO THAT AMOUNT NECESSARY FOR THE CONTINUED OPERATION OF THE SYSTEM BUT NOT LESS THAN SIX-TENTHS OF ONE PERCENT?"

(b) THE BALLOT QUESTION SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (3) MAY BE MODIFIED BY THE PROPONENTS OF A PETITION OR BY THE DISTRICT TO THE EXTENT NECESSARY TO CONFORM TO THE LEGAL REQUIREMENTS FOR BALLOT QUESTIONS AND TITLES.

(c) IF AT ANY ELECTION A MAJORITY OF THE REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT VOTING ON THE BALLOT QUESTION VOTE AFFIRMATIVELY ON THE BALLOT QUESTION SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (3), THEN THE RATE OF SALES TAX LEVIED BY THE DISTRICT SHALL BE INCREASED BY FOUR-TENTHS OF ONE PERCENT TO A RATE OF ONE PERCENT.

(4) THE PROVISIONS OF ARTICLE 40 OF TITLE 1, C.R.S., REGARDING THE FOLLOWING SUBJECT MATTER SHALL APPLY TO PETITIONS THAT MAY BE SUBMITTED PURSUANT TO THIS SECTION: FORM REQUIREMENTS AND APPROVAL; CIRCULATION OF PETITIONS; ELECTOR INFORMATION AND SIGNATURES ON PETITIONS; AFFIDAVITS AND REQUIREMENTS OF CIRCULATORS OF PETITIONS; AND VERIFICATION OF SIGNATURES, INCLUDING, BUT NOT LIMITED TO, CURE OF AN INSUFFICIENCY OF SIGNATURES AND PROTESTS REGARDING SUFFICIENCY STATEMENTS AND PROCEDURES FOR HEARINGS OR FURTHER APPEALS REGARDING SUCH PROTESTS. THE PROVISIONS OF ARTICLE 40 OF TITLE 1, C.R.S., REGARDING REVIEW AND COMMENT, THE SETTING OF A BALLOT TITLE, INCLUDING, BUT NOT LIMITED TO, THE DUTIES OF THE TITLE BOARD, REHEARINGS AND APPEALS, AND THE NUMBER OF SIGNATURES REQUIRED SHALL NOT APPLY TO PETITIONS THAT MAY BE SUBMITTED PURSUANT TO THIS SECTION.

(5) ANY PETITION SHALL BE FILED WITH THE SECRETARY OF STATE AT LEAST NINETY DAYS BEFORE THE ELECTION AT WHICH THE BALLOT QUESTION SPECIFIED IN THE PETITION IS TO BE SUBMITTED TO THE REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT. NOTICE OF ANY QUESTION TO BE SUBMITTED TO THE REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT AFTER VERIFICATION OF THE SIGNATURES ON ANY PETITION FILED WITH THE SECRETARY OF STATE AND AT WHICH ELECTION SUCH QUESTION SHALL BE SUBMITTED SHALL BE FILED BY THE BOARD IN THE OFFICE OF THE SECRETARY OF STATE PRIOR TO FIFTY-FIVE DAYS BEFORE THE ELECTION.

(6) PRIOR TO THE GENERAL ELECTION AT WHICH ANY QUESTION IS TO BE SUBMITTED TO THE REGISTERED ELECTORS PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE BOARD SHALL HOLD AT LEAST TWO PUBLIC HEARINGS IN EACH OF THE COUNTIES INCLUDED, IN WHOLE OR IN PART, WITHIN THE DISTRICT.

(7) (a) NO PUBLIC MONEYS FROM THE STATE, ANY CITY, TOWN, CITY AND COUNTY, OR COUNTY SHALL BE EXPENDED BY THE PUBLIC ENTITY OR BY ANY PRIVATE ENTITY OR PRIVATE PERSON TO ADVERTISE, PROMOTE, OR PURCHASE COMMERCIAL PROMOTION OR ADVERTISEMENT TO URGE ELECTORS TO VOTE IN FAVOR OF OR AGAINST ANY QUESTION SUBMITTED AT AN ELECTION PURSUANT TO THE PROVISIONS OF THIS SECTION.

(b) NO QUESTION SUBMITTED TO ELIGIBLE ELECTORS OF THE DISTRICT PURSUANT TO THIS SECTION SHALL OBLIGATE ANY FUNDS OF THE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1310

DEPARTMENT OF TRANSPORTATION, NOR SHALL THE APPROVAL OF A QUESTION BY THE ELIGIBLE ELECTORS BE CONSTRUED AS CREATING ANY COMMITMENT OR OBLIGATION OF FUNDS OF THE DEPARTMENT.

(8) IF AT ANY ELECTION A MAJORITY OF THE REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT VOTING ON THE QUESTION VOTE IN THE AFFIRMATIVE ON A BALLOT QUESTION TO INCREASE THE RATE OF SALES TAX LEVIED BY THE DISTRICT AND THEN, IN A CORRESPONDING OR SUBSEQUENT ELECTION, A MAJORITY OF THE REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT VOTING ON THE QUESTION VOTE IN THE AFFIRMATIVE TO LOWER THE RATE OF SALES TAX LEVIED BY THE DISTRICT, THE DISTRICT SHALL DECREASE THE RATE OF THE SALES TAX TO SIX-TENTHS OF ONE PERCENT OR TO AN AMOUNT NECESSARY TO REPAY ALL INDEBTEDNESS OF THE DISTRICT OBLIGATED UNDER THE APPROVED SALES TAX INCREASE, INCLUDING ANY COSTS INCURRED WITH REGARD TO NECESSARY DEBT REPAYMENT BROUGHT ON BY A CORRESPONDING OR SUBSEQUENT SALES TAX REDUCTION, AND FOLLOWING SUCH REPAYMENT TO SIX-TENTHS OF ONE PERCENT.

SECTION 6. 39-22-2002 (1), (4), (5) (b), and (5) (c), Colorado Revised Statutes, are amended to read:

39-22-2002. Fiscal years commencing on or after July 1, 1998 - state sales tax refund - authority of executive director. (1) If, for any state fiscal year commencing on or after July 1, 1998, the amount of state revenues exceeds the limitation on state fiscal year spending imposed by section 20 (7) (a) of article X of the state constitution and voters statewide either have not authorized the state to retain and spend all of the excess revenues for that fiscal year or have authorized the state to retain and spend only a portion of the excess revenues for that fiscal year, the executive director shall, if the amount of the identical individual refund calculated pursuant to paragraph (a) of subsection (2) of this section exceeds fifteen dollars, for the taxable year commencing on or after January 1 of the calendar year in which that fiscal year ended, but prior to January 1 of the subsequent calendar year, calculate a temporary state sales tax refund in accordance with the provisions of this section to refund the amount of excess state revenues that is not refunded by another method established by law. ~~multiplied by one hundred five percent.~~

(4) No later than October 1 of any given calendar year commencing on or after January 1, 1999, during which the controller certifies, in accordance with the provisions of section 24-77-106.5, C.R.S., that state revenues exceed the limitation on state fiscal year spending imposed by section 20 (7) (a) of article X of the state constitution for the fiscal year ending in that calendar year, the executive director shall, if the amount of the identical individual refund calculated pursuant to subsection (2) of this section exceeds fifteen dollars, calculate the income classifications and the amount of the refund allowed for each income classification pursuant to section 39-22-2003 (3) for the taxable year commencing during said fiscal year that would refund the amount of excess state revenues that is not refunded by another method established by law. ~~multiplied by one hundred five percent.~~

(5) If one or more ballot questions are submitted to the voters at a statewide election to be held in November of any given calendar year commencing on or after January 1, 1999, that seek authorization for the state to retain and spend all or any portion of the amount of excess revenues for the fiscal year ending during said calendar year, no later than October 1 of said calendar year, the executive director shall, in addition to the calculations required by subsection (4) of this section:

(b) If the amount of any identical refund calculated pursuant to subparagraph (I) of paragraph (a) of this subsection (5) exceeds fifteen dollars, calculate income classifications and the amount of the refund to be allowed for each income classification pursuant to section 39-22-2003 (3) for the taxable year commencing during said fiscal year that would refund the amount of excess state revenues, if any, required to be refunded if one or more of such ballot questions are approved by voters statewide and that is not refunded by another method established by law;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1310

~~multiplied by one hundred five percent;~~

(c) If the amount of the identical refund calculated pursuant to subparagraph (II) of paragraph (a) of this subsection (5) exceeds fifteen dollars, calculate income classifications and the amount of the refund to be allowed for each income classification pursuant to section 39-22-2003 (3) for the taxable year commencing during said fiscal year that would refund the amount of excess state revenues, if any, required to be refunded if all of such ballot questions are not approved by voters statewide and that is not refunded by another method established by law. ~~multiplied by one hundred five percent.~~

SECTION 7. 42-4-1012 (1) (d) (IV), Colorado Revised Statutes, is amended to read:

42-4-1012. High occupancy vehicle (GOV) and high occupancy toll (HOT) lanes. (1) (d) The department shall develop and adopt functional specifications and standards for an automatic vehicle identification system for use on high occupancy vehicle lanes, high occupancy toll lanes, any public highway constructed and operated under the provisions of part 5 of article 4 of title 43, C.R.S., and any other street or highway where tolls or charges are imposed for the privilege of traveling upon such street or highway. The specifications and standards shall ensure that:

(IV) There is compatibility between any automatic vehicle identification system in operation on August 4, 1999, and any automatic vehicle identification system designed and installed on and after said date; EXCEPT THAT THE OPERATOR OF AN AUTOMATIC VEHICLE IDENTIFICATION SYSTEM IN OPERATION ON AUGUST 4, 1999, MAY REPLACE SUCH SYSTEM WITH A DIFFERENT SYSTEM THAT IS NOT COMPATIBLE WITH THE SYSTEM IN OPERATION ON AUGUST 4, 1999, SUBJECT TO THE APPROVAL OF THE DEPARTMENT. AFTER THE DEPARTMENT APPROVES SUCH REPLACEMENT, THE SPECIFICATIONS AND STANDARDS DEVELOPED PURSUANT TO THIS PARAGRAPH (d) SHALL BE AMENDED TO REQUIRE COMPATIBILITY WITH THE REPLACEMENT SYSTEM.

SECTION 8. 43-4-205, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

43-4-205. Allocation of fund. (6.6) THE REVENUES CREDITED TO THE HIGHWAY USERS TAX FUND PURSUANT TO SECTION 24-75-217 (1) (a), C.R.S., SHALL BE PAID TO THE STATE HIGHWAY FUND FOR ALLOCATION TO THE DEPARTMENT OF TRANSPORTATION AND SHALL BE EXPENDED FOR STATE HIGHWAY RECONSTRUCTION, REPAIR, MAINTENANCE, AND CAPITAL EXPANSION PROJECTS.

SECTION 9. 43-4-206 (2) (a) (I), Colorado Revised Statutes, is amended to read:

43-4-206. State allocation. (2) (a) Notwithstanding the provisions of subsection (1) of this section, the revenues credited to the highway users tax fund pursuant to section 39-26-123 (2), C.R.S., and credited to the state highway fund pursuant to section 43-4-205 (6.5) shall be expended by the department of transportation for the implementation of the strategic transportation project investment program in the following manner:

(I) ~~At least~~ NO MORE THAN ninety percent of such revenues shall be expended for highway purposes or highway-related capital improvements, including, but not limited to, high occupancy vehicle lanes, park-and-ride facilities, and transportation management systems AND AT LEAST TEN PERCENT OF SUCH REVENUES SHALL BE EXPENDED FOR TRANSIT PURPOSES OR FOR TRANSIT-RELATED CAPITAL IMPROVEMENTS.

SECTION 10. Article 4 of title 43, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 8
STATEWIDE TOLLING ENTERPRISE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1310

43-4-801. Legislative declaration. THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT, IN ORDER TO FINANCE, CONSTRUCT, OPERATE, AND MAINTAIN ADDITIONAL HIGHWAY CAPACITY AND ACCOMMODATE THE NEEDS OF THE TRAVELING PUBLIC THROUGH AND WITHIN THE STATE OF COLORADO THROUGH SAFE, EFFICIENT, CONVENIENT, AND MODERN VEHICULAR TRAFFIC, IT IS NECESSARY AND IN THE PUBLIC INTEREST TO PROVIDE FOR THE FINANCING, CONSTRUCTION, OPERATION, REGULATION, AND MAINTENANCE OF A STATEWIDE SYSTEM OF TOLL HIGHWAYS THAT ARE INTEROPERABLE, THAT INCORPORATE THE BENEFITS OF ADVANCED ENGINEERING DESIGN, EXPERIENCE, AND SAFETY, AND THAT WILL REDUCE TRAFFIC CONGESTION, DELAYS, HAZARDS, INJURIES, AND FATALITIES. THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT IT IS NECESSARY TO AUTHORIZE THE TRANSPORTATION COMMISSION TO CREATE, UNDER THE SUPERVISION OF THE TRANSPORTATION COMMISSION, A STATEWIDE TOLLING ENTERPRISE THAT HAS THE POWER TO IMPOSE TOLLS, ISSUE REVENUE BONDS, AND EXERCISE OTHER POWERS NECESSARY AND APPROPRIATE TO CARRY OUT THESE PURPOSES.

43-4-802. Definitions. AS USED IN THIS PART 8, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BOND" MEANS ANY BOND, NOTE, INTERIM CERTIFICATE, CONTRACT, OR OTHER EVIDENCE OF INDEBTEDNESS OF THE ENTERPRISE, INCLUDING, BUT NOT LIMITED TO, ANY OBLIGATION TO THE UNITED STATES IN CONNECTION WITH A LOAN FROM OR GUARANTEED BY THE UNITED STATES.

(2) "COMMISSION" MEANS THE TRANSPORTATION COMMISSION CREATED BY SECTION 43-1-106.

(3) "CONSTRUCT" OR "CONSTRUCTION" MEANS THE PLANNING, DESIGNING, ENGINEERING, ACQUISITION, INSTALLATION, CONSTRUCTION, OR RECONSTRUCTION OF A TOLL HIGHWAY.

(4) "DEPARTMENT" MEANS THE DEPARTMENT OF TRANSPORTATION CREATED IN SECTION 24-1-128.7, C.R.S.

(5) "DIRECTOR" MEANS THE DIRECTOR OF THE ENTERPRISE.

(6) "ENTERPRISE" MEANS ANY STATEWIDE TOLLING ENTERPRISE CREATED BY THE COMMISSION PURSUANT TO SECTION 43-4-803.

(7) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT.

(8) "SPECIAL FUND" MEANS THE STATEWIDE TOLLING ENTERPRISE SPECIAL REVENUE FUND CREATED IN SECTION 43-4-804.

(9) "TOLL" MEANS THE COMPENSATION TO BE PAID TO THE ENTERPRISE FOR THE PRIVILEGE OF USING ANY TOLL HIGHWAY, OR ANY PART THEREOF, BY VEHICULAR OR OTHER TRAFFIC.

(10) "TOLL HIGHWAY" MEANS A NEW HIGHWAY OR ADDITIONAL LANE CAPACITY AND RELATED HIGHWAY IMPROVEMENTS. A TOLL HIGHWAY CANNOT ELIMINATE PREVIOUSLY EXISTING HIGHWAY LANES THAT HAVE SERVED VEHICULAR TRAFFIC ON A TOLL-FREE BASIS EXCEPT PURSUANT TO SECTION 42-4-1012, C.R.S.

(11) "TOLL REVENUES" MEANS THE REVENUES GENERATED BY A TOLL HIGHWAY CONSTRUCTED, OPERATED, OR MAINTAINED PURSUANT TO THIS PART 8.

43-4-803. Statewide tolling enterprise - creation by commission - enterprise status - transfer. (1) THE COMMISSION MAY CREATE AND OPERATE A STATEWIDE TOLLING ENTERPRISE, WHICH SHALL OPERATE AS A GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT AND SHALL BE A DIVISION OF THE DEPARTMENT. THE COMMISSION SHALL SERVE AS THE BOARD OF THE ENTERPRISE, BUT SHALL, WITH THE CONSENT OF THE EXECUTIVE DIRECTOR, APPOINT A DIRECTOR OF THE ENTERPRISE WHO SHALL POSSESS QUALIFICATIONS AS MAY BE ESTABLISHED BY THE COMMISSION AND THE STATE PERSONNEL BOARD. THE DIRECTOR SHALL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1310

OVERSEE THE DISCHARGE OF ALL RESPONSIBILITIES OF THE ENTERPRISE AND SHALL SERVE AT THE PLEASURE OF THE COMMISSION.

(2) (a) THE ENTERPRISE, AND THE COMMISSION WHEN ACTING IN ITS CAPACITY AS THE BOARD OF THE ENTERPRISE, SHALL CONSTITUTE AN ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS THE ENTERPRISE RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUES IN GRANTS, AS DEFINED IN SECTION 24-77-102 (7), C.R.S., FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (2), THE ENTERPRISE, AND THE COMMISSION WHEN ACTING AS THE BOARD OF THE ENTERPRISE, SHALL NOT BE SUBJECT TO ANY PROVISIONS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

(b) FOR PURPOSES OF PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S., THE RECORDS OF THE ENTERPRISE SHALL BE PUBLIC RECORDS, AS DEFINED IN SECTION 24-72-202 (6), C.R.S., REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUES IN GRANTS, AS DEFINED IN SECTION 24-77-102 (7), C.R.S., FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED.

(3) THE ENTERPRISE, THE COMMISSION WHEN ACTING AS THE BOARD OF THE ENTERPRISE, AND THE DIRECTOR SHALL EXERCISE THEIR POWERS AND PERFORM THE DUTIES SPECIFIED IN THIS PART 8 UNDER THE DEPARTMENT AS IF THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY A TYPE 1 TRANSFER, AS SUCH TRANSFER IS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S.

(4) THE ENTERPRISE SHALL CONSTITUTE A PUBLIC ENTITY FOR PURPOSES OF PART 2 OF ARTICLE 57 OF TITLE 11, C.R.S.

43-4-804. Statewide tolling enterprise special revenue fund - creation - separate highway accounts. (1) A FUND TO BE KNOWN AS THE STATEWIDE TOLLING ENTERPRISE SPECIAL REVENUE FUND IS HEREBY CREATED IN THE STATE TREASURY. ALL TOLL REVENUES RECEIVED BY THE ENTERPRISE SHALL BE DEPOSITED INTO THE SPECIAL FUND. THE ENTERPRISE ALSO MAY DEPOSIT OR PERMIT OTHERS TO DEPOSIT OTHER MONEYS INTO THE SPECIAL FUND, BUT IN NO EVENT MAY REVENUES FROM ANY TAX OTHERWISE AVAILABLE FOR GENERAL PURPOSES BE DEPOSITED INTO THE SPECIAL FUND. THE STATE TREASURER, AFTER CONSULTING WITH THE COMMISSION IN ITS CAPACITY AS THE BOARD OF THE ENTERPRISE, SHALL INVEST ANY MONEYS IN THE SPECIAL FUND, INCLUDING ANY SURPLUS OR RESERVES, BUT EXCLUDING ANY PROCEEDS FROM THE SALE OF BONDS OR EARNINGS ON SUCH PROCEEDS INVESTED PURSUANT TO SECTION 43-4-809, THAT ARE NOT NEEDED FOR IMMEDIATE USE. SUCH MONEYS MAY BE INVESTED IN THE TYPES OF INVESTMENTS AUTHORIZED IN SECTIONS 24-36-109, 24-36-112, AND 24-36-113, C.R.S.

(2) ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE SPECIAL FUND SHALL BE CREDITED TO THE SPECIAL FUND. MONEYS IN THE SPECIAL FUND SHALL BE CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSES SET FORTH IN THIS PART 8. ALL MONEYS DEPOSITED IN THE SPECIAL FUND SHALL REMAIN IN THE SPECIAL FUND FOR THE PURPOSES SET FORTH IN THIS PART 8 AND NO PART OF THE SPECIAL FUND SHALL BE USED FOR ANY OTHER PURPOSES.

(3) THE ENTERPRISE MAY EXPEND MONEYS IN THE SPECIAL FUND TO PAY BONDS OF THE ENTERPRISE, TO FUND THE ADMINISTRATION, PLANNING, FINANCING, CONSTRUCTION, OPERATION, MAINTENANCE, OR REPAIR OF A TOLL HIGHWAY. THE ENTERPRISE MAY ALSO EXPEND MONEYS IN THE SPECIAL FUND TO PAY THE COSTS AND EXPENSES OF OPERATING THE ENTERPRISE. THE COMMISSION SHALL HAVE EXCLUSIVE AUTHORITY TO BUDGET AND APPROVE THE EXPENDITURE OF MONEYS IN THE SPECIAL FUND.

(4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE COMMISSION SHALL DESIGNATE A STATE TOLL HIGHWAY AND MONEYS IN THE SPECIAL FUND THAT ARE DERIVED FROM TOLLS SHALL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1310

ONLY BE EXPENDED TO FUND THE ADMINISTRATION, PLANNING, DESIGN, DEVELOPMENT, FINANCING, CONSTRUCTION, OPERATION, MAINTENANCE, OR REPAIR OF THE STATE TOLL HIGHWAY OR TO PAY BONDS OF THE ENTERPRISE THAT WERE ISSUED TO FINANCE THE STATE TOLL HIGHWAY. ONCE THE ENTERPRISE HAS PAID THE COSTS OF CONSTRUCTING THE STATE TOLL HIGHWAY, INCLUDING SUFFICIENT CONTINGENCIES, PAID ALL DEBT SERVICE ON ALL BONDS ISSUED TO FINANCE THE TOLL HIGHWAY, AND REIMBURSED THE STATE HIGHWAY FUND FOR THE AMOUNT OF ANY STATE HIGHWAY FUND MONEYS TRANSFERRED TO THE STATEWIDE TOLLING ENTERPRISE FUND PLUS INTEREST IN ACCORDANCE WITH SECTION 43-4-805, THE COMMISSION SHALL ADJUST TOLL RATES IN THE CORRIDOR SO THAT THE AMOUNT OF TOLL REVENUES TO BE GENERATED IS AS CLOSE AS POSSIBLE TO THE AMOUNT REQUIRED FOR THE ONGOING OPERATION, MAINTENANCE, RENEWAL, AND REPLACEMENT OF THE TOLL HIGHWAY. A TOLL HIGHWAY CANNOT ELIMINATE PREVIOUSLY EXISTING HIGHWAY LANES THAT HAVE SERVED VEHICULAR TRAFFIC ON A TOLL-FREE BASIS EXCEPT PURSUANT TO SECTION 42-4-1012, C.R.S.

43-4-805. Statewide tolling enterprise operating fund. THE COMMISSION MAY TRANSFER MONEYS FROM THE STATE HIGHWAY FUND CREATED IN SECTION 43-1-219 TO THE ENTERPRISE FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE PRIOR TO THE RECEIPT OF BOND PROCEEDS OR TOLL REVENUES BY THE ENTERPRISE. WHEN THE ENTERPRISE RECEIVES SUFFICIENT BOND PROCEEDS OR TOLL REVENUES, THE ENTERPRISE SHALL REIMBURSE THE STATE HIGHWAY FUND FOR THE FULL AMOUNT OF ANY TRANSFER MADE BY THE COMMISSION PLUS INTEREST AT A RATE SET BY THE COMMISSION. ANY MONEYS TRANSFERRED TO THE ENTERPRISE PURSUANT TO THIS SECTION SHALL BE DEPOSITED INTO A FUND TO BE KNOWN AS THE STATEWIDE TOLLING ENTERPRISE OPERATING FUND, WHICH FUND IS HEREBY CREATED, AND SHALL NOT BE DEPOSITED INTO THE SPECIAL FUND. MONEYS FROM THE SPECIAL FUND MAY, HOWEVER, BE USED TO REIMBURSE THE STATE HIGHWAY FUND FOR THE AMOUNT OF ANY TRANSFER OR ANY INTEREST THEREON.

43-4-806. Powers and duties of the commission when acting as the board of the enterprise - annual report. (1) THE COMMISSION, IN ITS CAPACITY AS THE BOARD OF THE ENTERPRISE, HAS THE FOLLOWING POWERS AND DUTIES:

- (a) TO ADVISE THE DIRECTOR;
- (b) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND CONDUCT OF ITS BUSINESS;
- (c) TO ISSUE REVENUE BONDS, PAYABLE SOLELY FROM THE SPECIAL FUND, FOR THE PURPOSES OF PAYING THE COST OF FINANCING, CONSTRUCTING, OPERATING, OR MAINTAINING A TOLL HIGHWAY;
- (d) TO ESTABLISH AND, FROM TIME TO TIME, INCREASE OR DECREASE FEES, TOLLS, RATES, AND CHARGES FOR THE PRIVILEGE OF TRAVELING ON OR THE USE OF THE PROPERTY OF A TOLL HIGHWAY;
- (e) TO CHARGE AND COLLECT FEES AND CHARGES FOR THE USE OF OTHER PROPERTY OF THE ENTERPRISE;
- (f) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND PERSONAL PROPERTY AS NECESSARY IN THE EXERCISE OF ITS POWERS AND PERFORMANCE OF ITS DUTIES;
- (g) TO ACQUIRE BY PURCHASE, GIFT, GRANT, OR BY CONDEMNATION, AS PROVIDED IN ARTICLE 1 OF TITLE 38, C.R.S., ANY AND ALL RIGHTS-OF-WAY, LANDS, BUILDINGS, MONEYS, OR GROUNDS NECESSARY OR CONVENIENT FOR ITS AUTHORIZED PURPOSES;
- (h) TO MAKE AND ENTER INTO CONTRACTS OR AGREEMENTS WITH A PRIVATE ENTITY TO FACILITATE A PUBLIC-PRIVATE INITIATIVE PURSUANT TO SECTIONS 43-1-1203 AND 43-1-1204, INCLUDING, BUT NOT LIMITED TO:
 - (I) AN AGREEMENT PURSUANT TO WHICH THE PRIVATE ENTITY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1310

IS AUTHORIZED TO ESTABLISH, INCREASE, OR DECREASE AND TO CHARGE AND COLLECT TOLLS, RATES, AND CHARGES FOR THE PRIVILEGE OF TRAVELING ON ANY TOLL PROJECT, SUBJECT TO THE SUPERVISION AND APPROVAL OF THE ENTERPRISE UNDER THE TERMS OF ANY SUCH AGREEMENT, BUT OTHERWISE WITHOUT ANY SUPERVISION OR APPROVAL BY ANY OTHER BOARD, AGENCY, BUREAU, COMMISSION, OR OFFICIAL OF THE STATE;

(II) AN AGREEMENT PURSUANT TO WHICH THE ENTERPRISE OR THE ENTERPRISE ON BEHALF OF THE DEPARTMENT OPERATES, MAINTAINS, OR PROVIDES TOLL ENFORCEMENT SERVICES OR OTHER SERVICES OR PROPERTY IN CONNECTION WITH A TOLL PROJECT;

(III) AN AGREEMENT PURSUANT TO WHICH A PRIVATE ENTITY OPERATES ALL OR ANY PORTION OF A TOLL PROJECT ON BEHALF OF THE ENTERPRISE; AND

(IV) AN AGREEMENT PURSUANT TO WHICH THE ENTERPRISE OR THE ENTERPRISE ON BEHALF OF THE DEPARTMENT OPERATES, MAINTAINS, OR PROVIDES LAW ENFORCEMENT SERVICES, TOLL ENFORCEMENT SERVICES, OR OTHER SERVICES OR PROPERTY IN CONNECTION WITH A TOLL PROJECT;

(i) TO MAKE AND TO ENTER INTO ALL OTHER CONTRACTS OR AGREEMENTS, INCLUDING INTERGOVERNMENTAL AGREEMENTS PURSUANT TO SECTION 29-1-203, C.R.S., THAT ARE NECESSARY OR INCIDENTAL TO THE EXERCISE OF ITS POWERS AND PERFORMANCE OF ITS DUTIES;

(j) TO EMPLOY OR CONTRACT FOR THE SERVICES OF CONSULTING ENGINEERS OR OTHER EXPERTS AS ARE NECESSARY IN ITS JUDGMENT TO CARRY OUT ITS POWERS AND DUTIES;

(k) TO PREPARE, OR CAUSE TO BE PREPARED, DETAILED PLANS, SPECIFICATIONS, OR ESTIMATES FOR THE FINANCING, CONSTRUCTION, RELOCATION, REPAIR, MAINTENANCE, OR OPERATION OF A TOLL HIGHWAY WITHIN THE STATE. A TOLL HIGHWAY CANNOT ELIMINATE PREVIOUSLY EXISTING HIGHWAY LANES THAT HAVE SERVED VEHICULAR TRAFFIC ON A TOLL-FREE BASIS EXCEPT PURSUANT TO SECTION 42-4-1012, C.R.S.

(l) TO ACQUIRE, CONSTRUCT, RELOCATE, OPERATE, REGULATE, AND MAINTAIN A TOLL HIGHWAY THROUGH AND WITHIN THE STATE;

(m) TO CONSTRUCT, MAINTAIN, AND OPERATE STATIONS FOR THE COLLECTION OF TOLLS ALONG A TOLL HIGHWAY;

(n) TO SET AND ADOPT, ON AN ANNUAL BASIS, A BUDGET FOR THE ENTERPRISE;

(o) TO PURCHASE, TRADE, EXCHANGE, ACQUIRE, BUY, SELL, LEASE, LEASE WITH AN OPTION TO PURCHASE, DISPOSE OF, OR ENCUMBER REAL OR PERSONAL PROPERTY OR ANY INTEREST THEREIN, INCLUDING EASEMENTS AND RIGHTS-OF-WAY, WITHOUT RESTRICTION OR LIMITATION;

(p) TO ENTER INTO INTEREST RATE EXCHANGE AGREEMENTS FOR BONDS THAT HAVE BEEN ISSUED IN ACCORDANCE WITH ARTICLE 59.3 OF TITLE 11, C.R.S.;

(q) PURSUANT TO SECTION 24-1-107.5, C.R.S., TO ESTABLISH, CREATE, AND APPROVE NONPROFIT ENTITIES AND BONDS ISSUED BY OR ON BEHALF OF SUCH NONPROFIT ENTITIES FOR THE PURPOSE OF FINANCING, CONSTRUCTING, OPERATING, OR MAINTAINING A TOLL HIGHWAY, TO ACCEPT THE ASSETS OF ANY SUCH NONPROFIT ENTITY, TO OBTAIN AN OPTION TO ACQUIRE THE ASSETS OF ANY SUCH NONPROFIT ENTITY BY PAYING SUCH BONDS, TO APPOINT OR APPROVE THE APPOINTMENT OF MEMBERS OF THE GOVERNING BOARD OF ANY SUCH NONPROFIT ENTITY, AND TO REMOVE THE MEMBERS OF THE GOVERNING BOARD OF ANY SUCH NONPROFIT ENTITY FOR CAUSE;

(r) TO TRANSFER MONEY, PROPERTY, OR OTHER ASSETS OF THE ENTERPRISE TO THE DEPARTMENT; AND

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1310

(s) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES GRANTED IN THIS SECTION.

(2) THE COMMISSION, ACTING AS THE BOARD OF THE ENTERPRISE, SHALL ENSURE UNRESTRICTED ACCESS BY ALL VEHICLES TO ANY TOLL HIGHWAY AND SHALL NOT REQUIRE THAT A PARTICULAR CLASS OF VEHICLES TRAVEL UPON ANY TOLL HIGHWAY, INCLUDING A TOLL HIGHWAY THAT PROVIDES ADDITIONAL CAPACITY ON AN EXISTING HIGHWAY. A TOLL HIGHWAY CANNOT ELIMINATE PREVIOUSLY EXISTING HIGHWAY LANES THAT HAVE SERVED VEHICULAR TRAFFIC ON A TOLL-FREE BASIS EXCEPT PURSUANT TO SECTION 42-4-1012, C.R.S.

(3) NO LATER THAN FEBRUARY 15, 2003, AND NO LATER THAN FEBRUARY 15 OF EACH YEAR THEREAFTER, THE COMMISSION SHALL PRESENT A REPORT TO THE TRANSPORTATION AND ENERGY COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE GOVERNMENT, VETERANS AND MILITARY RELATIONS, AND TRANSPORTATION COMMITTEE OF THE SENATE THAT SHALL INCLUDE A SUMMARY OF THE ENTERPRISE'S ACTIVITIES FOR THE PREVIOUS YEAR, A STATEMENT OF CURRENT TOLL RATES AND ANY EXPECTED CHANGES, A SUMMARY OF THE STATUS OF ANY CURRENT TOLL PROJECTS, A STATEMENT OF THE ENTERPRISE'S REVENUES, EXPENSES OF THE ENTERPRISE, AND ANY RECOMMENDATIONS FOR STATUTORY CHANGES THAT THE COMMISSION DEEMS NECESSARY OR DESIRABLE. THE COMMITTEES SHALL REVIEW THE REPORT AND MAY RECOMMEND LEGISLATION. THE REPORT SHALL BE PUBLIC AND SHALL BE AVAILABLE ON THE WEBSITE OF THE DEPARTMENT ON OR BEFORE JANUARY 15 OF THE YEAR IN WHICH THE REPORT IS PRESENTED.

43-4-807. Bonds. (1) THE ENTERPRISE MAY, FROM TIME TO TIME, ISSUE BONDS FOR ANY OF ITS CORPORATE PURPOSES. THE BONDS SHALL BE ISSUED PURSUANT TO RESOLUTION OF THE COMMISSION ACTING IN ITS CAPACITY AS THE BOARD OF THE ENTERPRISE AND SHALL BE PAYABLE SOLELY OUT OF ALL OR A SPECIFIED PORTION OF THE MONEYS IN THE SPECIAL FUND.

(2) BONDS MAY BE EXECUTED AND DELIVERED BY THE ENTERPRISE AT SUCH TIMES, MAY BE IN SUCH FORM AND DENOMINATIONS AND INCLUDE SUCH TERMS AND MATURITIES, MAY BE SUBJECT TO OPTIONAL OR MANDATORY REDEMPTION PRIOR TO MATURITY WITH OR WITHOUT A PREMIUM, MAY BE IN FULLY REGISTERED FORM OR BEARER FORM REGISTRABLE AS TO PRINCIPAL OR INTEREST OR BOTH, MAY BEAR SUCH CONVERSION PRIVILEGES, MAY BE PAYABLE IN SUCH INSTALLMENTS AND AT SUCH TIMES NOT EXCEEDING FORTY-FIVE YEARS FROM THE DATE THEREOF, MAY BE PAYABLE AT SUCH PLACE OR PLACES WHETHER WITHIN OR WITHOUT THE STATE, MAY BEAR INTEREST AT SUCH RATE OR RATES PER ANNUM, WHICH MAY BE FIXED OR VARY ACCORDING TO INDEX, PROCEDURE, OR FORMULA OR AS DETERMINED BY THE ENTERPRISE OR ITS AGENTS, WITHOUT REGARD TO ANY INTEREST RATE LIMITATION APPEARING IN ANY OTHER LAW OF THE STATE, MAY BE SUBJECT TO PURCHASE AT THE OPTION OF THE HOLDER OR THE ENTERPRISE, MAY BE EVIDENCED IN SUCH MANNER, MAY BE EXECUTED BY SUCH OFFICERS OF THE ENTERPRISE, INCLUDING THE USE OF ONE OR MORE FACSIMILE SIGNATURES SO LONG AS AT LEAST ONE MANUAL SIGNATURE APPEARS ON THE BONDS, WHICH MAY BE EITHER OF AN OFFICER OF THE ENTERPRISE OR OF AN AGENT AUTHENTICATING THE SAME, MAY BE IN THE FORM OF COUPON BONDS THAT HAVE ATTACHED INTEREST COUPONS BEARING A MANUAL OR FACSIMILE SIGNATURE OF AN OFFICER OF THE ENTERPRISE, AND MAY CONTAIN SUCH PROVISIONS NOT INCONSISTENT WITH THIS PART 8 ALL AS PROVIDED IN THE RESOLUTION OF THE ENTERPRISE UNDER WHICH THE BONDS ARE AUTHORIZED TO BE ISSUED OR AS PROVIDED IN A TRUST INDENTURE BETWEEN THE ENTERPRISE AND ANY COMMERCIAL BANK OR TRUST COMPANY HAVING FULL TRUST POWERS.

(3) BONDS OF THE ENTERPRISE MAY BE SOLD AT PUBLIC OR PRIVATE SALE AT SUCH PRICE OR PRICES, IN SUCH MANNER, AND AT SUCH TIMES AS DETERMINED BY THE COMMISSION, AND THE COMMISSION MAY PAY ALL FEES, EXPENSES, AND COMMISSIONS THAT IT DEEMS NECESSARY OR ADVANTAGEOUS IN CONNECTION WITH THE SALE OF THE BONDS. THE POWER TO FIX THE DATE OF SALE OF THE BONDS, TO RECEIVE BIDS OR PROPOSALS, TO AWARD AND SELL BONDS, TO FIX INTEREST RATES, AND TO

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1310

TAKE ALL OTHER ACTION NECESSARY TO SELL AND DELIVER THE BONDS MAY BE DELEGATED TO AN OFFICER OR AGENT OF THE ENTERPRISE. ANY OUTSTANDING BONDS MAY BE REFUNDED BY THE ENTERPRISE PURSUANT TO ARTICLE 56 OF TITLE 11, C.R.S. ALL BONDS AND ANY INTEREST COUPONS APPLICABLE THERETO ARE DECLARED TO BE NEGOTIABLE INSTRUMENTS.

(4) THE RESOLUTION OR TRUST INDENTURE AUTHORIZING THE ISSUANCE OF THE BONDS MAY PLEDGE ALL OR A PORTION OF THE SPECIAL FUND, MAY CONTAIN SUCH PROVISIONS FOR PROTECTING AND ENFORCING THE RIGHTS AND REMEDIES OF HOLDERS OF ANY OF THE BONDS AS THE ENTERPRISE DEEMS APPROPRIATE, MAY SET FORTH THE RIGHTS AND REMEDIES OF THE HOLDERS OF ANY OF THE BONDS, AND MAY CONTAIN PROVISIONS THAT THE ENTERPRISE DEEMS APPROPRIATE FOR THE SECURITY OF THE HOLDERS OF THE BONDS, INCLUDING, BUT NOT LIMITED TO, PROVISIONS FOR LETTERS OF CREDIT, INSURANCE, STANDBY CREDIT AGREEMENTS, OR OTHER FORMS OF CREDIT ENSURING TIMELY PAYMENT OF THE BONDS, INCLUDING THE REDEMPTION PRICE OR THE PURCHASE PRICE.

(5) ANY PLEDGE OF THE SPECIAL FUND OR OTHER PROPERTY MADE BY THE ENTERPRISE OR BY ANY PERSON OR GOVERNMENTAL UNIT WITH WHICH THE ENTERPRISE CONTRACTS SHALL BE VALID AND BINDING FROM THE TIME THE PLEDGE IS MADE. THE SPECIAL FUND OR OTHER PROPERTY SO PLEDGED SHALL IMMEDIATELY BE SUBJECT TO THE LIEN OF SUCH PLEDGE WITHOUT ANY PHYSICAL DELIVERY OR FURTHER ACT, AND THE LIEN OF SUCH PLEDGE SHALL BE VALID AND BINDING AGAINST ALL PARTIES HAVING CLAIMS OF ANY KIND IN TORT, CONTRACT, OR OTHERWISE AGAINST THE PLEDGING PARTY REGARDLESS OF WHETHER SUCH CLAIMING PARTY HAS NOTICE OF SUCH LIEN. THE INSTRUMENT BY WHICH THE PLEDGE IS CREATED NEED NOT BE RECORDED OR FILED.

(6) NEITHER THE MEMBERS OF THE COMMISSION, EMPLOYEES OF THE ENTERPRISE, NOR ANY PERSON EXECUTING THE BONDS SHALL BE LIABLE PERSONALLY ON THE BONDS OR SUBJECT TO ANY PERSONAL LIABILITY OR ACCOUNTABILITY BY REASON OF THE ISSUANCE THEREOF.

(7) THE ENTERPRISE MAY PURCHASE ITS BONDS OUT OF ANY AVAILABLE MONEYS AND MAY HOLD, PLEDGE, CANCEL, OR RESELL SUCH BONDS SUBJECT TO AND IN ACCORDANCE WITH AGREEMENTS WITH THE HOLDERS THEREOF.

43-4-808. Investments. THE ENTERPRISE MAY INVEST OR DEPOSIT ANY PROCEEDS AND ANY INTEREST FROM THE SALE OF BONDS IN THE MANNER PROVIDED BY PART 6 OF ARTICLE 75 OF TITLE 24, C.R.S. IN ADDITION, THE ENTERPRISE MAY DIRECT A CORPORATE TRUSTEE THAT HOLDS SUCH PROCEEDS AND ANY INTEREST TO INVEST OR DEPOSIT SUCH PROCEEDS AND ANY INTEREST IN INVESTMENTS OR DEPOSITS OTHER THAN THOSE SPECIFIED BY SAID PART 6 IF THE COMMISSION DETERMINES, BY RESOLUTION, THAT SUCH INVESTMENT OR DEPOSIT MEETS THE STANDARD ESTABLISHED IN SECTION 15-1-304, C.R.S., THE INCOME IS AT LEAST COMPARABLE TO INCOME AVAILABLE ON INVESTMENTS OR DEPOSITS SPECIFIED BY SAID PART 6, AND SUCH INVESTMENT WILL ASSIST THE ENTERPRISE IN THE FINANCING, CONSTRUCTION, MAINTENANCE, OR OPERATION OF A TOLL HIGHWAY.

43-4-809. Bonds eligible for investment. ALL BANKS, TRUST COMPANIES, SAVINGS AND LOAN ASSOCIATIONS, INSURANCE COMPANIES, EXECUTORS, ADMINISTRATORS, GUARDIANS, TRUSTEES, AND OTHER FIDUCIARIES MAY LEGALLY INVEST ANY MONEYS WITHIN THEIR CONTROL IN ANY BONDS ISSUED UNDER THIS PART 8. PUBLIC ENTITIES, AS DEFINED IN SECTION 24-75-601 (1), C.R.S., MAY INVEST PUBLIC MONEYS IN SUCH BONDS ONLY IF SUCH BONDS SATISFY THE INVESTMENT REQUIREMENTS ESTABLISHED IN PART 6 OF ARTICLE 75 OF TITLE 24, C.R.S.

43-4-810. Exemption from taxation - securities laws. THE INCOME OR OTHER REVENUES OF THE ENTERPRISE, ALL PROPERTIES AT ANY TIME OWNED BY THE ENTERPRISE, AND BONDS ISSUED BY THE ENTERPRISE, AND THE TRANSFER OF AND THE INCOME FROM ANY BONDS ISSUED BY THE ENTERPRISE SHALL BE EXEMPT FROM ALL TAXATION AND ASSESSMENTS IN THE STATE. IN THE RESOLUTION OR INDENTURE AUTHORIZING THE BONDS, THE ENTERPRISE MAY WAIVE THE EXEMPTION FROM FEDERAL INCOME

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1310

TAXATION FOR INTEREST ON THE BONDS. BONDS ISSUED BY THE ENTERPRISE SHALL BE EXEMPT FROM THE PROVISIONS OF ARTICLE 51 OF TITLE 11, C.R.S.

43-4-811. Traffic laws - toll collection. (1) THE TRAFFIC LAWS OF THIS STATE, AND THOSE OF ANY MUNICIPALITY THROUGH WHICH A TOLL HIGHWAY PASSES, AND THE ENTERPRISE'S REGULATIONS REGARDING TOLL COLLECTION AND ENFORCEMENT SHALL PERTAIN TO AND GOVERN THE USE OF ANY SUCH TOLL HIGHWAY. STATE AND LOCAL LAW ENFORCEMENT AUTHORITIES ARE AUTHORIZED TO ENTER INTO TRAFFIC AND TOLL ENFORCEMENT AGREEMENTS WITH THE ENTERPRISE. ANY MONEYS RECEIVED BY A STATE LAW ENFORCEMENT AUTHORITY PURSUANT TO SUCH TOLL ENFORCEMENT AGREEMENT SHALL BE SUBJECT TO ANNUAL APPROPRIATIONS BY THE GENERAL ASSEMBLY TO SUCH LAW ENFORCEMENT AUTHORITY FOR THE PURPOSE OF PERFORMING ITS DUTIES PURSUANT TO SUCH AGREEMENT.

(2) THE ENTERPRISE MAY ADOPT, BY RESOLUTION OF THE COMMISSION, REGULATIONS PERTAINING TO THE ENFORCEMENT OF TOLL COLLECTION AND PROVIDING A CIVIL PENALTY FOR TOLL EVASION. THE CIVIL PENALTY ESTABLISHED BY THE ENTERPRISE FOR ANY TOLL EVASION SHALL BE NOT LESS THAN TEN DOLLARS NOR MORE THAN ONE HUNDRED DOLLARS IN ADDITION TO ANY COSTS IMPOSED BY A COURT. THE ENTERPRISE MAY USE STATE OF THE ART TECHNOLOGY, INCLUDING, BUT NOT LIMITED TO, AUTOMATIC VEHICLE IDENTIFICATION PHOTOGRAPHY, TO AID IN THE COLLECTION OF TOLLS AND ENFORCEMENT OF TOLL VIOLATIONS.

(3) (a) ANY PERSON WHO EVADES A TOLL ESTABLISHED BY THE ENTERPRISE SHALL BE SUBJECT TO THE CIVIL PENALTY ESTABLISHED BY THE ENTERPRISE FOR TOLL EVASION. ANY PEACE OFFICER, LEVEL I, AS DEFINED IN SECTION 18-1-901 (3) (1) (I), C.R.S., SHALL HAVE THE AUTHORITY TO ISSUE CIVIL PENALTY ASSESSMENTS, OR MUNICIPAL SUMMONS AND COMPLAINTS IF AUTHORIZED PURSUANT TO A MUNICIPAL ORDINANCE, FOR SUCH TOLL EVASION.

(b) AT ANY TIME THAT A PERSON IS CITED FOR TOLL EVASION, THE PERSON OPERATING THE MOTOR VEHICLE INVOLVED SHALL BE GIVEN EITHER A NOTICE IN THE FORM OF A CIVIL PENALTY ASSESSMENT NOTICE OR A MUNICIPAL SUMMONS AND COMPLAINT.

(c) IF A CIVIL PENALTY ASSESSMENT NOTICE IS ISSUED, SUCH NOTICE SHALL BE TENDERED BY A PEACE OFFICER, LEVEL I, AND SHALL CONTAIN THE NAME AND ADDRESS OF THE PERSON OPERATING THE MOTOR VEHICLE INVOLVED, THE LICENSE NUMBER OF THE MOTOR VEHICLE, SUCH PERSON'S DRIVER'S LICENSE NUMBER, THE NATURE OF THE VIOLATION, THE AMOUNT OF THE PENALTY PRESCRIBED FOR THE VIOLATION, THE DATE OF THE NOTICE, A PLACE FOR SUCH PERSON TO EXECUTE A SIGNED ACKNOWLEDGMENT OF SUCH PERSON'S RECEIPT OF THE CIVIL PENALTY ASSESSMENT NOTICE, A PLACE FOR SUCH PERSON TO EXECUTE A SIGNED ACKNOWLEDGMENT OF LIABILITY FOR THE CITED VIOLATION, AND SUCH OTHER INFORMATION AS MAY BE REQUIRED BY LAW TO CONSTITUTE THE NOTICE AS A COMPLAINT TO APPEAR IN COURT SHOULD THE PRESCRIBED PENALTY NOT BE PAID WITHIN TWENTY DAYS. EVERY CITED PERSON SHALL EXECUTE THE SIGNED ACKNOWLEDGMENT OF THE PERSON'S RECEIPT OF THE CIVIL PENALTY ASSESSMENT NOTICE.

(d) THE ACKNOWLEDGMENT OF LIABILITY SHALL BE EXECUTED AT THE TIME THE CITED PERSON PAYS THE PRESCRIBED PENALTY. THE PERSON CITED SHALL PAY THE CIVIL PENALTY AUTHORIZED BY THE ENTERPRISE AT THE OFFICE OF THE ENTERPRISE EITHER IN PERSON OR BY POSTMARKING SUCH PAYMENT WITHIN TWENTY DAYS OF THE NOTICE. IF THE PERSON CITED DOES NOT PAY THE PRESCRIBED PENALTY WITHIN TWENTY DAYS OF THE NOTICE, THE CIVIL PENALTY ASSESSMENT NOTICE SHALL CONSTITUTE A COMPLAINT TO APPEAR IN COURT, AND THE PERSON CITED SHALL, WITHIN THE TIME SPECIFIED IN THE CIVIL PENALTY ASSESSMENT NOTICE, FILE AN ANSWER TO THIS COMPLAINT WITH THE COUNTY COURT FOR THE COUNTY IN WHICH THE CIVIL PENALTY ASSESSMENT WAS ISSUED.

(e) IF A MUNICIPAL SUMMONS AND COMPLAINT IS ISSUED, THE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1310

ADJUDICATION OF THE VIOLATION SHALL BE CONDUCTED AND THE FORMAT OF THE SUMMONS AND COMPLAINT SHALL BE DETERMINED PURSUANT TO THE TERMS OF THE MUNICIPAL ORDINANCE AUTHORIZING ISSUANCE OF THE SUMMONS AND COMPLAINT. IN NO CASE SHALL THE PENALTY UPON CONVICTION FOR VIOLATION OF A MUNICIPAL ORDINANCE FOR TOLL EVASION EXCEED THE LIMIT ESTABLISHED IN SUBSECTION (2) OF THIS SECTION.

(4) THE RESPECTIVE COURTS OF THE MUNICIPALITIES, COUNTIES, THE CITY AND COUNTY OF DENVER, AND THE CITY AND COUNTY OF BROOMFIELD HAVE JURISDICTION TO TRY ALL CASES ARISING UNDER MUNICIPAL ORDINANCES AND STATE LAWS GOVERNING THE USE OF A TOLL HIGHWAY AND ARISING UNDER THE TOLL EVASION CIVIL PENALTY REGULATIONS ENACTED BY THE ENTERPRISE. VENUE FOR SUCH CASES SHALL BE IN THE MUNICIPALITY, COUNTY, OR CITY AND COUNTY WHERE THE ALLEGED VIOLATION OF MUNICIPAL ORDINANCE, STATE LAW, OR REGULATION OF THE ENTERPRISE OCCURRED.

(5) THE AGGREGATE AMOUNT OF PENALTIES, EXCLUSIVE OF COURT COSTS, COLLECTED AS A RESULT OF CIVIL PENALTIES IMPOSED PURSUANT TO RESOLUTIONS ADOPTED AS AUTHORIZED IN SUBSECTION (2) OF THIS SECTION SHALL BE REMITTED TO THE ENTERPRISE, AND SHALL BE APPLIED BY THE ENTERPRISE TO DEFRAY THE COSTS AND EXPENSES OF ENFORCING THE LAWS OF THE STATE AND THE REGULATIONS OF THE ENTERPRISE. IF A MUNICIPAL SUMMONS OR COMPLAINT IS ISSUED, THE AGGREGATE PENALTY SHALL BE APPORTIONED PURSUANT TO THE TERMS OF ANY ENFORCEMENT AGREEMENT.

(6) (a) IN ADDITION TO THE PENALTY ASSESSMENT PROCEDURE PROVIDED FOR IN SUBSECTION (3) OF THIS SECTION, WHERE AN INSTANCE OF TOLL EVASION IS EVIDENCED BY AUTOMATIC VEHICLE IDENTIFICATION PHOTOGRAPHY OR OTHER TECHNOLOGY NOT INVOLVING A PEACE OFFICER, A CIVIL PENALTY ASSESSMENT NOTICE MAY BE ISSUED AND SENT BY FIRST-CLASS MAIL BY THE ENTERPRISE TO THE REGISTERED OWNER OF THE MOTOR VEHICLE INVOLVED. SUCH NOTICE SHALL CONTAIN THE NAME AND ADDRESS OF THE REGISTERED OWNER OF THE VEHICLE INVOLVED, THE LICENSE NUMBER OF THE VEHICLE INVOLVED, THE DATE OF THE NOTICE, THE TIME AND LOCATION OF THE VIOLATION, THE AMOUNT OF THE PENALTY PRESCRIBED FOR THE VIOLATION, A PLACE FOR SUCH PERSON TO EXECUTE A SIGNED ACKNOWLEDGMENT OF LIABILITY FOR THE CITED VIOLATION, AND SUCH OTHER INFORMATION AS MAY BE REQUIRED BY LAW TO CONSTITUTE THE NOTICE AS A COMPLAINT TO APPEAR IN COURT.

(b) SHOULD THE PRESCRIBED PENALTY NOT BE PAID WITHIN TWENTY DAYS OF THE NOTICE, IN ORDER TO ENSURE THAT ADEQUATE NOTICE HAS BEEN GIVEN, THE ENTERPRISE SHALL SEND A SECOND PENALTY ASSESSMENT NOTICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, CONTAINING THE SAME INFORMATION AS SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (6). SUCH NOTICE SHALL SPECIFY THAT THE ALLEGED VIOLATOR MAY PAY THE SAME PENALTY ASSESSMENT AT ANY TIME PRIOR TO THE SCHEDULED HEARING.

(c) THE PROVISIONS OF PARAGRAPH (d) OF SUBSECTION (3) OF THIS SECTION CONCERNING PAYMENT OF THE PRESCRIBED PENALTY, AND FAILURE TO PAY, SHALL APPLY TO PENALTY ASSESSMENT NOTICES MAILED BY THE ENTERPRISE PURSUANT TO THIS SUBSECTION (6).

43-4-812. Applicability of other laws.

(1) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE ENTERPRISE SHALL NOT BE SUBJECT TO THE PROVISIONS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S.

(2) THE ENTERPRISE SHALL BE SUBJECT TO THE OPEN MEETINGS PROVISIONS OF THE COLORADO SUNSHINE LAW CONTAINED IN PART 4 OF ARTICLE 6 OF TITLE 24, C.R.S., AND THE OPEN RECORDS PROVISIONS OF ARTICLE 72 OF TITLE 24, C.R.S.

(3) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE PROVISIONS OF PART 3 OF ARTICLE 3 OF THIS TITLE AND ARTICLE 45 OF TITLE 7, C.R.S., SHALL NOT APPLY TO ANY TOLL HIGHWAY THAT IS FINANCED, CONSTRUCTED, OPERATED, OR MAINTAINED PURSUANT TO THIS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1310

PART 8 OR TO ANY PUBLIC-PRIVATE INITIATIVE PURSUANT TO SECTION 43-1-1203 OR 43-1-1204.

(4) REVENUES OF THE ENTERPRISE SHALL NOT BE SUBJECT TO THE PROVISIONS OF SECTION 43-1-1205.

(5) A TOLL HIGHWAY FINANCED, CONSTRUCTED, OPERATED, OR MAINTAINED PURSUANT TO THIS PART 8 SHALL CONFORM TO AND BE AN APPROVED PART OF THE APPLICABLE REGIONAL TRANSPORTATION PLAN AND THE STATEWIDE TRANSPORTATION PLAN DEVELOPED PURSUANT TO SECTION 43-1-1103.

SECTION 11. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of law, for the fiscal year beginning July 1, 2002, the sum of five thousand eight hundred forty-three dollars (\$5,843), or so much thereof as may be necessary, for the provision of legal services to the department of transportation related to the implementation of this act. This amount shall be from cash funds exempt received from the department of transportation.

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

Respectfully submitted,

Senate Committee:

House Committee:

(Signed)
Senator Matsunaka, Chairman

(Signed)
Representative King, Chairman

(Signed)
Senator Nichol

(Signed)
Representative Fairbank

(Signed)
Representative Veiga

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Conference Committee Reports: **HB02-1310**.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

HB02-1310

by Representative(s) King; also Senator(s) May--Concerning modifications to state funding available to address critical needs of the state's citizens, and making an appropriation in connection therewith.

Senator Matsunaka moved for the adoption of the First Report of the First Conference Committee on **HB02-1310**, as printed in Senate Journal, May 8, page 1352-1368. The motion was **adopted** by the following roll call vote:

YES	27	NO	8	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	N
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	N
Epps	Y	Lamborn	N	Phillips	N	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

HB02-1310

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

YES	29	NO	6	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	N
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Anderson, Arnold, Epps, Gordon, Hanna, Hernandez, Isgar, Matsunaka, Nichol, Pascoe, Perlmutter, Taylor, Teck.

Senator May requested to have his name removed as the prime sponsor of **HB02-1310**.

MESSAGE FROM THE HOUSE

May 8, 2002

Mr. President:

The House has voted not to assent to the request by the Senate for a second conference committee on HB02-1359.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Conference Committee Reports: **HB02-1359**.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

HB02-1359

by Representative(s) Stafford, Coleman, Harvey, Mace, Paschall, Sanchez; also Senator(s) Linkhart--Concerning child placement in dependency or neglect actions.

Senator Linkhart moved for the adoption of the First Report of the First Conference Committee on **HB02-1359**, as printed in Senate Journal, May 7, pages 1225-1226. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

HB02-1359 A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **repassed**.

MESSAGE FROM THE HOUSE

May 8, 2002

Mr. President:

The House has postponed indefinitely SB02-058. The bill is returned herewith.

The House has passed on Third Reading and returns herewith SB02-203, 200, 214, 231, 235, 233, 050, 230.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB02-152, amended as printed in House Journal, May 7, page 1928. SB02-220, amended as printed in House Journal, May 7, page 1929. SCR02-006, amended as printed in House Journal, May 7, page 1944 and amended on Third Reading, May 8.) SB02-180, amended as printed in House Journal, May 7, pages 1945-1946, and amended on Third Reading, May 8.) SB02-229, amended as printed in House Journal, May 7, page 1977-1992. SB02-217, amended as printed in House Journal, May 7, pages 1992-1998.

The House has voted not to concur in the Senate amendments to HB02-1461 and requests that a conference committee be appointed. The Speaker has appointed Representatives Spradley, chairman, T. Williams, and S. Williams as House conferees on the First Conference Committee on HB02-1461. The bill is transmitted herewith.

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, as amended, SB02-152, 220, 180, 229, and 217 and SCR02-006.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of House Amendments to Senate Bills: **SCR02-006, SB02-152**.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SCR02-006 by Senator(s) Owen; also Representative(s) Williams T.--Submitting to the registered electors of the state of Colorado amendments to articles VI, XVIII, XX, and XXVII of the constitution of the state of Colorado, concerning the repeal of certain obsolete provisions in the constitution of the state of Colorado.

Senator Owen moved that the Senate concur in House amendments to **SCR02-006**, as printed in House Journal, May 7, page 1944 and May 8, pages 2008-2011. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

SCR02-006

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsor added: Lamborn.

SB02-152

by Senator(s) Evans; also Representative(s) Spence--Concerning programs to prepare persons for licensure as school principals.

Senator Evans moved that the Senate concur in House amendments to **SB02-152**, as printed in House Journal, May 7, page 1928 . The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsor added: Andrews.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Third Reading--Final Passage of Bills: **HB02-1288, HB02-1458**.

THIRD READING--FINAL PASSAGE OF BILLS

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

HB02-1288

by Representative(s) Stengel; also Senator(s) Taylor--Concerning the assessment of property for property tax purposes.

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

HB02-1288 Third Reading Amendment, by Senator Taylor.

Amend revised bill, page 5, line 10, strike "39-10-110" and substitute "39-10-114".

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

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

HB02-1458 by Representative(s) Scott, Mitchell, Grossman, Spradley, Young, Alexander, Miller, Berry, Cadman, Clapp, Cloer, Crane, Dean, Fairbank, Fritz, Harvey, Hefley, Hoppe, Johnson, Kester, King, Larson, Lawrence, Lee, Paschall, Rhodes, Rippy, Schultheis, Smith, Spence, Stafford, Stengel, Webster, White, Williams T.; also Senator(s) Hillman-- Concerning the confidentiality of electors' electronic signatures held by governmental entities.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Epps, Isgar, Lamborn.

MESSAGE FROM THE HOUSE

May 8, 2002

Mr. President:

The House voted to adhere to its position on SB02-190. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on HB02-1349, as printed in House Journal, May 8, and has repressed the bill as amended.

The House has adopted the First Report of the First Conference Committee on SB02-179, as printed in House Journal, May 8, and has repressed the bill as so amended. The bill is returned herewith.

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB02-179**

THIS REPORT AMENDS THE REREVISED BILL

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

Your first conference committee appointed on SB02-179,
concerning transportation funding, and making an appropriation in
connection therewith, has met and reports that it has agreed upon the
following:

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

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

"SECTION 1. Part 2 of article 75 of title 24, Colorado
Revised Statutes, is amended BY THE ADDITION OF A NEW
SECTION to read:

24-75-217. Transfers of general fund surplus. (1) ON JULY
1, 2003, AND ON JULY 1 IN EACH SUCCEEDING FISCAL YEAR, THE GENERAL
FUND SURPLUS DESIGNATED IN ACCORDANCE WITH SECTION 24-75-201 (1),
LESS THE FOUR PERCENT RESERVE REQUIRED BY SECTION 24-75-201.1 (1)
(d) (III), AND LESS ANY GENERAL FUND REVENUES THAT ARE DESIGNATED
AS STATE REVENUES IN EXCESS OF THE CONSTITUTIONAL LIMITATION ON
STATE FISCAL YEAR SPENDING FOR THE IMMEDIATELY PRECEDING FISCAL
YEAR, SHALL BE CREDITED AND ALLOCATED AS FOLLOWS:

(a) TWO-THIRDS OF THE SURPLUS TO THE HIGHWAY USERS TAX
FUND CREATED IN SECTION 43-4-201, C.R.S.; AND

(b) ONE-THIRD OF THE SURPLUS TO THE CAPITAL
CONSTRUCTION FUND CREATED IN SECTION 24-75-302.

SECTION 2. 24-77-103 (2), Colorado Revised Statutes, is
amended to read:

**24-77-103. Limitation on state fiscal year spending -
legislative declaration.** (2) (a) (I) For purposes of paragraph (b) of
subsection (1) of this section, AND IN ACCORDANCE WITH SECTION 20 (7)
(a) OF ARTICLE X OF THE STATE CONSTITUTION, the percentage of
allowable increase in state fiscal year spending shall equal the sum of
inflation as modified by the percentage change in state population in the
prior calendar year.

(II) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES
THAT:

(A) SECTION 20 (7) (a) OF ARTICLE X OF THE STATE
CONSTITUTION REQUIRES THE MAXIMUM ANNUAL PERCENTAGE CHANGE IN
STATE FISCAL YEAR SPENDING TO EQUAL INFLATION PLUS THE PERCENTAGE
CHANGE IN STATE POPULATION IN THE PRIOR CALENDAR YEAR ADJUSTED
FOR REVENUE CHANGES APPROVED BY VOTERS.

(B) IT IS THE CONSIDERED JUDGMENT OF THE GENERAL
ASSEMBLY THAT THE INCLUSION OF INFLATION AND THE PERCENTAGE
CHANGE IN STATE POPULATION IN THE PRIOR CALENDAR YEAR WHEN
CALCULATING THE MAXIMUM ANNUAL PERCENTAGE CHANGE IN STATE
FISCAL YEAR SPENDING IS DESIGNED TO ALLOW STATE FISCAL YEAR
SPENDING TO INCREASE TO THE EXTENT NECESSARY, BUT ONLY TO THE
EXTENT NECESSARY, TO ENSURE THAT STATE POPULATION GROWTH AND
INFLATION, WHICH ARE FACTORS BEYOND THE DIRECT CONTROL OF STATE
GOVERNMENT, DO NOT UNDULY AFFECT THE ABILITY OF THE STATE TO
FUND TRANSPORTATION PROJECTS AND OTHER PROJECTS AND SERVICES
NEEDED TO MEET THE DEMANDS OF A GROWING POPULATION.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB02-179

(III) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

(A) FOR THE PURPOSE OF DETERMINING THE MAXIMUM PERCENTAGE CHANGE IN STATE FISCAL YEAR SPENDING FOR ANY GIVEN FISCAL YEAR, SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION REQUIRES THE STATE TO ANNUALLY DETERMINE POPULATION BY ANNUAL FEDERAL CENSUS ESTIMATES AND TO FURTHER ADJUST THE POPULATION DETERMINED EVERY DECADE TO MATCH THE DECENNIAL FEDERAL CENSUS.

(B) SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION DOES NOT SPECIFY HOW ADJUSTMENTS TO POPULATION TO MATCH THE DECENNIAL FEDERAL CENSUS ARE TO BE MADE AND IT IS THEREFORE WITHIN THE LEGISLATIVE PREROGATIVE TO DETERMINE THE MANNER IN WHICH SUCH ADJUSTMENTS ARE TO BE MADE.

(C) THE RESULTS OF THE 2000 FEDERAL CENSUS INDICATE THAT THE ANNUAL FEDERAL CENSUS ESTIMATES USED TO DETERMINE POPULATION FOR THE PURPOSE OF DETERMINING THE MAXIMUM ANNUAL PERCENTAGE CHANGE IN STATE FISCAL YEAR SPENDING IN THE FISCAL YEARS PRIOR TO THE 2001-02 FISCAL YEAR UNDERESTIMATED POPULATION GROWTH IN THE STATE, WHICH CAUSED A CUMULATIVE REDUCTION IN THE MAXIMUM ANNUAL PERCENTAGE CHANGE IN STATE FISCAL YEAR SPENDING DURING THE PRIOR FISCAL YEARS, RESULTED IN OVER-REFUNDS OF STATE REVENUES DURING THE PRIOR FISCAL YEARS, AND IMPAIRED THE STATE'S ABILITY TO FUND TRANSPORTATION PROJECTS AND OTHER PROJECTS AND SERVICES NEEDED TO MEET THE DEMANDS OF THE STATE'S GROWING POPULATION.

(D) IT IS CONSISTENT WITH THE PURPOSES OF SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION FOR THE GENERAL ASSEMBLY TO ENACT LEGISLATION THAT WILL ENSURE THAT THE STATE CAN RECOUP STATE REVENUES LOST BECAUSE THE UNDERESTIMATES OF POPULATION GROWTH IN THE STATE IN THE FISCAL YEARS PRIOR TO THE 2001-02 FISCAL YEAR RESULTED IN OVER-REFUNDS OF STATE REVENUES AND THAT THE STATE CAN ALSO RECOUP STATE REVENUES LOST IN THE FUTURE DUE TO OVER-REFUNDS RESULTING FROM FUTURE UNDERESTIMATES OF POPULATION GROWTH.

(E) THE MECHANISM FOR ALLOWING THE ADJUSTMENT OF POPULATION EVERY DECADE TO MATCH THE FEDERAL CENSUS TO OCCUR OVER MORE THAN ONE FISCAL YEAR WHEN THE ACTUAL AMOUNT OF STATE FISCAL YEAR SPENDING FOR THE FIRST FISCAL YEAR IN WHICH SUCH AN ADJUSTMENT CAN BE MADE IS INSUFFICIENT TO ALLOW THE STATE TO RECOUP THE FULL AMOUNT OF ALL OVER-REFUNDS RESULTING FROM UNDERESTIMATES OF POPULATION GROWTH THAT IS SET FORTH IN SUBPARAGRAPH (II.5) OF PARAGRAPH (b) OF THIS SUBSECTION (2), IS REASONABLE, NECESSARY, IN THE BEST INTERESTS OF THE STATE, AND CONSISTENT WITH THE REQUIREMENTS AND OBJECTIVES OF SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION.

(b) (I) Except as otherwise provided in ~~subparagraph (II)~~ SUBPARAGRAPHS (II) AND (II.5) of this paragraph (b), the percentage change in state population for any given calendar year shall be the percentage change between the estimate of state population due to be issued by the United States bureau of census in December of such calendar year with a reference date of July 1 of the same calendar year and the estimate of state population due to be issued by the United States bureau of census in December of the same calendar year with a reference date of July 1 of the immediately preceding calendar year.

(II) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II.5) OF THIS PARAGRAPH (b), for any calendar year for which an estimate of state population is not issued due to the federal census of the United States bureau of census, the percentage change in state population for such calendar year shall be the percentage change between the state population as reported in the federal census conducted by the United States bureau of census due in December of such calendar year and the estimate of state population due to be issued by the United States bureau of census in December of the same year with a reference date of July 1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB02-179

of the immediately preceding calendar year.

(II.5) (A) IF THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR A GIVEN FISCAL YEAR IS CALCULATED WITH A PERCENTAGE OF ALLOWABLE INCREASE IN STATE FISCAL YEAR SPENDING THAT INCLUDES A PERCENTAGE CHANGE IN STATE POPULATION DETERMINED IN ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS PARAGRAPH (b) AND THE LIMITATION ON STATE FISCAL YEAR SPENDING EXCEEDS THE ACTUAL AMOUNT OF STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR, THE PERCENTAGE CHANGE IN STATE POPULATION SHALL BE REDUCED SO THAT THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR CALCULATED WITH A PERCENTAGE OF ALLOWABLE INCREASE IN STATE FISCAL YEAR SPENDING THAT INCLUDES SUCH REDUCED PERCENTAGE CHANGE IN STATE POPULATION EQUALS THE AMOUNT OF STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR.

(B) THE DIFFERENCE BETWEEN THE PERCENTAGE CHANGE IN STATE POPULATION DETERMINED IN ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS PARAGRAPH (b) AND THE REDUCED PERCENTAGE CHANGE IN STATE POPULATION USED TO CALCULATE THE LIMITATION ON STATE FISCAL YEAR SPENDING PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II.5) SHALL BE CARRIED FORWARD AS AN ADJUSTMENT OF THE PERCENTAGE CHANGE IN STATE POPULATION DETERMINED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) FOR A MAXIMUM PERIOD OF NINE FISCAL YEARS. IF THE AMOUNT OF STATE FISCAL YEAR SPENDING FOR THE IMMEDIATELY SUBSEQUENT FISCAL YEAR EXCEEDS THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR, THE UNUSED ADJUSTMENT SHALL BE ADDED FIRST TO THE PERCENTAGE CHANGE IN STATE POPULATION DETERMINED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) THAT IS INCLUDED IN THE PERCENTAGE OF THE ALLOWABLE INCREASE IN STATE FISCAL YEAR SPENDING USED IN CALCULATING THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR TO THE GREATEST EXTENT POSSIBLE WITHOUT CAUSING THE LIMITATION ON STATE FISCAL YEAR SPENDING TO EXCEED THE ACTUAL AMOUNT OF STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR.

(C) ANY REMAINING PORTION OF THE UNUSED ADJUSTMENT SHALL CONTINUE TO BE ADDED, TO THE GREATEST EXTENT POSSIBLE, TO THE PERCENTAGE CHANGE IN STATE POPULATION DETERMINED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) THAT IS INCLUDED IN THE PERCENTAGE OF ALLOWABLE INCREASE IN STATE FISCAL YEAR SPENDING USED IN CALCULATING THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR SUBSEQUENT FISCAL YEARS WITHOUT CAUSING THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR A GIVEN FISCAL YEAR TO EXCEED THE ACTUAL AMOUNT OF STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR.

(D) ANY PORTION OF THE UNUSED ADJUSTMENT THAT REMAINS UNUSED AFTER THE EXPIRATION OF THE MAXIMUM PERIOD OF NINE FISCAL YEARS SHALL NOT BE INCLUDED IN THE PERCENTAGE OF ALLOWABLE INCREASE IN STATE FISCAL YEAR SPENDING USED IN CALCULATING THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR ANY FISCAL YEAR SUBSEQUENT TO THE EXPIRATION OF SUCH PERIOD.

SECTION 3. 30-11-101 (1) (f), Colorado Revised Statutes, is amended, and the said 30-11-101 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

30-11-101. Powers of counties. (1) Each organized county within the state shall be a body corporate and politic, and as such shall be empowered for the following purposes:

(f) To develop, maintain, and operate mass transportation systems, which power shall be vested either individually in the board of county commissioners or jointly with other political subdivisions or governmental entities formed pursuant to the provisions of part 2 of article 1 of title 29, C.R.S. Except that AS PROVIDED IN PARAGRAPH (j) OF THIS SUBSECTION (1), this provision shall not apply to any county or portion thereof encompassed by the regional transportation district as formed pursuant to the provisions of article 9 of title 32, C.R.S. Counties, by ordinance adopted, administered, and enforced in accordance with part 4 of article 15 of this title, shall have the authority:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB02-179

To fix, maintain, and revise passenger fees, rates, and charges, and terms and conditions for such systems; to prescribe the method of development, maintenance, and operation of such mass transportation systems; and to receive contributions, gifts, or other support from public and private entities to defray the operating costs of such systems.

(j) FOR ANY COUNTY LOCATED IN WHOLE OR IN PART WITHIN THE BOUNDARIES OF THE REGIONAL TRANSPORTATION DISTRICT, TO PROVIDE TRANSIT SERVICES IN COOPERATION WITH AND PURSUANT TO CONSULTATION WITH THE BOARD OF DIRECTORS OF THE DISTRICT. FOR PURPOSES OF THIS PARAGRAPH (j), "COUNTY" MEANS ANY COUNTY OR CITY AND COUNTY.

SECTION 4. The introductory portion to 32-9-119 (2) (a), Colorado Revised Statutes, is amended to read:

32-9-119. Additional powers of district. (2) (a) To provide revenue to finance the operations of the district, to defray the cost of construction of capital improvements and acquisition of capital equipment, and to pay the interest and principal on securities of the district, the board, for and on behalf of the district after approval by election held pursuant to articles 1 to 13 of title 1, C.R.S., shall have the power to levy uniformly throughout the district a sales tax at the rate of six-tenths of one percent, OR AT THE RATE OF ONE PERCENT IF APPROVED BY THE ELIGIBLE ELECTORS OF THE DISTRICT IN ACCORDANCE WITH SECTION 32-9-119.4, upon every transaction or other incident with respect to which a sales tax is now levied by the state, pursuant to the provisions of article 26 of title 39, C.R.S.; except that:

SECTION 5. Article 9 of title 32, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

32-9-119.4. Election for a sales tax rate increase - petition requirement. (1) FOR PURPOSES OF COMPLYING WITH THE PROVISIONS OF SECTION 20 (4) OF ARTICLE X OF THE STATE CONSTITUTION AND UPON RECEIPT OF A NOTICE FROM THE SECRETARY OF STATE STATING THAT A VALID PETITION HAS BEEN FILED AND VERIFIED AND THE ADOPTION BY THE BOARD OF AN APPROPRIATE RESOLUTION, THE BOARD MAY SUBMIT TO THE REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT AT ANY GENERAL ELECTION OR ELECTION HELD IN NOVEMBER OF AN ODD-NUMBERED YEAR, THE BALLOT QUESTION SET FORTH IN SUBSECTION (3) OF THIS SECTION.

(2) A VALID PETITION:

(a) SHALL REQUEST THAT THE BOARD SUBMIT THE BALLOT QUESTION SET FORTH IN SUBSECTION (3) OF THIS SECTION TO THE REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT;

(b) SHALL BE SIGNED BY A NUMBER OF SUCH REGISTERED ELECTORS EQUAL TO AT LEAST FIVE PERCENT OF THE TOTAL NUMBER OF VOTES CAST WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT FOR ALL CANDIDATES FOR THE OFFICE OF SECRETARY OF STATE AT THE PREVIOUS GENERAL ELECTION; AND

(c) SHALL HAVE THE REQUIRED SIGNATURES VERIFIED BY THE SECRETARY OF STATE IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION.

(3) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (3), THE BALLOT QUESTION TO BE SUBMITTED BY THE BOARD PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE AS FOLLOWS:

"SHALL REGIONAL TRANSPORTATION DISTRICT TAXES BE INCREASED (FIRST FULL FISCAL YEAR DOLLAR INCREASE) ANNUALLY AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER BY INCREASING THE RATE OF SALES TAX LEVIED BY THE DISTRICT BY FOUR-TENTHS OF ONE PERCENT, FROM THE CURRENT SIX-TENTHS OF ONE PERCENT TO ONE PERCENT COMMENCING JANUARY 1 (FIRST CALENDAR

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB02-179

YEAR THAT COMMENCES AFTER THE ELECTION AT WHICH THE BALLOT QUESTION IS SUBMITTED), AND, IN CONNECTION THEREWITH, SHALL REGIONAL TRANSPORTATION DISTRICT DEBT BE INCREASED (PRINCIPAL AMOUNT), WITH A REPAYMENT COST OF (MAXIMUM TOTAL DISTRICT COST) WITH ALL PROCEEDS OF DEBT AND TAXES TO BE USED AND SPENT FOR THE CONSTRUCTION AND OPERATION OF A FIXED GUIDE WAY MASS TRANSIT SYSTEM, THE CONSTRUCTION OF ADDITIONAL PARK-N-RIDE LOTS, THE EXPANSION AND IMPROVEMENT OF EXISTING PARK-N-RIDE LOTS, AND INCREASED BUS SERVICE, INCLUDING THE USE OF SMALLER BUSES AND VANS AND ALTERNATIVE FUEL VEHICLES AS APPROPRIATE, AS SPECIFIED IN THE TRANSIT EXPANSION PLAN ADOPTED BY THE BOARD OF DIRECTORS OF THE DISTRICT ON OR BEFORE (SPECIFIED DATE) AND SHALL DEBT BE EVIDENCED BY BONDS, NOTES, OR OTHER MULTIPLE-FISCAL YEAR OBLIGATIONS INCLUDING REFUNDING BONDS THAT MAY BE ISSUED AS A LOWER OR HIGHER RATE OF INTEREST AND INCLUDING DEBT THAT MAY HAVE A REDEMPTION PRIOR TO MATURITY WITH OR WITHOUT PAYMENT OF A PREMIUM, PAYABLE FROM ALL REVENUES GENERATED BY SAID TAX INCREASE, FEDERAL FUNDS, INVESTMENT INCOME, PUBLIC AND PRIVATE CONTRIBUTIONS, AND OTHER REVENUES AS THE BOARD MAY DETERMINE, AND WITH SUCH REVENUES RAISED BY THE SALES TAX RATE INCREASE AND THE PROCEEDS OF DEBT OBLIGATIONS AND ANY INVESTMENT INCOME ON SUCH REVENUES AND PROCEEDS BEING EXEMPT FROM THE REVENUE AND SPENDING RESTRICTIONS CONTAINED IN SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION UNTIL SUCH TIME AS ALL DEBT IS REPAYED WHEN THE RATE OF TAX WILL BE DECREASED TO THAT AMOUNT NECESSARY FOR THE CONTINUED OPERATION OF THE SYSTEM BUT NOT LESS THAN SIX-TENTHS OF ONE PERCENT?"

(b) THE BALLOT QUESTION SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (3) MAY BE MODIFIED BY THE PROPONENTS OF A PETITION OR BY THE DISTRICT TO THE EXTENT NECESSARY TO CONFORM TO THE LEGAL REQUIREMENTS FOR BALLOT QUESTIONS AND TITLES.

(c) IF AT ANY ELECTION A MAJORITY OF THE REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT VOTING ON THE BALLOT QUESTION VOTE AFFIRMATIVELY ON THE BALLOT QUESTION SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (3), THEN THE RATE OF SALES TAX LEVIED BY THE DISTRICT SHALL BE INCREASED BY FOUR-TENTHS OF ONE PERCENT TO A RATE OF ONE PERCENT.

(4) THE PROVISIONS OF ARTICLE 40 OF TITLE 1, C.R.S., REGARDING THE FOLLOWING SUBJECT MATTER SHALL APPLY TO PETITIONS THAT MAY BE SUBMITTED PURSUANT TO THIS SECTION: FORM REQUIREMENTS AND APPROVAL; CIRCULATION OF PETITIONS; ELECTOR INFORMATION AND SIGNATURES ON PETITIONS; AFFIDAVITS AND REQUIREMENTS OF CIRCULATORS OF PETITIONS; AND VERIFICATION OF SIGNATURES, INCLUDING, BUT NOT LIMITED TO, CURE OF AN INSUFFICIENCY OF SIGNATURES AND PROTESTS REGARDING SUFFICIENCY STATEMENTS AND PROCEDURES FOR HEARINGS OR FURTHER APPEALS REGARDING SUCH PROTESTS. THE PROVISIONS OF ARTICLE 40 OF TITLE 1, C.R.S., REGARDING REVIEW AND COMMENT, THE SETTING OF A BALLOT TITLE, INCLUDING, BUT NOT LIMITED TO, THE DUTIES OF THE TITLE BOARD, REHEARINGS AND APPEALS, AND THE NUMBER OF SIGNATURES REQUIRED SHALL NOT APPLY TO PETITIONS THAT MAY BE SUBMITTED PURSUANT TO THIS SECTION.

(5) ANY PETITION SHALL BE FILED WITH THE SECRETARY OF STATE AT LEAST NINETY DAYS BEFORE THE ELECTION AT WHICH THE BALLOT QUESTION SPECIFIED IN THE PETITION IS TO BE SUBMITTED TO THE REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT. NOTICE OF ANY QUESTION TO BE SUBMITTED TO THE REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT AFTER VERIFICATION OF THE SIGNATURES ON ANY PETITION FILED WITH THE SECRETARY OF STATE AND AT WHICH ELECTION SUCH QUESTION SHALL BE SUBMITTED SHALL BE FILED BY THE BOARD IN THE OFFICE OF THE SECRETARY OF STATE PRIOR TO FIFTY-FIVE DAYS BEFORE THE ELECTION.

(6) PRIOR TO THE GENERAL ELECTION AT WHICH ANY QUESTION IS TO BE SUBMITTED TO THE REGISTERED ELECTORS PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE BOARD SHALL HOLD AT LEAST TWO PUBLIC HEARINGS IN EACH OF THE COUNTIES INCLUDED, IN WHOLE OR IN PART, WITHIN THE DISTRICT.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB02-179

(7) (a) NO PUBLIC MONEYS FROM THE STATE, ANY CITY, TOWN, CITY AND COUNTY, OR COUNTY SHALL BE EXPENDED BY THE PUBLIC ENTITY OR BY ANY PRIVATE ENTITY OR PRIVATE PERSON TO ADVERTISE, PROMOTE, OR PURCHASE COMMERCIAL PROMOTION OR ADVERTISEMENT TO URGE ELECTORS TO VOTE IN FAVOR OF OR AGAINST ANY QUESTION SUBMITTED AT AN ELECTION PURSUANT TO THE PROVISIONS OF THIS SECTION.

(b) NO QUESTION SUBMITTED TO ELIGIBLE ELECTORS OF THE DISTRICT PURSUANT TO THIS SECTION SHALL OBLIGATE ANY FUNDS OF THE DEPARTMENT OF TRANSPORTATION, NOR SHALL THE APPROVAL OF A QUESTION BY THE ELIGIBLE ELECTORS BE CONSTRUED AS CREATING ANY COMMITMENT OR OBLIGATION OF FUNDS OF THE DEPARTMENT.

(8) IF AT ANY ELECTION A MAJORITY OF THE REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT VOTING ON THE QUESTION VOTE IN THE AFFIRMATIVE ON A BALLOT QUESTION TO INCREASE THE RATE OF SALES TAX LEVIED BY THE DISTRICT AND THEN, IN A CORRESPONDING OR SUBSEQUENT ELECTION, A MAJORITY OF THE REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT VOTING ON THE QUESTION VOTE IN THE AFFIRMATIVE TO LOWER THE RATE OF SALES TAX LEVIED BY THE DISTRICT, THE DISTRICT SHALL DECREASE THE RATE OF THE SALES TAX TO SIX-TENTHS OF ONE PERCENT OR TO AN AMOUNT NECESSARY TO REPAY ALL INDEBTEDNESS OF THE DISTRICT OBLIGATED UNDER THE APPROVED SALES TAX INCREASE, INCLUDING ANY COSTS INCURRED WITH REGARD TO NECESSARY DEBT REPAYMENT BROUGHT ON BY A CORRESPONDING OR SUBSEQUENT SALES TAX REDUCTION, AND FOLLOWING SUCH REPAYMENT TO SIX-TENTHS OF ONE PERCENT.

SECTION 6. 39-22-2002 (1), (4), (5) (b), and (5) (c), Colorado Revised Statutes, are amended to read:

39-22-2002. Fiscal years commencing on or after July 1, 1998 - state sales tax refund - authority of executive director. (1) If, for any state fiscal year commencing on or after July 1, 1998, the amount of state revenues exceeds the limitation on state fiscal year spending imposed by section 20 (7) (a) of article X of the state constitution and voters statewide either have not authorized the state to retain and spend all of the excess revenues for that fiscal year or have authorized the state to retain and spend only a portion of the excess revenues for that fiscal year, the executive director shall, if the amount of the identical individual refund calculated pursuant to paragraph (a) of subsection (2) of this section exceeds fifteen dollars, for the taxable year commencing on or after January 1 of the calendar year in which that fiscal year ended, but prior to January 1 of the subsequent calendar year, calculate a temporary state sales tax refund in accordance with the provisions of this section to refund the amount of excess state revenues that is not refunded by another method established by law. ~~multiplied by one hundred five percent.~~

(4) No later than October 1 of any given calendar year commencing on or after January 1, 1999, during which the controller certifies, in accordance with the provisions of section 24-77-106.5, C.R.S., that state revenues exceed the limitation on state fiscal year spending imposed by section 20 (7) (a) of article X of the state constitution for the fiscal year ending in that calendar year, the executive director shall, if the amount of the identical individual refund calculated pursuant to subsection (2) of this section exceeds fifteen dollars, calculate the income classifications and the amount of the refund allowed for each income classification pursuant to section 39-22-2003 (3) for the taxable year commencing during said fiscal year that would refund the amount of excess state revenues that is not refunded by another method established by law. ~~multiplied by one hundred five percent.~~

(5) If one or more ballot questions are submitted to the voters at a statewide election to be held in November of any given calendar year commencing on or after January 1, 1999, that seek authorization for the state to retain and spend all or any portion of the amount of excess revenues for the fiscal year ending during said calendar year, no later than October 1 of said calendar year, the executive director shall, in addition

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB02-179

to the calculations required by subsection (4) of this section:

(b) If the amount of any identical refund calculated pursuant to subparagraph (I) of paragraph (a) of this subsection (5) exceeds fifteen dollars, calculate income classifications and the amount of the refund to be allowed for each income classification pursuant to section 39-22-2003 (3) for the taxable year commencing during said fiscal year that would refund the amount of excess state revenues, if any, required to be refunded if one or more of such ballot questions are approved by voters statewide and that is not refunded by another method established by law; ~~multiplied by one hundred five percent;~~

(c) If the amount of the identical refund calculated pursuant to subparagraph (II) of paragraph (a) of this subsection (5) exceeds fifteen dollars, calculate income classifications and the amount of the refund to be allowed for each income classification pursuant to section 39-22-2003 (3) for the taxable year commencing during said fiscal year that would refund the amount of excess state revenues, if any, required to be refunded if all of such ballot questions are not approved by voters statewide and that is not refunded by another method established by law. ~~multiplied by one hundred five percent.~~

SECTION 7. 42-4-1012 (1) (d) (IV), Colorado Revised Statutes, is amended to read:

42-4-1012. High occupancy vehicle (GOV) and high occupancy toll (HOT) lanes. (1) (d) The department shall develop and adopt functional specifications and standards for an automatic vehicle identification system for use on high occupancy vehicle lanes, high occupancy toll lanes, any public highway constructed and operated under the provisions of part 5 of article 4 of title 43, C.R.S., and any other street or highway where tolls or charges are imposed for the privilege of traveling upon such street or highway. The specifications and standards shall ensure that:

(IV) There is compatibility between any automatic vehicle identification system in operation on August 4, 1999, and any automatic vehicle identification system designed and installed on and after said date; EXCEPT THAT THE OPERATOR OF AN AUTOMATIC VEHICLE IDENTIFICATION SYSTEM IN OPERATION ON AUGUST 4, 1999, MAY REPLACE SUCH SYSTEM WITH A DIFFERENT SYSTEM THAT IS NOT COMPATIBLE WITH THE SYSTEM IN OPERATION ON AUGUST 4, 1999, SUBJECT TO THE APPROVAL OF THE DEPARTMENT. AFTER THE DEPARTMENT APPROVES SUCH REPLACEMENT, THE SPECIFICATIONS AND STANDARDS DEVELOPED PURSUANT TO THIS PARAGRAPH (d) SHALL BE AMENDED TO REQUIRE COMPATIBILITY WITH THE REPLACEMENT SYSTEM.

SECTION 8. 43-4-205, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

43-4-205. Allocation of fund. (6.6) THE REVENUES CREDITED TO THE HIGHWAY USERS TAX FUND PURSUANT TO SECTION 24-75-217 (1) (a), C.R.S., SHALL BE PAID TO THE STATE HIGHWAY FUND FOR ALLOCATION TO THE DEPARTMENT OF TRANSPORTATION AND SHALL BE EXPENDED FOR STATE HIGHWAY RECONSTRUCTION, REPAIR, MAINTENANCE, AND CAPITAL EXPANSION PROJECTS.

SECTION 9. 43-4-206 (2) (a) (I), Colorado Revised Statutes, is amended to read:

43-4-206. State allocation. (2) (a) Notwithstanding the provisions of subsection (1) of this section, the revenues credited to the highway users tax fund pursuant to section 39-26-123 (2), C.R.S., and credited to the state highway fund pursuant to section 43-4-205 (6.5) shall be expended by the department of transportation for the implementation of the strategic transportation project investment program in the following manner:

(I) ~~At least~~ NO MORE THAN ninety percent of such revenues shall be expended for highway purposes or highway-related capital improvements, including, but not limited to, high occupancy vehicle

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB02-179

lanes, park-and-ride facilities, and transportation management systems AND AT LEAST TEN PERCENT OF SUCH REVENUES SHALL BE EXPENDED FOR TRANSIT PURPOSES OR FOR TRANSIT-RELATED CAPITAL IMPROVEMENTS.

SECTION 10. Article 4 of title 43, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 8 STATEWIDE TOLLING ENTERPRISE

43-4-801. Legislative declaration. THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT, IN ORDER TO FINANCE, CONSTRUCT, OPERATE, AND MAINTAIN ADDITIONAL HIGHWAY CAPACITY AND ACCOMMODATE THE NEEDS OF THE TRAVELING PUBLIC THROUGH AND WITHIN THE STATE OF COLORADO THROUGH SAFE, EFFICIENT, CONVENIENT, AND MODERN VEHICULAR TRAFFIC, IT IS NECESSARY AND IN THE PUBLIC INTEREST TO PROVIDE FOR THE FINANCING, CONSTRUCTION, OPERATION, REGULATION, AND MAINTENANCE OF A STATEWIDE SYSTEM OF TOLL HIGHWAYS THAT ARE INTEROPERABLE, THAT INCORPORATE THE BENEFITS OF ADVANCED ENGINEERING DESIGN, EXPERIENCE, AND SAFETY, AND THAT WILL REDUCE TRAFFIC CONGESTION, DELAYS, HAZARDS, INJURIES, AND FATALITIES. THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT IT IS NECESSARY TO AUTHORIZE THE TRANSPORTATION COMMISSION TO CREATE, UNDER THE SUPERVISION OF THE TRANSPORTATION COMMISSION, A STATEWIDE TOLLING ENTERPRISE THAT HAS THE POWER TO IMPOSE TOLLS, ISSUE REVENUE BONDS, AND EXERCISE OTHER POWERS NECESSARY AND APPROPRIATE TO CARRY OUT THESE PURPOSES.

43-4-802. Definitions. AS USED IN THIS PART 8, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BOND" MEANS ANY BOND, NOTE, INTERIM CERTIFICATE, CONTRACT, OR OTHER EVIDENCE OF INDEBTEDNESS OF THE ENTERPRISE, INCLUDING, BUT NOT LIMITED TO, ANY OBLIGATION TO THE UNITED STATES IN CONNECTION WITH A LOAN FROM OR GUARANTEED BY THE UNITED STATES.

(2) "COMMISSION" MEANS THE TRANSPORTATION COMMISSION CREATED BY SECTION 43-1-106.

(3) "CONSTRUCT" OR "CONSTRUCTION" MEANS THE PLANNING, DESIGNING, ENGINEERING, ACQUISITION, INSTALLATION, CONSTRUCTION, OR RECONSTRUCTION OF A TOLL HIGHWAY.

(4) "DEPARTMENT" MEANS THE DEPARTMENT OF TRANSPORTATION CREATED IN SECTION 24-1-128.7, C.R.S.

(5) "DIRECTOR" MEANS THE DIRECTOR OF THE ENTERPRISE.

(6) "ENTERPRISE" MEANS ANY STATEWIDE TOLLING ENTERPRISE CREATED BY THE COMMISSION PURSUANT TO SECTION 43-4-803.

(7) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT.

(8) "SPECIAL FUND" MEANS THE STATEWIDE TOLLING ENTERPRISE SPECIAL REVENUE FUND CREATED IN SECTION 43-4-804.

(9) "TOLL" MEANS THE COMPENSATION TO BE PAID TO THE ENTERPRISE FOR THE PRIVILEGE OF USING ANY TOLL HIGHWAY, OR ANY PART THEREOF, BY VEHICULAR OR OTHER TRAFFIC.

(10) "TOLL HIGHWAY" MEANS A NEW HIGHWAY OR ADDITIONAL LANE CAPACITY AND RELATED HIGHWAY IMPROVEMENTS. A TOLL HIGHWAY CANNOT ELIMINATE PREVIOUSLY EXISTING HIGHWAY LANES THAT HAVE SERVED VEHICULAR TRAFFIC ON A TOLL-FREE BASIS EXCEPT PURSUANT TO SECTION 42-4-1012, C.R.S.

(11) "TOLL REVENUES" MEANS THE REVENUES GENERATED BY A TOLL HIGHWAY CONSTRUCTED, OPERATED, OR MAINTAINED PURSUANT TO THIS PART 8.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB02-179

43-4-803. Statewide tolling enterprise - creation by commission - enterprise status - transfer. (1) THE COMMISSION MAY CREATE AND OPERATE A STATEWIDE TOLLING ENTERPRISE, WHICH SHALL OPERATE AS A GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT AND SHALL BE A DIVISION OF THE DEPARTMENT. THE COMMISSION SHALL SERVE AS THE BOARD OF THE ENTERPRISE, BUT SHALL, WITH THE CONSENT OF THE EXECUTIVE DIRECTOR, APPOINT A DIRECTOR OF THE ENTERPRISE WHO SHALL POSSESS QUALIFICATIONS AS MAY BE ESTABLISHED BY THE COMMISSION AND THE STATE PERSONNEL BOARD. THE DIRECTOR SHALL OVERSEE THE DISCHARGE OF ALL RESPONSIBILITIES OF THE ENTERPRISE AND SHALL SERVE AT THE PLEASURE OF THE COMMISSION.

(2) (a) THE ENTERPRISE, AND THE COMMISSION WHEN ACTING IN ITS CAPACITY AS THE BOARD OF THE ENTERPRISE, SHALL CONSTITUTE AN ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS THE ENTERPRISE RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUES IN GRANTS, AS DEFINED IN SECTION 24-77-102 (7), C.R.S., FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (2), THE ENTERPRISE, AND THE COMMISSION WHEN ACTING AS THE BOARD OF THE ENTERPRISE, SHALL NOT BE SUBJECT TO ANY PROVISIONS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

(b) FOR PURPOSES OF PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S., THE RECORDS OF THE ENTERPRISE SHALL BE PUBLIC RECORDS, AS DEFINED IN SECTION 24-72-202 (6), C.R.S., REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUES IN GRANTS, AS DEFINED IN SECTION 24-77-102 (7), C.R.S., FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED.

(3) THE ENTERPRISE, THE COMMISSION WHEN ACTING AS THE BOARD OF THE ENTERPRISE, AND THE DIRECTOR SHALL EXERCISE THEIR POWERS AND PERFORM THE DUTIES SPECIFIED IN THIS PART 8 UNDER THE DEPARTMENT AS IF THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY A **TYPE 1** TRANSFER, AS SUCH TRANSFER IS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S.

(4) THE ENTERPRISE SHALL CONSTITUTE A PUBLIC ENTITY FOR PURPOSES OF PART 2 OF ARTICLE 57 OF TITLE 11, C.R.S.

43-4-804. Statewide tolling enterprise special revenue fund - creation - separate highway accounts. (1) A FUND TO BE KNOWN AS THE STATEWIDE TOLLING ENTERPRISE SPECIAL REVENUE FUND IS HEREBY CREATED IN THE STATE TREASURY. ALL TOLL REVENUES RECEIVED BY THE ENTERPRISE SHALL BE DEPOSITED INTO THE SPECIAL FUND. THE ENTERPRISE ALSO MAY DEPOSIT OR PERMIT OTHERS TO DEPOSIT OTHER MONEYS INTO THE SPECIAL FUND, BUT IN NO EVENT MAY REVENUES FROM ANY TAX OTHERWISE AVAILABLE FOR GENERAL PURPOSES BE DEPOSITED INTO THE SPECIAL FUND. THE STATE TREASURER, AFTER CONSULTING WITH THE COMMISSION IN ITS CAPACITY AS THE BOARD OF THE ENTERPRISE, SHALL INVEST ANY MONEYS IN THE SPECIAL FUND, INCLUDING ANY SURPLUS OR RESERVES, BUT EXCLUDING ANY PROCEEDS FROM THE SALE OF BONDS OR EARNINGS ON SUCH PROCEEDS INVESTED PURSUANT TO SECTION 43-4-809, THAT ARE NOT NEEDED FOR IMMEDIATE USE. SUCH MONEYS MAY BE INVESTED IN THE TYPES OF INVESTMENTS AUTHORIZED IN SECTIONS 24-36-109, 24-36-112, AND 24-36-113, C.R.S.

(2) ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE SPECIAL FUND SHALL BE CREDITED TO THE SPECIAL FUND. MONEYS IN THE SPECIAL FUND SHALL BE CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSES SET FORTH IN THIS PART 8. ALL MONEYS DEPOSITED IN THE SPECIAL FUND SHALL REMAIN IN THE SPECIAL FUND FOR THE PURPOSES SET FORTH IN THIS PART 8 AND NO PART OF THE SPECIAL FUND SHALL BE USED FOR ANY OTHER PURPOSES.

(3) THE ENTERPRISE MAY EXPEND MONEYS IN THE SPECIAL FUND TO PAY BONDS OF THE ENTERPRISE, TO FUND THE ADMINISTRATION, PLANNING, FINANCING, CONSTRUCTION, OPERATION, MAINTENANCE, OR

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB02-179

REPAIR OF A TOLL HIGHWAY. THE ENTERPRISE MAY ALSO EXPEND MONEYS IN THE SPECIAL FUND TO PAY THE COSTS AND EXPENSES OF OPERATING THE ENTERPRISE. THE COMMISSION SHALL HAVE EXCLUSIVE AUTHORITY TO BUDGET AND APPROVE THE EXPENDITURE OF MONEYS IN THE SPECIAL FUND.

(4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE COMMISSION SHALL DESIGNATE A STATE TOLL HIGHWAY AND MONEYS IN THE SPECIAL FUND THAT ARE DERIVED FROM TOLLS SHALL ONLY BE EXPENDED TO FUND THE ADMINISTRATION, PLANNING, DESIGN, DEVELOPMENT, FINANCING, CONSTRUCTION, OPERATION, MAINTENANCE, OR REPAIR OF THE STATE TOLL HIGHWAY OR TO PAY BONDS OF THE ENTERPRISE THAT WERE ISSUED TO FINANCE THE STATE TOLL HIGHWAY. ONCE THE ENTERPRISE HAS PAID THE COSTS OF CONSTRUCTING THE STATE TOLL HIGHWAY, INCLUDING SUFFICIENT CONTINGENCIES, PAID ALL DEBT SERVICE ON ALL BONDS ISSUED TO FINANCE THE TOLL HIGHWAY, AND REIMBURSED THE STATE HIGHWAY FUND FOR THE AMOUNT OF ANY STATE HIGHWAY FUND MONEYS TRANSFERRED TO THE STATEWIDE TOLLING ENTERPRISE FUND PLUS INTEREST IN ACCORDANCE WITH SECTION 43-4-805, THE COMMISSION SHALL ADJUST TOLL RATES IN THE CORRIDOR SO THAT THE AMOUNT OF TOLL REVENUES TO BE GENERATED IS AS CLOSE AS POSSIBLE TO THE AMOUNT REQUIRED FOR THE ONGOING OPERATION, MAINTENANCE, RENEWAL, AND REPLACEMENT OF THE TOLL HIGHWAY. A TOLL HIGHWAY CANNOT ELIMINATE PREVIOUSLY EXISTING HIGHWAY LANES THAT HAVE SERVED VEHICULAR TRAFFIC ON A TOLL-FREE BASIS EXCEPT PURSUANT TO SECTION 42-4-1012, C.R.S.

43-4-805. Statewide tolling enterprise operating fund. THE COMMISSION MAY TRANSFER MONEYS FROM THE STATE HIGHWAY FUND CREATED IN SECTION 43-1-219 TO THE ENTERPRISE FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE PRIOR TO THE RECEIPT OF BOND PROCEEDS OR TOLL REVENUES BY THE ENTERPRISE. WHEN THE ENTERPRISE RECEIVES SUFFICIENT BOND PROCEEDS OR TOLL REVENUES, THE ENTERPRISE SHALL REIMBURSE THE STATE HIGHWAY FUND FOR THE FULL AMOUNT OF ANY TRANSFER MADE BY THE COMMISSION PLUS INTEREST AT A RATE SET BY THE COMMISSION. ANY MONEYS TRANSFERRED TO THE ENTERPRISE PURSUANT TO THIS SECTION SHALL BE DEPOSITED INTO A FUND TO BE KNOWN AS THE STATEWIDE TOLLING ENTERPRISE OPERATING FUND, WHICH FUND IS HEREBY CREATED, AND SHALL NOT BE DEPOSITED INTO THE SPECIAL FUND. MONEYS FROM THE SPECIAL FUND MAY, HOWEVER, BE USED TO REIMBURSE THE STATE HIGHWAY FUND FOR THE AMOUNT OF ANY TRANSFER OR ANY INTEREST THEREON.

43-4-806. Powers and duties of the commission when acting as the board of the enterprise - annual report. (1) THE COMMISSION, IN ITS CAPACITY AS THE BOARD OF THE ENTERPRISE, HAS THE FOLLOWING POWERS AND DUTIES:

- (a) TO ADVISE THE DIRECTOR;
- (b) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND CONDUCT OF ITS BUSINESS;
- (c) TO ISSUE REVENUE BONDS, PAYABLE SOLELY FROM THE SPECIAL FUND, FOR THE PURPOSES OF PAYING THE COST OF FINANCING, CONSTRUCTING, OPERATING, OR MAINTAINING A TOLL HIGHWAY;
- (d) TO ESTABLISH AND, FROM TIME TO TIME, INCREASE OR DECREASE FEES, TOLLS, RATES, AND CHARGES FOR THE PRIVILEGE OF TRAVELING ON OR THE USE OF THE PROPERTY OF A TOLL HIGHWAY;
- (e) TO CHARGE AND COLLECT FEES AND CHARGES FOR THE USE OF OTHER PROPERTY OF THE ENTERPRISE;
- (f) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND PERSONAL PROPERTY AS NECESSARY IN THE EXERCISE OF ITS POWERS AND PERFORMANCE OF ITS DUTIES;
- (g) TO ACQUIRE BY PURCHASE, GIFT, GRANT, OR BY CONDEMNATION, AS PROVIDED IN ARTICLE 1 OF TITLE 38, C.R.S., ANY AND

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB02-179

ALL RIGHTS-OF-WAY, LANDS, BUILDINGS, MONEYS, OR GROUNDS NECESSARY OR CONVENIENT FOR ITS AUTHORIZED PURPOSES;

(h) TO MAKE AND ENTER INTO CONTRACTS OR AGREEMENTS WITH A PRIVATE ENTITY TO FACILITATE A PUBLIC-PRIVATE INITIATIVE PURSUANT TO SECTIONS 43-1-1203 AND 43-1-1204, INCLUDING, BUT NOT LIMITED TO:

(I) AN AGREEMENT PURSUANT TO WHICH THE PRIVATE ENTITY IS AUTHORIZED TO ESTABLISH, INCREASE, OR DECREASE AND TO CHARGE AND COLLECT TOLLS, RATES, AND CHARGES FOR THE PRIVILEGE OF TRAVELING ON ANY TOLL PROJECT, SUBJECT TO THE SUPERVISION AND APPROVAL OF THE ENTERPRISE UNDER THE TERMS OF ANY SUCH AGREEMENT, BUT OTHERWISE WITHOUT ANY SUPERVISION OR APPROVAL BY ANY OTHER BOARD, AGENCY, BUREAU, COMMISSION, OR OFFICIAL OF THE STATE;

(II) AN AGREEMENT PURSUANT TO WHICH THE ENTERPRISE OR THE ENTERPRISE ON BEHALF OF THE DEPARTMENT OPERATES, MAINTAINS, OR PROVIDES TOLL ENFORCEMENT SERVICES OR OTHER SERVICES OR PROPERTY IN CONNECTION WITH A TOLL PROJECT;

(III) AN AGREEMENT PURSUANT TO WHICH A PRIVATE ENTITY OPERATES ALL OR ANY PORTION OF A TOLL PROJECT ON BEHALF OF THE ENTERPRISE; AND

(IV) AN AGREEMENT PURSUANT TO WHICH THE ENTERPRISE OR THE ENTERPRISE ON BEHALF OF THE DEPARTMENT OPERATES, MAINTAINS, OR PROVIDES LAW ENFORCEMENT SERVICES, TOLL ENFORCEMENT SERVICES, OR OTHER SERVICES OR PROPERTY IN CONNECTION WITH A TOLL PROJECT;

(i) TO MAKE AND TO ENTER INTO ALL OTHER CONTRACTS OR AGREEMENTS, INCLUDING INTERGOVERNMENTAL AGREEMENTS PURSUANT TO SECTION 29-1-203, C.R.S., THAT ARE NECESSARY OR INCIDENTAL TO THE EXERCISE OF ITS POWERS AND PERFORMANCE OF ITS DUTIES;

(j) TO EMPLOY OR CONTRACT FOR THE SERVICES OF CONSULTING ENGINEERS OR OTHER EXPERTS AS ARE NECESSARY IN ITS JUDGMENT TO CARRY OUT ITS POWERS AND DUTIES;

(k) TO PREPARE, OR CAUSE TO BE PREPARED, DETAILED PLANS, SPECIFICATIONS, OR ESTIMATES FOR THE FINANCING, CONSTRUCTION, RELOCATION, REPAIR, MAINTENANCE, OR OPERATION OF A TOLL HIGHWAY WITHIN THE STATE. A TOLL HIGHWAY CANNOT ELIMINATE PREVIOUSLY EXISTING HIGHWAY LANES THAT HAVE SERVED VEHICULAR TRAFFIC ON A TOLL-FREE BASIS EXCEPT PURSUANT TO SECTION 42-4-1012, C.R.S.

(l) TO ACQUIRE, CONSTRUCT, RELOCATE, OPERATE, REGULATE, AND MAINTAIN A TOLL HIGHWAY THROUGH AND WITHIN THE STATE;

(m) TO CONSTRUCT, MAINTAIN, AND OPERATE STATIONS FOR THE COLLECTION OF TOLLS ALONG A TOLL HIGHWAY;

(n) TO SET AND ADOPT, ON AN ANNUAL BASIS, A BUDGET FOR THE ENTERPRISE;

(o) TO PURCHASE, TRADE, EXCHANGE, ACQUIRE, BUY, SELL, LEASE, LEASE WITH AN OPTION TO PURCHASE, DISPOSE OF, OR ENCUMBER REAL OR PERSONAL PROPERTY OR ANY INTEREST THEREIN, INCLUDING EASEMENTS AND RIGHTS-OF-WAY, WITHOUT RESTRICTION OR LIMITATION;

(p) TO ENTER INTO INTEREST RATE EXCHANGE AGREEMENTS FOR BONDS THAT HAVE BEEN ISSUED IN ACCORDANCE WITH ARTICLE 59.3 OF TITLE 11, C.R.S.;

(q) PURSUANT TO SECTION 24-1-107.5, C.R.S., TO ESTABLISH, CREATE, AND APPROVE NONPROFIT ENTITIES AND BONDS ISSUED BY OR ON BEHALF OF SUCH NONPROFIT ENTITIES FOR THE PURPOSE OF FINANCING, CONSTRUCTING, OPERATING, OR MAINTAINING A TOLL HIGHWAY, TO ACCEPT THE ASSETS OF ANY SUCH NONPROFIT ENTITY, TO OBTAIN AN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB02-179

OPTION TO ACQUIRE THE ASSETS OF ANY SUCH NONPROFIT ENTITY BY PAYING SUCH BONDS, TO APPOINT OR APPROVE THE APPOINTMENT OF MEMBERS OF THE GOVERNING BOARD OF ANY SUCH NONPROFIT ENTITY, AND TO REMOVE THE MEMBERS OF THE GOVERNING BOARD OF ANY SUCH NONPROFIT ENTITY FOR CAUSE;

(r) TO TRANSFER MONEY, PROPERTY, OR OTHER ASSETS OF THE ENTERPRISE TO THE DEPARTMENT; AND

(s) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES GRANTED IN THIS SECTION.

(2) THE COMMISSION, ACTING AS THE BOARD OF THE ENTERPRISE, SHALL ENSURE UNRESTRICTED ACCESS BY ALL VEHICLES TO ANY TOLL HIGHWAY AND SHALL NOT REQUIRE THAT A PARTICULAR CLASS OF VEHICLES TRAVEL UPON ANY TOLL HIGHWAY, INCLUDING A TOLL HIGHWAY THAT PROVIDES ADDITIONAL CAPACITY ON AN EXISTING HIGHWAY. A TOLL HIGHWAY CANNOT ELIMINATE PREVIOUSLY EXISTING HIGHWAY LANES THAT HAVE SERVED VEHICULAR TRAFFIC ON A TOLL-FREE BASIS EXCEPT PURSUANT TO SECTION 42-4-1012, C.R.S.

(3) NO LATER THAN FEBRUARY 15, 2003, AND NO LATER THAN FEBRUARY 15 OF EACH YEAR THEREAFTER, THE COMMISSION SHALL PRESENT A REPORT TO THE TRANSPORTATION AND ENERGY COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE GOVERNMENT, VETERANS AND MILITARY RELATIONS, AND TRANSPORTATION COMMITTEE OF THE SENATE THAT SHALL INCLUDE A SUMMARY OF THE ENTERPRISE'S ACTIVITIES FOR THE PREVIOUS YEAR, A STATEMENT OF CURRENT TOLL RATES AND ANY EXPECTED CHANGES, A SUMMARY OF THE STATUS OF ANY CURRENT TOLL PROJECTS, A STATEMENT OF THE ENTERPRISE'S REVENUES, EXPENSES OF THE ENTERPRISE, AND ANY RECOMMENDATIONS FOR STATUTORY CHANGES THAT THE COMMISSION DEEMS NECESSARY OR DESIRABLE. THE COMMITTEES SHALL REVIEW THE REPORT AND MAY RECOMMEND LEGISLATION. THE REPORT SHALL BE PUBLIC AND SHALL BE AVAILABLE ON THE WEBSITE OF THE DEPARTMENT ON OR BEFORE JANUARY 15 OF THE YEAR IN WHICH THE REPORT IS PRESENTED.

43-4-807. Bonds. (1) THE ENTERPRISE MAY, FROM TIME TO TIME, ISSUE BONDS FOR ANY OF ITS CORPORATE PURPOSES. THE BONDS SHALL BE ISSUED PURSUANT TO RESOLUTION OF THE COMMISSION ACTING IN ITS CAPACITY AS THE BOARD OF THE ENTERPRISE AND SHALL BE PAYABLE SOLELY OUT OF ALL OR A SPECIFIED PORTION OF THE MONEYS IN THE SPECIAL FUND.

(2) BONDS MAY BE EXECUTED AND DELIVERED BY THE ENTERPRISE AT SUCH TIMES, MAY BE IN SUCH FORM AND DENOMINATIONS AND INCLUDE SUCH TERMS AND MATURITIES, MAY BE SUBJECT TO OPTIONAL OR MANDATORY REDEMPTION PRIOR TO MATURITY WITH OR WITHOUT A PREMIUM, MAY BE IN FULLY REGISTERED FORM OR BEARER FORM REGISTRABLE AS TO PRINCIPAL OR INTEREST OR BOTH, MAY BEAR SUCH CONVERSION PRIVILEGES, MAY BE PAYABLE IN SUCH INSTALLMENTS AND AT SUCH TIMES NOT EXCEEDING FORTY-FIVE YEARS FROM THE DATE THEREOF, MAY BE PAYABLE AT SUCH PLACE OR PLACES WHETHER WITHIN OR WITHOUT THE STATE, MAY BEAR INTEREST AT SUCH RATE OR RATES PER ANNUM, WHICH MAY BE FIXED OR VARY ACCORDING TO INDEX, PROCEDURE, OR FORMULA OR AS DETERMINED BY THE ENTERPRISE OR ITS AGENTS, WITHOUT REGARD TO ANY INTEREST RATE LIMITATION APPEARING IN ANY OTHER LAW OF THE STATE, MAY BE SUBJECT TO PURCHASE AT THE OPTION OF THE HOLDER OR THE ENTERPRISE, MAY BE EVIDENCED IN SUCH MANNER, MAY BE EXECUTED BY SUCH OFFICERS OF THE ENTERPRISE, INCLUDING THE USE OF ONE OR MORE FACSIMILE SIGNATURES SO LONG AS AT LEAST ONE MANUAL SIGNATURE APPEARS ON THE BONDS, WHICH MAY BE EITHER OF AN OFFICER OF THE ENTERPRISE OR OF AN AGENT AUTHENTICATING THE SAME, MAY BE IN THE FORM OF COUPON BONDS THAT HAVE ATTACHED INTEREST COUPONS BEARING A MANUAL OR FACSIMILE SIGNATURE OF AN OFFICER OF THE ENTERPRISE, AND MAY CONTAIN SUCH PROVISIONS NOT INCONSISTENT WITH THIS PART 8 ALL AS PROVIDED IN THE RESOLUTION OF THE ENTERPRISE UNDER WHICH THE BONDS ARE AUTHORIZED TO BE ISSUED OR AS PROVIDED IN A TRUST INDENTURE BETWEEN THE ENTERPRISE AND ANY COMMERCIAL BANK OR TRUST

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB02-179

COMPANY HAVING FULL TRUST POWERS.

(3) BONDS OF THE ENTERPRISE MAY BE SOLD AT PUBLIC OR PRIVATE SALE AT SUCH PRICE OR PRICES, IN SUCH MANNER, AND AT SUCH TIMES AS DETERMINED BY THE COMMISSION, AND THE COMMISSION MAY PAY ALL FEES, EXPENSES, AND COMMISSIONS THAT IT DEEMS NECESSARY OR ADVANTAGEOUS IN CONNECTION WITH THE SALE OF THE BONDS. THE POWER TO FIX THE DATE OF SALE OF THE BONDS, TO RECEIVE BIDS OR PROPOSALS, TO AWARD AND SELL BONDS, TO FIX INTEREST RATES, AND TO TAKE ALL OTHER ACTION NECESSARY TO SELL AND DELIVER THE BONDS MAY BE DELEGATED TO AN OFFICER OR AGENT OF THE ENTERPRISE. ANY OUTSTANDING BONDS MAY BE REFUNDED BY THE ENTERPRISE PURSUANT TO ARTICLE 56 OF TITLE 11, C.R.S. ALL BONDS AND ANY INTEREST COUPONS APPLICABLE THERETO ARE DECLARED TO BE NEGOTIABLE INSTRUMENTS.

(4) THE RESOLUTION OR TRUST INDENTURE AUTHORIZING THE ISSUANCE OF THE BONDS MAY PLEDGE ALL OR A PORTION OF THE SPECIAL FUND, MAY CONTAIN SUCH PROVISIONS FOR PROTECTING AND ENFORCING THE RIGHTS AND REMEDIES OF HOLDERS OF ANY OF THE BONDS AS THE ENTERPRISE DEEMS APPROPRIATE, MAY SET FORTH THE RIGHTS AND REMEDIES OF THE HOLDERS OF ANY OF THE BONDS, AND MAY CONTAIN PROVISIONS THAT THE ENTERPRISE DEEMS APPROPRIATE FOR THE SECURITY OF THE HOLDERS OF THE BONDS, INCLUDING, BUT NOT LIMITED TO, PROVISIONS FOR LETTERS OF CREDIT, INSURANCE, STANDBY CREDIT AGREEMENTS, OR OTHER FORMS OF CREDIT ENSURING TIMELY PAYMENT OF THE BONDS, INCLUDING THE REDEMPTION PRICE OR THE PURCHASE PRICE.

(5) ANY PLEDGE OF THE SPECIAL FUND OR OTHER PROPERTY MADE BY THE ENTERPRISE OR BY ANY PERSON OR GOVERNMENTAL UNIT WITH WHICH THE ENTERPRISE CONTRACTS SHALL BE VALID AND BINDING FROM THE TIME THE PLEDGE IS MADE. THE SPECIAL FUND OR OTHER PROPERTY SO PLEDGED SHALL IMMEDIATELY BE SUBJECT TO THE LIEN OF SUCH PLEDGE WITHOUT ANY PHYSICAL DELIVERY OR FURTHER ACT, AND THE LIEN OF SUCH PLEDGE SHALL BE VALID AND BINDING AGAINST ALL PARTIES HAVING CLAIMS OF ANY KIND IN TORT, CONTRACT, OR OTHERWISE AGAINST THE PLEDGING PARTY REGARDLESS OF WHETHER SUCH CLAIMING PARTY HAS NOTICE OF SUCH LIEN. THE INSTRUMENT BY WHICH THE PLEDGE IS CREATED NEED NOT BE RECORDED OR FILED.

(6) NEITHER THE MEMBERS OF THE COMMISSION, EMPLOYEES OF THE ENTERPRISE, NOR ANY PERSON EXECUTING THE BONDS SHALL BE LIABLE PERSONALLY ON THE BONDS OR SUBJECT TO ANY PERSONAL LIABILITY OR ACCOUNTABILITY BY REASON OF THE ISSUANCE THEREOF.

(7) THE ENTERPRISE MAY PURCHASE ITS BONDS OUT OF ANY AVAILABLE MONEYS AND MAY HOLD, PLEDGE, CANCEL, OR RESELL SUCH BONDS SUBJECT TO AND IN ACCORDANCE WITH AGREEMENTS WITH THE HOLDERS THEREOF.

43-4-808. Investments. THE ENTERPRISE MAY INVEST OR DEPOSIT ANY PROCEEDS AND ANY INTEREST FROM THE SALE OF BONDS IN THE MANNER PROVIDED BY PART 6 OF ARTICLE 75 OF TITLE 24, C.R.S. IN ADDITION, THE ENTERPRISE MAY DIRECT A CORPORATE TRUSTEE THAT HOLDS SUCH PROCEEDS AND ANY INTEREST TO INVEST OR DEPOSIT SUCH PROCEEDS AND ANY INTEREST IN INVESTMENTS OR DEPOSITS OTHER THAN THOSE SPECIFIED BY SAID PART 6 IF THE COMMISSION DETERMINES, BY RESOLUTION, THAT SUCH INVESTMENT OR DEPOSIT MEETS THE STANDARD ESTABLISHED IN SECTION 15-1-304, C.R.S., THE INCOME IS AT LEAST COMPARABLE TO INCOME AVAILABLE ON INVESTMENTS OR DEPOSITS SPECIFIED BY SAID PART 6, AND SUCH INVESTMENT WILL ASSIST THE ENTERPRISE IN THE FINANCING, CONSTRUCTION, MAINTENANCE, OR OPERATION OF A TOLL HIGHWAY.

43-4-809. Bonds eligible for investment. ALL BANKS, TRUST COMPANIES, SAVINGS AND LOAN ASSOCIATIONS, INSURANCE COMPANIES, EXECUTORS, ADMINISTRATORS, GUARDIANS, TRUSTEES, AND OTHER FIDUCIARIES MAY LEGALLY INVEST ANY MONEYS WITHIN THEIR CONTROL IN ANY BONDS ISSUED UNDER THIS PART 8. PUBLIC ENTITIES, AS DEFINED IN SECTION 24-75-601 (1), C.R.S., MAY INVEST PUBLIC MONEYS IN SUCH BONDS ONLY IF SUCH BONDS SATISFY THE INVESTMENT REQUIREMENTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB02-179

ESTABLISHED IN PART 6 OF ARTICLE 75 OF TITLE 24, C.R.S.

43-4-810. Exemption from taxation - securities laws. THE INCOME OR OTHER REVENUES OF THE ENTERPRISE, ALL PROPERTIES AT ANY TIME OWNED BY THE ENTERPRISE, AND BONDS ISSUED BY THE ENTERPRISE, AND THE TRANSFER OF AND THE INCOME FROM ANY BONDS ISSUED BY THE ENTERPRISE SHALL BE EXEMPT FROM ALL TAXATION AND ASSESSMENTS IN THE STATE. IN THE RESOLUTION OR INDENTURE AUTHORIZING THE BONDS, THE ENTERPRISE MAY WAIVE THE EXEMPTION FROM FEDERAL INCOME TAXATION FOR INTEREST ON THE BONDS. BONDS ISSUED BY THE ENTERPRISE SHALL BE EXEMPT FROM THE PROVISIONS OF ARTICLE 51 OF TITLE 11, C.R.S.

43-4-811. Traffic laws - toll collection. (1) THE TRAFFIC LAWS OF THIS STATE, AND THOSE OF ANY MUNICIPALITY THROUGH WHICH A TOLL HIGHWAY PASSES, AND THE ENTERPRISE'S REGULATIONS REGARDING TOLL COLLECTION AND ENFORCEMENT SHALL PERTAIN TO AND GOVERN THE USE OF ANY SUCH TOLL HIGHWAY. STATE AND LOCAL LAW ENFORCEMENT AUTHORITIES ARE AUTHORIZED TO ENTER INTO TRAFFIC AND TOLL ENFORCEMENT AGREEMENTS WITH THE ENTERPRISE. ANY MONEYS RECEIVED BY A STATE LAW ENFORCEMENT AUTHORITY PURSUANT TO SUCH TOLL ENFORCEMENT AGREEMENT SHALL BE SUBJECT TO ANNUAL APPROPRIATIONS BY THE GENERAL ASSEMBLY TO SUCH LAW ENFORCEMENT AUTHORITY FOR THE PURPOSE OF PERFORMING ITS DUTIES PURSUANT TO SUCH AGREEMENT.

(2) THE ENTERPRISE MAY ADOPT, BY RESOLUTION OF THE COMMISSION, REGULATIONS PERTAINING TO THE ENFORCEMENT OF TOLL COLLECTION AND PROVIDING A CIVIL PENALTY FOR TOLL EVASION. THE CIVIL PENALTY ESTABLISHED BY THE ENTERPRISE FOR ANY TOLL EVASION SHALL BE NOT LESS THAN TEN DOLLARS NOR MORE THAN ONE HUNDRED DOLLARS IN ADDITION TO ANY COSTS IMPOSED BY A COURT. THE ENTERPRISE MAY USE STATE OF THE ART TECHNOLOGY, INCLUDING, BUT NOT LIMITED TO, AUTOMATIC VEHICLE IDENTIFICATION PHOTOGRAPHY, TO AID IN THE COLLECTION OF TOLLS AND ENFORCEMENT OF TOLL VIOLATIONS.

(3) (a) ANY PERSON WHO EVADES A TOLL ESTABLISHED BY THE ENTERPRISE SHALL BE SUBJECT TO THE CIVIL PENALTY ESTABLISHED BY THE ENTERPRISE FOR TOLL EVASION. ANY PEACE OFFICER, LEVEL I, AS DEFINED IN SECTION 18-1-901 (3) (1) (I), C.R.S., SHALL HAVE THE AUTHORITY TO ISSUE CIVIL PENALTY ASSESSMENTS, OR MUNICIPAL SUMMONS AND COMPLAINTS IF AUTHORIZED PURSUANT TO A MUNICIPAL ORDINANCE, FOR SUCH TOLL EVASION.

(b) AT ANY TIME THAT A PERSON IS CITED FOR TOLL EVASION, THE PERSON OPERATING THE MOTOR VEHICLE INVOLVED SHALL BE GIVEN EITHER A NOTICE IN THE FORM OF A CIVIL PENALTY ASSESSMENT NOTICE OR A MUNICIPAL SUMMONS AND COMPLAINT.

(c) IF A CIVIL PENALTY ASSESSMENT NOTICE IS ISSUED, SUCH NOTICE SHALL BE TENDERED BY A PEACE OFFICER, LEVEL I, AND SHALL CONTAIN THE NAME AND ADDRESS OF THE PERSON OPERATING THE MOTOR VEHICLE INVOLVED, THE LICENSE NUMBER OF THE MOTOR VEHICLE, SUCH PERSON'S DRIVER'S LICENSE NUMBER, THE NATURE OF THE VIOLATION, THE AMOUNT OF THE PENALTY PRESCRIBED FOR THE VIOLATION, THE DATE OF THE NOTICE, A PLACE FOR SUCH PERSON TO EXECUTE A SIGNED ACKNOWLEDGMENT OF SUCH PERSON'S RECEIPT OF THE CIVIL PENALTY ASSESSMENT NOTICE, A PLACE FOR SUCH PERSON TO EXECUTE A SIGNED ACKNOWLEDGMENT OF LIABILITY FOR THE CITED VIOLATION, AND SUCH OTHER INFORMATION AS MAY BE REQUIRED BY LAW TO CONSTITUTE THE NOTICE AS A COMPLAINT TO APPEAR IN COURT SHOULD THE PRESCRIBED PENALTY NOT BE PAID WITHIN TWENTY DAYS. EVERY CITED PERSON SHALL EXECUTE THE SIGNED ACKNOWLEDGMENT OF THE PERSON'S RECEIPT OF THE CIVIL PENALTY ASSESSMENT NOTICE.

(d) THE ACKNOWLEDGMENT OF LIABILITY SHALL BE EXECUTED AT THE TIME THE CITED PERSON PAYS THE PRESCRIBED PENALTY. THE PERSON CITED SHALL PAY THE CIVIL PENALTY AUTHORIZED BY THE ENTERPRISE AT THE OFFICE OF THE ENTERPRISE EITHER IN PERSON OR BY POSTMARKING SUCH PAYMENT WITHIN TWENTY DAYS OF THE NOTICE. IF

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB02-179

THE PERSON CITED DOES NOT PAY THE PRESCRIBED PENALTY WITHIN TWENTY DAYS OF THE NOTICE, THE CIVIL PENALTY ASSESSMENT NOTICE SHALL CONSTITUTE A COMPLAINT TO APPEAR IN COURT, AND THE PERSON CITED SHALL, WITHIN THE TIME SPECIFIED IN THE CIVIL PENALTY ASSESSMENT NOTICE, FILE AN ANSWER TO THIS COMPLAINT WITH THE COUNTY COURT FOR THE COUNTY IN WHICH THE CIVIL PENALTY ASSESSMENT WAS ISSUED.

(e) IF A MUNICIPAL SUMMONS AND COMPLAINT IS ISSUED, THE ADJUDICATION OF THE VIOLATION SHALL BE CONDUCTED AND THE FORMAT OF THE SUMMONS AND COMPLAINT SHALL BE DETERMINED PURSUANT TO THE TERMS OF THE MUNICIPAL ORDINANCE AUTHORIZING ISSUANCE OF THE SUMMONS AND COMPLAINT. IN NO CASE SHALL THE PENALTY UPON CONVICTION FOR VIOLATION OF A MUNICIPAL ORDINANCE FOR TOLL EVASION EXCEED THE LIMIT ESTABLISHED IN SUBSECTION (2) OF THIS SECTION.

(4) THE RESPECTIVE COURTS OF THE MUNICIPALITIES, COUNTIES, THE CITY AND COUNTY OF DENVER, AND THE CITY AND COUNTY OF BROOMFIELD HAVE JURISDICTION TO TRY ALL CASES ARISING UNDER MUNICIPAL ORDINANCES AND STATE LAWS GOVERNING THE USE OF A TOLL HIGHWAY AND ARISING UNDER THE TOLL EVASION CIVIL PENALTY REGULATIONS ENACTED BY THE ENTERPRISE. VENUE FOR SUCH CASES SHALL BE IN THE MUNICIPALITY, COUNTY, OR CITY AND COUNTY WHERE THE ALLEGED VIOLATION OF MUNICIPAL ORDINANCE, STATE LAW, OR REGULATION OF THE ENTERPRISE OCCURRED.

(5) THE AGGREGATE AMOUNT OF PENALTIES, EXCLUSIVE OF COURT COSTS, COLLECTED AS A RESULT OF CIVIL PENALTIES IMPOSED PURSUANT TO RESOLUTIONS ADOPTED AS AUTHORIZED IN SUBSECTION (2) OF THIS SECTION SHALL BE REMITTED TO THE ENTERPRISE, AND SHALL BE APPLIED BY THE ENTERPRISE TO DEFRAY THE COSTS AND EXPENSES OF ENFORCING THE LAWS OF THE STATE AND THE REGULATIONS OF THE ENTERPRISE. IF A MUNICIPAL SUMMONS OR COMPLAINT IS ISSUED, THE AGGREGATE PENALTY SHALL BE APPORTIONED PURSUANT TO THE TERMS OF ANY ENFORCEMENT AGREEMENT.

(6) (a) IN ADDITION TO THE PENALTY ASSESSMENT PROCEDURE PROVIDED FOR IN SUBSECTION (3) OF THIS SECTION, WHERE AN INSTANCE OF TOLL EVASION IS EVIDENCED BY AUTOMATIC VEHICLE IDENTIFICATION PHOTOGRAPHY OR OTHER TECHNOLOGY NOT INVOLVING A PEACE OFFICER, A CIVIL PENALTY ASSESSMENT NOTICE MAY BE ISSUED AND SENT BY FIRST-CLASS MAIL BY THE ENTERPRISE TO THE REGISTERED OWNER OF THE MOTOR VEHICLE INVOLVED. SUCH NOTICE SHALL CONTAIN THE NAME AND ADDRESS OF THE REGISTERED OWNER OF THE VEHICLE INVOLVED, THE LICENSE NUMBER OF THE VEHICLE INVOLVED, THE DATE OF THE NOTICE, THE TIME AND LOCATION OF THE VIOLATION, THE AMOUNT OF THE PENALTY PRESCRIBED FOR THE VIOLATION, A PLACE FOR SUCH PERSON TO EXECUTE A SIGNED ACKNOWLEDGMENT OF LIABILITY FOR THE CITED VIOLATION, AND SUCH OTHER INFORMATION AS MAY BE REQUIRED BY LAW TO CONSTITUTE THE NOTICE AS A COMPLAINT TO APPEAR IN COURT.

(b) SHOULD THE PRESCRIBED PENALTY NOT BE PAID WITHIN TWENTY DAYS OF THE NOTICE, IN ORDER TO ENSURE THAT ADEQUATE NOTICE HAS BEEN GIVEN, THE ENTERPRISE SHALL SEND A SECOND PENALTY ASSESSMENT NOTICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, CONTAINING THE SAME INFORMATION AS SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (6). SUCH NOTICE SHALL SPECIFY THAT THE ALLEGED VIOLATOR MAY PAY THE SAME PENALTY ASSESSMENT AT ANY TIME PRIOR TO THE SCHEDULED HEARING.

(c) THE PROVISIONS OF PARAGRAPH (d) OF SUBSECTION (3) OF THIS SECTION CONCERNING PAYMENT OF THE PRESCRIBED PENALTY, AND FAILURE TO PAY, SHALL APPLY TO PENALTY ASSESSMENT NOTICES MAILED BY THE ENTERPRISE PURSUANT TO THIS SUBSECTION (6).

43-4-812. Applicability of other laws.

(1) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE ENTERPRISE SHALL NOT BE SUBJECT TO THE PROVISIONS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB02-179

(2) THE ENTERPRISE SHALL BE SUBJECT TO THE OPEN MEETINGS PROVISIONS OF THE COLORADO SUNSHINE LAW CONTAINED IN PART 4 OF ARTICLE 6 OF TITLE 24, C.R.S., AND THE OPEN RECORDS PROVISIONS OF ARTICLE 72 OF TITLE 24, C.R.S.

(3) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE PROVISIONS OF PART 3 OF ARTICLE 3 OF THIS TITLE AND ARTICLE 45 OF TITLE 7, C.R.S., SHALL NOT APPLY TO ANY TOLL HIGHWAY THAT IS FINANCED, CONSTRUCTED, OPERATED, OR MAINTAINED PURSUANT TO THIS PART 8 OR TO ANY PUBLIC-PRIVATE INITIATIVE PURSUANT TO SECTION 43-1-1203 OR 43-1-1204.

(4) REVENUES OF THE ENTERPRISE SHALL NOT BE SUBJECT TO THE PROVISIONS OF SECTION 43-1-1205.

(5) A TOLL HIGHWAY FINANCED, CONSTRUCTED, OPERATED, OR MAINTAINED PURSUANT TO THIS PART 8 SHALL CONFORM TO AND BE AN APPROVED PART OF THE APPLICABLE REGIONAL TRANSPORTATION PLAN AND THE STATEWIDE TRANSPORTATION PLAN DEVELOPED PURSUANT TO SECTION 43-1-1103.

SECTION 11. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of law, for the fiscal year beginning July 1, 2002, the sum of five thousand eight hundred forty-three dollars (\$5,843), or so much thereof as may be necessary, for the provision of legal services to the department of transportation related to the implementation of this act. This amount shall be from cash funds exempt received from the department of transportation.

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

Respectfully submitted,

Senate Committee:

House Committee:

(Signed)
Senator Matsunaka, Chairman

(Signed)
Representative King, Chairman

(Signed)
Senator Nichol

(Signed)
Representative Fairbank

(Signed)
Representative Veiga

On motion of Senator Theibaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Conference Committee Reports: **SB02-179**.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

SB02-179

by Senator(s) Matsunaka; also Representative(s) Veiga--Concerning transportation funding, and making an appropriation in connection therewith.

Senator Matsunaka moved for the adoption of the First Report of the First Conference Committee on **SB02-179**, as printed in Senate Journal, May 8, pages 1371-1389. The motion was **adopted** by the following roll call vote:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB02-179

YES	28	NO	7	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	N
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	N
Epps	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	29	NO	6	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	N
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Anderson, Arnold, Epps, Fitz-Gerald, Hanna, Hernandez, Isgar, Nichol, Pascoe, Perlmutter, Teck.

MESSAGE FROM THE HOUSE

May 8, 2002

Mr. President:

The House has adopted and transmits herewith HJR02-1082, as printed in House Journal, May 8.

The House has adopted and returns herewith SJR02-040.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR02-1082 by Representative(s) Spradley, Dean, Grossman; also Senator(s) Thiebaut, Matsunaka, Andrews--Concerning the adjournment sine die of the Second Regular Session of the Sixty-third General Assembly.

Senator Thiebaut moved to suspend Senate Rule 30(e).

A two-thirds majority of those elected to the Senate having voted in the affirmative, Senate Rule 30(e) was suspended and immediate consideration granted.

On motion of Senator Thiebaut, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: Anderson, Epps, Lamborn, Pascoe, Perlmutter.

REPORT OF SINE DIE COMMITTEE

The committee appointed pursuant to **HJR02-1078** reported that they had notified Governor Owens that the Second Regular Session of the Sixty-third General Assembly was ready to adjourn *sine die*.

The following bills did not receive final action in the Senate: **SB02-012, SB02-042, SB02-062, SB02-064, SB02-108, SB02-119, SB02-133, SB02-136, SB02-141, SB02-202, SB02-226, SB02-228; SCR02-004; SJR02-004, SJR02-013; SR02-009; HB02-1163, HB02-1179, HB02-1266, HB02-1290, HB02-1295, HB02-1407, HB02-1416, HB02-1470; HJR02-1003, HJR02-1015, HJR02-1021, HJR02-1035, HJR02-1037, HJR02-1039, HJR02-1053, HJR02-1057, HJR02-1058, HJR02-1080.**

Examining Board of Plumbers
State Housing Board

The hour of 11:59 p.m. with both the Senate and the House of Representatives being in agreement, on motion of Senator Thiebaut, the Second Regular Session of the Sixty-third General Assembly was declared adjourned *sine die*.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33