

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

One Hundred-seventh Legislative Day                      Thursday, April 25, 2002

1 Prayer by Pastor Rick Long, Grace Church, Arvada.

2

3 The Speaker called the House to order at 9:00 a.m.

4

5 The roll was called with the following result:

6

7            Present--62.

8

9            Excused--Representatives Chavez, Jahn, Sanchez--3.

10

11            Present after roll call--Representative Chavez.

12

13 The Speaker declared a quorum present.

14

15 On motion of Representative Garcia, the reading of the journal of

16

17 April 24, 2002, was declared dispensed with and approved as corrected

18

19 by the Chief Clerk.

20

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

21

22 The following bills were considered on Third Reading. The titles were

23

24 publicly read. Reading of the bill at length was dispensed with by

25

26 unanimous consent.

27

28 **SB02-071** by Senator(s) Windels; also Representative(s) Jahn--

29

30 Concerning the implementation of consumer satisfaction

31

32 surveys to determine the level of satisfaction among

33

34 nursing facility residents, and making an appropriation in

35

36 connection therewith.

37

38 Laid over until April 26, retaining place on Calendar.

39

40 **SB02-018** by Senator(s) Linkhart; also Representative(s) Hefley--

41

42 Concerning the continued funding of the demonstration

43

44 drug courts through the increase of probation supervision

45

46 fees, and making an appropriation in connection therewith.

47

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

49

50 A roll call vote was taken. As shown by the following recorded vote, a

51

52 majority of those elected to the House voted in the affirmative and the bill

53

54 was declared **passed**.

55

	YES 62	NO 1	EXCUSED 2	ABSENT 0			
1							
2	Alexander	Y Groff	Y Marshall	Y Spence	Y		Y
3	Bacon	Y Grossman	Y Miller	Y Spradley	Y		Y
4	Berry	Y Harvey	Y Mitchell	Y Stafford	Y		Y
5	Borodkin	Y Hefley	Y Paschall	Y Stengel	Y		Y
6	Boyd	Y Hodge	Y Plant	Y Swenson	Y		Y
7	Cadman	Y Hoppe	Y Ragsdale	Y Tapia	Y		Y
8	Chavez	Y Jahn	E Rhodes	Y Tochtrop	Y		Y
9	Clapp	Y Jameson	Y Rippy	Y Veiga	Y		Y
10	Cloer	Y Johnson	Y Romanoff	Y Vigil	Y		Y
11	Coleman	Y Kester	Y Saliman	Y Webster	Y		Y
12	Crane	Y King	Y Sanchez	E Weddig	Y		Y
13	Daniel	Y Larson	Y Schultheis	Y White	Y		Y
14	Decker	N Lawrence	Y Scott	Y Williams S.	Y		Y
15	Fairbank	Y Lee	Y Sinclair	Y Williams T.	Y		Y
16	Fritz	Y Mace	Y Smith	Y Witwer	Y		Y
17	Garcia	Y Madden	Y Snook	Y Young	Y		Y
18				Mr. Speaker	Y		Y
19							

20 Co-sponsors added: Representatives Alexander, Boyd, Groff, Grossman,  
 21 Harvey, Lawrence, Mace, Madden, Miller, Rhodes, Romanoff, Spence, Stafford,  
 22 Williams S.

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

30  
 31 The question being "Shall the bill pass?".  
 32 A roll call vote was taken. As shown by the following recorded vote, a  
 33 majority of those elected to the House voted in the affirmative and the bill  
 34 was declared **passed**.

	YES 57	NO 6	EXCUSED 2	ABSENT 0			
36							
37	Alexander	Y Groff	Y Marshall	Y Spence	N		
38	Bacon	Y Grossman	Y Miller	Y Spradley	Y		
39	Berry	Y Harvey	Y Mitchell	Y Stafford	Y		
40	Borodkin	Y Hefley	Y Paschall	Y Stengel	N		
41	Boyd	Y Hodge	Y Plant	Y Swenson	N		
42	Cadman	N Hoppe	Y Ragsdale	Y Tapia	Y		
43	Chavez	Y Jahn	E Rhodes	Y Tochtrop	Y		
44	Clapp	Y Jameson	Y Rippy	Y Veiga	Y		
45	Cloer	Y Johnson	Y Romanoff	Y Vigil	Y		
46	Coleman	Y Kester	Y Saliman	Y Webster	Y		
47	Crane	Y King	Y Sanchez	E Weddig	Y		
48	Daniel	Y Larson	Y Schultheis	N White	Y		
49	Decker	Y Lawrence	Y Scott	Y Williams S.	Y		
50	Fairbank	N Lee	Y Sinclair	Y Williams T.	Y		
51	Fritz	Y Mace	Y Smith	Y Witwer	Y		
52	Garcia	Y Madden	Y Snook	Y Young	Y		
53				Mr. Speaker	Y		
54							

55 Co-sponsors added: Representatives Alexander, Coleman, Mace, Madden,  
 56 Romanoff, Stafford, Tochtrop.

1 **SB02-039** by Senator(s) Gordon, Linkhart, Windels; also  
 2 Representative(s) Hefley, Groff, Madden--Concerning  
 3 penalties for persons convicted of criminal violations.  
 4

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

6 A roll call vote was taken. As shown by the following recorded vote, a  
 7 majority of those elected to the House voted in the affirmative and the bill  
 8 was declared **passed**.  
 9

10	YES 62	NO 1	EXCUSED 2	ABSENT 0			
11							
12	Alexander	Y	Groff	Y	Marshall	Y	Spence Y
13	Bacon	Y	Grossman	Y	Miller	Y	Spradley Y
14	Berry	Y	Harvey	Y	Mitchell	Y	Stafford Y
15	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel Y
16	Boyd	Y	Hodge	Y	Plant	Y	Swenson Y
17	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia Y
18	Chavez	Y	Jahn	E	Rhodes	Y	Tochtrop Y
19	Clapp	Y	Jameson	Y	Rippy	Y	Veiga Y
20	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil Y
21	Coleman	Y	Kester	Y	Saliman	Y	Webster Y
22	Crane	Y	King	Y	Sanchez	E	Weddig Y
23	Daniel	Y	Larson	Y	Schultheis	Y	White Y
24	Decker	N	Lawrence	Y	Scott	Y	Williams S. Y
25	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T. Y
26	Fritz	Y	Mace	Y	Smith	Y	Witwer Y
27	Garcia	Y	Madden	Y	Snook	Y	Young Y
28							Mr. Speaker Y
29							

30 Co-sponsors added: Representatives Borodkin, Boyd, Garcia, Harvey,  
 31 Lawrence, Lee, Marshall, Plant, Swenson, Veiga.  
 32

33 **SB02-086** by Senator(s) Nichol, Entz, Evans, Takis, Tupa; also  
 34 Representative(s) Grossman--Concerning neighborhood  
 35 notification of transportation construction projects.  
 36

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

38 A roll call vote was taken. As shown by the following recorded vote, a  
 39 majority of those elected to the House voted in the affirmative and the bill  
 40 was declared **passed**.  
 41

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

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

5  
 6 Co-sponsors added: Representatives Borodkin, Coleman, Garcia, Groff, Mace,  
 7 Marshall, Plant, Romanoff, Stafford, Swenson, Tapia, Tochtrop, Williams S.  
 8  
 9

10  
 11 **REPORTS OF COMMITTEES OF REFERENCE**

12  
 13 **EDUCATION**

14 After consideration on the merits, the Committee recommends the  
 15 following:

16  
 17 **SB02-065** be amended as follows, and as so amended, be referred to  
 18 the Committee on Appropriations with favorable  
 19 recommendation:  
 20

21 Amend reengrossed bill, strike everything below the enacting clause and  
 22 substitute the following:  
 23

24 "SECTION 1. Part 5 of article 22 of title 39, Colorado Revised  
 25 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
 26 read:  
 27

28 **39-22-529. Credit for contributions to nonprofit educational**  
 29 **assistance organizations - mechanism to refund excess state revenues**  
 30 **- legislative declaration - administration of credit. (1) Legislative**  
 31 **declaration. THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES**  
 32 **THAT:**  
 33

34 (a) THE DEVELOPMENT OF YOUNG PEOPLE IS CRITICAL TO THEIR  
 35 FUTURE SUCCESS AND THE FUTURE SUCCESS OF THE STATE;  
 36

37 (b) EACH CHILD IS UNIQUE AND HAS INDIVIDUAL NEEDS THAT MAY  
 38 BE SERVED BY EXPANDED EDUCATIONAL OPPORTUNITIES;  
 39

40 (c) THE DROPOUT RATE IS OF GREAT CONCERN TO THIS STATE AND  
 41 IT IS IN THE INTEREST OF ALL COLORADANS FOR THE STATE TO TAKE STEPS  
 42 TO REDUCE THE DROPOUT RATE; AND  
 43

44 (d) THE CREDIT AGAINST STATE INCOME TAX AUTHORIZED BY THIS  
 45 SECTION FOR CONTRIBUTIONS THAT WILL HELP FUND SCHOLARSHIPS  
 46 PROVIDED BY NONPROFIT EDUCATIONAL ASSISTANCE ORGANIZATIONS WILL  
 47 EXPAND THE NUMBER AND DIVERSITY OF EDUCATIONAL OPPORTUNITIES  
 48 AVAILABLE TO CHILDREN OF FAMILIES THAT HAVE LIMITED FINANCIAL  
 49 RESOURCES AND INCREASE THE ACADEMIC ACHIEVEMENTS OF THE  
 50 CHILDREN OF COLORADO.  
 51

52 (2) **Definitions.** FOR PURPOSES OF THIS SECTION:  
 53

54 (a) "CERTIFIED NONPROFIT EDUCATIONAL ASSISTANCE  
 55 ORGANIZATION" MEANS A NONPROFIT EDUCATIONAL ASSISTANCE  
 56 ORGANIZATION THAT IS CERTIFIED PURSUANT TO SUBSECTION (5) OF THIS

1 SECTION.

2

3 (b) "DESIGNATED NONPROFIT ORGANIZATION" MEANS THE  
4 NONPROFIT ORGANIZATION CONTRACTED WITH BY THE DEPARTMENT OF  
5 REVENUE PURSUANT TO SUBSECTION (4) OF THIS SECTION.

6

7 (c) "ELIGIBLE SCHOOL" MEANS A NONPUBLIC KINDERGARTEN,  
8 ELEMENTARY SCHOOL, OR SECONDARY SCHOOL, OR A CERTIFIED  
9 EDUCATIONAL CLINIC, AS DEFINED IN SECTION 22-27-102(2), C.R.S., THAT  
10 IS LOCATED WITHIN COLORADO.

11

12 (d) "FUNDED PUBLIC-TO-PRIVATE STUDENT" MEANS AN  
13 INCOME-QUALIFIED STUDENT ATTENDING AN ELIGIBLE SCHOOL WHO:

14

15 (I) WAS COUNTED IN PUPIL ENROLLMENT, AS DEFINED IN SECTION  
16 22-54-103 (10), C.R.S., DURING THE STATE FISCAL YEAR THAT  
17 IMMEDIATELY PRECEDED ANY STATE FISCAL YEAR IN WHICH A CERTIFIED  
18 NONPROFIT EDUCATIONAL ASSISTANCE ORGANIZATION PROVIDES A  
19 SCHOLARSHIP IN AN AMOUNT EQUAL TO AT LEAST THIRTY PERCENT OF THE  
20 STUDENT'S ANNUAL TUITION TO THE STUDENT; OR

21

22 (II) IF THE STUDENT HAS RECEIVED SCHOLARSHIPS FROM A  
23 CERTIFIED NONPROFIT EDUCATIONAL ASSISTANCE ORGANIZATION IN TWO  
24 OR MORE CONSECUTIVE STATE FISCAL YEARS, WAS COUNTED IN PUPIL  
25 ENROLLMENT AS DEFINED IN SECTION 22-54-103 (10), C.R.S., DURING THE  
26 STATE FISCAL YEAR THAT IMMEDIATELY PRECEDED THE FIRST STATE  
27 FISCAL YEAR IN WHICH THE STUDENT RECEIVED A SCHOLARSHIP IN AN  
28 AMOUNT EQUAL TO AT LEAST THIRTY PERCENT OF THE STUDENT'S ANNUAL  
29 TUITION.

30

31 (e) "INCOME-QUALIFIED STUDENT" MEANS A KINDERGARTEN,  
32 ELEMENTARY SCHOOL, OR SECONDARY SCHOOL STUDENT WHO:

33

34 (I) IS A MEMBER OF A HOUSEHOLD WHOSE ANNUAL HOUSEHOLD  
35 INCOME FOR THE CALENDAR YEAR PRECEDING ANY YEAR IN WHICH A  
36 SCHOLARSHIP IS TO BE AWARDED TO THE STUDENT BY A CERTIFIED  
37 NONPROFIT EDUCATIONAL ASSISTANCE ORGANIZATION DOES NOT EXCEED  
38 TWO HUNDRED PERCENT OF THE FEDERAL POVERTY LEVEL; OR

39

40 (II) IS A MEMBER OF A HOUSEHOLD:

41

42 (A) WHOSE ANNUAL HOUSEHOLD INCOME FOR THE CALENDAR  
43 YEAR THAT PRECEDED THE FIRST YEAR IN WHICH THE STUDENT WAS  
44 AWARDED A SCHOLARSHIP BY A CERTIFIED NONPROFIT EDUCATIONAL  
45 ASSISTANCE ORGANIZATION DID NOT EXCEED TWO HUNDRED PERCENT OF  
46 THE FEDERAL POVERTY LEVEL; AND

47

48 (B) WHOSE ANNUAL HOUSEHOLD INCOME WHILE THE STUDENT HAS  
49 BEEN RECEIVING SCHOLARSHIPS FROM A CERTIFIED NONPROFIT  
50 EDUCATIONAL ASSISTANCE ORGANIZATION HAS SUBSEQUENTLY EXCEEDED  
51 TWO HUNDRED PERCENT OF THE FEDERAL POVERTY LEVEL FOR A PERIOD  
52 OF NOT MORE THAN TWO CONSECUTIVE CALENDAR YEARS.

53

54 (f) "NONPROFIT EDUCATIONAL ASSISTANCE ORGANIZATION" MEANS  
55 AN ORGANIZATION THAT IS DEDICATED TO PROVIDING FINANCIAL  
56 ASSISTANCE TO DEFRAY EDUCATIONAL EXPENSES OF KINDERGARTEN,

1 ELEMENTARY SCHOOL, AND SECONDARY SCHOOL STUDENTS.

2

3 (g) "QUALIFYING CONTRIBUTION" MEANS A DONATION OF MONEY  
4 NOT LESS THAN TWO HUNDRED DOLLARS AND NOT MORE THAN ONE  
5 MILLION DOLLARS AND DOES NOT INCLUDE A PAYMENT FOR TUITION,  
6 ACTIVITY FEES, OR OTHER EDUCATIONAL EXPENSES OF THE TAXPAYER  
7 MAKING THE PAYMENT, A SPOUSE OR DEPENDENT OF SUCH TAXPAYER, OR  
8 ANY INDIVIDUAL STUDENT IDENTIFIED BY NAME BY SUCH TAXPAYER AS  
9 THE INTENDED BENEFICIARY OF THE PAYMENT.

10

11 (3) **Income tax credit.** (a) SUBJECT TO THE PROVISIONS OF  
12 PARAGRAPH (b) OF THIS SUBSECTION (3) AND SUBSECTION (9) OF THIS  
13 SECTION, FOR ANY INCOME TAX YEAR COMMENCING ON OR AFTER  
14 JANUARY 1, 2002, BUT BEFORE JANUARY 1, 2012, IF, BASED ON THE  
15 FINANCIAL REPORT PREPARED BY THE CONTROLLER IN ACCORDANCE WITH  
16 SECTION 24-77-106.5, C.R.S., THE CONTROLLER CERTIFIES THAT THE  
17 AMOUNT OF STATE REVENUES FOR THE STATE FISCAL YEAR ENDING IN THAT  
18 INCOME TAX YEAR EXCEEDS THE LIMITATION ON STATE FISCAL YEAR  
19 SPENDING IMPOSED BY SECTION 20 (7) (a) OF ARTICLE X OF THE STATE  
20 CONSTITUTION BY MORE THAN ONE HUNDRED SEVENTY-FIVE MILLION  
21 DOLLARS, AS ADJUSTED PURSUANT TO SUBSECTION (9) OF THIS SECTION,  
22 AND THE VOTERS STATEWIDE EITHER HAVE NOT AUTHORIZED THE STATE TO  
23 RETAIN AND SPEND ALL OF THE EXCESS STATE REVENUES OR HAVE  
24 AUTHORIZED THE STATE TO RETAIN AND SPEND ONLY A PORTION OF THE  
25 EXCESS STATE REVENUES FOR THAT FISCAL YEAR, THERE SHALL BE  
26 ALLOWED TO ANY TAXPAYER WHO MAKES A QUALIFYING CONTRIBUTION  
27 TO THE DESIGNATED NONPROFIT ORGANIZATION AND OBTAINS APPROVAL  
28 OF AN APPLICATION FOR AND A RECEIPT FOR A TAX CREDIT FROM THE  
29 DESIGNATED NONPROFIT ORGANIZATION IN ACCORDANCE WITH THE  
30 PROVISIONS OF SUBSECTION (6) OF THIS SECTION A CREDIT AGAINST THE  
31 TAX IMPOSED BY THIS ARTICLE.

32

33 (b) (I) THE CREDIT ALLOWED BY THIS SECTION SHALL BE IN AN  
34 AMOUNT EQUAL TO SIXTY-FIVE PERCENT OF THE TOTAL AMOUNT OF THE  
35 TAXPAYER'S QUALIFYING CONTRIBUTIONS MADE DURING THE INCOME TAX  
36 YEAR FOR WHICH THE CREDIT IS CLAIMED. HOWEVER, THE TOTAL AMOUNT  
37 OF CREDITS APPROVED BY THE DESIGNATED NONPROFIT ORGANIZATION  
38 SHALL NOT EXCEED:

39

40 (A) FIVE MILLION DOLLARS FOR THE CALENDAR YEAR  
41 COMMENCING JANUARY 1, 2002;

42

43 (B) FIVE MILLION DOLLARS FOR THE CALENDAR YEAR  
44 COMMENCING JANUARY 1, 2003;

45

46 (C) TEN MILLION DOLLARS FOR THE CALENDAR YEAR  
47 COMMENCING JANUARY 1, 2004;

48

49 (D) FIFTEEN MILLION DOLLARS FOR THE CALENDAR YEAR  
50 COMMENCING JANUARY 1, 2005; AND

51

52 (E) TWENTY MILLION DOLLARS FOR THE CALENDAR YEAR  
53 COMMENCING JANUARY 1, 2006, AND TWENTY MILLION DOLLARS FOR  
54 EACH SUCCEEDING CALENDAR YEAR THAT COMMENCES BEFORE JANUARY  
55 1, 2012.

56

1 (II) THE DESIGNATED NONPROFIT ORGANIZATION SHALL APPROVE  
2 APPLICATIONS FOR TAX CREDITS IN THE ORDER FOR WHICH THEY WERE  
3 APPLIED AND SHALL NOT APPROVE CREDITS IN EXCESS OF THE MAXIMUM  
4 AMOUNT OF CREDITS THAT MAY BE CLAIMED BY ALL TAXPAYERS IN ANY  
5 CALENDAR YEAR PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH  
6 (b).

7  
8 (III) IF THE AMOUNT OF THE CREDIT ALLOWED BY THIS SUBSECTION  
9 (3) EXCEEDS THE AMOUNT OF INCOME TAXES DUE ON THE TAXPAYER'S  
10 INCOME IN THE INCOME TAX YEAR FOR WHICH THE TAXPAYER IS CLAIMING  
11 THE CREDIT, THE AMOUNT OF THE CREDIT NOT USED TO OFFSET INCOME  
12 TAXES IN THE INCOME TAX YEAR SHALL NOT BE CARRIED FORWARD AS TAX  
13 CREDITS AGAINST THE TAXPAYER'S SUBSEQUENT YEARS' INCOME TAX  
14 LIABILITY AND SHALL BE REFUNDED TO THE TAXPAYER.

15  
16 (c) IN THE CASE OF A TAXPAYER THAT IS A PARTNERSHIP, S  
17 CORPORATION, OR OTHER SIMILAR PASS-THROUGH ENTITY, THE AMOUNT  
18 OF THE CREDIT ALLOWED PURSUANT TO PARAGRAPH (a) OF THIS  
19 SUBSECTION (3) SHALL BE ALLOCATED TO THE ENTITY'S PARTNERS,  
20 MEMBERS, OR SHAREHOLDERS IN PROPORTION TO THE PARTNERS',  
21 MEMBERS', OR SHAREHOLDERS' DISTRIBUTIVE SHARES OF INCOME FROM  
22 SUCH ENTITY.

23  
24 (4) **Designated nonprofit organization.** THE DEPARTMENT OF  
25 REVENUE SHALL ENTER INTO A CONTRACT WITH A NONPROFIT  
26 ORGANIZATION UNDER WHICH THE NONPROFIT ORGANIZATION SHALL BE  
27 DESIGNATED TO CERTIFY NONPROFIT EDUCATIONAL ASSISTANCE  
28 ORGANIZATIONS, ACCEPT QUALIFYING CONTRIBUTIONS, APPROVE CREDIT  
29 APPLICATIONS, DISTRIBUTE QUALIFYING CONTRIBUTIONS TO NONPROFIT  
30 EDUCATIONAL ASSISTANCE ORGANIZATIONS, AND COORDINATE WITH THE  
31 DEPARTMENT IN ADMINISTERING THE CREDIT ALLOWED BY THIS SECTION.  
32 TO QUALIFY FOR DESIGNATION, A NONPROFIT ORGANIZATION SHALL:

33  
34 (a) BE EXEMPT FROM TAXATION UNDER SECTION 501 (c) (3) OF THE  
35 INTERNAL REVENUE CODE; AND

36  
37 (b) HAVE THE ADMINISTRATIVE CAPABILITY TO PROMOTE THE  
38 SUCCESS OF THE CREDIT ALLOWED BY THIS SECTION BY RECRUITING AND  
39 COORDINATING ACTIVITIES WITH ALL INTERESTED NONPROFIT  
40 EDUCATIONAL ASSISTANCE ORGANIZATIONS IN COLORADO AND  
41 CERTIFYING THOSE NONPROFIT EDUCATIONAL ASSISTANCE ORGANIZATIONS  
42 THAT MEET THE CERTIFICATION CRITERIA SET FORTH IN SUBSECTION (5) OF  
43 THIS SECTION.

44  
45 (5) **Certification of nonprofit educational assistance**  
46 **organizations.** (a) THE DESIGNATED NONPROFIT ORGANIZATION SHALL  
47 CERTIFY ANY NONPROFIT EDUCATIONAL ASSISTANCE ORGANIZATION THAT  
48 APPLIES FOR CERTIFICATION AND MEETS THE REQUIREMENTS OF THIS  
49 SUBSECTION (5). INITIAL CERTIFICATION SHALL LAST FOR A PERIOD OF  
50 TWO YEARS AND SHALL BE RENEWED FOR ADDITIONAL TWO-YEAR PERIODS  
51 UNLESS A CERTIFIED NONPROFIT EDUCATIONAL ASSISTANCE ORGANIZATION  
52 FAILS TO REMAIN IN COMPLIANCE WITH THE REQUIREMENTS OF THIS  
53 SUBSECTION (5). EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF  
54 THIS SUBSECTION (5), A NONPROFIT EDUCATIONAL ASSISTANCE  
55 ORGANIZATION SEEKING CERTIFICATION SHALL DEMONSTRATE THAT IT:

56

- 1 (I) OPERATES IN COLORADO;  
2
- 3 (II) IS EXEMPT FROM FEDERAL INCOME TAXES PURSUANT TO  
4 SECTION 501 (c) (3) OF THE INTERNAL REVENUE CODE;  
5
- 6 (III) WORKS WITH LOW-INCOME POPULATIONS LIKELY TO BENEFIT  
7 FROM QUALIFYING CONTRIBUTIONS MADE BECAUSE OF THE CREDIT  
8 ALLOWED BY THIS SECTION;  
9
- 10 (IV) ALLOCATES ALL QUALIFYING CONTRIBUTIONS IT RECEIVES  
11 FROM THE DESIGNATED NONPROFIT ORGANIZATION PURSUANT TO THIS  
12 SECTION FOR THE PURPOSE OF PROVIDING SCHOLARSHIPS TO  
13 INCOME-QUALIFIED STUDENTS WHO ATTEND ELIGIBLE SCHOOLS, EXCEPT AS  
14 OTHERWISE PROVIDED IN SUBPARAGRAPH (VI) OF THIS PARAGRAPH (a);  
15
- 16 (V) AWARDS SCHOLARSHIPS IN ANY FISCAL YEAR IN AN AMOUNT  
17 THAT DOES NOT EXCEED AN AMOUNT EQUAL TO THE NUMBER OF FUNDED  
18 PUBLIC-TO-PRIVATE STUDENTS TO WHOM IT AWARDS SCHOLARSHIPS IN THE  
19 FISCAL YEAR MULTIPLIED BY THE AVERAGE AMOUNT OF PER PUPIL  
20 OPERATING REVENUES, AS DEFINED IN SECTION 22-54-103 (9), C.R.S., FOR  
21 ALL SCHOOL DISTRICTS IN THE STATE FOR THE FISCAL YEAR AND DIVIDED  
22 BY SIXTY-FIVE PERCENT, COUNTING ANY FUNDED PUBLIC-TO-PRIVATE  
23 STUDENT WHO IS A CHILD WITH DISABILITIES, AS DEFINED IN SECTION  
24 22-20-103 (1.5), C.R.S., AS TWO PUBLIC-TO-PRIVATE STUDENTS;  
25
- 26 (VI) ALLOCATES AT LEAST FORTY PERCENT OF THE AGGREGATE  
27 AMOUNT OF ALL QUALIFYING CONTRIBUTIONS IT RECEIVES FOR THE  
28 PURPOSE OF ASSISTING INCOME-QUALIFIED STUDENTS WHO ATTEND PUBLIC  
29 OR PRIVATE PRESCHOOLS OR KINDERGARTENS, PUBLIC ELEMENTARY  
30 SCHOOLS, OR PUBLIC SECONDARY SCHOOLS IN COLORADO IN DEFRAYING  
31 EDUCATION-RELATED COSTS, INCLUDING, BUT NOT LIMITED TO, THE COSTS  
32 OF:  
33
- 34 (A) INDIVIDUAL OR GROUP TUTORING SERVICES PROVIDED APART  
35 FROM THE REGULAR INSTRUCTIONAL PROGRAM OF A PUBLIC OR PRIVATE  
36 PRESCHOOL OR KINDERGARTEN, A PUBLIC ELEMENTARY SCHOOL, OR A  
37 PUBLIC SECONDARY SCHOOL BY ANY FOR PROFIT, NONPROFIT, OR PUBLIC  
38 SCHOOL BASED ENTITY;  
39
- 40 (B) EDUCATIONAL SUPPLIES AND MATERIALS USED IN CONNECTION  
41 WITH SUCH INDIVIDUAL OR GROUP TUTORING SERVICES;  
42
- 43 (C) INTER-SCHOOL DISTRICT TRANSPORTATION TO AND FROM ANY  
44 SCHOOL TO THE EXTENT THAT A SCHOOL DISTRICT OR THE STATE DOES NOT  
45 PAY FOR THE TRANSPORTATION;  
46
- 47 (D) TUITION AND FEES CHARGED BY PUBLIC SCHOOLS.  
48
- 49 (VII) DEMONSTRATES A PATTERN OF GIVING PRIORITY IN  
50 AWARDING SCHOLARSHIPS TO THOSE INCOME-QUALIFIED STUDENTS WHO  
51 DEMONSTRATE THE GREATEST NEED FOR SCHOLARSHIPS.  
52
- 53 (b) THE DESIGNATED NONPROFIT ORGANIZATION MAY GRANT  
54 INITIAL CERTIFICATION TO A NONPROFIT EDUCATIONAL ASSISTANCE  
55 ORGANIZATION THAT OPERATES IN COLORADO AND IS EXEMPT FROM  
56 FEDERAL INCOME TAXES PURSUANT TO SECTION 501 (c) (3) OF THE



1 INTERNAL REVENUE CODE, BUT THAT DOES NOT MEET ALL OF THE OTHER  
2 REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (5) SO LONG AS  
3 THE NONPROFIT EDUCATIONAL ASSISTANCE ORGANIZATION AGREES IN  
4 WRITING TO CONDUCT ITS FUTURE ACTIVITIES IN ACCORDANCE WITH THOSE  
5 REQUIREMENTS.

6  
7 (c) AN UNCERTIFIED OR CERTIFIED NONPROFIT EDUCATIONAL  
8 ASSISTANCE ORGANIZATION APPLYING FOR INITIAL CERTIFICATION OR  
9 RENEWAL OF CERTIFICATION SHALL ALLOW THE DESIGNATED NONPROFIT  
10 ORGANIZATION ACCESS TO ANY DOCUMENTS THAT THE DESIGNATED  
11 NONPROFIT ORGANIZATION REASONABLY REQUIRES TO MAKE A  
12 CERTIFICATION DETERMINATION.

13  
14 **(6) Contribution and credit approval process - distribution of**  
15 **contributions.** (a) A TAXPAYER SHALL APPLY TO THE DESIGNATED  
16 NONPROFIT ORGANIZATION FOR APPROVAL OF THE CREDIT ALLOWED BY  
17 THIS SECTION BY MAKING A QUALIFYING CONTRIBUTION TO THE  
18 DESIGNATED NONPROFIT ORGANIZATION, IDENTIFYING A CERTIFIED  
19 NONPROFIT EDUCATIONAL ASSISTANCE ORGANIZATION TO WHICH THE  
20 DESIGNATED NONPROFIT ORGANIZATION SHALL FORWARD THE  
21 CONTRIBUTION, AND SUBMITTING AN APPLICATION FOR APPROVAL OF THE  
22 CREDIT IN ACCORDANCE WITH ANY RULES PROMULGATED BY THE  
23 EXECUTIVE DIRECTOR PURSUANT TO SUBSECTION (8) OF THIS SECTION.

24  
25 (b) BEFORE ACCEPTING ANY CONTRIBUTION AND ACCOMPANYING  
26 CREDIT APPLICATION, THE DESIGNATED NONPROFIT ORGANIZATION SHALL  
27 INFORM THE CONTRIBUTOR IF:

28  
29 (I) THE DESIGNATED NONPROFIT ORGANIZATION WILL BE UNABLE  
30 TO APPROVE THE CREDIT APPLICATION BECAUSE THE DESIGNATED  
31 NONPROFIT ORGANIZATION HAS ALREADY APPROVED CREDITS IN THE  
32 MAXIMUM AMOUNT ALLOWED PURSUANT TO PARAGRAPH (b) OF  
33 SUBSECTION (3) OF THIS SECTION FOR THE CALENDAR YEAR IN WHICH THE  
34 CONTRIBUTION IS TO BE MADE;

35  
36 (II) THE DESIGNATED NONPROFIT ORGANIZATION WILL BE UNABLE  
37 TO APPROVE THE CREDIT APPLICATION BECAUSE THE CREDIT WILL NOT BE  
38 ALLOWED FOR THE INCOME TAX YEAR IN WHICH THE CONTRIBUTION IS TO  
39 BE MADE PURSUANT TO SUBSECTION (9) OF THIS SECTION; OR

40  
41 (III) THE DESIGNATED NONPROFIT ORGANIZATION MAY BE UNABLE  
42 TO APPROVE THE CREDIT APPLICATION BECAUSE IT IS NOT YET CLEAR  
43 WHETHER OR NOT THE CREDIT WILL BE ALLOWED FOR THE INCOME TAX  
44 YEAR IN WHICH THE CONTRIBUTION IS TO BE MADE PURSUANT TO  
45 SUBSECTION (9) OF THIS SECTION. IN SUCH A SITUATION, THE DESIGNATED  
46 NONPROFIT ORGANIZATION SHALL INFORM THE TAXPAYER THAT IT WILL  
47 APPROVE THE CREDIT APPLICATION IF IT BECOMES CLEAR THAT THE CREDIT  
48 WILL BE ALLOWED FOR THE INCOME TAX YEAR.

49  
50 (c) UPON RECEIVING A QUALIFYING CONTRIBUTION AND  
51 APPROVING A CREDIT APPLICATION, THE DESIGNATED NONPROFIT  
52 ORGANIZATION SHALL ISSUE A RECEIPT TO THE CONTRIBUTOR THAT  
53 VERIFIES THE CONTRIBUTOR'S RIGHT TO CLAIM THE CREDIT ALLOWED BY  
54 THIS SECTION ON A STANDARDIZED FORM PROVIDED TO THE DESIGNATED  
55 NONPROFIT ORGANIZATION BY THE DEPARTMENT OF REVENUE. THE  
56 RECEIPT SHALL INCLUDE THE NAME OF THE CERTIFIED NONPROFIT

1 EDUCATIONAL ASSISTANCE ORGANIZATION, THE NAME OF THE TAXPAYER,  
2 THE AMOUNT OF THE CONTRIBUTION, THE DATE THE CONTRIBUTION WAS  
3 MADE, AND ANY ADDITIONAL INFORMATION THAT THE DEPARTMENT MAY  
4 REQUIRE. TO CLAIM THE CREDIT ALLOWED BY THIS SECTION, A TAXPAYER  
5 SHALL SUBMIT A COPY OF THE RECEIPT TO THE DEPARTMENT WITH THE  
6 TAXPAYER'S INCOME TAX RETURN ONLY FOR THE INCOME TAX YEAR IN  
7 WHICH THE RECEIPT WAS ISSUED.

8  
9 (d) THE DESIGNATED NONPROFIT ORGANIZATION SHALL FORWARD  
10 A QUALIFYING CONTRIBUTION TO THE CERTIFIED NONPROFIT EDUCATIONAL  
11 ASSISTANCE ORGANIZATION PROMPTLY UPON RECEIPT. THE DESIGNATED  
12 NONPROFIT ORGANIZATION MAY DEDUCT AN ADMINISTRATIVE FEE IN AN  
13 AMOUNT CALCULATED TO DEFRAY THE REASONABLE AND NECESSARY  
14 EXPENSES INCURRED BY THE ORGANIZATION IN ADMINISTERING THE  
15 CREDIT BEFORE FORWARDING THE NET AMOUNT OF A QUALIFYING  
16 CONTRIBUTION IF THE EXECUTIVE DIRECTOR AUTHORIZES THE  
17 ORGANIZATION TO COLLECT A FEE AND SPECIFIES THE AMOUNT OF THE FEE  
18 TO BE COLLECTED. THE AMOUNT OF SAID FEE SHALL NOT EXCEED TWO  
19 PERCENT OF THE AMOUNT OF THE QUALIFYING CONTRIBUTION FROM WHICH  
20 IT IS DEDUCTED.

21  
22 (7) **Reporting requirements.** (a) (I) NOT LATER THAN FEBRUARY  
23 1, 2003, AND EACH FEBRUARY 1 THEREAFTER, THE DESIGNATED  
24 NONPROFIT ORGANIZATION SHALL SUBMIT TO THE STATE AUDITOR AND THE  
25 LEGISLATIVE AUDIT COMMITTEE AN ANNUAL REPORT THAT EVALUATES THE  
26 IMPLEMENTATION OF THE INCOME TAX CREDIT ALLOWED BY THIS SECTION  
27 AND PROVIDES INFORMATION CONCERNING THE AMOUNTS OF TAX CREDITS  
28 CLAIMED AND ALLOWED UNDER THIS SECTION. EACH CERTIFIED  
29 NONPROFIT EDUCATIONAL ASSISTANCE ORGANIZATION SHALL PROVIDE THE  
30 DESIGNATED NONPROFIT ORGANIZATION ACCESS TO ANY RECORDS AND  
31 DOCUMENTS THAT THE DESIGNATED NONPROFIT ORGANIZATION  
32 REASONABLY REQUIRES TO PREPARE THE REPORT.

33  
34 (II) THE STATE AUDITOR MAY AUDIT THE REPORT SUBMITTED BY  
35 THE DESIGNATED NONPROFIT ORGANIZATION PURSUANT TO SUBPARAGRAPH  
36 (I) OF THIS PARAGRAPH (a) TO VERIFY THE ACCURACY OF THE CREDITS  
37 CLAIMED, AND BOTH THE DESIGNATED NONPROFIT ORGANIZATION AND  
38 EACH CERTIFIED NONPROFIT EDUCATIONAL ASSISTANCE ORGANIZATION  
39 SHALL PROVIDE THE STATE AUDITOR ACCESS TO ANY RECORDS OR  
40 DOCUMENTS THAT THE STATE AUDITOR REASONABLY REQUIRES TO ENSURE  
41 THE ACCURACY OF THE AUDIT.

42  
43 (b) NOT LATER THAN FEBRUARY 1, 2011, THE STATE AUDITOR  
44 SHALL SUBMIT A REPORT ON THE IMPLEMENTATION AND EFFECTS OF THE  
45 CREDIT ALLOWED BY THIS SECTION TO THE HOUSE AND SENATE EDUCATION  
46 COMMITTEES OF THE GENERAL ASSEMBLY. THE STATE AUDITOR SHALL  
47 CONSULT WITH THE DEPARTMENT OF EDUCATION IN PREPARING THE  
48 REPORT. THE REPORT MAY CONTAIN ANY RECOMMENDATION OF THE  
49 STATE AUDITOR OR THE DEPARTMENT AS TO WHETHER THE CREDIT SHOULD  
50 BE ALLOWED FOR INCOME TAX YEARS COMMENCING ON OR AFTER  
51 JANUARY 1, 2012, AND SHALL INCLUDE INFORMATION REGARDING:

52  
53 (I) THE FISCAL IMPACT OF THE CREDIT, INCLUDING THE AMOUNT OF  
54 CREDITS ALLOWED;

55  
56 (II) THE AMOUNT OF CONTRIBUTIONS MADE TO CERTIFIED

1 NONPROFIT EDUCATIONAL ASSISTANCE ORGANIZATIONS;

2

3 (III) THE ESTIMATED NUMBER AND AMOUNT OF SCHOLARSHIPS  
4 AWARDED TO QUALIFYING STUDENTS AS A RESULT OF THE CREDIT;

5

6 (IV) THE IMPACT OF THE CREDIT ON COLORADO PUBLIC  
7 ELEMENTARY AND SECONDARY SCHOOLS; AND

8

9 (V) ANY OTHER INFORMATION THAT THE STATE AUDITOR BELIEVES  
10 WILL HELP THE HOUSE AND SENATE EDUCATION COMMITTEES EVALUATE  
11 THE SUCCESS OF THE CREDIT.

12

13 (8) **Rule-making authority.** AFTER CONSULTATION WITH THE  
14 DESIGNATED NONPROFIT ORGANIZATION, THE EXECUTIVE DIRECTOR SHALL  
15 PROMULGATE RULES NECESSARY FOR THE ADMINISTRATION OF THE  
16 INCOME TAX CREDIT ALLOWED BY THIS SECTION IN ACCORDANCE WITH  
17 ARTICLE 4 OF TITLE 24, C.R.S.

18

19 (9) **Mechanism to refund excess state revenues.** (a) (I) NO  
20 LATER THAN OCTOBER 1 OF ANY GIVEN CALENDAR YEAR COMMENCING ON  
21 OR AFTER JANUARY 1, 2002, THE EXECUTIVE DIRECTOR SHALL ANNUALLY  
22 ADJUST THE DOLLAR AMOUNT SPECIFIED IN PARAGRAPH (a) OF SUBSECTION  
23 (3) OF THIS SECTION TO REFLECT THE RATE OF GROWTH OF COLORADO  
24 PERSONAL INCOME FOR THE CALENDAR YEAR IMMEDIATELY PRECEDING  
25 THE CALENDAR YEAR IN WHICH SUCH ADJUSTMENT IS MADE. FOR  
26 PURPOSES OF THIS SUBPARAGRAPH (I), "THE RATE OF GROWTH OF  
27 COLORADO PERSONAL INCOME" MEANS THE PERCENTAGE CHANGE  
28 BETWEEN THE MOST RECENT PUBLISHED ANNUAL ESTIMATE OF TOTAL  
29 PERSONAL INCOME FOR COLORADO, AS DEFINED AND OFFICIALLY  
30 REPORTED BY THE BUREAU OF ECONOMIC ANALYSIS IN THE UNITED STATES  
31 DEPARTMENT OF COMMERCE FOR THE CALENDAR YEAR IMMEDIATELY  
32 PRECEDING THE CALENDAR YEAR IN WHICH THE ADJUSTMENT IS MADE AND  
33 THE MOST RECENT PUBLISHED ANNUAL ESTIMATE OF TOTAL PERSONAL  
34 INCOME FOR COLORADO, AS DEFINED AND OFFICIALLY REPORTED BY THE  
35 BUREAU OF ECONOMIC ANALYSIS IN THE UNITED STATES DEPARTMENT OF  
36 COMMERCE FOR THE CALENDAR YEAR PRIOR TO THE CALENDAR YEAR  
37 IMMEDIATELY PRECEDING THE CALENDAR YEAR IN WHICH THE  
38 ADJUSTMENT IS MADE.

39

40 (II) UPON CALCULATING THE ADJUSTMENT OF SAID DOLLAR  
41 AMOUNT IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH  
42 (a), THE EXECUTIVE DIRECTOR SHALL NOTIFY IN WRITING THE EXECUTIVE  
43 COMMITTEE OF THE LEGISLATIVE COUNCIL CREATED PURSUANT TO SECTION  
44 2-3-301 (1), C.R.S., OF THE ADJUSTED DOLLAR AMOUNT AND THE BASIS  
45 FOR THE ADJUSTMENT. SUCH WRITTEN NOTIFICATION SHALL BE GIVEN  
46 WITHIN FIVE WORKING DAYS AFTER SUCH CALCULATION IS COMPLETED,  
47 BUT SUCH WRITTEN NOTIFICATION SHALL BE GIVEN NO LATER THAN  
48 OCTOBER 1 OF THE CALENDAR YEAR.

49

50 (III) IT IS THE FUNCTION OF THE EXECUTIVE COMMITTEE OF THE  
51 LEGISLATIVE COUNCIL TO REVIEW AND APPROVE OR DISAPPROVE SUCH  
52 ADJUSTMENT OF SAID DOLLAR AMOUNT WITHIN TWENTY DAYS AFTER  
53 RECEIPT OF SUCH WRITTEN NOTIFICATION FROM THE EXECUTIVE DIRECTOR.  
54 ANY ADJUSTMENT THAT IS NOT APPROVED OR DISAPPROVED BY THE  
55 EXECUTIVE COMMITTEE WITHIN SAID TWENTY DAYS SHALL BE  
56 AUTOMATICALLY APPROVED; EXCEPT THAT, IF WITHIN SAID TWENTY DAYS

1 THE EXECUTIVE COMMITTEE SCHEDULES A HEARING ON SUCH ADJUSTMENT,  
 2 SUCH AUTOMATIC APPROVAL SHALL NOT OCCUR UNLESS THE EXECUTIVE  
 3 COMMITTEE DOES NOT APPROVE OR DISAPPROVE SUCH ADJUSTMENT AFTER  
 4 THE CONCLUSION OF SUCH HEARING. ANY HEARING CONDUCTED BY THE  
 5 EXECUTIVE COMMITTEE PURSUANT TO THIS SUBPARAGRAPH (III) SHALL BE  
 6 CONCLUDED NO LATER THAN TWENTY-FIVE DAYS AFTER RECEIPT OF SUCH  
 7 WRITTEN NOTIFICATION FROM THE EXECUTIVE DIRECTOR.

8  
 9 (b) (I) IF THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL  
 10 DISAPPROVES ANY ADJUSTMENT OF SAID DOLLAR AMOUNT CALCULATED BY  
 11 THE EXECUTIVE DIRECTOR PURSUANT TO PARAGRAPH (a) OF THIS  
 12 SUBSECTION (9), THE EXECUTIVE COMMITTEE SHALL SPECIFY SUCH  
 13 ADJUSTED DOLLAR AMOUNT TO BE UTILIZED BY THE EXECUTIVE DIRECTOR.  
 14 ANY ADJUSTED DOLLAR AMOUNT SPECIFIED BY THE EXECUTIVE  
 15 COMMITTEE PURSUANT TO THIS SUBPARAGRAPH (I) SHALL BE CALCULATED  
 16 IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH (a) OF THIS  
 17 SUBSECTION (9).

18  
 19 (II) FOR THE PURPOSE OF DETERMINING WHETHER THE CREDIT  
 20 AUTHORIZED BY SUBSECTION (3) OF THIS SECTION IS TO BE ALLOWED FOR  
 21 ANY GIVEN INCOME TAX YEAR, THE EXECUTIVE DIRECTOR SHALL NOT  
 22 UTILIZE ANY ADJUSTED DOLLAR AMOUNT THAT HAS NOT BEEN APPROVED  
 23 PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH (a) OF THIS SUBSECTION  
 24 (9) OR OTHERWISE SPECIFIED PURSUANT TO SUBPARAGRAPH (I) OF THIS  
 25 PARAGRAPH (b).

26  
 27 (c) IF ONE OR MORE BALLOT QUESTIONS ARE SUBMITTED TO THE  
 28 VOTERS AT A STATEWIDE ELECTION TO BE HELD IN NOVEMBER OF ANY  
 29 CALENDAR YEAR COMMENCING ON OR AFTER JANUARY 1, 2002, THAT SEEK  
 30 AUTHORIZATION FOR THE STATE TO RETAIN AND SPEND ALL OF THE  
 31 AMOUNT OF EXCESS STATE REVENUES FOR THE STATE FISCAL YEAR ENDING  
 32 DURING THE CALENDAR YEAR, THE EXECUTIVE DIRECTOR SHALL NOT  
 33 DETERMINE WHETHER THE CREDIT AUTHORIZED BY SUBSECTION (3) OF THIS  
 34 SECTION SHALL BE ALLOWED AND SHALL NOT PROMULGATE RULES  
 35 CONTAINING THE CREDIT UNTIL THE IMPACT OF THE RESULTS OF THE  
 36 ELECTION ON THE AMOUNT OF THE EXCESS STATE REVENUES TO BE  
 37 REFUNDED IS ASCERTAINED.

38  
 39 **SECTION 2. Effective date.** This act shall take effect at 12:01  
 40 a.m. on the day following the expiration of the ninety-day period after  
 41 final adjournment of the general assembly that is allowed for submitting  
 42 a referendum petition pursuant to article V, section 1 (3) of the state  
 43 constitution; except that, if a referendum petition is filed against this act  
 44 or an item, section, or part of this act within such period, then the act,  
 45 item, section, or part, if approved by the people, shall take effect on the  
 46 date of the official declaration of the vote thereon by proclamation of the  
 47 governor."

48  
 49  
 50  
 51 **SB02-119** be amended as follows, and as so amended, be referred to  
 52 the Committee on Appropriations with favorable  
 53 recommendation:

54  
 55 Amend reengrossed bill, page 63, after line 23, insert the following:  
 56

1           **"SECTION 28.** Title 22, Colorado Revised Statutes, is amended  
2 BY THE ADDITION OF A NEW ARTICLE to read:

3  
4                                   **Article 86**  
5                                   **Children's Internet Protection**

6  
7           **22-86-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY  
8 BE CITED AS THE "CHILDREN'S INTERNET PROTECTION ACT".

9  
10           **22-86-102. Legislative declaration.** (1) THE GENERAL  
11 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

12  
13           (a) USE OF THE INTERNET IN THE PUBLIC SCHOOLS OF THE STATE  
14 PROVIDES AN EXTRAORDINARY, UNIQUE, AND UNPARALLELED  
15 EDUCATIONAL RESOURCE.

16  
17           (b) REASONABLE MEASURES MUST BE ADOPTED AND IMPLEMENTED  
18 TO PROTECT THE CHILDREN WHO USE SUCH INTERNET SERVICES IN PUBLIC  
19 SCHOOLS FROM ACCESS TO MATERIAL THAT IS HARMFUL TO THEIR  
20 BENEFICIAL DEVELOPMENT AS RESPONSIBLE ADULTS AND CITIZENS.

21  
22           (c) FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE  
23 CONSTITUTION, PROVIDING FUNDING FOR THE PURCHASE AND  
24 IMPLEMENTATION BY PUBLIC SCHOOL DISTRICTS OF TECHNOLOGY  
25 PROTECTION MEASURES IN ACCORDANCE WITH THE REQUIREMENTS OF THIS  
26 ARTICLE FROM MONEYS IN THE STATE EDUCATION FUND CREATED IN  
27 SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION IS A  
28 PERMISSIBLE USE OF MONEYS IN THE FUND SINCE THE MONEYS ARE BEING  
29 USED FOR EXPANDING TECHNOLOGY EDUCATION AND IMPROVING STUDENT  
30 SAFETY AS AUTHORIZED BY SECTION 17 (4) (b) OF ARTICLE IX OF THE  
31 STATE CONSTITUTION.

32  
33           (2) IT IS THE INTENT OF THE GENERAL ASSEMBLY BY ENACTING  
34 THIS ARTICLE THAT PUBLIC SCHOOLS BE REQUIRED TO ADOPT AND ENFORCE  
35 REASONABLE POLICIES OF INTERNET SAFETY THAT WILL PROTECT  
36 CHILDREN FROM ACCESS TO HARMFUL MATERIAL WITHOUT COMPROMISING  
37 EITHER THE USE OF THE INTERNET AS AN EDUCATIONAL RESOURCE OR  
38 RESPONSIBLE ADULT USE OF INTERNET SERVICES IN SUCH SCHOOLS.

39  
40           **22-86-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
41 CONTEXT OTHERWISE REQUIRES:

42  
43           (1) "ACCESS TO THE INTERNET" MEANS, WITH REFERENCE TO A  
44 PARTICULAR COMPUTER, THAT THE COMPUTER IS EQUIPPED WITH A MODEM  
45 OR IS CONNECTED TO A COMPUTER NETWORK THAT PROVIDES ACCESS TO  
46 THE INTERNET.

47  
48           (2) "COMPUTER" INCLUDES ANY HARDWARE, SOFTWARE, OR OTHER  
49 TECHNOLOGY ATTACHED OR CONNECTED TO, INSTALLED IN, OR OTHERWISE  
50 USED IN CONNECTION WITH A COMPUTER.

51  
52           (3) "DISTRICT" MEANS ANY PUBLIC SCHOOL DISTRICT ORGANIZED  
53 UNDER THE LAWS OF COLORADO, EXCEPT A JUNIOR COLLEGE DISTRICT.

54  
55           (4) "HARMFUL TO MINORS" MEANS ANY PICTURE, IMAGE, GRAPHIC  
56 IMAGE FILE, OR OTHER VISUAL DEPICTION THAT:

1 (a) TAKEN AS A WHOLE AND WITH RESPECT TO MINORS, APPEALS  
2 TO A PRURIENT INTEREST IN NUDITY, SEX, OR EXCRETION;  
3

4 (b) DEPICTS, DESCRIBES, OR REPRESENTS, IN A PATENTLY  
5 OFFENSIVE WAY WITH RESPECT TO WHAT IS SUITABLE FOR MINORS, AN  
6 ACTUAL OR SIMULATED SEXUAL ACT OR SEXUAL CONTACT, ACTUAL OR  
7 SIMULATED NORMAL OR PERVERTED SEXUAL ACTS, OR A LEWD EXHIBITION  
8 OF THE GENITALS; AND  
9

10 (c) TAKEN AS A WHOLE, LACKS SERIOUS LITERARY, ARTISTIC,  
11 POLITICAL, OR SCIENTIFIC VALUE AS TO MINORS; OR  
12

13 (d) DEPICTS GRAPHIC ACTS OF VIOLENCE.  
14

15 (5) "MINOR" MEANS ANY PERSON UNDER THE AGE OF SEVENTEEN.  
16

17 (6) "SEXUAL ACT" OR "SEXUAL CONTACT" SHALL HAVE THE SAME  
18 MEANINGS AS SET FORTH IN 18 U.S.C. SEC. 2246 (2) AND (3).  
19

20 (7) "TECHNOLOGY PROTECTION MEASURE" MEANS A SPECIFIC  
21 TECHNOLOGY, INCLUDING WITHOUT LIMITATION, COMPUTER SOFTWARE  
22 THAT BLOCKS OR FILTERS ACCESS TO THE INTERNET TO VISUAL DEPICTIONS  
23 THAT ARE:  
24

25 (a) OBSCENE, AS DEFINED IN SECTION 18-7-101, C.R.S.;

26 (b) CHILD PORNOGRAPHY, AS DEFINED IN 18 U.S.C. SEC. 2256 (8);  
27

28 OR  
29

30 (c) HARMFUL TO MINORS.  
31

32 **22-86-104. Adoption and enforcement of policy of internet**  
33 **safety for minors including technology protection measures - public**  
34 **schools.** (1) NO LATER THAN DECEMBER 31, 2002, THE GOVERNING BODY  
35 OF EACH DISTRICT SHALL ADOPT AND IMPLEMENT A POLICY OF INTERNET  
36 SAFETY FOR MINORS THAT INCLUDES THE OPERATION OF A TECHNOLOGY  
37 PROTECTION MEASURE FOR EACH COMPUTER OPERATED BY THE DISTRICT  
38 THAT ALLOWS FOR ACCESS TO THE INTERNET BY A MINOR.  
39

40 (2) AFTER THE ADOPTION AND IMPLEMENTATION OF THE POLICY OF  
41 INTERNET SAFETY REQUIRED BY SUBSECTION (1) OF THIS SECTION, THE  
42 GOVERNING BODY OF EACH DISTRICT SHALL CONTINUE TO ENFORCE THE  
43 POLICY AND THE OPERATION OF THE TECHNOLOGY PROTECTION MEASURE  
44 FOR EACH COMPUTER OPERATED BY THE DISTRICT THAT ALLOWS FOR  
45 ACCESS TO THE INTERNET BY A MINOR.  
46

47 **22-86-105. Temporary disabling of technology protection**  
48 **measure.** (1) AN ADMINISTRATOR, SUPERVISOR, OR ANY OTHER PERSON  
49 AUTHORIZED BY THE DISTRICT TO ENFORCE THE OPERATION OF THE  
50 TECHNOLOGY PROTECTION MEASURE ADOPTED AND IMPLEMENTED IN  
51 ACCORDANCE WITH THE REQUIREMENTS OF SECTION 22-86-104 MAY  
52 TEMPORARILY DISABLE THE TECHNOLOGY PROTECTION MEASURE TO  
53 ENABLE ACCESS TO THE INTERNET ON A PARTICULAR COMPUTER BY:  
54

55 (a) AN ADULT FOR BONA FIDE RESEARCH OR OTHER LAWFUL  
56 PURPOSES; OR

1 (b) A MINOR FOR BONA FIDE RESEARCH OR OTHER LAWFUL  
2 PURPOSES WHERE THE INTERNET USE IN CONNECTION WITH THE RESEARCH  
3 OR OTHER LAWFUL PURPOSE IS SUPERVISED BY AN ADMINISTRATOR,  
4 SUPERVISOR, OR OTHER PERSON AUTHORIZED BY THE DISTRICT TO  
5 PERFORM SUCH FUNCTION.

6  
7 **22-86-106. No restrictions on blocking access to the internet of**  
8 **other material.** NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS  
9 PROHIBITING A LOCAL BOARD OF EDUCATION, OR AN ELEMENTARY OR  
10 SECONDARY SCHOOL, FROM BLOCKING ACCESS TO THE INTERNET ON  
11 COMPUTERS OWNED OR OPERATED BY THAT BOARD OR SCHOOL TO  
12 MATERIAL OTHER THAN THE MATERIAL FOR WHICH A TECHNOLOGY  
13 PROTECTION MEASURE IS EXPLICITLY REQUIRED IN ACCORDANCE WITH THE  
14 REQUIREMENTS OF THIS ARTICLE.

15  
16 **22-86-107. No effect on library maintained by postsecondary**  
17 **educational institution - no requirement of additional action for public**  
18 **schools already in compliance.** (1) NOTHING IN THIS ARTICLE SHALL BE  
19 CONSTRUED TO APPLY TO ANY LIBRARY FACILITY MAINTAINED BY ANY  
20 POSTSECONDARY EDUCATIONAL INSTITUTION. FOR PURPOSES OF THIS  
21 SUBSECTION (1), "POSTSECONDARY" SHALL HAVE THE SAME MEANING AS  
22 IS PROVIDED IN SECTION 23-1-119 (4), C.R.S.

23  
24 (2) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO REQUIRE  
25 ANY ADDITIONAL ACTION ON THE PART OF ANY SCHOOL DISTRICT THAT IS  
26 ALREADY IN COMPLIANCE WITH THE REQUIREMENTS OF THIS ARTICLE AS OF  
27 JULY 1, 2002.

28  
29 **22-86-108. State purchase of computer technology on behalf of**  
30 **school districts.** TO THE EXTENT THAT IMPLEMENTATION OF THE  
31 REQUIREMENTS OF THIS ARTICLE REQUIRES THE PURCHASE OF COMPUTER  
32 HARDWARE OR SOFTWARE, INCLUDING, WITHOUT LIMITATION,  
33 TECHNOLOGY PROTECTION MEASURES, THE STATE SHALL PURCHASE SUCH  
34 HARDWARE OR SOFTWARE ON BEHALF OF THE SCHOOL DISTRICTS THAT  
35 HAVE NOT YET OBTAINED SUCH TECHNOLOGY PROTECTION MEASURES.  
36 ANY MONEYS APPROPRIATED FOR SUCH PURCHASES THAT ARE REMAINING  
37 AT THE END OF ANY STATE FISCAL YEAR SHALL REVERT TO THE STATE  
38 EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE  
39 CONSTITUTION.

40  
41 **SECTION 29.** 22-2-117 (1) (b), Colorado Revised Statutes, is  
42 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

43  
44 **22-2-117. Additional power - state board - waiver of**  
45 **requirements - rules.** (1) (b) The state board shall not waive any of the  
46 requirements specified in any of the following statutory provisions:

47  
48 (IV) THE "CHILDREN'S INTERNET PROTECTION ACT", CREATED IN  
49 ARTICLE 86 OF THIS TITLE.

50  
51 **SECTION 30.** 22-30.5-104 (6), Colorado Revised Statutes, is  
52 amended to read:

53  
54 **22-30.5-104. Charter school - requirements - authority.**  
55 (6) Pursuant to contract, a charter school may operate free from specified  
56 school district policies and state regulations; EXCEPT THAT A CHARTER

1 SCHOOL SHALL NOT, BY CONTRACT OR OTHERWISE, OPERATE FREE OF THE  
 2 REQUIREMENTS CONTAINED IN THE "CHILDREN'S INTERNET PROTECTION  
 3 ACT", CREATED IN ARTICLE 86 OF THIS TITLE. Pursuant to contract, a local  
 4 board of education may waive locally imposed school district  
 5 requirements, without seeking approval of the state board. The state  
 6 board may waive state statutory requirements or rules promulgated by the  
 7 state board; except that the state board may not waive any statute or rule  
 8 relating to the assessments required to be administered pursuant to section  
 9 22-7-409, ~~OR~~ ANY STATUTE OR RULE necessary to prepare the school  
 10 accountability reports pursuant to part 6 of article 7 of this title, OR ANY  
 11 STATUTE OR RULE RELATING TO THE "CHILDREN'S INTERNET PROTECTION  
 12 ACT", CREATED IN ARTICLE 86 OF THIS TITLE. Upon request of the charter  
 13 applicant, the state board and the local board of education shall provide  
 14 summaries of such regulations and policies to use in preparing a charter  
 15 school application. The department of education shall prepare the  
 16 summary of state regulations within existing appropriations. Any waiver  
 17 of state or local school district regulations made pursuant to this  
 18 subsection (6) shall be for the term of the charter for which the waiver is  
 19 made; except that a waiver of state statutes or regulations by the state  
 20 board shall be subject to review every two years and may be revoked if  
 21 the waiver is deemed no longer necessary by the state board.

22  
 23 **SECTION 31. Appropriation.** In addition to any other  
 24 appropriation, there is hereby appropriated, to the department of  
 25 education, for the fiscal year beginning July 1, 2002, the sum of one  
 26 hundred ten thousand five hundred dollars (\$110,500), or so much thereof  
 27 as may be necessary, for the implementation of this act. Said sum shall  
 28 be from the state education fund created in section 17 (4) of article IX of  
 29 the state constitution."

30  
 31 Renumber succeeding sections accordingly.

32  
 33 Page 1, line 102, strike "**LIBRARIES.**" and substitute "**LIBRARIES, AND**  
 34 **MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**"

35  
 36  
 37  
 38  
 39 **FINANCE**

40 After consideration on the merits, the Committee recommends the  
 41 following:

42  
 43 **HCR02-1010** be postponed indefinitely.

44  
 45  
 46 **SB02-063** be postponed indefinitely.

47  
 48  
 49 **SB02-201** be referred to the Committee of the Whole with favorable  
 50 recommendation.

51  
 52  
 53  
 54  
 55



1 **HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS**

2 After consideration on the merits, the Committee recommends the  
3 following:

4  
5 **SB02-062** be amended as follows, and as so amended, be referred to  
6 the Committee on Appropriations with favorable  
7 recommendation:

8  
9 Amend reengrossed bill, page 6, line 1, strike "DOCUMENTATION OF  
10 REFERRALS" and substitute "REFERRALS";

11  
12 line 3, strike "SHALL" and substitute "MAY".

13  
14 Page 9, after line 21, insert the following:

15  
16 "SECTION 10. 24-75-1105 (1), Colorado Revised Statutes, is  
17 amended to read:

18  
19 **24-75-1105. Use of settlement moneys - review.** (1) On or  
20 before January 30, 2006, the joint budget committee and the health,  
21 environment, welfare, and institutions committees of the general  
22 assembly, referred to in this section as the "joint committees", shall meet  
23 jointly to review the use of settlement moneys. Specifically, the joint  
24 committees shall review:

25  
26 (a) The effectiveness of each program that receives settlement  
27 moneys, including but not limited to reviewing the annual reports of each  
28 program prepared by the department of public health and environment  
29 pursuant to section 25-1-108.5, C.R.S., and the program reviews of each  
30 program prepared by the state auditor pursuant to section 2-3-113,  
31 C.R.S.;

32  
33 (a.5) FOR THE CHILDREN'S BASIC HEALTH PLAN, ALL OF THE ITEMS  
34 LISTED IN THIS SUBSECTION (1) FOR REVIEW SHALL BE SEPARATELY  
35 REPORTED AND REVIEWED WITH RESPECT TO THE CHILDREN'S BASIC  
36 HEALTH PLAN AND THE PRENATAL AND POSTPARTUM CARE PROGRAM  
37 ADDED TO THE CHILDREN'S BASIC HEALTH PLAN IN FISCAL YEAR 2002-03.  
38 THE JOINT COMMITTEE SHALL ALSO CONSIDER WHETHER THE PRENATAL  
39 AND POSTPARTUM CARE PORTION OF THE CHILDREN'S BASIC HEALTH PLAN  
40 SHOULD CONTINUE TO BE PAID FOR OUT OF SETTLEMENT MONEYS OR  
41 SHOULD BE PAID FOR OUT OF GENERAL FUND REVENUES.

42  
43 (b) The costs incurred by each program that receives settlement  
44 moneys, including but not limited to the amount and justification of  
45 administrative costs incurred by the agencies that implement the program;

46  
47 (c) The percentage allocated to each program receiving settlement  
48 moneys and the actual amount appropriated to each program each fiscal  
49 year; and

50  
51 (d) The amount of settlement moneys annually credited to the  
52 tobacco litigation settlement trust fund created in section 24-22-115.5,  
53 C.R.S., the investment of and return on such moneys, and the projections  
54 of future interest earnings on the moneys in the fund."

55  
56 Renumber succeeding sections accordingly.

1 **SB02-134** be postponed indefinitely.

2

3

4 **SB02-162** be postponed indefinitely.

5

6

7

8

9 **TRANSPORTATION & ENERGY**

10 After consideration on the merits, the Committee recommends the  
11 following:

12

13 **SB02-179** be amended as follows, and as so amended, be referred to  
14 the Committee on Finance with favorable  
15 recommendation:

16

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

19

20 "SECTION 1. 39-26-123 (2) (a) (I) (A), (2) (a) (I) (A.5), (2) (a)  
21 (I) (A.7), (2) (a) (I) (A.8), (2) (a) (II), and (2) (c) (I), Colorado Revised  
22 Statutes, are amended, and the said 39-26-123 is further amended BY  
23 THE ADDITION OF A NEW SUBSECTION, to read:

24

25 **39-26-123. Receipts - disposition.** (2) (a) (I) (A) Eighty-five  
26 percent of all receipts collected under the provisions of this article shall  
27 be credited to the old age pension fund. For ~~the~~ ANY fiscal year  
28 commencing ON OR AFTER July 1, 1997, ~~and for each fiscal year thereafter~~  
29 BUT BEFORE JULY 1, 2003, except for the fiscal year commencing July 1,  
30 2000, the remaining fifteen percent shall be allocated between and  
31 credited to the general fund and the highway users tax fund as a portion  
32 of the sales and use taxes attributable to sales or use of vehicles and  
33 related items as follows: Except as otherwise provided in  
34 sub-subparagraphs (A.8) and (A.9) of this subparagraph (I), ten percent  
35 of net revenue from sales and use tax to the highway users tax fund and  
36 five percent thereof to the general fund; except that, for the state fiscal  
37 year 2001-2002, the amount of the net revenue allocated to the highway  
38 users tax fund shall be increased and the amount allocated to the general  
39 fund shall be decreased by the amount of sixty-seven thousand dollars.

40

41 (A.5) Notwithstanding sub-subparagraph (A) of this subparagraph  
42 (I), commencing with state fiscal year 2000-2001 AND ENDING WITH  
43 STATE FISCAL YEAR 2002-03, the amount of the net revenue allocated to  
44 the highway users tax fund shall be increased and the amount allocated  
45 to the general fund shall be decreased in accordance with section  
46 24-75-216, C.R.S., in order to offset lower motor vehicle registration fees  
47 pursuant to the application of the fee reductions enacted by House Bill  
48 00-1227, enacted at the second regular session of the sixty-second general  
49 assembly.

50

51 (A.7) Commencing August 1, 2000, AND ENDING JUNE 30, 2003,  
52 the allocation of receipts under sub-subparagraph (A) of this  
53 subparagraph (I) to the highway users tax fund shall be increased by  
54 fifteen one-thousandths of a percentage point, and the allocation to the  
55 general fund shall be decreased by fifteen one-thousandths of a  
56 percentage point, pursuant to House Bill 00-1162, enacted at the second

1 regular session of the sixty-second general assembly. The modifications  
2 to the allocation of receipts made pursuant to this sub-subparagraph (A.7)  
3 shall be in addition to any other modifications to the allocation of such  
4 receipts made by law.

5  
6 (A.8) On and after February 1, 2001, up to and including June 30,  
7 2001, and for fiscal years beginning on ~~and~~ OR after July 1, 2001, BUT  
8 BEFORE JULY 1, 2003, the allocation of receipts under sub-subparagraph  
9 (A) of this subparagraph (I) to the highway users tax fund shall be  
10 increased by thirty-four one-hundredths of a percentage point, and the  
11 allocation to the general fund shall be decreased by thirty-four  
12 one-hundredths of a percentage point, pursuant to House Bill 00-1259,  
13 enacted at the second regular session of the sixty-second general  
14 assembly. The modifications to the allocation of receipts made pursuant  
15 to this sub-subparagraph (A.8) shall be in addition to any other  
16 modifications to the allocation of such receipts made by law.

17  
18 (II) (A) Except as otherwise provided in ~~sub-subparagraph (B)~~  
19 SUB-SUBPARAGRAPHS (A.5) AND (B) of this subparagraph (II), in any  
20 fiscal year, if the revenue estimate prepared in accordance with section  
21 24-75-201.3 (2), C.R.S., indicates that, after making required  
22 expenditures, making the allocation to the highway users tax fund in  
23 accordance with sub-subparagraph (A) of subparagraph (I) of this  
24 paragraph (a) OR SUBSECTION (3) OF THIS SECTION, and maintaining the  
25 statutorily required reserve, there will not be sufficient general fund  
26 revenue to fund general fund expenditures up to the statutory  
27 appropriation limit, the governor shall direct the state treasurer to reduce  
28 the amount of sales and use taxes credited to the highway users tax fund  
29 as necessary to provide the additional general fund revenue to fully fund  
30 the general fund expenditures up to the statutory appropriation limit.

31  
32 (A.5) FOR ANY FISCAL YEAR COMMENCING ON OR AFTER JULY 1,  
33 2002, THE PROVISIONS OF SUB-SUBPARAGRAPH (A) OF THIS  
34 SUBPARAGRAPH (II) SHALL NOT APPLY UNTIL THE AGGREGATE AMOUNT OF  
35 SALES AND USE TAXES CREDITED TO THE HIGHWAY USERS TAX FUND UNDER  
36 SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) OR SUBSECTION (3) OF THIS  
37 SECTION DURING SAID FISCAL YEAR PLUS ANY OTHER GENERAL FUND  
38 REVENUE CREDITED TO THE HIGHWAY USERS TAX FUND DURING SAID  
39 FISCAL YEAR EQUALS ONE HUNDRED MILLION DOLLARS.

40  
41 (B) The provisions of sub-subparagraph (A) of this subparagraph  
42 (II) shall not apply in fiscal year 2001-02.

43  
44 (c) If the general assembly implements a tax policy change  
45 resulting in a significant reduction of general fund revenues, the general  
46 assembly shall:

47  
48 (I) Examine the conditions imposed on the revenues credited to  
49 the highway users tax fund in ~~subparagraphs (II) and (III)~~ SUBPARAGRAPH  
50 (II) of paragraph (a) of this subsection (2) and shall determine whether  
51 such conditions should be modified in light of any such change; and

52  
53 (3) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS  
54 SUBSECTION (3), ON AND AFTER JULY 1, 2003, THE REMAINING FIFTEEN  
55 PERCENT OF ALL RECEIPTS COLLECTED UNDER THE PROVISIONS OF THIS  
56 ARTICLE SHALL BE ALLOCATED BETWEEN AND CREDITED TO THE GENERAL

1 FUND AND THE HIGHWAY USERS TAX FUND AS A PORTION OF THE SALES  
2 AND USE TAX ATTRIBUTABLE TO SALES OR USE OF VEHICLES AND RELATED  
3 ITEMS AS FOLLOWS:  
4

5 (I) FOR THE FISCAL YEAR COMMENCING JULY 1, 2003, ELEVEN  
6 PERCENT OF ALL RECEIPTS COLLECTED UNDER THE PROVISIONS OF THIS  
7 ARTICLE SHALL BE CREDITED TO THE HIGHWAY USERS TAX FUND AND FOUR  
8 PERCENT THEREOF TO THE GENERAL FUND.  
9

10 (II) FOR THE FISCAL YEAR COMMENCING JULY 1, 2004, TWELVE  
11 PERCENT OF ALL RECEIPTS COLLECTED UNDER THE PROVISIONS OF THIS  
12 ARTICLE SHALL BE CREDITED TO THE HIGHWAY USERS TAX FUND AND  
13 THREE PERCENT THEREOF TO THE GENERAL FUND.  
14

15 (III) FOR THE FISCAL YEAR COMMENCING JULY 1, 2005, THIRTEEN  
16 PERCENT OF ALL RECEIPTS COLLECTED UNDER THE PROVISIONS OF THIS  
17 ARTICLE SHALL BE CREDITED TO THE HIGHWAY USERS TAX FUND AND TWO  
18 PERCENT THEREOF TO THE GENERAL FUND.  
19

20 (IV) FOR THE FISCAL YEAR COMMENCING JULY 1, 2006, FOURTEEN  
21 PERCENT OF ALL RECEIPTS COLLECTED UNDER THE PROVISIONS OF THIS  
22 ARTICLE SHALL BE CREDITED TO THE HIGHWAY USERS TAX FUND AND ONE  
23 PERCENT THEREOF TO THE GENERAL FUND.  
24

25 (V) FOR EACH FISCAL YEAR COMMENCING ON OR AFTER JULY 1,  
26 2007, FIFTEEN PERCENT OF ALL RECEIPTS COLLECTED UNDER THE  
27 PROVISIONS OF THIS ARTICLE SHALL BE CREDITED TO THE HIGHWAY USERS  
28 TAX FUND.  
29

30 (b) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS  
31 SUBSECTION (3) TO THE CONTRARY, ANY AMOUNT REQUIRED TO BE  
32 ALLOCATED TO THE OLDER COLORADANS CASH FUND IN ORDER TO  
33 IMPLEMENT H.B. 02-1209, ENACTED AT THE SECOND REGULAR SESSION OF  
34 THE SIXTY-THIRD GENERAL ASSEMBLY SHALL BE SO ALLOCATED PRIOR TO  
35 CREDITING THE RECEIPTS TO THE FUNDS DESCRIBED IN SAID PARAGRAPH  
36 (a).  
37

38 **SECTION 2.** Part 2 of article 75 of title 24, Colorado Revised  
39 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
40 read:  
41

42 **24-75-217. Transfers of general fund surplus.** (1) ON JULY 1,  
43 2003, AND ON JULY 1 IN EACH SUCCEEDING FISCAL YEAR, THE GENERAL  
44 FUND SURPLUS DESIGNATED IN ACCORDANCE WITH SECTION 24-75-201 (1),  
45 LESS THE FOUR PERCENT RESERVE REQUIRED BY SECTION 24-75-201.1 (1)  
46 (d) (III), AND LESS ANY GENERAL FUND REVENUES THAT ARE DESIGNATED  
47 AS STATE REVENUES IN EXCESS OF THE CONSTITUTIONAL LIMITATION ON  
48 STATE FISCAL YEAR SPENDING FOR THE IMMEDIATELY PRECEDING FISCAL  
49 YEAR, SHALL BE CREDITED AND ALLOCATED IN EQUAL SHARES TO:  
50

51 (a) THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201,  
52 C.R.S.; AND  
53

54 (b) THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION  
55 24-75-302.  
56

1           **SECTION 3.** 30-11-101 (1) (f), Colorado Revised Statutes, is  
2 amended, and the said 30-11-101 (1) is further amended BY THE  
3 ADDITION OF A NEW PARAGRAPH, to read:

4  
5           **30-11-101. Powers of counties.** (1) Each organized county  
6 within the state shall be a body corporate and politic, and as such shall be  
7 empowered for the following purposes:

8  
9           (f) To develop, maintain, and operate mass transportation systems,  
10 which power shall be vested either individually in the board of county  
11 commissioners or jointly with other political subdivisions or  
12 governmental entities formed pursuant to the provisions of part 2 of  
13 article 1 of title 29, C.R.S. Except ~~that~~ AS PROVIDED IN PARAGRAPH (j) OF  
14 THIS SUBSECTION (1), this provision shall not apply to any county or  
15 portion thereof encompassed by the regional transportation district as  
16 formed pursuant to the provisions of article 9 of title 32, C.R.S.  
17 Counties, by ordinance adopted, administered, and enforced in  
18 accordance with part 4 of article 15 of this title, shall have the authority:  
19 To fix, maintain, and revise passenger fees, rates, and charges, and terms  
20 and conditions for such systems; to prescribe the method of development,  
21 maintenance, and operation of such mass transportation systems; and to  
22 receive contributions, gifts, or other support from public and private  
23 entities to defray the operating costs of such systems.

24  
25           (j) FOR ANY COUNTY LOCATED IN WHOLE OR IN PART WITHIN THE  
26 BOUNDARIES OF THE REGIONAL TRANSPORTATION DISTRICT, TO PROVIDE  
27 TRANSIT SERVICES IN COOPERATION WITH AND PURSUANT TO AN  
28 AGREEMENT WITH THE BOARD OF DIRECTORS OF THE DISTRICT. FOR  
29 PURPOSES OF THIS PARAGRAPH (j), "COUNTY" MEANS ANY COUNTY OR CITY  
30 AND COUNTY.

31  
32           **SECTION 4.** 42-4-1012 (1) (d) (IV), Colorado Revised Statutes,  
33 is amended to read:

34  
35           **42-4-1012. High occupancy vehicle (HOV) and high occupancy**  
36 **toll (HOT) lanes.** (1) (d) The department shall develop and adopt  
37 functional specifications and standards for an automatic vehicle  
38 identification system for use on high occupancy vehicle lanes, high  
39 occupancy toll lanes, any public highway constructed and operated under  
40 the provisions of part 5 of article 4 of title 43, C.R.S., and any other street  
41 or highway where tolls or charges are imposed for the privilege of  
42 traveling upon such street or highway. The specifications and standards  
43 shall ensure that:

44  
45           (IV) There is compatibility between any automatic vehicle  
46 identification system in operation on August 4, 1999, and any automatic  
47 vehicle identification system designed and installed on and after said  
48 date; EXCEPT THAT THE OPERATOR OF AN AUTOMATIC VEHICLE  
49 IDENTIFICATION SYSTEM IN OPERATION ON AUGUST 4, 1999, MAY REPLACE  
50 SUCH SYSTEM WITH A DIFFERENT SYSTEM THAT IS NOT COMPATIBLE WITH  
51 THE SYSTEM IN OPERATION ON AUGUST 4, 1999, SUBJECT TO THE  
52 APPROVAL OF THE DEPARTMENT. AFTER THE DEPARTMENT APPROVES  
53 SUCH REPLACEMENT, THE SPECIFICATIONS AND STANDARDS DEVELOPED  
54 PURSUANT TO THIS PARAGRAPH (d) SHALL BE AMENDED TO REQUIRE  
55 COMPATIBILITY WITH THE REPLACEMENT SYSTEM.

56

1           **SECTION 5.** 43-1-103, Colorado Revised Statutes, is amended  
2 by THE ADDITION OF A NEW SUBSECTION to read:

3  
4           **43-1-103. Department created - executive director.** (5) THE  
5 DEPARTMENT OF TRANSPORTATION AND THE REGIONAL TRANSPORTATION  
6 DISTRICT SHALL COLLABORATE IN THE PLANNING AND DEVELOPMENT OF  
7 TRANSPORTATION CORRIDORS IN THE STATE WHERE APPLICABLE.

8  
9           **SECTION 6.** 43-3-202.5, Colorado Revised Statutes, is amended  
10 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to  
11 read:

12  
13           **43-3-202.5. Public-private initiatives - legislative declaration**  
14 **- nonprofit entities.** (5) THE DEPARTMENT OF TRANSPORTATION,  
15 PURSUANT TO SECTION 24-1-107.5, C.R.S., IS AUTHORIZED TO ESTABLISH,  
16 CREATE, AND APPROVE NONPROFIT ENTITIES AND BONDS ISSUED BY OR ON  
17 BEHALF OF SUCH NONPROFIT ENTITIES FOR THE PURPOSE OF FINANCING,  
18 CONSTRUCTING, OPERATING, OR MAINTAINING TOLL HIGHWAYS, TO ACCEPT  
19 THE ASSETS OF ANY SUCH NONPROFIT ENTITY, TO OBTAIN AN OPTION TO  
20 ACQUIRE THE ASSETS OF ANY SUCH NONPROFIT ENTITY BY PAYING SUCH  
21 BONDS, TO APPOINT OR APPROVE THE APPOINTMENT OF MEMBERS OF THE  
22 GOVERNING BOARD OF ANY SUCH NONPROFIT ENTITY, AND TO REMOVE THE  
23 MEMBERS OF THE GOVERNING BOARD OF ANY SUCH NONPROFIT ENTITY FOR  
24 CAUSE. ANY MONEYS THAT ARE DERIVED FROM OR ATTRIBUTABLE TO THE  
25 TOLL REVENUES OF A PARTICULAR TOLL HIGHWAY SHALL BE APPLIED TO  
26 AND EXPENDED IN THE CORRIDOR WHERE SUCH TOLL HIGHWAY IS  
27 LOCATED.

28  
29           (6) (a) FOR PURPOSES OF THIS SECTION, "TOLL HIGHWAY" MEANS  
30 A NEW HIGHWAY OR ADDITIONAL LANE CAPACITY ADDED TO AN EXISTING  
31 HIGHWAY THAT IS FINANCED, CONSTRUCTED, OPERATED, OR MAINTAINED  
32 PURSUANT TO THIS PART 8. A TOLL HIGHWAY MAY CONSIST OF  
33 IMPROVEMENTS, INCLUDING, BUT NOT LIMITED TO, PAVING, GRADING,  
34 LANDSCAPING, CURBS, GUTTERS, CULVERTS, SIDEWALKS, BIKEWAYS,  
35 LIGHTING, BRIDGES, OVERPASSES, UNDERPASSES, RAIL CROSSINGS,  
36 FRONTAGE ROADS, ACCESS ROADS, INTERCHANGES, DRAINAGE FACILITIES,  
37 SERVICE AREAS, ADMINISTRATIVE OR MAINTENANCE FACILITIES, GAS,  
38 ELECTRIC, WATER, SEWER, AND OTHER UTILITIES LOCATED OR TO BE  
39 LOCATED IN THE RIGHT-OF-WAY FOR A TOLL HIGHWAY, AND OTHER REAL  
40 OR PERSONAL PROPERTY, INCLUDING EASEMENTS, RIGHTS-OF-WAY, AND  
41 OTHER INTERESTS THEREIN RELATING TO THE FINANCING, CONSTRUCTION,  
42 OPERATION, AND MAINTENANCE OF A TOLL HIGHWAY.

43  
44           (b) NO PUBLIC OR PRIVATE ENTITY SHALL HAVE AUTHORITY TO  
45 TOLL PREVIOUSLY EXISTING HIGHWAY LANES.

46  
47           **SECTION 7.** 43-4-205, Colorado Revised Statutes, is amended  
48 BY THE ADDITION OF A NEW SUBSECTION to read:

49  
50           **43-4-205. Allocation of fund.** (6.6) THE REVENUES CREDITED TO  
51 THE HIGHWAY USERS TAX FUND PURSUANT TO SECTION 24-75-217 (1) (a),  
52 C.R.S., SHALL BE PAID TO THE STATE HIGHWAY FUND FOR ALLOCATION TO  
53 THE DEPARTMENT OF TRANSPORTATION AND SHALL BE EXPENDED FOR  
54 STATE HIGHWAY RECONSTRUCTION, REPAIR, MAINTENANCE, AND CAPITAL  
55 EXPANSION PROJECTS.

56



1 ENTERPRISE FOR THE PRIVILEGE OF USING ANY TOLL HIGHWAY, OR ANY  
2 PART THEREOF, BY VEHICULAR OR OTHER TRAFFIC.

3  
4 (10) "TOLL HIGHWAY" MEANS A NEW HIGHWAY OR ADDITIONAL  
5 LANE CAPACITY OR TRANSIT CAPACITY AND RELATED HIGHWAY OR  
6 TRANSIT IMPROVEMENTS, INCLUDING, BUT NOT LIMITED TO RAIL LINES AND  
7 OTHER TRANSIT FACILITIES AND VEHICLES TO BE USED TO INCREASE  
8 TRANSIT CAPACITY WITHIN A HIGHWAY CORRIDOR, ADDED TO AN EXISTING  
9 HIGHWAY OR HIGHWAY CORRIDOR THAT IS FINANCED, CONSTRUCTED,  
10 OPERATED, OR MAINTAINED PURSUANT TO THIS PART 8.

11  
12 (11) "TOLL REVENUES" MEANS THE REVENUES GENERATED BY A  
13 TOLL HIGHWAY CONSTRUCTED, OPERATED, OR MAINTAINED PURSUANT TO  
14 THIS PART 8.

15  
16 **43-4-803. Statewide tolling enterprise - creation by commission**  
17 **- enterprise status - transfer.** (1) THE COMMISSION MAY CREATE AND  
18 OPERATE A STATEWIDE TOLLING ENTERPRISE, WHICH SHALL OPERATE AS  
19 A GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT AND SHALL  
20 BE A DIVISION OF THE DEPARTMENT. THE COMMISSION SHALL SERVE AS  
21 THE BOARD OF THE ENTERPRISE, BUT SHALL, WITH THE CONSENT OF THE  
22 EXECUTIVE DIRECTOR, APPOINT A DIRECTOR OF THE ENTERPRISE WHO  
23 SHALL POSSESS QUALIFICATIONS AS MAY BE ESTABLISHED BY THE  
24 COMMISSION AND THE STATE PERSONNEL BOARD. THE DIRECTOR SHALL  
25 OVERSEE THE DISCHARGE OF ALL RESPONSIBILITIES OF THE ENTERPRISE  
26 AND SHALL SERVE AT THE PLEASURE OF THE COMMISSION.

27  
28 (2) (a) THE ENTERPRISE, AND THE COMMISSION WHEN ACTING IN  
29 ITS CAPACITY AS THE BOARD OF THE ENTERPRISE, SHALL CONSTITUTE AN  
30 ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE  
31 CONSTITUTION SO LONG AS THE ENTERPRISE RETAINS THE AUTHORITY TO  
32 ISSUE REVENUE BONDS AND RECEIVES LESS THAN TEN PERCENT OF ITS  
33 TOTAL ANNUAL REVENUES IN GRANTS, AS DEFINED IN SECTION 24-77-102  
34 (7), C.R.S., FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS  
35 COMBINED. SO LONG AS IT CONSTITUTES AN ENTERPRISE PURSUANT TO  
36 THIS SUBSECTION (2), THE ENTERPRISE, AND THE COMMISSION WHEN  
37 ACTING AS THE BOARD OF THE ENTERPRISE, SHALL NOT BE SUBJECT TO ANY  
38 PROVISIONS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

39  
40 (b) FOR PURPOSES OF PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S.,  
41 THE RECORDS OF THE ENTERPRISE SHALL BE PUBLIC RECORDS, AS DEFINED  
42 IN SECTION 24-72-202 (6), C.R.S., REGARDLESS OF WHETHER THE  
43 ENTERPRISE RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL ANNUAL  
44 REVENUES IN GRANTS, AS DEFINED IN SECTION 24-77-102 (7), C.R.S.,  
45 FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED.

46  
47 (3) THE ENTERPRISE, THE COMMISSION WHEN ACTING AS THE  
48 BOARD OF THE ENTERPRISE, AND THE DIRECTOR SHALL EXERCISE THEIR  
49 POWERS AND PERFORM THE DUTIES SPECIFIED IN THIS PART 8 UNDER THE  
50 DEPARTMENT AS IF THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY  
51 A **TYPE 1** TRANSFER, AS SUCH TRANSFER IS DEFINED IN THE  
52 "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24,  
53 C.R.S.

54  
55 (4) THE ENTERPRISE SHALL CONSTITUTE A PUBLIC ENTITY FOR  
56 PURPOSES OF PART 2 OF ARTICLE 57 OF TITLE 11, C.R.S.



1           **43-4-804. Statewide tolling enterprise special revenue fund -**  
2 **creation - separate highway accounts.** (1) A FUND TO BE KNOWN AS  
3 THE STATEWIDE TOLLING ENTERPRISE SPECIAL REVENUE FUND IS HEREBY  
4 CREATED IN THE STATE TREASURY. ALL TOLL REVENUES RECEIVED BY THE  
5 ENTERPRISE SHALL BE DEPOSITED INTO THE SPECIAL FUND. THE  
6 ENTERPRISE ALSO MAY DEPOSIT OR PERMIT OTHERS TO DEPOSIT OTHER  
7 MONEYS INTO THE SPECIAL FUND, BUT IN NO EVENT MAY REVENUES FROM  
8 ANY TAX OTHERWISE AVAILABLE FOR GENERAL PURPOSES BE DEPOSITED  
9 INTO THE SPECIAL FUND. THE COMMISSION MAY TRANSFER MONEYS FROM  
10 THE STATE HIGHWAY FUND CREATED BY SECTION 43-1-219 TO THE SPECIAL  
11 FUND FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE  
12 ENTERPRISE PRIOR TO THE RECEIPT OF BOND PROCEEDS OR TOLL REVENUES  
13 BY THE ENTERPRISE. WHEN THE ENTERPRISE RECEIVES SUFFICIENT BOND  
14 PROCEEDS OR TOLL REVENUES, THE ENTERPRISE SHALL REIMBURSE THE  
15 STATE HIGHWAY FUND FOR THE FULL AMOUNT OF ANY TRANSFER MADE BY  
16 THE COMMISSION PLUS INTEREST AT A RATE SET BY THE COMMISSION. THE  
17 STATE TREASURER, AFTER CONSULTING WITH THE COMMISSION IN ITS  
18 CAPACITY AS THE BOARD OF THE ENTERPRISE, SHALL INVEST ANY MONEYS  
19 IN THE SPECIAL FUND, INCLUDING ANY SURPLUS OR RESERVES, BUT  
20 EXCLUDING ANY PROCEEDS FROM THE SALE OF BONDS OR EARNINGS ON  
21 SUCH PROCEEDS INVESTED PURSUANT TO SECTION 43-4-808, THAT ARE NOT  
22 NEEDED FOR IMMEDIATE USE. SUCH MONEYS MAY BE INVESTED IN THE  
23 TYPES OF INVESTMENTS AUTHORIZED IN SECTIONS 24-36-109, 24-36-112,  
24 AND 24-36-113, C.R.S.

25  
26           (2) ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND  
27 INVESTMENT OF MONEYS IN THE SPECIAL FUND SHALL BE CREDITED TO THE  
28 SPECIAL FUND. MONEYS IN THE SPECIAL FUND SHALL BE CONTINUOUSLY  
29 APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSES SET FORTH IN THIS  
30 PART 8. ALL MONEYS DEPOSITED IN THE SPECIAL FUND SHALL REMAIN IN  
31 THE SPECIAL FUND FOR THE PURPOSES SET FORTH IN THIS PART 8 AND NO  
32 PART OF THE SPECIAL FUND SHALL BE USED FOR ANY OTHER PURPOSES.

33  
34           (3) THE ENTERPRISE MAY EXPEND MONEYS IN THE SPECIAL FUND  
35 TO PAY BONDS OF THE ENTERPRISE, TO FUND THE ADMINISTRATION,  
36 PLANNING, FINANCING, CONSTRUCTION, OPERATION, MAINTENANCE, OR  
37 REPAIR OF A TOLL HIGHWAY. THE ENTERPRISE MAY ALSO EXPEND MONEYS  
38 IN THE SPECIAL FUND TO PAY THE COSTS AND EXPENSES OF OPERATING THE  
39 ENTERPRISE. THE COMMISSION SHALL HAVE EXCLUSIVE AUTHORITY TO  
40 BUDGET AND APPROVE THE EXPENDITURE OF MONEYS IN THE SPECIAL  
41 FUND.

42  
43           (4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,  
44 THE TRANSPORTATION COMMISSION SHALL DESIGNATE A STATE TOLL  
45 HIGHWAY AND MONEYS IN THE SPECIAL FUND THAT ARE DERIVED FROM  
46 TOLLS SHALL ONLY BE EXPENDED TO FUND THE ADMINISTRATION,  
47 PLANNING, DESIGN, DEVELOPMENT, FINANCING, CONSTRUCTION,  
48 OPERATION, MAINTENANCE, OR REPAIR OF THE STATE TOLL HIGHWAY OR  
49 TO PAY BONDS OF THE ENTERPRISE THAT WERE ISSUED TO FINANCE THE  
50 STATE TOLL HIGHWAY. ONCE THE ENTERPRISE HAS PAID THE COSTS OF  
51 CONSTRUCTING THE STATE TOLL HIGHWAY, INCLUDING SUFFICIENT  
52 CONTINGENCIES, PAID ALL DEBT SERVICE ON ALL BONDS ISSUED TO  
53 FINANCE THE TOLL HIGHWAY, AND REIMBURSED THE STATE HIGHWAY  
54 FUND FOR THE AMOUNT OF ANY STATE HIGHWAY FUND MONEYS  
55 TRANSFERRED TO THE SPECIAL FUND PLUS INTEREST IN ACCORDANCE WITH  
56 SECTION 43-4-804, THE COMMISSION SHALL ADJUST TOLL RATES IN THE

1 CORRIDOR SO THAT THE AMOUNT OF TOLL REVENUES TO BE GENERATED IS  
2 AS CLOSE AS POSSIBLE TO THE AMOUNT REQUIRED FOR THE ONGOING  
3 OPERATION, MAINTENANCE, RENEWAL, AND REPLACEMENT OF THE TOLL  
4 HIGHWAY.

5

6 **43-4-805. Powers and duties of the commission when acting as**  
7 **the board of the enterprise - annual report.** (1) THE COMMISSION, IN  
8 ITS CAPACITY AS THE BOARD OF THE ENTERPRISE, HAS THE FOLLOWING  
9 POWERS AND DUTIES:

10

11 (a) TO ADVISE THE DIRECTOR;

12

13 (b) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND  
14 CONDUCT OF ITS BUSINESS;

15

16 (c) TO ISSUE REVENUE BONDS, PAYABLE SOLELY FROM THE SPECIAL  
17 FUND, FOR THE PURPOSES OF PAYING THE COST OF FINANCING,  
18 CONSTRUCTING, OPERATING, OR MAINTAINING A TOLL HIGHWAY;

19

20 (d) TO ESTABLISH AND, FROM TIME TO TIME, INCREASE OR  
21 DECREASE FEES, TOLLS, RATES, AND CHARGES FOR THE PRIVILEGE OF  
22 TRAVELING ON OR THE USE OF THE PROPERTY OF A TOLL HIGHWAY;

23

24 (e) TO CHARGE AND COLLECT FEES AND CHARGES FOR THE USE OF  
25 OTHER PROPERTY OF THE ENTERPRISE;

26

27 (f) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND  
28 PERSONAL PROPERTY AS NECESSARY IN THE EXERCISE OF ITS POWERS AND  
29 PERFORMANCE OF ITS DUTIES;

30

31 (g) TO ACQUIRE BY PURCHASE, GIFT, GRANT, OR BY  
32 CONDEMNATION, AS PROVIDED IN ARTICLE 1 OF TITLE 38, C.R.S., ANY AND  
33 ALL RIGHTS-OF-WAY, LANDS, BUILDINGS, MONEYS, OR GROUNDS  
34 NECESSARY OR CONVENIENT FOR ITS AUTHORIZED PURPOSES;

35

36 (h) TO MAKE AND ENTER INTO CONTRACTS OR AGREEMENTS WITH  
37 A PRIVATE ENTITY TO FACILITATE A PUBLIC-PRIVATE INITIATIVE PURSUANT  
38 TO SECTIONS 43-1-1203 AND 43-1-1204, INCLUDING, BUT NOT LIMITED TO:

39

40 (I) AN AGREEMENT PURSUANT TO WHICH THE PRIVATE ENTITY IS  
41 AUTHORIZED TO ESTABLISH, INCREASE, OR DECREASE AND TO CHARGE AND  
42 COLLECT TOLLS, RATES, AND CHARGES FOR THE PRIVILEGE OF TRAVELING  
43 ON ANY TOLL PROJECT, SUBJECT TO THE SUPERVISION AND APPROVAL OF  
44 THE ENTERPRISE UNDER THE TERMS OF ANY SUCH AGREEMENT, BUT  
45 OTHERWISE WITHOUT ANY SUPERVISION OR APPROVAL BY ANY OTHER  
46 BOARD, AGENCY, BUREAU, COMMISSION, OR OFFICIAL OF THE STATE;

47

48 (II) AN AGREEMENT PURSUANT TO WHICH THE ENTERPRISE OR THE  
49 ENTERPRISE ON BEHALF OF THE DEPARTMENT OPERATES, MAINTAINS, OR  
50 PROVIDES TOLL ENFORCEMENT SERVICES OR OTHER SERVICES OR  
51 PROPERTY IN CONNECTION WITH A TOLL PROJECT;

52

53 (III) AN AGREEMENT PURSUANT TO WHICH A PRIVATE ENTITY  
54 OPERATES ALL OR ANY PORTION OF A TOLL PROJECT ON BEHALF OF THE  
55 ENTERPRISE; AND

56

- 1 (IV) AN AGREEMENT PURSUANT TO WHICH THE ENTERPRISE OR THE  
2 ENTERPRISE ON BEHALF OF THE DEPARTMENT OPERATES, MAINTAINS, OR  
3 PROVIDES LAW ENFORCEMENT SERVICES, TOLL ENFORCEMENT SERVICES,  
4 OR OTHER SERVICES OR PROPERTY IN CONNECTION WITH A TOLL PROJECT;  
5
- 6 (i) TO MAKE AND TO ENTER INTO ALL OTHER CONTRACTS OR  
7 AGREEMENTS, INCLUDING INTERGOVERNMENTAL AGREEMENTS PURSUANT  
8 TO SECTION 29-1-203, C.R.S., THAT ARE NECESSARY OR INCIDENTAL TO  
9 THE EXERCISE OF ITS POWERS AND PERFORMANCE OF ITS DUTIES;  
10
- 11 (j) TO EMPLOY OR CONTRACT FOR THE SERVICES OF CONSULTING  
12 ENGINEERS OR OTHER EXPERTS AS ARE NECESSARY IN ITS JUDGMENT TO  
13 CARRY OUT ITS POWERS AND DUTIES;  
14
- 15 (k) TO PREPARE, OR CAUSE TO BE PREPARED, DETAILED PLANS,  
16 SPECIFICATIONS, OR ESTIMATES FOR THE FINANCING, CONSTRUCTION,  
17 RELOCATION, REPAIR, MAINTENANCE, OR OPERATION OF A TOLL HIGHWAY  
18 WITHIN THE STATE; EXCEPT THAT THE COMMISSION SHALL NOT HAVE THE  
19 POWER TO TOLL PREVIOUSLY EXISTING HIGHWAY LANES;  
20
- 21 (l) TO ACQUIRE, CONSTRUCT, RELOCATE, OPERATE, REGULATE, AND  
22 MAINTAIN A TOLL HIGHWAY THROUGH AND WITHIN THE STATE;  
23
- 24 (m) TO CONSTRUCT, MAINTAIN, AND OPERATE STATIONS FOR THE  
25 COLLECTION OF TOLLS ALONG A TOLL HIGHWAY;  
26
- 27 (n) TO SET AND ADOPT, ON AN ANNUAL BASIS, A BUDGET FOR THE  
28 ENTERPRISE;  
29
- 30 (o) TO PURCHASE, TRADE, EXCHANGE, ACQUIRE, BUY, SELL, LEASE,  
31 LEASE WITH AN OPTION TO PURCHASE, DISPOSE OF, OR ENCUMBER REAL OR  
32 PERSONAL PROPERTY OR ANY INTEREST THEREIN, INCLUDING EASEMENTS  
33 AND RIGHTS-OF-WAY, WITHOUT RESTRICTION OR LIMITATION;  
34
- 35 (p) TO ENTER INTO INTEREST RATE EXCHANGE AGREEMENTS FOR  
36 BONDS THAT HAVE BEEN ISSUED IN ACCORDANCE WITH ARTICLE 59.3 OF  
37 TITLE 11, C.R.S.;  
38
- 39 (q) PURSUANT TO SECTION 24-1-107.5, C.R.S., TO ESTABLISH,  
40 CREATE, AND APPROVE NONPROFIT ENTITIES AND BONDS ISSUED BY OR ON  
41 BEHALF OF SUCH NONPROFIT ENTITIES FOR THE PURPOSE OF FINANCING,  
42 CONSTRUCTING, OPERATING, OR MAINTAINING A TOLL HIGHWAY, TO  
43 ACCEPT THE ASSETS OF ANY SUCH NONPROFIT ENTITY, TO OBTAIN AN  
44 OPTION TO ACQUIRE THE ASSETS OF ANY SUCH NONPROFIT ENTITY BY  
45 PAYING SUCH BONDS, TO APPOINT OR APPROVE THE APPOINTMENT OF  
46 MEMBERS OF THE GOVERNING BOARD OF ANY SUCH NONPROFIT ENTITY,  
47 AND TO REMOVE THE MEMBERS OF THE GOVERNING BOARD OF ANY SUCH  
48 NONPROFIT ENTITY FOR CAUSE;  
49
- 50 (r) TO TRANSFER MONEY, PROPERTY, OR OTHER ASSETS OF THE  
51 ENTERPRISE TO THE DEPARTMENT; AND  
52
- 53 (s) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY  
54 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES  
55 GRANTED IN THIS SECTION.  
56

1 (2) THE ENTERPRISE SHALL ENSURE UNRESTRICTED ACCESS BY ALL  
2 VEHICLES TO ANY TOLL HIGHWAY AND SHALL NOT REQUIRE THAT A  
3 PARTICULAR CLASS OF VEHICLES TRAVEL UPON ANY TOLL HIGHWAY,  
4 INCLUDING A TOLL HIGHWAY THAT PROVIDES ADDITIONAL CAPACITY ON  
5 AN EXISTING HIGHWAY.

6  
7 (3) NO LATER THAN FEBRUARY 15, 2003, AND NO LATER THAN  
8 FEBRUARY 15 OF EACH YEAR THEREAFTER, THE COMMISSION SHALL  
9 PRESENT A REPORT TO THE TRANSPORTATION AND ENERGY COMMITTEE OF  
10 THE HOUSE OF REPRESENTATIVES AND THE GOVERNMENT, VETERANS AND  
11 MILITARY RELATIONS, AND TRANSPORTATION COMMITTEE OF THE SENATE  
12 THAT SHALL INCLUDE A SUMMARY OF THE ENTERPRISE'S ACTIVITIES FOR  
13 THE PREVIOUS YEAR, A STATEMENT OF CURRENT TOLL RATES AND ANY  
14 EXPECTED CHANGES, A SUMMARY OF THE STATUS OF ANY CURRENT TOLL  
15 PROJECTS, A STATEMENT OF THE ENTERPRISE'S REVENUES, EXPENSES OF  
16 THE ENTERPRISE, AND ANY RECOMMENDATIONS FOR STATUTORY CHANGES  
17 THAT THE COMMISSION DEEMS NECESSARY OR DESIRABLE. THE  
18 COMMITTEES SHALL REVIEW THE REPORT AND MAY RECOMMEND  
19 LEGISLATION. THE REPORT SHALL BE PUBLIC AND SHALL BE AVAILABLE ON  
20 THE WEBSITE OF THE DEPARTMENT ON OR BEFORE JANUARY 15 OF THE  
21 YEAR IN WHICH THE REPORT IS PRESENTED.

22  
23 **43-4-806. Bonds.** (1) THE ENTERPRISE MAY, FROM TIME TO TIME,  
24 ISSUE BONDS FOR ANY OF ITS CORPORATE PURPOSES. THE BONDS SHALL BE  
25 ISSUED PURSUANT TO RESOLUTION OF THE COMMISSION ACTING IN ITS  
26 CAPACITY AS THE BOARD OF THE ENTERPRISE AND SHALL BE PAYABLE  
27 SOLELY OUT OF ALL OR A SPECIFIED PORTION OF THE MONEYS IN THE  
28 SPECIAL FUND.

29  
30 (2) BONDS MAY BE EXECUTED AND DELIVERED BY THE ENTERPRISE  
31 AT SUCH TIMES, MAY BE IN SUCH FORM AND DENOMINATIONS AND INCLUDE  
32 SUCH TERMS AND MATURITIES, MAY BE SUBJECT TO OPTIONAL OR  
33 MANDATORY REDEMPTION PRIOR TO MATURITY WITH OR WITHOUT A  
34 PREMIUM, MAY BE IN FULLY REGISTERED FORM OR BEARER FORM  
35 REGISTRABLE AS TO PRINCIPAL OR INTEREST OR BOTH, MAY BEAR SUCH  
36 CONVERSION PRIVILEGES, MAY BE PAYABLE IN SUCH INSTALLMENTS AND  
37 AT SUCH TIMES NOT EXCEEDING FORTY-FIVE YEARS FROM THE DATE  
38 THEREOF, MAY BE PAYABLE AT SUCH PLACE OR PLACES WHETHER WITHIN  
39 OR WITHOUT THE STATE, MAY BEAR INTEREST AT SUCH RATE OR RATES PER  
40 ANNUM, WHICH MAY BE FIXED OR VARY ACCORDING TO INDEX,  
41 PROCEDURE, OR FORMULA OR AS DETERMINED BY THE ENTERPRISE OR ITS  
42 AGENTS, WITHOUT REGARD TO ANY INTEREST RATE LIMITATION APPEARING  
43 IN ANY OTHER LAW OF THE STATE, MAY BE SUBJECT TO PURCHASE AT THE  
44 OPTION OF THE HOLDER OR THE ENTERPRISE, MAY BE EVIDENCED IN SUCH  
45 MANNER, MAY BE EXECUTED BY SUCH OFFICERS OF THE ENTERPRISE,  
46 INCLUDING THE USE OF ONE OR MORE FACSIMILE SIGNATURES SO LONG AS  
47 AT LEAST ONE MANUAL SIGNATURE APPEARS ON THE BONDS, WHICH MAY  
48 BE EITHER OF AN OFFICER OF THE ENTERPRISE OR OF AN AGENT  
49 AUTHENTICATING THE SAME, MAY BE IN THE FORM OF COUPON BONDS THAT  
50 HAVE ATTACHED INTEREST COUPONS BEARING A MANUAL OR FACSIMILE  
51 SIGNATURE OF AN OFFICER OF THE ENTERPRISE, AND MAY CONTAIN SUCH  
52 PROVISIONS NOT INCONSISTENT WITH THIS PART 8 ALL AS PROVIDED IN THE  
53 RESOLUTION OF THE ENTERPRISE UNDER WHICH THE BONDS ARE  
54 AUTHORIZED TO BE ISSUED OR AS PROVIDED IN A TRUST INDENTURE  
55 BETWEEN THE ENTERPRISE AND ANY COMMERCIAL BANK OR TRUST  
56 COMPANY HAVING FULL TRUST POWERS.

1 (3) BONDS OF THE ENTERPRISE MAY BE SOLD AT PUBLIC OR  
2 PRIVATE SALE AT SUCH PRICE OR PRICES, IN SUCH MANNER, AND AT SUCH  
3 TIMES AS DETERMINED BY THE COMMISSION, AND THE COMMISSION MAY  
4 PAY ALL FEES, EXPENSES, AND COMMISSIONS THAT IT DEEMS NECESSARY  
5 OR ADVANTAGEOUS IN CONNECTION WITH THE SALE OF THE BONDS. THE  
6 POWER TO FIX THE DATE OF SALE OF THE BONDS, TO RECEIVE BIDS OR  
7 PROPOSALS, TO AWARD AND SELL BONDS, TO FIX INTEREST RATES, AND TO  
8 TAKE ALL OTHER ACTION NECESSARY TO SELL AND DELIVER THE BONDS  
9 MAY BE DELEGATED TO AN OFFICER OR AGENT OF THE ENTERPRISE. ANY  
10 OUTSTANDING BONDS MAY BE REFUNDED BY THE ENTERPRISE PURSUANT  
11 TO ARTICLE 56 OF TITLE 11, C.R.S. ALL BONDS AND ANY INTEREST  
12 COUPONS APPLICABLE THERETO ARE DECLARED TO BE NEGOTIABLE  
13 INSTRUMENTS.

14  
15 (4) THE RESOLUTION OR TRUST INDENTURE AUTHORIZING THE  
16 ISSUANCE OF THE BONDS MAY PLEDGE ALL OR A PORTION OF THE SPECIAL  
17 FUND, MAY CONTAIN SUCH PROVISIONS FOR PROTECTING AND ENFORCING  
18 THE RIGHTS AND REMEDIES OF HOLDERS OF ANY OF THE BONDS AS THE  
19 ENTERPRISE DEEMS APPROPRIATE, MAY SET FORTH THE RIGHTS AND  
20 REMEDIES OF THE HOLDERS OF ANY OF THE BONDS, AND MAY CONTAIN  
21 PROVISIONS THAT THE ENTERPRISE DEEMS APPROPRIATE FOR THE SECURITY  
22 OF THE HOLDERS OF THE BONDS, INCLUDING, BUT NOT LIMITED TO,  
23 PROVISIONS FOR LETTERS OF CREDIT, INSURANCE, STANDBY CREDIT  
24 AGREEMENTS, OR OTHER FORMS OF CREDIT ENSURING TIMELY PAYMENT OF  
25 THE BONDS, INCLUDING THE REDEMPTION PRICE OR THE PURCHASE PRICE.

26  
27 (5) ANY PLEDGE OF THE SPECIAL FUND OR OTHER PROPERTY MADE  
28 BY THE ENTERPRISE OR BY ANY PERSON OR GOVERNMENTAL UNIT WITH  
29 WHICH THE ENTERPRISE CONTRACTS SHALL BE VALID AND BINDING FROM  
30 THE TIME THE PLEDGE IS MADE. THE SPECIAL FUND OR OTHER PROPERTY  
31 SO PLEDGED SHALL IMMEDIATELY BE SUBJECT TO THE LIEN OF SUCH  
32 PLEDGE WITHOUT ANY PHYSICAL DELIVERY OR FURTHER ACT, AND THE  
33 LIEN OF SUCH PLEDGE SHALL BE VALID AND BINDING AGAINST ALL PARTIES  
34 HAVING CLAIMS OF ANY KIND IN TORT, CONTRACT, OR OTHERWISE AGAINST  
35 THE PLEDGING PARTY REGARDLESS OF WHETHER SUCH CLAIMING PARTY  
36 HAS NOTICE OF SUCH LIEN. THE INSTRUMENT BY WHICH THE PLEDGE IS  
37 CREATED NEED NOT BE RECORDED OR FILED.

38  
39 (6) NEITHER THE MEMBERS OF THE COMMISSION, EMPLOYEES OF  
40 THE ENTERPRISE, NOR ANY PERSON EXECUTING THE BONDS SHALL BE  
41 LIABLE PERSONALLY ON THE BONDS OR SUBJECT TO ANY PERSONAL  
42 LIABILITY OR ACCOUNTABILITY BY REASON OF THE ISSUANCE THEREOF.

43  
44 (7) THE ENTERPRISE MAY PURCHASE ITS BONDS OUT OF ANY  
45 AVAILABLE MONEYS AND MAY HOLD, PLEDGE, CANCEL, OR RESELL SUCH  
46 BONDS SUBJECT TO AND IN ACCORDANCE WITH AGREEMENTS WITH THE  
47 HOLDERS THEREOF.

48  
49 **43-4-807. Investments.** THE ENTERPRISE MAY INVEST OR DEPOSIT  
50 ANY PROCEEDS AND ANY INTEREST FROM THE SALE OF BONDS IN THE  
51 MANNER PROVIDED BY PART 6 OF ARTICLE 75 OF TITLE 24, C.R.S. IN  
52 ADDITION, THE ENTERPRISE MAY DIRECT A CORPORATE TRUSTEE THAT  
53 HOLDS SUCH PROCEEDS AND ANY INTEREST TO INVEST OR DEPOSIT SUCH  
54 PROCEEDS AND ANY INTEREST IN INVESTMENTS OR DEPOSITS OTHER THAN  
55 THOSE SPECIFIED BY SAID PART 6 IF THE COMMISSION DETERMINES, BY  
56 RESOLUTION, THAT SUCH INVESTMENT OR DEPOSIT MEETS THE STANDARD

1 ESTABLISHED IN SECTION 15-1-304, C.R.S., THE INCOME IS AT LEAST  
2 COMPARABLE TO INCOME AVAILABLE ON INVESTMENTS OR DEPOSITS  
3 SPECIFIED BY SAID PART 6, AND SUCH INVESTMENT WILL ASSIST THE  
4 ENTERPRISE IN THE FINANCING, CONSTRUCTION, MAINTENANCE, OR  
5 OPERATION OF A TOLL HIGHWAY.

6  
7 **43-4-808. Bonds eligible for investment.** ALL BANKS, TRUST  
8 COMPANIES, SAVINGS AND LOAN ASSOCIATIONS, INSURANCE COMPANIES,  
9 EXECUTORS, ADMINISTRATORS, GUARDIANS, TRUSTEES, AND OTHER  
10 FIDUCIARIES MAY LEGALLY INVEST ANY MONEYS WITHIN THEIR CONTROL  
11 IN ANY BONDS ISSUED UNDER THIS PART 8. PUBLIC ENTITIES, AS DEFINED  
12 IN SECTION 24-75-601 (1), C.R.S., MAY INVEST PUBLIC MONEYS IN SUCH  
13 BONDS ONLY IF SUCH BONDS SATISFY THE INVESTMENT REQUIREMENTS  
14 ESTABLISHED IN PART 6 OF ARTICLE 75 OF TITLE 24, C.R.S.

15  
16 **43-4-809. Exemption from taxation - securities laws.** THE  
17 INCOME OR OTHER REVENUES OF THE ENTERPRISE, ALL PROPERTIES AT ANY  
18 TIME OWNED BY THE ENTERPRISE, AND BONDS ISSUED BY THE ENTERPRISE,  
19 AND THE TRANSFER OF AND THE INCOME FROM ANY BONDS ISSUED BY THE  
20 ENTERPRISE SHALL BE EXEMPT FROM ALL TAXATION AND ASSESSMENTS IN  
21 THE STATE. IN THE RESOLUTION OR INDENTURE AUTHORIZING THE BONDS,  
22 THE ENTERPRISE MAY WAIVE THE EXEMPTION FROM FEDERAL INCOME  
23 TAXATION FOR INTEREST ON THE BONDS. BONDS ISSUED BY THE  
24 ENTERPRISE SHALL BE EXEMPT FROM THE PROVISIONS OF ARTICLE 51 OF  
25 TITLE 11, C.R.S.

26  
27 **43-4-810. Traffic laws - toll collection.** (1) THE TRAFFIC LAWS  
28 OF THIS STATE, AND THOSE OF ANY MUNICIPALITY THROUGH WHICH A TOLL  
29 HIGHWAY PASSES, AND THE ENTERPRISE'S REGULATIONS REGARDING TOLL  
30 COLLECTION AND ENFORCEMENT SHALL PERTAIN TO AND GOVERN THE USE  
31 OF ANY SUCH TOLL HIGHWAY. STATE AND LOCAL LAW ENFORCEMENT  
32 AUTHORITIES ARE AUTHORIZED TO ENTER INTO TRAFFIC AND TOLL  
33 ENFORCEMENT AGREEMENTS WITH THE ENTERPRISE. ANY MONEYS  
34 RECEIVED BY A STATE LAW ENFORCEMENT AUTHORITY PURSUANT TO SUCH  
35 TOLL ENFORCEMENT AGREEMENT SHALL BE SUBJECT TO ANNUAL  
36 APPROPRIATIONS BY THE GENERAL ASSEMBLY TO SUCH LAW ENFORCEMENT  
37 AUTHORITY FOR THE PURPOSE OF PERFORMING ITS DUTIES PURSUANT TO  
38 SUCH AGREEMENT.

39  
40 (2) THE ENTERPRISE MAY ADOPT, BY RESOLUTION OF THE  
41 COMMISSION, REGULATIONS PERTAINING TO THE ENFORCEMENT OF TOLL  
42 COLLECTION AND PROVIDING A CIVIL PENALTY FOR TOLL EVASION. THE  
43 CIVIL PENALTY ESTABLISHED BY THE ENTERPRISE FOR ANY TOLL EVASION  
44 SHALL BE NOT LESS THAN TEN DOLLARS NOR MORE THAN ONE HUNDRED  
45 DOLLARS IN ADDITION TO ANY COSTS IMPOSED BY A COURT. THE  
46 ENTERPRISE MAY USE STATE OF THE ART TECHNOLOGY, INCLUDING, BUT  
47 NOT LIMITED TO, AUTOMATIC VEHICLE IDENTIFICATION PHOTOGRAPHY, TO  
48 AID IN THE COLLECTION OF TOLLS AND ENFORCEMENT OF TOLL  
49 VIOLATIONS.

50  
51 (3) (a) ANY PERSON WHO EVADES A TOLL ESTABLISHED BY THE  
52 ENTERPRISE SHALL BE SUBJECT TO THE CIVIL PENALTY ESTABLISHED BY  
53 THE ENTERPRISE FOR TOLL EVASION. ANY PEACE OFFICER, LEVEL I, AS  
54 DEFINED IN SECTION 18-1-901 (3) (1) (I), C.R.S., SHALL HAVE THE  
55 AUTHORITY TO ISSUE CIVIL PENALTY ASSESSMENTS, OR MUNICIPAL  
56 SUMMONS AND COMPLAINTS IF AUTHORIZED PURSUANT TO A MUNICIPAL

1 ORDINANCE, FOR SUCH TOLL EVASION.  
2

3 (b) AT ANY TIME THAT A PERSON IS CITED FOR TOLL EVASION, THE  
4 PERSON OPERATING THE MOTOR VEHICLE INVOLVED SHALL BE GIVEN  
5 EITHER A NOTICE IN THE FORM OF A CIVIL PENALTY ASSESSMENT NOTICE OR  
6 A MUNICIPAL SUMMONS AND COMPLAINT.  
7

8 (c) IF A CIVIL PENALTY ASSESSMENT NOTICE IS ISSUED, SUCH  
9 NOTICE SHALL BE TENDERED BY A PEACE OFFICER, LEVEL I, AND SHALL  
10 CONTAIN THE NAME AND ADDRESS OF THE PERSON OPERATING THE MOTOR  
11 VEHICLE INVOLVED, THE LICENSE NUMBER OF THE MOTOR VEHICLE, SUCH  
12 PERSON'S DRIVER'S LICENSE NUMBER, THE NATURE OF THE VIOLATION, THE  
13 AMOUNT OF THE PENALTY PRESCRIBED FOR THE VIOLATION, THE DATE OF  
14 THE NOTICE, A PLACE FOR SUCH PERSON TO EXECUTE A SIGNED  
15 ACKNOWLEDGMENT OF SUCH PERSON'S RECEIPT OF THE CIVIL PENALTY  
16 ASSESSMENT NOTICE, A PLACE FOR SUCH PERSON TO EXECUTE A SIGNED  
17 ACKNOWLEDGMENT OF LIABILITY FOR THE CITED VIOLATION, AND SUCH  
18 OTHER INFORMATION AS MAY BE REQUIRED BY LAW TO CONSTITUTE THE  
19 NOTICE AS A COMPLAINT TO APPEAR IN COURT SHOULD THE PRESCRIBED  
20 PENALTY NOT BE PAID WITHIN TWENTY DAYS. EVERY CITED PERSON SHALL  
21 EXECUTE THE SIGNED ACKNOWLEDGMENT OF THE PERSON'S RECEIPT OF  
22 THE CIVIL PENALTY ASSESSMENT NOTICE.  
23

24 (d) THE ACKNOWLEDGMENT OF LIABILITY SHALL BE EXECUTED AT  
25 THE TIME THE CITED PERSON PAYS THE PRESCRIBED PENALTY. THE PERSON  
26 CITED SHALL PAY THE CIVIL PENALTY AUTHORIZED BY THE ENTERPRISE AT  
27 THE OFFICE OF THE ENTERPRISE EITHER IN PERSON OR BY POSTMARKING  
28 SUCH PAYMENT WITHIN TWENTY DAYS OF THE NOTICE. IF THE PERSON  
29 CITED DOES NOT PAY THE PRESCRIBED PENALTY WITHIN TWENTY DAYS OF  
30 THE NOTICE, THE CIVIL PENALTY ASSESSMENT NOTICE SHALL CONSTITUTE  
31 A COMPLAINT TO APPEAR IN COURT, AND THE PERSON CITED SHALL, WITHIN  
32 THE TIME SPECIFIED IN THE CIVIL PENALTY ASSESSMENT NOTICE, FILE AN  
33 ANSWER TO THIS COMPLAINT WITH THE COUNTY COURT FOR THE COUNTY  
34 IN WHICH THE CIVIL PENALTY ASSESSMENT WAS ISSUED.  
35

36 (e) IF A MUNICIPAL SUMMONS AND COMPLAINT IS ISSUED, THE  
37 ADJUDICATION OF THE VIOLATION SHALL BE CONDUCTED AND THE FORMAT  
38 OF THE SUMMONS AND COMPLAINT SHALL BE DETERMINED PURSUANT TO  
39 THE TERMS OF THE MUNICIPAL ORDINANCE AUTHORIZING ISSUANCE OF THE  
40 SUMMONS AND COMPLAINT. IN NO CASE SHALL THE PENALTY UPON  
41 CONVICTION FOR VIOLATION OF A MUNICIPAL ORDINANCE FOR TOLL  
42 EVASION EXCEED THE LIMIT ESTABLISHED IN SUBSECTION (2) OF THIS  
43 SECTION.  
44

45 (4) THE RESPECTIVE COURTS OF THE MUNICIPALITIES, COUNTIES,  
46 THE CITY AND COUNTY OF DENVER, AND THE CITY AND COUNTY OF  
47 BROOMFIELD HAVE JURISDICTION TO TRY ALL CASES ARISING UNDER  
48 MUNICIPAL ORDINANCES AND STATE LAWS GOVERNING THE USE OF A TOLL  
49 HIGHWAY AND ARISING UNDER THE TOLL EVASION CIVIL PENALTY  
50 REGULATIONS ENACTED BY THE ENTERPRISE. VENUE FOR SUCH CASES  
51 SHALL BE IN THE MUNICIPALITY, COUNTY, OR CITY AND COUNTY WHERE  
52 THE ALLEGED VIOLATION OF MUNICIPAL ORDINANCE, STATE LAW, OR  
53 REGULATION OF THE ENTERPRISE OCCURRED.  
54

55 (5) THE AGGREGATE AMOUNT OF PENALTIES, EXCLUSIVE OF COURT  
56 COSTS, COLLECTED AS A RESULT OF CIVIL PENALTIES IMPOSED PURSUANT

1 TO RESOLUTIONS ADOPTED AS AUTHORIZED IN SUBSECTION (2) OF THIS  
2 SECTION SHALL BE REMITTED TO THE ENTERPRISE, AND SHALL BE APPLIED  
3 BY THE ENTERPRISE TO DEFRAY THE COSTS AND EXPENSES OF ENFORCING  
4 THE LAWS OF THE STATE AND THE REGULATIONS OF THE ENTERPRISE. IF A  
5 MUNICIPAL SUMMONS OR COMPLAINT IS ISSUED, THE AGGREGATE PENALTY  
6 SHALL BE APPORTIONED PURSUANT TO THE TERMS OF ANY ENFORCEMENT  
7 AGREEMENT.

8  
9 (6) (a) IN ADDITION TO THE PENALTY ASSESSMENT PROCEDURE  
10 PROVIDED FOR IN SUBSECTION (3) OF THIS SECTION, WHERE AN INSTANCE  
11 OF TOLL EVASION IS EVIDENCED BY AUTOMATIC VEHICLE IDENTIFICATION  
12 PHOTOGRAPHY OR OTHER TECHNOLOGY NOT INVOLVING A PEACE OFFICER,  
13 A CIVIL PENALTY ASSESSMENT NOTICE MAY BE ISSUED AND SENT BY FIRST  
14 CLASS MAIL BY THE ENTERPRISE TO THE REGISTERED OWNER OF THE  
15 MOTOR VEHICLE INVOLVED. SUCH NOTICE SHALL CONTAIN THE NAME AND  
16 ADDRESS OF THE REGISTERED OWNER OF THE VEHICLE INVOLVED, THE  
17 LICENSE NUMBER OF THE VEHICLE INVOLVED, THE DATE OF THE NOTICE,  
18 THE TIME AND LOCATION OF THE VIOLATION, THE AMOUNT OF THE PENALTY  
19 PRESCRIBED FOR THE VIOLATION, A PLACE FOR SUCH PERSON TO EXECUTE  
20 A SIGNED ACKNOWLEDGMENT OF LIABILITY FOR THE CITED VIOLATION,  
21 AND SUCH OTHER INFORMATION AS MAY BE REQUIRED BY LAW TO  
22 CONSTITUTE THE NOTICE AS A COMPLAINT TO APPEAR IN COURT.

23  
24 (b) SHOULD THE PRESCRIBED PENALTY NOT BE PAID WITHIN  
25 TWENTY DAYS OF THE NOTICE, IN ORDER TO ENSURE THAT ADEQUATE  
26 NOTICE HAS BEEN GIVEN, THE ENTERPRISE SHALL SEND A SECOND PENALTY  
27 ASSESSMENT NOTICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED,  
28 CONTAINING THE SAME INFORMATION AS SET FORTH IN PARAGRAPH (a) OF  
29 THIS SUBSECTION (6). SUCH NOTICE SHALL SPECIFY THAT THE ALLEGED  
30 VIOLATOR MAY PAY THE SAME PENALTY ASSESSMENT AT ANY TIME PRIOR  
31 TO THE SCHEDULED HEARING.

32  
33 (c) THE PROVISIONS OF PARAGRAPH (d) OF SUBSECTION (3) OF THIS  
34 SECTION CONCERNING PAYMENT OF THE PRESCRIBED PENALTY, AND  
35 FAILURE TO PAY, SHALL APPLY TO PENALTY ASSESSMENT NOTICES MAILED  
36 BY THE ENTERPRISE PURSUANT TO THIS SUBSECTION (6).

37  
38 **43-4-811. Applicability of other laws.** (1) NOTWITHSTANDING  
39 ANY LAW TO THE CONTRARY, THE ENTERPRISE SHALL NOT BE SUBJECT TO  
40 THE PROVISIONS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF  
41 TITLE 24, C.R.S.

42  
43 (2) THE ENTERPRISE SHALL BE SUBJECT TO THE OPEN MEETINGS  
44 PROVISIONS OF THE COLORADO SUNSHINE LAW CONTAINED IN PART 4 OF  
45 ARTICLE 6 OF TITLE 24, C.R.S., AND THE OPEN RECORDS PROVISIONS OF  
46 ARTICLE 72 OF TITLE 24, C.R.S.

47  
48 (3) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE  
49 PROVISIONS OF PART 3 OF ARTICLE 3 OF THIS TITLE AND ARTICLE 45 OF  
50 TITLE 7, C.R.S., SHALL NOT APPLY TO ANY TOLL HIGHWAY THAT IS  
51 FINANCED, CONSTRUCTED, OPERATED, OR MAINTAINED PURSUANT TO THIS  
52 PART 8 OR TO ANY PUBLIC-PRIVATE INITIATIVE PURSUANT TO SECTION  
53 43-1-1203 OR 43-1-1204.

54  
55 (4) REVENUES OF THE ENTERPRISE SHALL NOT BE SUBJECT TO THE  
56 PROVISIONS OF SECTION 43-1-1205.



1 (5) A TOLL HIGHWAY FINANCED, CONSTRUCTED, OPERATED, OR  
2 MAINTAINED PURSUANT TO THIS PART 8 SHALL CONFORM TO AND BE AN  
3 APPROVED PART OF THE APPLICABLE REGIONAL TRANSPORTATION PLAN  
4 AND THE STATEWIDE TRANSPORTATION PLAN DEVELOPED PURSUANT TO  
5 SECTION 43-1-1103.

6  
7 **SECTION 9.** This act shall take effect upon passage; except that  
8 Section 39-26-123 (3) (b), Colorado Revised Statutes, contained in  
9 Section 1 of this act, shall take effect only if House Bill 02-1209 is  
10 enacted at the Second Regular Session of the Sixty-third general  
11 assembly.

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

16  
17  
18  
19 **SB02-134** be postponed indefinitely.

20  
21  
22 **SB02-162** be postponed indefinitely.

23  
24  
25  
26 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

27  
28 The Speaker has signed: **HB02-1250, 1258, 1348; SB02-114, 151, 182.**

29  
30  
31  
32 **INTRODUCTION OF BILL**  
33 **First Reading**

34  
35 The following bill was read by title and referred to the committee  
36 indicated:

37  
38 **SB02-089** by Senator(s) Phillips, Takis; also Representative(s) Jahn--  
39 Concerning disclosure of credit scoring information to  
40 consumers for consumer loans secured by a dwelling.  
41 Committee on Information & Technology

42  
43  
44  
45 On motion of Representative Witwer, the House resolved itself into  
46 Committee of the Whole for consideration of Special Orders and he was  
47 called to the Chair to act as Chairman.

48  
49  
50 **SPECIAL ORDERS--SECOND READING OF BILL**

51  
52 The Committee of the Whole having risen, the Chairman reported the title  
53 of the following bill had been read (reading at length had been dispensed  
54 with by unanimous consent), the bill considered and action taken thereon  
55 as follows:

56

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

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

7  
8 Laid over until 10:20 a.m., retaining place on Calendar.

9  
10 A motion by Representative Spradley that the Committee rise, report  
11 progress and beg leave to sit again at 10:20 a.m., was adopted by  
12 unanimous consent.

13 \_\_\_\_\_  
14  
15 House reconvened.

16  
17 The Committee of the Whole reported it had risen, reported progress and  
18 would sit again at 10:20 a.m.

19 \_\_\_\_\_  
20  
21 House in recess. House reconvened.

22 \_\_\_\_\_  
23  
24 On motion of Representative Witwer, the House resolved itself into  
25 Committee of the Whole for continuation of consideration of Special  
26 Orders, and he returned to the Chair to act as Chairman.

27 \_\_\_\_\_  
28  
29 **SPECIAL ORDERS--SECOND READING OF BILL**  
30 (Continued)

31  
32 **SB02-156** by Senator(s) Gordon; also Representative(s) Smith--  
33 Concerning the authorization of changes of absolute water  
34 rights for purposes of instream use.

35  
36 (Continued from page 1587.)

37  
38 Amendment No. 1, by Representative Spradley.

39  
40 Amend reengrossed bill, page 4, line 8, after "compact.", insert "NOTHING  
41 IN THIS SUBSECTION (3) SHALL IMPACT SECTION 37-60-121 (2.5).".

42  
43 As amended, ordered revised and placed on the Calendar for Third  
44 Reading and Final Passage.

45 \_\_\_\_\_  
46  
47  
48 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**

49  
50 Representative Paschall moved to amend the Report of the Committee of  
51 the Whole to show that the following Paschall amendment, to SB02-156,  
52 did pass, and that **SB02-156, as amended**, did pass.

53  
54 Amend reengrossed bill, page 3, line 23, strike "RIGHTS." and substitute  
55 "RIGHTS; EXCEPT THAT THE BOARD SHALL NOT USE THE GENERAL FUND  
56 FOR THE ACQUISITION OF WATER RIGHTS.".





**APPOINTMENTS**

1  
2  
3 Representative Grossman announced the following temporary change in  
4 committee assignments:

5  
6 For today only, Representative Coleman to replace Representative  
7 Sanchez on the Committee on State, Veterans, & Military Affairs

8  
9  
10  
11 House in recess. House reconvened.  
12  
13

**APPOINTMENTS TO CONFERENCE COMMITTEE**

14  
15  
16  
17 The Speaker appointed Representatives Williams T., Chairman, Dean and  
18 Miller as House conferees to the First Conference Committee on  
19 **HB02-1135**.

20  
21  
22  
23 On motion of Representative Spradley, **SB02-057, 054, HB02-1397,**  
24 **SB02-142, 188, 078, 109, HB02-1189** were made Special Orders on  
25 Thursday, April 25, 2002, at 3:08 p.m.

26  
27  
28  
29 The hour of 3:08 p.m., having arrived, on motion of Representative  
30 Saliman, the House resolved itself into Committee of the Whole for  
31 consideration of Special Orders and he was called to the Chair to act as  
32 Chairman.

**SPECIAL ORDERS--SECOND READING OF BILLS**

33  
34  
35  
36  
37 The Committee of the Whole having risen, the Chairman reported the  
38 titles of the following bills had been read (reading at length had been  
39 dispensed with by unanimous consent), the bills considered and action  
40 taken thereon as follows:

41  
42 (Amendments to the committee amendment are to the printed committee  
43 report which was printed and placed in the members' bill file.)

44  
45 **SB02-054** by Senator(s) Phillips; also Representative(s) Spence--  
46 Concerning sources of information for the master juror  
47 list.

48  
49 Ordered revised and placed on the Calendar for Third Reading and Final  
50 Passage.

51  
52 **HB02-1397** by Representative(s) Smith; also Senator(s) Thiebaut--  
53 Concerning the adoption of changes to article 9 of the  
54 "Uniform Commercial Code".  
55

1 Amendment No. 1, Information & Technology Report, dated April 15,  
2 2002, and placed in member's bill file; Report also printed in House  
3 Journal, April 17, pages 1401-1402.

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

7  
8 **SB02-142** by Senator(s) Lamborn; also Representative(s) Schultheis-  
9 -Concerning the elimination of obsolete provisions of law.

10  
11 Ordered revised and placed on the Calendar for Third Reading and Final  
12 Passage.

13  
14 **SB02-188** by Senator(s) Tate; also Representative(s) Spradley--  
15 Concerning a requirement that health benefit plans issue  
16 prescription cards containing uniform information.

17  
18 Ordered revised and placed on the Calendar for Third Reading and Final  
19 Passage.

20  
21 **SB02-078** by Senator(s) Hagedorn; also Representative(s) Fritz--  
22 Concerning genetic privacy.

23  
24 Amendment No. 1, Civil Justice & Judiciary Report, dated April 18,  
25 2002, and placed in member's bill file; Report also printed in House  
26 Journal, April 19, page 1468.

27  
28 Amendment No. 2, by Representative Fritz.

29  
30 Amend reengrossed bill, page 3, line 10, strike "FOR PURPOSES OF";  
31  
32 strike lines 11 and 12.

33  
34 As amended, ordered revised and placed on the Calendar for Third  
35 Reading and Final Passage.

36  
37 **SB02-109** by Senator(s) Pascoe, Arnold, Cairns, Hernandez; also  
38 Representative(s) King, Romanoff, Sanchez, Snook, Vigil-  
39 -Concerning the assessment of students whose dominant  
40 language is not English.

41  
42 Amendment No. 1, Education Report, dated April 15, 2002, and placed  
43 in member's bill file; Report also printed in House Journal, April 16,  
44 page 1343.

45  
46 Amendment No. 2, by Representative Williams S.

47  
48 Amend reengrossed bill, page 7, line 9, after "22-7-409", insert "(1.2) (a)  
49 (I),", and strike "(C)" and substitute "(C),";

50  
51 strike line 13, and substitute the following:

52  
53 **"22-7-409. Assessments - repeal.** (1.2) (a) (I) The assessments  
54 required by subsection (1) of this section shall be aligned with the model  
55 content standards adopted by the state board pursuant to section  
56 22-7-406. The assessments shall be conducted during the period

1 beginning the second Monday in March and ending on the third Monday  
2 in April of each year. The department shall provide to each public school  
3 results of all assessments administered AND ALIGN THE DISAGGREGATION  
4 OF THOSE RESULTS WITH THE EXCLUSION OF SCORES PERMITTED BY  
5 SUBPARAGRAPH (I) OF PARAGRAPH (d) OF THIS SUBSECTION (1.2).  
6 Beginning in 2003, for purposes of notifying local boards of education  
7 pursuant to section 22-7-609 (2), the department shall provide the results  
8 of the assessments of students enrolled in schools that received an  
9 academic performance rating of "unsatisfactory" on the school  
10 accountability report prepared for the immediately preceding academic  
11 year no later than May 1, 2003, and May 1 of each year thereafter. For  
12 reporting purposes only, results shall include diagnostic reporting for  
13 each student's performance on each assessment, including but not limited  
14 to content-based sub-test scores for several components of each of the  
15 standards assessed pursuant to this section.

16  
17 (d) (I) Every student".

18  
19 Amendment No. 3, by Representative Hefley.

20  
21 Amend reengrossed bill, page 8, line 6, after "ON", insert "EACH  
22 COMPONENT OF".

23  
24 As amended, ordered revised and placed on the Calendar for Third  
25 Reading and Final Passage.

26  
27 **HB02-1189** by Representative(s) Spradley; also Senator(s) Fitz-Gerald  
28 --Concerning the assignment to every salvage vehicle of a  
29 substitute vehicle identification number that clearly  
30 denotes the fact that the vehicle is a salvage vehicle.

31  
32 Amendment No. 1, Business Affairs & Labor Report, dated April 23,  
33 2002, and placed in member's bill file; Report also printed in House  
34 Journal, April 24, pages 1525-1526.

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

38  
39 **SB02-057** by Senator(s) Hagedorn; also Representative(s) Smith--  
40 Concerning a nonsubstantive recodification of statutes  
41 relating to the operation of motor vehicles by persons who  
42 have consumed chemical substances including alcohol.

43  
44 Amendment No. 1, Criminal Justice Report, dated February 28, 2002, and  
45 placed in member's bill file; Report also printed in House Journal,  
46 March 1, page 647.

47  
48 Amendment No. 2, Appropriations Report, dated April 16, 2002, and  
49 placed in member's bill file; Report also printed in House Journal,  
50 April 16, pages 1370-1371.

51  
52 Amendment No.3, by Representative Smith.

53  
54 Amend reengrossed bill, page 13, line 27, strike "42-4-138 (4) (b);" and  
55 substitute "42-2-138 (4) (b);".

56

1 Page 27, strike lines 15 through 19 and substitute the following:  
 2 ~~"a violation of paragraph (a) or (b) of subsection (1) or of paragraph (a)~~  
 3 ~~of subsection (2) of this section DUI, DWAI, OR DUI PER SE, which~~  
 4 ~~violation occurred on or after July 1, 2000, and within five years after the~~  
 5 ~~date of a previous violation for which there was a conviction under~~  
 6 ~~paragraph (a) or (b) of subsection (1) or paragraph (a) of subsection (2)~~  
 7 ~~of this section OF DUI, DWAI, OR DUI PER SE,".~~

8  
 9 Page 38, line 5, strike "42-4-1301 (7)," and substitute "42-4-1301(7);".

10  
 11 Page 43, after line 2, insert the following:

12  
 13 **"SECTION 7.** 42-2-132.5 (1) (a), Colorado Revised Statutes, is  
 14 amended to read:

15  
 16 **42-2-132.5. Mandatory and voluntary restricted licenses**  
 17 **following alcohol conviction - repeal.** (1) The following persons shall  
 18 be required to hold a restricted license pursuant to this section for at least  
 19 one year prior to being eligible to obtain any other driver's license issued  
 20 under this article:

21  
 22 (a) Any person who has been convicted on two or more occasions  
 23 of ~~an offense under section 42-4-1301 (1) (a) or (2) (a) DUI OR DUI PER~~  
 24 ~~SE, AS DEFINED IN SECTION 42-4-1300.3, which offenses were committed~~  
 25 ~~within a period of five years and one of the offenses occurred on or after~~  
 26 ~~July 1, 1999, and on or before June 30, 2000;".~~

27  
 28 Renumber succeeding sections accordingly.

29  
 30 As amended, ordered revised and placed on the Calendar for Third  
 31 Reading and Final Passage.

32  
 33  
 34 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

35  
 36 Passed Second Reading: **SB02-054, HB02-1397 amended, SB02-142,**  
 37 **188, 078 amended, 109 amended, HB02-1189 amended,**  
 38 **SB02-057 amended.**

39  
 40 The Chairman moved the adoption of the Committee of the Whole  
 41 Report. As shown by the following roll call vote, a majority of those  
 42 elected to the House voted in the affirmative, and the Report was  
 43 **adopted.**

44  
 45 YES 62            NO 0            EXCUSED 3            ABSENT 0

46

47 Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
48 Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
49 Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
50 Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
51 Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
52 Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
53 Chavez	E	Jahn	E	Rhodes	Y	Tochtrop	Y
54 Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
55 Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
56 Coleman	Y	Kester	Y	Saliman	Y	Webster	Y



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

---

## REPORTS OF COMMITTEES OF REFERENCE

### FINANCE

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

**HB02-1409** be referred to the Committee of the Whole with favorable recommendation.

### STATE, VETERANS, & MILITARY AFFAIRS

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

**HCR02-1008** be postponed indefinitely.

**HCR02-1009** be postponed indefinitely.

**HCR02-1011** be referred to the Committee of the Whole with favorable recommendation.

---

## FIRST REPORT OF FIRST CONFERENCE COMMITTEE on SB02-099

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 SB02-099, concerning the updating of statutory provisions regarding the state military forces, 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, page 2, line 3, strike "A NEW SUBSECTION" and substitute "THE FOLLOWING NEW SUBSECTIONS".

Page 3, after line 5, insert the following:

"(8) "TERRORIST" MEANS A PERSON WHO HAS ENGAGED IN, OR IS

1 SUSPECTED OF ENGAGING IN, ACTS OF TERRORISM, AS THAT TERM IS  
2 DEFINED IN 18 U.S.C. SEC. 3077 (1), AS AMENDED.";

3

4 line 9, strike "(1) and (7)," and substitute "(1), (2), and (7),";

5

6 line 17, after "saboteurs,", insert "TERRORISTS,".

7

8 Page 4, after line 2, insert the following:

9

10 "(2) Any military forces of another state who are in fresh pursuit  
11 of insurrectionists, saboteurs, TERRORISTS, enemies, or enemy forces may  
12 continue such pursuit into this state until the military or police forces of  
13 this state or the forces of the United States have had a reasonable  
14 opportunity to take up the pursuit or to apprehend or capture the persons  
15 pursued, and the pursuing forces may arrest or capture such persons  
16 within this state while in fresh pursuit. Any such persons who are  
17 captured or arrested by the military forces of such other state while in this  
18 state shall, without unnecessary delay, be surrendered to the military or  
19 police forces of this state to be dealt with according to law."

20

21 Page 12, after line 12, insert the following:

22

23 "(6) "TERRORIST" MEANS A PERSON WHO HAS ENGAGED IN, OR IS  
24 SUSPECTED OF ENGAGING IN, ACTS OF TERRORISM, AS THAT TERM IS  
25 DEFINED IN 18 U.S.C. SEC. 3077 (1), AS AMENDED."

26

27 Page 16, line 27, after "saboteurs,", insert "TERRORISTS,".

28

29 Page 17, after line 12, insert the following:

30

31 "**SECTION 24.** 28-4-109, Colorado Revised Statutes, is amended  
32 to read:

33

34 **28-4-109. Forces of other states - privilege.** Any military forces  
35 or organizations, units, or detachments thereof of another state who are  
36 in fresh pursuit of insurrectionists, saboteurs, TERRORISTS, enemies, or  
37 enemy forces may continue such pursuit into this state until the military  
38 or police forces of this state or the forces of the United States have had  
39 a reasonable opportunity to take up the pursuit or to apprehend or capture  
40 such persons within this state while in fresh pursuit. Any such person  
41 who is captured or arrested by the military forces of such other state  
42 while in this state, without unnecessary delay, shall be surrendered to the  
43 military or police forces of this state to be dealt with according to law.  
44 This section shall not be construed so as to make unlawful any arrest in  
45 this state which would otherwise be lawful, and nothing contained in this  
46 section shall be deemed to repeal any of the provisions of sections  
47 16-3-104 and 16-3-106, C.R.S."

48

49 Renumber succeeding sections accordingly.

50

51 Respectfully submitted,

52

Senate Committee:

53

Alice Nichol

54

Stephanie Takis

55

Lewis H. Entz

56

House Committee:

Lola Spradley

William Sinclair

Carl Miller

**MESSAGES FROM THE SENATE**

1  
2 Mr. Speaker:

3  
4 The Senate has adopted and transmits herewith: SJR02-038, 041.  
5  
6

7 The Senate has postponed indefinitely HB01-1112 and 1242. The bills  
8 are returned herewith.  
9

10 The Senate has passed on Third Reading and returns herewith  
11 HB02-1129  
12

13 The Senate has passed on Third Reading and transmitted to the Revisor  
14 of Statutes:  
15

16 SB02-208, amended as printed in Senate Journal, April 19, page 925;  
17 SB02-193, amended as printed in Senate Journal, April 24, pages  
18 966-967;

19 HB02-1101, amended as printed in Senate Journal, April 24, page 965,  
20 and April 25;

21 HB02-1180, amended as printed in Senate Journal, April 24, pages  
22 965-966;

23 HB02-1313, amended as printed in Senate Journal, April 23, pages  
24 949-950, and April 24, page 966.  
25

---

**MESSAGE FROM THE REVISOR**

26  
27  
28 We herewith transmit without comment, as amended, SB02-208, 193,  
29 HB02-1101, 1180, and 1313.  
30  
31  
32

---

**INTRODUCTION OF BILL**  
**First Reading**

33  
34  
35  
36  
37 The following bill was read by title and referred to the committee  
38 indicated:  
39

40  
41 **HB02-1459** by Representative(s) Grossman; also Senator(s) Owen--  
42 Concerning federal requirements for the performance of  
43 non-firearm-related criminal history record checks.  
44 Committee on Criminal Justice  
45

---

**INTRODUCTION OF RESOLUTIONS**

46  
47  
48 The following resolution was read by title and referred to the committee  
49 indicated:  
50

51  
52 **SJR02-038** by Senator(s) Pascoe; also Representative(s) Grossman--  
53 Concerning honoring William "Gully" Stanford for his  
54 contributions to the arts and education in Colorado.  
55 Committee on State, Veterans, & Military Affairs  
56

1 The following resolution was read by title and laid over one day under the  
2 rules:

3

4 **SJR02-041** by Senator(s) Evans, Hillman; also Representative(s)  
5 Harvey, Spence, Young--Concerning honoring top ranking  
6 high school seniors in Senate District 30.

7

8

9

10 House in recess. House reconvened.

11

12

13

14

## REPORTS OF COMMITTEES OF REFERENCE

15

### **CIVIL JUSTICE & JUDICIARY**

17 After consideration on the merits, the Committee recommends the  
18 following:

19

20 **SB02-177** be referred favorably to the Committee on Appropriations.

21

22

23

24

### **FINANCE**

26 After consideration on the merits, the Committee recommends the  
27 following:

28

29 **HB02-1454** be amended as follows, and as so amended, be referred to  
30 the Committee on Appropriations with favorable  
31 recommendation:

32

33 Amend printed bill, page 2, strike lines 7 through 13.

34

35 Renumber succeeding C.R.S. sections accordingly.

36

37 Page 3, strike lines 1 through 18;

38

39 line 25, strike "39-22-2303." and substitute "39-22-2302".

40

41 Page 4, line 2, strike "39-22-2302" and substitute "39-22-2301";

42

43 strike lines 14 through 18.

44

45 Page 5, line 17, strike "39-22-2303" and substitute "39-22-2302".

46

47

48

49

### **INFORMATION & TECHNOLOGY**

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

53

54 **HB02-1455** be amended as follows, and as so amended, be referred to  
55 the Committee on Appropriations with favorable  
56 recommendation:

1 Amend printed bill, page 2, line 15, strike "1982 and newer" and  
 2 substitute "~~1982 and newer~~".  
 3

4 Page 11, after line 1, insert the following:  
 5

6 **"SECTION 6.** 42-4-310 (5) (a), Colorado Revised Statutes, is  
 7 amended to read:  
 8

9 **42-4-310. Periodic emissions control inspection required.**  
 10 (5) (a) Notwithstanding any other provision of this section, any eligible  
 11 motor vehicle registered in a clean screen program county that complies  
 12 with the requirements of the clean screen program under the provisions  
 13 of sections 42-4-305 (12), 42-4-306 (23), and 42-4-307 (10.5) (a), by  
 14 passing the requirements of such program and applicable rules shall be  
 15 deemed to have complied with the inspection requirements of this section  
 16 for the applicable emissions inspection cycle. FOR PURPOSES OF THIS  
 17 SUBSECTION (5), "ELIGIBLE MOTOR VEHICLE" MEANS A MOTOR VEHICLE,  
 18 INCLUDING TRUCKS, FOR MODEL YEARS 1978 AND EARLIER HAVING A  
 19 GROSS VEHICLE WEIGHT RATING OF SIX THOUSAND POUNDS OR LESS AND  
 20 FOR MODEL YEARS 1979 AND NEWER HAVING A GROSS VEHICLE WEIGHT  
 21 RATING OF EIGHT THOUSAND FIVE HUNDRED POUNDS OR LESS."  
 22

23 Renumber succeeding sections accordingly.  
 24  
 25  
 26

### LAY OVER OF CALENDAR ITEMS

27  
 28  
 29 On motion of Representative Spradley, the following items on the  
 30 Calendar were laid over until April 26, retaining place on Calendar:  
 31

32 Consideration of General Orders--**SB02-064, HB02-1361, SB02-097,**  
 33 **059, 169, 175, 181, 012, HB02-1450.**

34 Consideration of Conference Committee Reports--**HB02-1019,**  
 35 **SB02-124.**

36 Consideration of Resolutions--**SJR02-008, HJR02-1037, 1032,**  
 37 **HR02-1010, SJR02-018, 028, 029, HJR02-1049, 1053, 1054, 1055,**  
 38 **HR02-1013, 1014, HJR02-1059, 1061, 1062, 1063, 1064, 1065, 1066,**  
 39 **1070, 1071, 1072, 1073, HR02-1016, HJR02-1074, 1075, SJR02-027,**  
 40 **HJR02-1041, 1058.**

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

42 Consideration of Senate Amendments--**HB02-1064, 1141, 1333, 1245,**  
 43 **1191, 1225, 1146, 1013, 1287, 1218, 1221, 1139, 1336, 1210, 1220,**  
 44 **1034, 1014, 1341, 1425, 1427, 1437, 1442, 1443, 1444, 1066, 1284,**  
 45 **1352, 1152, 1306, 1036, 1090, 1119, 1353, 1321, 1186, 1300.**  
 46  
 47

48 On motion of Representative Spradley, the House adjourned until  
 49 9:00 a.m., April 26, 2002.  
 50

Approved:

DOUG DEAN,  
 Speaker

51  
 52  
 53 Attest:

54  
 55 JUDITH RODRIGUE,  
 56 Chief Clerk