

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

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

1 Prayer by Spiritual Leader Terry Knight, Ute Mountain Ute Tribe.

2  
3 Pledge of Allegiance led by Representative Grossman.

4  
5 The Speaker called the House to order at 10:00 a.m.

6  
7 The roll was called with the following result:

8  
9 Present--62.

10 Excused--Representatives King, Mace, Spence--3.

11 Present after roll call--Representatives King, Mace, Spence.

12  
13 The Speaker declared a quorum present.

14  
15  
16 On motion of Representative Daniel, the reading of the journal of May 7,  
17 2002, was declared dispensed with and approved as corrected by the  
18 Chief Clerk.

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

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

25  
26  
27 On motion of Representative Spradley, consideration of **SB02-218, 210,**  
28 **221, 219** was laid over until later in the day.

29  
30 **HCR02-1011** by Representative(s) Young; also Senator(s) Andrews--  
31 Submitting to the registered electors of the state of  
32 Colorado an amendment to section 48 of article V of the  
33 constitution of the state of Colorado, concerning  
34 legislative reapportionment, and, in connection therewith,  
35 changing the number of members of the Colorado  
36 reapportionment commission from eleven to thirteen,  
37 granting authority to the legislative leadership of the  
38 general assembly to appoint twelve commission members  
39 whose appointees would then agree on a final commission  
40 member, and clarifying that the proceedings of the  
41 commission are subject to legal requirements governing  
42 public records and open meetings.

43  
44 Laid over until May 9. Resolution is deemed lost.

1 **SB02-203** by Senator(s) Hanna, Linkhart; also Representative(s)  
 2 Tochtrop--Concerning the rule-making authority of the  
 3 state board of nursing related to the nurse diversion  
 4 program.

5  
 6 The question being "Shall the bill pass?".  
 7 A roll call vote was taken. As shown by the following recorded vote, a  
 8 majority of those elected to the House voted in the affirmative and the bill  
 9 was declared **passed**.

10

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

30  
 31 Co-sponsors added: Representatives Borodkin, Boyd, Coleman, Groff, Marshall,  
 32 Ragsdale, Williams S.

33  
 34 **SB02-200** by Senator(s) Evans; also Representative(s) Williams T.--  
 35 Concerning probate matters.

36  
 37 The question being "Shall the bill pass?".  
 38 A roll call vote was taken. As shown by the following recorded vote, a  
 39 majority of those elected to the House voted in the affirmative and the bill  
 40 was declared **passed**.

41

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

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

5  
6  
7  
8 **SB02-152** by Senator(s) Evans; also Representative(s) Spence--  
9 Concerning programs to prepare persons for licensure as  
10 school principals.

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

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

34  
35  
36  
37 Co-sponsors added: Representatives Coleman, King, Ragsdale, Romanoff,  
38 Weddig, Williams S.

39  
40 **SB02-214** by Senator(s) Fitz-Gerald; also Representative(s) White--  
41 Concerning the relocation of existing provisions of the  
42 Colorado Revised Statutes governing the Moffat tunnel.

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

48	YES	65	NO	0	EXCUSED	0	ABSENT	0
49	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
50	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
51	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
52	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
53	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
54	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y

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

12  
13 Co-sponsors added: Representatives Hoppe, Madden, Plant, Saliman, Scott,  
14 Swenson.

15  
16 **SB02-220** by Senator(s) Teck; also Representative(s) Swenson--Con-  
17 cerning administration of the distribution of license plates.

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

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

23  
24 YES 65            NO 0            EXCUSED 0            ABSENT 0

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

43  
44 Co-sponsors added: Representatives Alexander, Borodkin, Cloer, Kester,  
45 Spradley, Stafford, Weddig, Williams S., Young.

46  
47 **SB02-231** by Senator(s) Owen; also Representative(s) Stengel, King  
48 --Concerning the administration of retirement plans by the  
49 state deferred compensation committee.

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

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

55

	YES 65	NO 0	EXCUSED 0	ABSENT 0				
1								
2								
3	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
4	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
5	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
6	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
7	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
8	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
9	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
10	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
11	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
12	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
13	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
14	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
15	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
16	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
17	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
18	Garcia	Y	Madden	Y	Snook	Y	Young	Y
19							Mr. Speaker	Y
20								

21  
22 **SB02-235** by Senator(s) Isgar; also Representative(s) Larson--  
23 Concerning the intergovernmental agreement between the  
24 Southern Ute Indian tribe and the state of Colorado on air  
25 quality control on the Southern Ute Indian reservation.  
26

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

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

	YES 65	NO 0	EXCUSED 0	ABSENT 0				
31								
32								
33								
34	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
35	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
36	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
37	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
38	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
39	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
40	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
41	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
42	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
43	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
44	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
45	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
46	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
47	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
48	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
49	Garcia	Y	Madden	Y	Snook	Y	Young	Y
50							Mr. Speaker	Y
51								

52 Co-sponsors added: Representatives Alexander, Borodkin, Boyd, Cloer,  
53 Coleman, Groff, Lawrence, Mace, Marshall, Ragsdale, Romanoff, Sanchez,  
54 Smith, Spradley, Stafford, Vigil, Williams S., Young.  
55

1 **SCR02-006** by Senator(s) Owen; also Representative(s) Williams T.--  
 2 Submitting to the registered electors of the state of  
 3 Colorado amendments to articles VI and XVIII, and XX of  
 4 the constitution of the state of Colorado, concerning the  
 5 repeal of certain obsolete provisions in the constitution of  
 6 the state of Colorado.

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

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

31  
 32  
 33  
 34 **Third Reading amendment No. 1**, by Representative Williams T.

35  
 36 Amend revised concurrent resolution, page 13, after line 9, insert the  
 37 following:

38  
 39 "Section 3 (1) (a), (1) (c), (1) (d), and (1) (e) of article XXVII of  
 40 the constitution of the state of Colorado are repealed as follows:

41  
 42 **Section 3. Moneys allocated to Trust Fund.** (1) (a) For each  
 43 quarter through the fourth quarter of the State's Fiscal Year 1997-1998:

44  
 45 (I) to the Conservation Trust Fund and the Division of Parks and  
 46 Outdoor Recreation in the amounts allocable thereto under statute as  
 47 amended through January 1, 1992;

48  
 49 (II) to the State's Capital Construction Fund for payment of debt  
 50 service due from and including September 1, 1993, to and including  
 51 November 30, 1998, on the obligations described in Subsection (1)(c) of  
 52 this Section 3, but only to the extent such debt service is due during such  
 53 period according to the terms of the documents originating such  
 54 obligations, and only if such debt service has not been prepaid or other  
 55 moneys have not been dedicated or set aside for such debt service  
 56 payments as of January 1, 1992, or thereafter; provided, however, that

1 such obligations may be refunded and debt service from and including  
2 September 1, 1993, or the date of such refunding, if later, on any such  
3 refunding obligation shall be payable from Net Proceeds, even if payable  
4 after November 30, 1998, to the extent the debt service on such refunding  
5 obligation does not exceed the total amount of debt service payable on the  
6 applicable refunded obligation from and including September 1, 1993, or  
7 from the date of such refunding, if later, to and including November 30,  
8 1998, according to the terms of the documents originating the applicable  
9 refunded obligation; and

10  
11 (III) ~~The State Treasurer shall deposit all remaining Net Proceeds,~~  
12 ~~if any, in trust for the Board of the Trust Fund.~~

13  
14 (c) (I) ~~The people intend that debt service on the following~~  
15 ~~obligations shall continue to be payable from Lottery Program Net~~  
16 ~~Proceeds to the extent allowed in Section 3(1)(a) above:~~

17  
18 (A) ~~State of Colorado Certificates of Deposit (1979); Wheat~~  
19 ~~Ridge, Colorado Project, in the original principal amount of \$6,895,000~~  
20 ~~(Issue A); Pueblo, Colorado Project, in the original principal amount of~~  
21 ~~\$5,320,000 (Issue B); Grand Junction, Colorado Project in the original~~  
22 ~~principal amount of \$4,735,000 (Issue C);~~

23  
24 (B) ~~Original principal amount of \$36,495,000 Colorado Health~~  
25 ~~Facilities Authority Certificates of Deposit (1986) (Youth Services;~~  
26 ~~Developmental Disabilities Projects);~~

27  
28 (C) ~~Original principal amount of \$36,000,000 Colorado~~  
29 ~~Convention Center Contract with the City and County of Denver (1987);~~

30  
31 (D) ~~Original principal amount of \$63,025,000 State of Colorado~~  
32 ~~Certificates of Deposit (1988) Master Lease Purchase Agreement~~  
33 ~~(Correctional Facilities Project);~~

34  
35 (E) ~~Original principal amount of \$66,894,861.85 State of~~  
36 ~~Colorado Certificates of Deposit (1989) Master Lease Purchase~~  
37 ~~Agreement (Various Projects); and~~

38  
39 (F) ~~Original principal amount of \$28,635,000 State of Colorado~~  
40 ~~Certificates of Deposit (1990) Master Lease Purchase Agreement~~  
41 ~~(Additional Projects);~~

42  
43 (H) ~~Except to the extent allowed in Section 3(1)(a) above for~~  
44 ~~refunding obligations, debt service on obligations originated on or after~~  
45 ~~January 1, 1992, shall not be payable from Net Proceeds.~~

46  
47 (d) ~~Notwithstanding the provisions of Section 3(1)(a) above, the~~  
48 ~~Board of the Trust Fund in its sole discretion may authorize payment of~~  
49 ~~Net Proceeds for additional amounts of interest above the amounts~~  
50 ~~authorized by Section 3(1)(a) for the refunding of any of the obligations~~  
51 ~~listed above in Section 3(1)(c).~~

52  
53 (e) ~~Nothing in this Section 3 shall prohibit the General Assembly~~  
54 ~~from appropriating additional amounts from sources other than Net~~  
55 ~~Proceeds or the Trust Fund for payment of the obligations listed above in~~  
56 ~~Section 3(1)(c)(I) if Net Proceeds set aside, allocated, allotted, and~~

1 ~~continuously appropriated for such purpose by this Article are less than~~  
 2 ~~amounts needed for debt service on such obligations. Debt service~~  
 3 ~~payable prior to September 1, 1993, according to the terms of the~~  
 4 ~~documents originating such obligations shall not be paid from Net~~  
 5 ~~Proceeds allocated pursuant to this Article.";~~  
 6

7 line 13, strike "AND XX" and substitute "XX, AND XXVII".  
 8

9 Page 1, line 102, strike "AND XX" and substitute "XX, AND XXVII".  
 10

11

12

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

14

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

33

34

35

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

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

40

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



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

5 Co-sponsors added: Representatives Bacon, Berry, Boyd, Coleman, Daniel,  
 6 Garcia, Mace, Smith, Spradley, Stengel, Tapia, Weddig, Young.  
 7

8 **SB02-233** by Senator(s) Reeves, Tate, Owen; also Representative(s)  
 9 Berry, Young, Saliman--Concerning a clarification that for  
 10 the purposes of determining and maintaining compen-  
 11 sation for state troopers employed by the Colorado state  
 12 patrol the nonsalary elements of such troopers' total  
 13 compensation shall be the same as for all other state  
 14 employees.  
 15

16 The question being "Shall the bill pass?".  
 17 A roll call vote was taken. As shown by the following recorded vote, a  
 18 majority of those elected to the House voted in the affirmative and the bill  
 19 was declared **passed**.  
 20

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

40 Co-sponsors added: Representatives Larson, Spence.  
 41

42 **SB02-180** by Senator(s) Phillips; also Representative(s) Spradley--  
 43 Concerning the use of renewable energy sources, and, in  
 44 connection therewith, requiring providers of electric  
 45 service to comply with an electric resource standard for  
 46 renewable energy, authorizing the Colorado public utilities  
 47 commission to impose administrative fines against  
 48 noncomplying providers under certain circumstances,  
 49 providing an exemption from the standard in specified  
 50 circumstances, and specifying reporting requirements  
 51 relating to the standard, and making an appropriation  
 52 therefor.  
 53

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

	YES 65	NO 0	EXCUSED 0	ABSENT 0				
1								
2								
3	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
4	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
5	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
6	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
7	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
8	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
9	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
10	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
11	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
12	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
13	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
14	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
15	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
16	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
17	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
18	Garcia	Y	Madden	Y	Snook	Y	Young	Y
19							Mr. Speaker	Y
20								

21  
22 **Third Reading amendment No. 1**, by Representative Spradley.

23  
24 Amend revised bill, page 3, line 17, strike "STATE," and insert "STATE";  
25  
26 line 25, after "THAN" insert "A".  
27

28 Page 5, line 27, after "ENERGY.", insert "THE ELECTRIC RESOURCE  
29 STANDARD SHALL NOT REQUIRE THE PROVIDER OF ELECTRIC SERVICE TO  
30 INCUR AN UNREASONABLE COST, AS DETERMINED BY THE COMMISSION, TO  
31 TRANSMIT THE RENEWABLE ENERGY TO THE PROVIDER'S RETAIL  
32 CUSTOMERS. NOTHING IN THIS ARTICLE SHALL REQUIRE THE PROVIDER OF  
33 ELECTRIC SERVICE TO CONSTRUCT OR ACQUIRE RENEWABLE ENERGY  
34 CAPACITY THAT WOULD CREATE SURPLUS CAPACITY ON THE PROVIDER'S  
35 SYSTEM AS DETERMINED BY THE COMMISSION."  
36

37 Page 8, line 3, strike "**contracts.**" and substitute "**cost recovery.**";

38  
39 line 9, after "CONTRACT.", add "THE PROVIDER OF ELECTRIC SERVICE  
40 SHALL BE ENTITLED TO FULL RECOVERY OF ITS PRUDENTLY INCURRED  
41 COSTS OF CONSTRUCTING AND OPERATING ITS OWN RENEWABLE ENERGY  
42 SYSTEMS AS DETERMINED BY THE COMMISSION."  
43

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

	YES 65	NO 0	EXCUSED 0	ABSENT 0				
46								
47								
48	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
49	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
50	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
51	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
52	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
53	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
54	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
55	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
56	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y

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

---

10

11

12 As shown by the following roll call vote, a majority of all members  
 13 elected to the House voted in the affirmative, and Representative Mitchell  
 14 was given permission to offer a Third Reading amendment:

15

16	<u>YES</u>	<u>39</u>	<u>NO</u>	<u>26</u>	<u>EXCUSED</u>	<u>0</u>	<u>ABSENT</u>	<u>0</u>
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17

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

---

35

36

37 **Third Reading amendment No. 2**, by Representative Mitchell.

38

39 Amend revised bill, page 7, strike lines 8 through 16 and substitute the  
 40 following:

41

42 "PROVIDER SHALL NOTIFY THE COMMISSION. IF A PROVIDER GIVES SUCH  
 43 NOTIFICATION, THE COMMISSION SHALL EXEMPT THE PROVIDER, FOR THAT  
 44 CALENDAR YEAR, FROM THE REMAINING REQUIREMENTS OF ITS ELECTRIC  
 45 RESOURCE STANDARD OR FROM ANY APPROPRIATE PORTION THEREOF, AS  
 46 DETERMINED BY THE COMMISSION. THE COMMISSION SHALL NOT GRANT  
 47 THE EXEMPTION IF IT CONCLUDES, UPON A SHOWING OF CLEAR AND  
 48 CONVINCING EVIDENCE, THAT THE PROVIDER'S BELIEF IS ERRONEOUS."

49

50 The amendment was declared **lost** by the following roll call vote:

51

52	<u>YES</u>	<u>25</u>	<u>NO</u>	<u>40</u>	<u>EXCUSED</u>	<u>0</u>	<u>ABSENT</u>	<u>0</u>
----	------------	-----------	-----------	-----------	----------------	----------	---------------	----------

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53	Alexander	N	Groff	N	Marshall	N	Spence	N
54	Bacon	N	Grossman	N	Miller	Y	Spradley	N
55	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
56	Borodkin	N	Hefley	Y	Paschall	Y	Stengel	Y

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

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

21	YES	44	NO	21	EXCUSED	0	ABSENT	0
23	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
24	Bacon	Y	Grossman	Y	Miller	N	Spradley	Y
25	Berry	Y	Harvey	Y	Mitchell	N	Stafford	N
26	Borodkin	Y	Hefley	N	Paschall	N	Stengel	N
27	Boyd	Y	Hodge	Y	Plant	Y	Swenson	N
28	Cadman	N	Hoppe	Y	Ragsdale	Y	Tapia	Y
29	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
30	Clapp	N	Jameson	Y	Rippy	Y	Veiga	Y
31	Cloer	N	Johnson	N	Romanoff	Y	Vigil	Y
32	Coleman	Y	Kester	Y	Saliman	Y	Webster	N
33	Crane	N	King	N	Sanchez	Y	Weddig	Y
34	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
35	Decker	N	Lawrence	Y	Scott	Y	Williams S.	Y
36	Fairbank	Y	Lee	N	Sinclair	Y	Williams T.	Y
37	Fritz	N	Mace	Y	Smith	N	Witwer	N
38	Garcia	Y	Madden	Y	Snook	Y	Young	N
39							Mr. Speaker	N

40  
41 Co-sponsors added: Representatives Bacon, Borodkin, Boyd, Chavez, Groff,  
42 Grossman, Jameson, Mace, Madden, Plant, Romanoff, Scott, Tapia, Tochtrop,  
43 Veiga, Weddig, Williams S.

#### 44 45 46 **IMMEDIATE RECONSIDERATION OF SB02-180**

47  
48 Having voted on the prevailing side, Representative Spradley moved for  
49 immediate reconsideration of **SB02-180**. As shown by the following  
50 recorded vote less than a majority of those elected to the House voted in  
51 the affirmative and the motion was declared **lost**:

53	YES	22	NO	43	EXCUSED	0	ABSENT	0
54	Alexander	N	Groff	N	Marshall	N	Spence	N
55	Bacon	N	Grossman	N	Miller	N	Spradley	N
56	Berry	N	Harvey	Y	Mitchell	Y	Stafford	Y

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

17 **SB02-229** by Senator(s) Matsunaka; also Representative(s) Rippy--  
 18 Concerning publication procedures related to rule-making  
 19 by state agencies, and making an appropriation in  
 20 connection therewith.

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

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

25 YES 42            NO 23            EXCUSED 0            ABSENT 0

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

46  
 47 Co-sponsors added: Representatives Alexander, Cadman, Cloer, Decker,  
 48 Fairbank, Fritz, Kester, King, Lawrence, Lee, Miller, Scott, Smith, Snook,  
 49 Spence, Spradley, Stafford, Stengel, Swenson, Tochtrop, White, Young,  
 50 Mr. Speaker.

51  
 52 **SB02-050** by Senator(s) Gordon; also Representative(s) Decker--  
 53 Concerning a prohibition on the possession of certain  
 54 substances used to manufacture controlled substances, and  
 55 making an appropriation in connection therewith.

56

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

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

26 Co-sponsors added: Representatives Borodkin, Boyd, Coleman, Groff, Hefley,  
 27 Lawrence, Marshall, Ragsdale, Romanoff, Sanchez.

29 **SB02-190** by Senator(s) Phillips, Anderson, Fitz-Gerald, Gordon,  
 30 Hernandez, Hillman, Matsunaka, Musgrave, Nichol,  
 31 Takis, Tate, Taylor, Teck, Tupa; also Representative(s)  
 32 Hoppe, Boyd, Cloer, Daniel, Fairbank, Garcia, Kester,  
 33 Lawrence, Miller, Rippy, Scott, Smith, Snook, Spence,  
 34 Tapia, Veiga, White--Concerning expansion of the  
 35 stationary source voluntary emission reduction program,  
 36 and, in connection therewith, providing for additional  
 37 flexibility and cost recovery incentives.

39 As shown by the following roll call vote, a majority of all members  
 40 elected to the House voted in the affirmative, and Representative Hoppe  
 41 was given permission to offer a Third Reading amendment:

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

1	Decker	N	Lawrence	Y	Scott	Y	Williams S.	Y
2	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
3	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
4	Garcia	Y	Madden	Y	Snook	Y	Young	Y
5							Mr. Speaker	Y

6

7

8

9 **Third Reading amendment No. 1**, by Representative Hoppe.

10

11 Amend corrected revised bill, page 7, line 27, strike "UTILITY." and  
 12 substitute "UTILITY, AS LONG AS THE RECOVERY OF THESE COSTS FROM  
 13 AGRICULTURAL CUSTOMERS IS DETERMINED IN ACCORDANCE WITH  
 14 PARAGRAPH (e) OF THIS SUBSECTION (3).".

15

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

17

18 "(e) AS PART OF ITS APPLICATION FOR COST RECOVERY UNDER THIS  
 19 SUBSECTION (3) FOR AIR QUALITY IMPROVEMENT COSTS RESULTING FROM  
 20 VOLUNTARY AGREEMENTS ENTERED INTO ON OR AFTER JULY 1, 2002, THE  
 21 PUBLIC UTILITY SHALL PRESENT A STUDY TO THE COMMISSION OF THE RATE  
 22 EFFECT THAT RECOVERY OF THESE COSTS WILL HAVE ON AGRICULTURAL  
 23 CUSTOMERS. THE COMMISSION SHALL HOLD A SEPARATE HEARING TO  
 24 CONSIDER THE ISSUES RAISED BY THE REPORT. THE PUBLIC UTILITY SHALL  
 25 REIMBURSE THE COMMISSION FOR ITS EXPENSES ASSOCIATED WITH SUCH  
 26 HEARING. THE COMMISSION SHALL DETERMINE TO WHAT EXTENT ELIGIBLE  
 27 AGRICULTURAL CUSTOMERS SHOULD BE EXEMPTED FROM PAYING ALL OR  
 28 PART OF THE AIR QUALITY IMPROVEMENT COSTS RESULTING FROM  
 29 VOLUNTARY AGREEMENTS ENTERED INTO ON OR AFTER JULY 1, 2002.".

30

31

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

33

34 YES 47            NO 18            EXCUSED 0            ABSENT 0

35

36	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
37	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
38	Berry	Y	Harvey	N	Mitchell	N	Stafford	Y
39	Borodkin	Y	Hefley	N	Paschall	N	Stengel	Y
40	Boyd	Y	Hodge	N	Plant	Y	Swenson	Y
41	Cadman	N	Hoppe	Y	Ragsdale	N	Tapia	Y
42	Chavez	Y	Jahn	Y	Rhodes	N	Tochtrop	Y
43	Clapp	N	Jameson	Y	Rippy	Y	Veiga	Y
44	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
45	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
46	Crane	N	King	N	Sanchez	Y	Weddig	N
47	Daniel	Y	Larson	Y	Schultheis	N	White	Y
48	Decker	N	Lawrence	Y	Scott	Y	Williams S.	Y
49	Fairbank	Y	Lee	N	Sinclair	Y	Williams T.	Y
50	Fritz	Y	Mace	N	Smith	Y	Witwer	N
51	Garcia	Y	Madden	Y	Snook	Y	Young	Y
52							Mr. Speaker	N

53

54

55 As amended, laid over until later in the day, retaining place on Calendar.

56

1 **SB02-217** by Senator(s) Hagedorn, Owen; also Representative(s)  
 2 Spradley, Veiga--Concerning modifications to health care  
 3 systems in Colorado to improve the delivery of health care  
 4 services to Coloradans.  
 5

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

	YES 64	NO 1	EXCUSED 0	ABSENT 0				
13	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
14	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
15	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
16	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
17	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
18	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
19	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
20	Clapp	Y	Jameson	N	Rippy	Y	Veiga	Y
21	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
22	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
23	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
24	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
25	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
26	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
27	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
28	Garcia	Y	Madden	Y	Snook	Y	Young	Y
29							Mr. Speaker	Y

30  
 31 Co-sponsors added: Representatives Crane, Hoppe, Paschall, Romanoff,  
 32 Sanchez, Stafford, Weddig.

33  
 34 **SB02-230** by Senator(s) Windels; also Representative(s) Mitchell--  
 35 Concerning the designation of the county in which  
 36 specified actions related to the activities of a public trustee  
 37 may occur.  
 38

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

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



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

7  
8  
9

10

## 11 CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILL

12

13 **HB02-1461** by Representative(s) King; also Senator(s) Gordon--  
14 Concerning the types of policies that must be offered by a  
15 motor vehicle insurer in Colorado.

16

17 (Amended as printed in Senate Journal, May 6, pages 1190.)

18

19 Representative King moved that the House **adhere** to its position. A  
20 substitute motion by Representative Spradley that the House **not concur**  
21 in Senate amendments and that a Conference Committee be appointed was  
22 declared **passed** by the following roll call vote:

23

24 YES 62            NO 3            EXCUSED 0            ABSENT 0

25

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

43

44 The Speaker appointed Representatives Spradley, Chairman, Williams T.  
45 and Williams S. as House conferees to the bill.

46

47

48

49

## 50 CONSIDERATION OF RESOLUTIONS

51

52 **HJR02-1059** by Representative(s) Clapp; also Senator(s) Andrews--  
53 Concerning honoring former governor of Colorado  
54 Ralph L. Carr.

55

56 (Printed and placed in member's file; also printed in House Journal,  
April 17, pages 1403-1405.)

1 On motion of Representative Clapp, the resolution was **adopted** by **viva**  
2 **voce** vote.

3  
4 Co-sponsors added: Representatives Bacon, Coleman, Daniel, Decker, Fairbank,  
5 Garcia, Grossman, Hefley, Hoppe, Jameson, Johnson, King, Larson, Lee, Mace,  
6 Madden, Plant, Ragsdale, Romanoff, Saliman, Scott, Spence, Spradley,  
7 Tochtrop, Veiga, White, Young, Mr. Speaker.

8  
9 **HJR02-1077** by Representative(s) Spradley, Dean, Grossman; also  
10 Senator(s) Thiebaut, Matsunaka, Andrews--Concerning  
11 the retention of officers and employees of the Second  
12 Regular Session of the Sixty-third General Assembly.

13  
14 (Printed and placed in member's file; also printed in House Journal,  
15 May 2, page 1801.)

16  
17 On motion of Representative Spradley, the resolution was **adopted** by  
18 **viva voce** vote.

19  
20 Co-sponsors added: Representatives Hoppe, Mace, Marshall, Plant, Vigil,  
21 Williams S., Young.

22  
23 **HJR02-1078** by Representative(s) Spradley, Dean, Grossman; also  
24 Senator(s) Thiebaut, Matsunaka, Andrews--Concerning  
25 the appointment of a joint committee to notify the  
26 governor that the Second Regular Session of the Sixty-  
27 third General Assembly is about to adjourn sine die.

28  
29 (Printed and placed in member's file; also printed in House Journal,  
30 May 2, page 1802.)

31  
32 On motion of Representative Spradley, the resolution was **adopted** by  
33 **viva voce** vote.

34  
35 The Speaker appointed Representatives Paschall, Swenson, Chavez  
36 pursuant to the resolution.

37  
38  
39 **HR02-1013** by Representative(s) Cloer--Concerning recognition of the  
40 215<sup>th</sup> anniversary of the United States Constitution.

41  
42 (Printed and placed in member's file; also printed in House Journal,  
43 April 16, pages 1375-1376.)

44  
45 On motion of Representative Cloer, the resolution was **adopted** by the  
46 following roll call vote:

47  
48 YES 54            NO 7            EXCUSED 0            ABSENT 4

49								
50	Alexander	Y	Groff	N	Marshall	N	Spence	Y
51	Bacon	Y	Grossman	N	Miller	Y	Spradley	Y
52	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
53	Borodkin	Y	Hefley	Y	Paschall	-	Stengel	Y
54	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
55	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
56	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y

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

11  
12 Co-sponsors added: Representatives Johnson, Schultheis, Smith, Mr. Speaker.

13  
14 **HJR02-1075** by Representative(s) Spradley--Concerning the improve-  
15 ment of the federal income tax code.

16  
17 (Printed and placed in member's file; also printed in House Journal,  
18 April 19, pages 1473-1475.)

19  
20 Laid over until later in the day, retaining place on Calendar.

21  
22 **SJR02-038** by Senator(s) Pascoe; also Representative(s) Grossman--  
23 Concerning honoring William "Gully" Stanford for his  
24 contributions to the arts and education in Colorado.

25  
26 (Printed and placed in member's file.)

27  
28 On motion of Representative Grossman, the resolution was **adopted** by  
29 **viva voce** vote.

30  
31 Co-sponsors added: Representatives Bacon, Cloer, Coleman, Daniel, Garcia,  
32 Groff, Hodge, Jahn, Larson, Lawrence, Madden, Marshall, Miller, Plant,  
33 Ragsdale, Rippy, Romanoff, Saliman, Sanchez, Tochtrop, Veiga, Vigil, Weddig.

34  
35 **SJR02-025** by Senator(s) Thiebaut; also Representative(s) Tapia--  
36 Concerning Police Week and Peace Officers' Memorial  
37 Day.

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

40  
41 On motion of Representative Tapia, the resolution was **adopted** by the  
42 following roll call vote:

43  
44 YES 62            NO 0            EXCUSED 0            ABSENT 3

45								
46	Alexander	-	Groff	Y	Marshall	Y	Spence	Y
47	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
48	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
49	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	-
50	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
51	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
52	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
53	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
54	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
55	Coleman	Y	Kester	Y	Saliman	Y	Webster	-
56	Crane	Y	King	Y	Sanchez	Y	Weddig	Y

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

7  
8 Co-sponsors added: Representatives Boyd, Cadman, Cloer, Coleman, Crane,  
9 Decker, Garcia, Hodge, Jahn, Johnson, Kester, Larson, Lawrence, Mace,  
10 Madden, Miller, Mitchell, Plant, Ragsdale, Romanoff, Saliman, Smith, Spradley,  
11 Stafford, Tochtrop, Veiga, Vigil, Weddig, Williams S., Mr. Speaker.

12  
13 **SJR02-046** by Senator(s) Hernandez; also Representative(s) Mace,  
14 Tapia--Concerning the celebration of Cinco de Mayo.

15  
16 (Printed and placed in member's file.)

17  
18 On motion of Representative Mace, the resolution was **adopted** by the  
19 following roll call vote:

21	YES 63	NO 1	EXCUSED 1	ABSENT 0				
22	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
23	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
24	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
25	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
26	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
27	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
28	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
29	Clapp	Y	Jameson	Y	Rippy	E	Veiga	Y
30	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
31	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
32	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
33	Daniel	Y	Larson	Y	Schultheis	N	White	Y
34	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
35	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
36	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
37	Garcia	Y	Madden	Y	Snook	Y	Young	Y
38							Mr. Speaker	Y

39  
40 Co-sponsors added: Representatives Alexander, Cloer, Coleman, Garcia, Groff,  
41 Grossman, Hoppe, Jahn, Larson, Marshall, Miller, Ragsdale, Romanoff,  
42 Sanchez, Smith, Stafford, Tochtrop, Veiga, Vigil, Mr. Speaker.

43  
44 **SJR02-006** by Senator(s) Taylor; also Representative(s) White, Rippy  
45 --Concerning the honoring of Colorado's 2002 Olympic  
46 Winter Games athletes.

47  
48 (Printed and placed in member's file.)

49  
50 On motion of Representative White, the resolution was **adopted** by **viva**  
51 **voce** vote.

52  
53 Co-sponsors added: Representatives Bacon, Boyd, Cadman, Chavez, Cloer,  
54 Coleman, Crane, Daniel, Decker, Fritz, Groff, Harvey, Hodge, Jahn, Jameson,  
55 Johnson, Mace, Madden, Marshall, Miller, Plant, Romanoff, Saliman, Smith,  
56 Spradley, Stafford, Tochtrop, Williams S., Mr. Speaker.

1 **SJR02-026** by Senator(s) Entz, Phillips, Teck; also Representative(s)  
 2 Borodkin, Bacon, Daniel, Garcia, Hodge, Hoppe, Jahn,  
 3 Madden, Marshall, Rippy, Stengel, Tapia, Veiga, Weddig  
 4 --Concerning honoring general aviation in Colorado and  
 5 Aircraft Owners and Pilots Association President Phil  
 6 Boyer for their contributions to Colorado's economy and  
 7 their success in restoring the "freedom to fly" in America.  
 8

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

10  
 11 On motion of Representative Borodkin, the resolution was **adopted** by  
 12 **viva voce** vote.

13  
 14 Co-sponsors added: Representatives Boyd, Cadman, Chavez, Cloer, Coleman,  
 15 Fritz, Groff, Larson, Mace, Miller, Ragsdale, Romanoff, Sanchez, Sinclair,  
 16 Smith, Stafford, Tochtrop, Williams S.  
 17

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### 20 **CONSIDERATION OF MEMORIAL**

21  
 22 **SJM02-001** by Senator(s) Thiebaut; also Representative(s) Tapia--  
 23 Memorializing Congress to demand the return of the USS  
 24 Pueblo to the United States Navy.  
 25

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

27  
 28 Representative Tapia moved the following amendment:  
 29 Amendment No. 1, State, Veterans, & Military Affairs Report, dated  
 30 April 30, 2002, and placed in member's bill file; Report also printed in  
 31 House Journal, April 30, page 1662.  
 32

33 The amendment was declared **passed** by **viva voce** vote.

34  
 35 On motion of Representative Tapia, the memorial as amended was  
 36 **adopted** by **viva voce** vote.  
 37

38 Co-sponsors added: Representatives Alexander, Borodkin, Boyd, Chavez,  
 39 Clapp, Cloer, Coleman, Crane, Daniel, Decker, Fritz, Garcia, Groff, Grossman,  
 40 Harvey, Hefley, Hodge, Hoppe, Jahn, Jameson, Johnson, Kester, Lawrence,  
 41 Mace, Madden, Marshall, Miller, Mitchell, Paschall, Ragsdale, Rhodes,  
 42 Romanoff, Sanchez, Scott, Sinclair, Smith, Snook, Spradley, Stafford, Stengel,  
 43 Swenson, Tochtrop, Veiga, Vigil, Webster, Weddig, Williams S., Williams T.,  
 44 Witwer, Young, Mr. Speaker.  
 45

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### 48 **REPORT OF COMMITTEE OF REFERENCE**

#### 50 **APPROPRIATIONS**

51 After consideration on the merits, the Committee recommends the  
 52 following:  
 53

54 **SB02-058** The Committee returns herewith and reports that said bill  
 55 has been considered on its merits and voted upon by the  
 56 Committee, and that final action has not been taken by this

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Committee. Said bill cannot be passed within the time remaining in the current legislative session; therefore, said bill is deemed to be postponed indefinitely.

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**SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

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

---

**DELIVERY OF BILL TO GOVERNOR**

The Chief Clerk of the House of Representatives reports the following bill has been delivered to the Office of the Governor: **HB02-1064** at 10:35 a.m. on May 8, 2002

---

**MESSAGES FROM THE SENATE**

Mr. Speaker:

The Senate failed to pass HB02-1298 on Second Reading. The bill is returned herewith.

---

The Senate granted permission to members of the First Conference Committee on HB02-1349 to consider matters not at issue between the two houses.

---

The Senate has passed on Third Reading and returns herewith HB02-1472, 1473, 1474, 1475, 1477, 1478.

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

HB02-1471, amended as printed in Senate Journal, May 7.

---

**MESSAGE FROM THE REVISOR**

We herewith transmit without comment, as amended, HB02-1471.

---

House in recess. House reconvened.

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1       **CONSIDERATION OF CONFERENCE COMMITTEE REPORTS**

2  
3       **SB02-032** by Senator(s) Teck; also Representative(s) Berry--  
4       Concerning the extension of the period that a portion of  
5       municipal taxes may be allocated to a special fund to pay  
6       indebtedness related to a downtown development  
7       authority.

8  
9       (Conference Committee Report printed in House Journal, May 3, pages  
10      1826-1827.)

11  
12      On motion of Representative Berry, the Conference Committee Report  
13      was **adopted** by the following roll call vote:

14  
15      YES 61           NO 0           EXCUSED 4           ABSENT 0

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

34  
35  
36      The question being "Shall the bill, as amended, pass?".  
37      A roll call vote was taken. As shown by the following recorded vote, a  
38      majority of those elected to the House voted in the affirmative and the  
39      bill, as amended, was declared **repassed**.

40  
41      YES 61           NO 0           EXCUSED 3           ABSENT 1

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

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

4  
5 Co-sponsor added: Representative Jameson.

6  
7 **HB02-1135** by Representative(s) Williams T., Cloer, Coleman, Daniel,  
8 Decker, Garcia, Hodge, Kester, King, Larson, Ragsdale,  
9 Snook, Spence, Spradley, Tochtrop; also Senator(s)  
10 Windels, Anderson, Entz, Hanna, May--Concerning the  
11 Colorado compensation insurance authority.

12  
13 (Conference Committee Report printed in House Journal, May 3,  
14 page 1824.)

15  
16 On motion of Representative Williams T., the Conference Committee  
17 Report was **adopted** by the following roll call vote:

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

38  
39  
40 The question being "Shall the bill, as amended, pass?".  
41 A roll call vote was taken. As shown by the following recorded vote, a  
42 majority of those elected to the House voted in the affirmative and the  
43 bill, as amended, was declared **repassed**.

44								
45	<u>YES</u>	57	<u>NO</u>	7	<u>EXCUSED</u>	1	<u>ABSENT</u>	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	N	Stafford	Y
50	Borodkin	Y	Hefley	Y	Paschall	N	Stengel	Y
51	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
52	Cadman	N	Hoppe	Y	Ragsdale	Y	Tapia	Y
53	Chavez	Y	Jahn	Y	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	E	Sanchez	Y	Weddig	Y
2	Daniel	Y	Larson	Y	Schultheis	N	White	Y
3	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
4	Fairbank	Y	Lee	N	Sinclair	Y	Williams T.	Y
5	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
6	Garcia	Y	Madden	Y	Snook	Y	Young	N
7							Mr. Speaker	N

8  
9  
10 **SB02-019** by Senator(s) Lamborn; also Representative(s) Grossman--  
11 Concerning DNA testing of all felons.

12  
13 (Conference Committee Report printed in House Journal, May 7, pages  
14 1918-1919.)

15  
16 On motion of Representative Grossman, the Conference Committee  
17 Report was **adopted** by the following roll call vote:

18	YES	64	NO	0	EXCUSED	1	ABSENT	0
19	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
20	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
21	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
22	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
23	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
24	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
25	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
26	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
27	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
28	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
29	Crane	Y	King	E	Sanchez	Y	Weddig	Y
30	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
31	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
32	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
33	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
34	Garcia	Y	Madden	Y	Snook	Y	Young	Y
35							Mr. Speaker	Y

36  
37  
38  
39  
40 The question being "Shall the bill, as amended, pass?".  
41 A roll call vote was taken. As shown by the following recorded vote, a  
42 majority of those elected to the House voted in the affirmative and the  
43 bill, as amended, was declared **repassed**.

44	YES	64	NO	0	EXCUSED	1	ABSENT	0
45	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
46	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
47	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
48	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
49	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
50	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
51	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
52	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
53	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
54	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y

1	Crane	Y	King	E	Sanchez	Y	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

9 Co-sponsors added: Representatives Borodkin, Hoppe, Lawrence, Mace,  
10 Marshall, Ragsdale, Spence, Stafford, Swenson, Tochtrop, Vigil, Weddig.

11  
12 **SB02-049** by Senator(s) Gordon; also Representative(s) Mitchell--  
13 Concerning limits on access to court records in domestic  
14 relations actions filed pursuant to title 14, Colorado  
15 Revised Statutes.

16  
17 (Conference Committee Report printed in House Journal, May 7, pages  
18 1949-1950.)

19  
20 On motion of Representative Mitchell, the Conference Committee Report  
21 was **adopted** by the following roll call vote:

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

40  
41  
42  
43  
44 The question being "Shall the bill, as amended, pass?".

45 A roll call vote was taken. As shown by the following recorded vote, a  
46 majority of those elected to the House voted in the affirmative and the  
47 bill, as amended, was declared **repassed**.

48	YES	55	NO	8	EXCUSED	2	ABSENT	0
49	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
50	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
51	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
52	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	N
53	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
54	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y

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

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### HOUSE RECEDES ON HB02-1179

17  
18  
19 **HB02-1179** by Representative(s) Garcia, Groff, Weddig; also Sena-  
20 tor(s) Anderson--Concerning requirements applicable to a  
21 candidate for elective office under the "Fair Campaign  
22 Practices Act".  
23

24 (Amended as printed in Senate Journal, March 22, page 554.)  
25

26 Representative Garcia moved that the House recede from its position,  
27 discharge the Conference Committee and **concur** in Senate amendments.  
28 The motion was declared **passed** by the following roll call vote:  
29

30	YES	62	NO	1	EXCUSED	2	ABSENT	0
31								
32	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
33	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
34	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
35	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
36	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
37	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
38	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
39	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
40	Cloer	Y	Johnson	Y	Romanoff	N	Vigil	Y
41	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
42	Crane	Y	King	E	Sanchez	Y	Weddig	Y
43	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
44	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
45	Fairbank	E	Lee	Y	Sinclair	Y	Williams T.	Y
46	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
47	Garcia	Y	Madden	Y	Snook	Y	Young	Y
48							Mr. Speaker	Y

---

50  
51 The question being, "Shall the bill, as amended, pass?".  
52 A roll call vote was taken. As shown by the following recorded vote, a  
53 majority of those elected to the House voted in the affirmative, and the  
54 bill, as amended, was declared **repassed**.  
55

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

### ADHERENCE ON HB02-1186

**HB02-1186** by Representative(s) Plant, Hodge, Johnson, Snook, Alexander, Jameson, Tochtrop; also Senator(s) Isgar-- Concerning the state certification of organic producers pursuant to the federal "Organic Foods Production Act

(Amended as printed in Senate Journal, April 22, page 945.)

Representative Plant moved that the House **adhere** to its position on HB02-1186 and that the Conference Committee be discharged. The motion was **passed** by the following roll call vote:

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

1 House in recess. House reconvened.

2

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**MESSAGES FROM THE SENATE**

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Mr. Speaker:

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The Senate has passed on Third Reading and returns herewith  
HB02-1450, 1447, 1297, 1319.

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

HB02-1259, amended as printed in Senate Journal, May 7, pages  
1202-1203, and May 8;

HB02-1403, amended as printed in Senate Journal, May 7, page 1229;

HB02-1038, amended as printed in Senate Journal, May 7, page 1214;

HB02-1415, amended as printed in Senate Journal, May 7, page 1213.

---

The Senate has postponed indefinitely HB02-1410. The bill is returned  
herewith.

The Senate has voted to dissolve the First Conference Committee on  
SB02-065 and to adhere to its position. The Senate requests return of the  
bill.

---

1 The Senate has adopted and returns herewith: HJR02-1051.

2

3 The Senate has adopted and transmits herewith: SJM02-002.

4

5

6 The President appointed Senators Linkhart, Chm., Hanna and Owens as  
7 members of the First Conference Committee on HB02-1295.

8

9

10 The Senate has adopted and transmits herewith: SJR02-023 and  
11 SJR02-040.

12

13 The Senate has adopted and transmits herewith: SJR02-044, amended as  
14 printed in Senate Journal, May 8.

15

16 The Senate has adopted and returns herewith: HJR02-1038, HJR02-1065,  
17 HJR02-1041

18

19 The Senate voted to concur in House amendments to SJR02-008 and  
20 repassed the resolution as amended.

21

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

24

25 HB02-1468, amended as printed in Senate Journal, May 7.

26

27

28 The Senate voted to concur in House amendments to SB02-010,  
29 SB02-018, SB02-087, SB02-086, SB02-071, SB02-057, SB02-078,  
30 SB02-196, SB02-097, SB02-059, SB02-016, SB02-027, SB02-094,  
31 SB02-159, SB02-089 and repassed the bills as amended.

32

33

34

### 35 **MESSAGES FROM THE REVISOR**

36

37 We herewith transmit without comment, as amended, HB02-1468.

38

39

40 We herewith transmit without comment, as amended, HB02-1259, 1403,  
41 1038, and 1415.

42

43

### 44 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE** 45 **on HB02-1013**

46

This Report Amends the Reengrossed Bill.

47

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

50

51 Your first conference committee appointed on HB02-1013,  
52 concerning the guaranteed issue of health insurance benefits for business  
53 groups of one, has met and reports that it has agreed upon the following:

54

55 1. That the Senate recede from its amendments made to the bill,  
56 as said amendments appear in the rerevised bill.

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

4  
5 Amend reengrossed bill, page 2, line 2, strike "(6) (a) (6) (b), and";  
6  
7 line 3, strike "are" and substitute "is";  
8  
9 strike lines 6 through 27.

10  
11 Page 3, strike lines 1 through 9.

12  
13 Page 4, before line 1, insert the following:

14  
15 **"SECTION 2.** 10-16-102 (6), Colorado Revised Statutes, is  
16 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

17  
18 **10-16-102. Definitions.** As used in this article, unless the context  
19 otherwise requires:

20  
21 (6) (d) FOR PURPOSES OF DETERMINING WHETHER AN APPLICANT  
22 MEETS THE REQUIREMENTS OF TWENTY-FOUR HOURS OR MORE PER WEEK  
23 ON A PERMANENT BASIS AS SET FORTH IN THIS SUBSECTION (6), THE  
24 COMMISSIONER SHALL PROMULGATE A RULE, WITHIN EXISTING RESOURCES,  
25 TO DEFINE WHAT TYPES OF DOCUMENTATION MAY BE REQUESTED BY A  
26 CARRIER TO SUBSTANTIATE THIS REQUIREMENT. ".  
27

28 Renumber succeeding sections accordingly.

29  
30 Respectfully submitted,  
31 House Committee:  
32 Lola Spradley  
33 Tambor Williams  
34 Carl Miller

Senate Committee:  
Bob Hagedorn  
Rob Hernandez  
Andy McElhany

35  
36  
37 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**  
38 **on HB02-1061**

39 This Report Adopts the Rerevised Bill.

40  
41 To the President of the Senate and the  
42 Speaker of the House of Representatives:

43  
44 Your first conference committee appointed on HB02-1061,  
45 concerning applications for absentee ballots, has met and reports that it  
46 has agreed upon the following:

47  
48 That the House accede to the Senate amendments made to the bill  
49 and that the rerevised bill be adopted without change.

50  
51 Respectfully submitted,  
52 House Committee:  
53 Rob Fairbank  
54 Michael Garcia  
55 Bill Crane

Senate Committee:  
Joan Fitz-Gerald  
Lewis H. Entz  
Alice Nichol

1 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**  
2 **on HB02-1131**

3  
4 This Report Amends the Rerevised Bill.

5  
6 To the President of the Senate and the  
7 Speaker of the House of Representatives:

8  
9 Your first conference committee appointed on HB02-1131,  
10 concerning the qualifications required of an applicant before a special  
11 license plate may be issued, has met and reports that it has agreed upon  
12 the following:

13  
14 1. That the House accede to the Senate amendment made to the  
15 bill, as said amendment appears in the rerevised bill, with the following  
16 changes:

17  
18 Amend rerevised bill, page 2, line 16, strike "EDUCATIONAL" and  
19 substitute "EDUCATION".

20  
21 2. That, under the authority granted to the committee to consider  
22 matters not at issue between the two houses, the following amendments  
23 be recommended:

24  
25 Amend rerevised bill, page 2, line 13, strike "EDUCATIONAL" and  
26 substitute "EDUCATION".

27  
28 Page 3, line 16, strike "ELKS CLUB." and substitute "BENEVOLENT AND  
29 PROTECTIVE ORDER OF ELKS.".

30  
31 Respectfully submitted,

32 House Committee:	Senate Committee:
33 Don Lee	Stephanie Takis
34 Bill Swenson	Alice Nichol
35 Mary Hodge	Ronny May

36  
37  
38  
39 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**  
40 **on HB02-1155**

41  
42 This Report Amends the Rerevised Bill.

43  
44 To the President of the Senate and the  
45 Speaker of the House of Representatives:

46  
47 Your first conference committee appointed on HB02-1155,  
48 concerning the coverage of pregnant women under the children's basic  
49 health plan, and making an appropriation therefor, has met and reports  
50 that it has agreed upon the following:

51  
52 That the House accede to the Senate amendments made to the bill,  
53 as said amendments appear in the rerevised bill, with the following  
54 changes:

55



1 Amend rerevised bill, page 12, strike lines 17 through 19.

2

3 Renumber succeeding section accordingly.

4

5 Respectfully submitted,

6 House Committee:

7 Lauri Clapp

8 Frana Araujo Mace

9 Debbie Stafford

Senate Committee:

Stephanie Takis

Dave Owen

Peggy Reeves

10

11

12 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**  
13 **on HB02-1161**

14

15 This Report Amends the Rerevised Bill.

16

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

19

20 Your first conference committee appointed on HB02-1161,  
21 concerning the creation of enhanced rural enterprise zones, and, in  
22 connection therewith, establishing state income tax credits for taxpayers  
23 who establish new business facilities in enhanced rural enterprise zones,  
24 has met and reports that it has agreed upon the following:

25

26 That the House accede to the Senate amendments made to the bill,  
27 as said amendments appear in the rerevised bill, with the following  
28 changes:

29

30 Amend rerevised bill, page 4, line 22, strike "EACHZONE ADMINISTRATOR  
31 SHALL ALSO PROVIDE" and substitute "NOTHING IN THIS PARAGRAPH (c.5)  
32 SHALL BE CONSTRUED TO REQUIRE THE DISCLOSURE TO THE PUBLIC OF ANY  
33 INFORMATION THAT REVEALS THE AMOUNT OF COMPENSATION PAID TO  
34 ANY INDIVIDUAL EMPLOYEE OF A COMPANY, ANY COLORADO INCOME TAX  
35 RETURN, OR ANY INFORMATION REGARDING EXPENDITURES ON RESEARCH  
36 AND DEVELOPMENT.";

37

38 strike lines 23 through 25.

39

40 Respectfully submitted,

41 House Committee:

42 Brad Young

43 Jim Snook

44 Cheri Jahn

Senate Committee:

Ron Tupa

Doug Linkhart

Mark Hillman

45

46

47 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**  
48 **on HB02-1263**

49

50 This Report Amends the Rerevised Bill.

51

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

54

55 Your first conference committee appointed on HB02-1263,  
56 concerning substance abuse treatment, and making an appropriation in

1 connection therewith, has met and reports that it has agreed upon the  
2 following:

3

4 That the House accede to the Senate amendments made to the bill,  
5 as said amendments appear in the rerevised bill, with the following  
6 changes:

7

8 Amend rerevised bill, page 4, strike lines 23 through 27.

9

10 Page 5, strike lines 1 through 8.

11

12 Respectfully submitted,

13 House Committee:

14 Kay Alexander

15 Andrew Romanoff

16 Lynn Hefley

17

18

19

20 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**  
21 **on HB02-1284**

22

23

This Report Amends the Rerevised Bill.

24

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

27

28 Your first conference committee appointed on HB02-1284,  
29 concerning the authorization of need-based grants for veterans to defray  
30 the costs of attendance at the dedication of the world war II memorial in  
31 Washington, D.C., has met and reports that it has agreed upon the  
32 following:

33

34 That the House accede to the Senate amendments made to the bill,  
35 as said amendments appear in the rerevised bill, with the following  
36 change:

37

38 Amend rerevised bill, page 6, after line 21, insert the following:

39

"(3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2004."

40

41 Respectfully submitted,

42 House Committee:

43 William Sinclair

44 Mark Paschall

45 Dan Grossman

46

47

48

49 **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

50

51 **HB02-1420** by Representative(s) Young, Berry, Saliman; also  
52 Senator(s) Reeves, Tate, Owen--Concerning the provision  
53 for payment of the expenses of the executive, legislative,  
54 and judicial departments of the state of Colorado, and of  
55 its agencies and institutions, for and during the fiscal year  
56 beginning July 1, 2002, except as otherwise noted.

1 (Conference Committee Report printed in House Journal, May 7. pages  
2 1955-1974.)

3  
4 On motion of Representative Young, the Conference Committee Report  
5 was **adopted** by the following roll call vote:

6  
7 YES 58            NO 2            EXCUSED 5            ABSENT 0

8								
9	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
10	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
11	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
12	Borodkin	Y	Hefley	E	Paschall	N	Stengel	Y
13	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
14	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
15	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
16	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
17	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
18	Coleman	Y	Kester	Y	Saliman	E	Webster	Y
19	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
20	Daniel	Y	Larson	N	Schultheis	Y	White	Y
21	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
22	Fairbank	Y	Lee	E	Sinclair	Y	Williams T.	E
23	Fritz	Y	Mace	E	Smith	Y	Witwer	Y
24	Garcia	Y	Madden	Y	Snook	Y	Young	Y
25							Mr. Speaker	Y

26  
27  
28 The question being "Shall the bill, as amended, pass?".  
29 A roll call vote was taken. As shown by the following recorded vote, a  
30 majority of those elected to the House voted in the affirmative and the  
31 bill, as amended, was declared **repassed**.

32  
33 YES 50            NO 10            EXCUSED 5            ABSENT 0

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

52  
53 Co-sponsors added: Representatives Tapia, Vigil, Weddig.

54  
55  
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**INTRODUCTION OF RESOLUTIONS**

The following resolutions were read by title and laid over until later in the evening:

**SJR02-040** by Senator(s) Lamborn, McElhany, Anderson, Arnold, Cairns, Chlouber, Dyer, Entz, Hagedorn, Hernandez, May, Musgrave, Owen, Takis, Teck, Tupa; also Representative(s) Mitchell, Madden, Scott--Concerning honoring former Supreme Court Justice Byron White.

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

---

**INTRODUCTION OF MEMORIAL**

The following memorial was read by title and laid over until later in the evening:

**SJM02-002** by Senator(s) Teck; also Representative(s) Marshall--Concerning memorializing Congress to require conspicuous disclosure of rollover billing in consumer credit transactions.

---

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

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

**SB02-218** by Senator(s) Reeves; also Representative(s) Stengel--Concerning the repeal of the requirement that the state sales tax refund mechanism used to refund excess state revenues as required by section 20 of article X of the state constitution be calculated to refund the amount of excess state revenues not refunded by other mechanisms by one hundred five percent.

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

---

YES 49            NO 9            EXCUSED 7            ABSENT 0

Alexander	E	Groff	Y	Marshall	Y	Spence	Y
Bacon	Y	Grossman	Y	Miller	Y	Spradley	N
Berry	Y	Harvey	N	Mitchell	N	Stafford	Y

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

15  
16 Co-sponsor added: Representative Garcia.

17  
18 **SB02-210** by Senator(s) Fitz-Gerald; also Representative(s) Boyd--  
19 Concerning mandatory reporting of child abuse or neglect  
20 by clergy members.  
21

22 As shown by the following roll call vote, less than a majority of all  
23 members elected to the House voted in the affirmative, and  
24 Representative Crane was denied permission to offer a Third Reading  
25 amendment:  
26

27	YES	28	NO	31	EXCUSED	6	ABSENT	0
29	Alexander	Y	Groff	N	Marshall	N	Spence	Y
30	Bacon	N	Grossman	N	Miller	N	Spradley	Y
31	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
32	Borodkin	N	Hefley	E	Paschall	N	Stengel	Y
33	Boyd	N	Hodge	N	Plant	N	Swenson	N
34	Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	N
35	Chavez	N	Jahn	N	Rhodes	Y	Tochtrop	N
36	Clapp	Y	Jameson	N	Rippy	Y	Veiga	E
37	Cloer	Y	Johnson	N	Romanoff	N	Vigil	N
38	Coleman	N	Kester	Y	Saliman	N	Webster	N
39	Crane	Y	King	E	Sanchez	N	Weddig	N
40	Daniel	N	Larson	N	Schultheis	Y	White	Y
41	Decker	N	Lawrence	Y	Scott	Y	Williams S.	N
42	Fairbank	E	Lee	E	Sinclair	Y	Williams T.	Y
43	Fritz	Y	Mace	E	Smith	Y	Witwer	Y
44	Garcia	N	Madden	N	Snook	Y	Young	Y
45							Mr. Speaker	Y

46  
47  
48  
49 **IMMEDIATE RECONSIDERATION**

50  
51 Having voted on the prevailing side, Representative Paschall moved for  
52 immediate reconsideration of permission to offer a third reading  
53 amendment to SB02-210. As shown by the following recorded vote less  
54 than a majority of those elected to the House voted in the affirmative and  
55 the motion was declared **passed**:  
56

	YES 47	NO 14	EXCUSED 3	ABSENT 1				
1								
2								
3	Alexander	Y	Groff	N	Marshall	Y	Spence	Y
4	Bacon	N	Grossman	Y	Miller	Y	Spradley	Y
5	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
6	Borodkin	Y	Hefley	-	Paschall	Y	Stengel	Y
7	Boyd	Y	Hodge	Y	Plant	N	Swenson	Y
8	Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	N
9	Chavez	Y	Jahn	N	Rhodes	Y	Tochtrop	N
10	Clapp	Y	Jameson	N	Rippy	Y	Veiga	E
11	Cloer	Y	Johnson	N	Romanoff	N	Vigil	N
12	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
13	Crane	Y	King	E	Sanchez	N	Weddig	N
14	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
15	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
16	Fairbank	E	Lee	Y	Sinclair	Y	Williams T.	Y
17	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
18	Garcia	N	Madden	Y	Snook	Y	Young	Y
19							Mr. Speaker	Y
20								

20

21

22

23 As shown by the following roll call vote, a majority of all members  
 24 elected to the House voted in the affirmative, and Representative Crane  
 25 was given permission to offer a Third Reading amendment:

26

	YES 50	NO 12	EXCUSED 3	ABSENT 0				
27								
28								
29	Alexander	Y	Groff	N	Marshall	Y	Spence	Y
30	Bacon	N	Grossman	Y	Miller	Y	Spradley	Y
31	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
32	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
33	Boyd	Y	Hodge	N	Plant	Y	Swenson	Y
34	Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	N
35	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	N
36	Clapp	Y	Jameson	N	Rippy	Y	Veiga	E
37	Cloer	Y	Johnson	N	Romanoff	N	Vigil	Y
38	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
39	Crane	Y	King	E	Sanchez	N	Weddig	N
40	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
41	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
42	Fairbank	E	Lee	Y	Sinclair	Y	Williams T.	Y
43	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
44	Garcia	N	Madden	Y	Snook	Y	Young	Y
45							Mr. Speaker	Y
46								

46

47

48 **Third Reading amendment No. 1**, by Representative Crane.

49

50 Amend revised bill, page 3, strike lines 26 and 27 and substitute the  
 51 following:

52

53 **"SECTION 4. Effective date - applicability.** (1) Unless a  
 54 referendum petition is filed during the ninety-day period after final  
 55 adjournment of the general assembly that is allowed for submitting a  
 56 referendum petition pursuant to article V, section 1 (3) of the state

1 constitution, this act shall take effect January 1, 2003; except that section  
 2 2 of this act shall only take effect if Senate Bill 02-020 is enacted by the  
 3 Sixty-third General Assembly and becomes law. If such a referendum  
 4 petition is filed against this act or an item, section, or part of this act  
 5 within such period, then the act, item, section, or part shall take effect on  
 6 the specified date only if approved by the people.

7  
 8 (2) The provisions of this act shall apply to reasonable cause  
 9 acquired on or after the applicable effective date of this act."

10  
 11 Strike page 4.

12  
 13 Pursuant to House Rule 16, Representative Spradley moved "Shall the  
 14 main question be now put?" The motion was declared **passed** by the  
 15 following roll call vote:

	YES 44	NO 18	EXCUSED 3	ABSENT 0				
19	Alexander	Y	Groff	N	Marshall	Y	Spence	Y
20	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
21	Berry	Y	Harvey	Y	Mitchell	N	Stafford	Y
22	Borodkin	N	Hefley	Y	Paschall	N	Stengel	Y
23	Boyd	Y	Hodge	N	Plant	N	Swenson	Y
24	Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	N
25	Chavez	Y	Jahn	N	Rhodes	Y	Tochtrop	Y
26	Clapp	Y	Jameson	N	Rippy	Y	Veiga	E
27	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
28	Coleman	Y	Kester	Y	Saliman	N	Webster	Y
29	Crane	N	King	E	Sanchez	N	Weddig	N
30	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
31	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	N
32	Fairbank	E	Lee	Y	Sinclair	Y	Williams T.	Y
33	Fritz	Y	Mace	Y	Smith	Y	Witwer	N
34	Garcia	N	Madden	N	Snook	Y	Young	Y
35							Mr. Speaker	Y

36  
 37  
 38  
 39 The amendment was declared **lost** by the following roll call vote:

	YES 29	NO 33	EXCUSED 3	ABSENT 0				
43	Alexander	N	Groff	N	Marshall	N	Spence	Y
44	Bacon	N	Grossman	N	Miller	N	Spradley	Y
45	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	N
46	Borodkin	N	Hefley	Y	Paschall	Y	Stengel	N
47	Boyd	N	Hodge	N	Plant	N	Swenson	Y
48	Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	N
49	Chavez	N	Jahn	N	Rhodes	Y	Tochtrop	N
50	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	E
51	Cloer	Y	Johnson	N	Romanoff	N	Vigil	N
52	Coleman	N	Kester	Y	Saliman	N	Webster	N
53	Crane	Y	King	E	Sanchez	N	Weddig	N
54	Daniel	N	Larson	N	Schultheis	Y	White	Y
55	Decker	Y	Lawrence	N	Scott	Y	Williams S.	N
56	Fairbank	E	Lee	Y	Sinclair	Y	Williams T.	Y

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

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The question being "Shall the bill pass?".

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

YES	51	NO	11	EXCUSED	3	ABSENT	0
-----	----	----	----	---------	---	--------	---

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

Co-sponsors added: Representatives Alexander, Borodkin, Coleman, Daniel, Groff, Hodge, Jameson, Madden, Miller, Ragsdale, Romanoff, Sanchez, Stafford, Tapia, Tochtrop, Vigil, Williams S.

### IMMEDIATE RECONSIDERATION OF SB02-210

Having voted on the prevailing side, Representative Spradley moved for immediate reconsideration of **SB02-210**. As shown by the following recorded vote less than a majority of those elected to the House voted in the affirmative and the motion was declared **lost**:

YES	9	NO	53	EXCUSED	3	ABSENT	0
-----	---	----	----	---------	---	--------	---

Alexander	N	Groff	N	Marshall	N	Spence	N
Bacon	N	Grossman	N	Miller	N	Spradley	N
Berry	Y	Harvey	N	Mitchell	N	Stafford	N
Borodkin	N	Hefley	N	Paschall	Y	Stengel	N
Boyd	N	Hodge	N	Plant	N	Swenson	N
Cadman	N	Hoppe	N	Ragsdale	N	Tapia	N
Chavez	N	Jahn	N	Rhodes	N	Tochtrop	N
Clapp	N	Jameson	N	Rippy	N	Veiga	E
Cloer	Y	Johnson	N	Romanoff	N	Vigil	N
Coleman	N	Kester	N	Saliman	N	Webster	N
Crane	Y	King	E	Sanchez	N	Weddig	N



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

7  
8  
9  
10 **SB02-221** by Senator(s) Isgar, Chlouber, Taylor, Entz, Hagedorn,  
11 Hanna, Hillman, Matsunaka, Owen; also Representative(s)  
12 Hefley, Alexander, Kester, Miller, Paschall, Tapia,  
13 Tochtrop, Vigil, White, Young--Concerning the extension  
14 of the effective dates of certain horse racing statutes for  
15 five years.

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

21

22	<u>YES</u>	62	<u>NO</u>	0	<u>EXCUSED</u>	3	<u>ABSENT</u>	0
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23

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

41  
42  
43 **SB02-219** by Senator(s) Perlmutter; also Representative(s) Smith--  
44 Concerning property exempt from levy and sale under  
45 writ.

46  
47 As shown by the following roll call vote, a majority of all members  
48 elected to the House voted in the affirmative, and Representative Smith  
49 was given permission to offer a Third Reading amendment:

50

51	<u>YES</u>	64	<u>NO</u>	0	<u>EXCUSED</u>	1	<u>ABSENT</u>	0
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52

53	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
54	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
55	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
56	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y

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

14  
15  
16 **Third Reading amendment No. 1**, by Representative Smith.

17  
18 Amend revised bill, page 2, strike lines 13 through 26 and substitute the  
19 following:

20  
21 "(II) ONLY ONE EXEMPTION IN THE AGGREGATE VALUE OF  
22 TWENTY-FIVETHOUSAND DOLLARS SHALL BE ALLOWED FOR A DEBTOR AND  
23 HIS OR HER SPOUSE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH (g). IN  
24 THE EVENT THAT PROPERTY IS CLAIMED AS EXEMPT BY A DEBTOR OR HIS  
25 OR HER SPOUSE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH (g), NO  
26 EXEMPTION SHALL BE ALLOWED FOR SUCH DEBTOR OR HIS OR HER SPOUSE  
27 UNDER PARAGRAPH (i) OF THIS SUBSECTION (1).".

28  
29 Page 3, strike lines 3 through 5 and substitute the following:

30  
31 "aggregate value of ten thousand dollars;".

32  
33 The amendment was declared **passed** by the following roll call vote:

34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53
	YES	NO	EXCUSED	ABSENT															
35	65	0	0	0															
36																			
37	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y											
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	Y											
41	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y											
42	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y											
43	Chavez	Y	Jahn	Y	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	Y	Weddig	Y											
48	Daniel	Y	Larson	Y	Schultheis	Y	White	Y											
49	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y											
50	Fairbank	Y	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  
56 The question being, "Shall the bill, as amended, pass?".

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

4

5	YES	65	NO	0	EXCUSED	0	ABSENT	0
6								
7	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
8	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
9	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
10	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
11	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
12	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
13	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
14	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
15	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
16	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
17	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
18	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
19	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
20	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
21	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
22	Garcia	Y	Madden	Y	Snook	Y	Young	Y
23							Mr. Speaker	Y

24

25 Co-sponsors added: Representatives Alexander, Jameson.

26

27 **SB02-190** by Senator(s) Phillips, Anderson, Fitz-Gerald, Gordon,  
 28 Hernandez, Hillman, Matsunaka, Musgrave, Nichol,  
 29 Takis, Tate, Taylor, Teck, Tupa; also Representative(s)  
 30 Hoppe, Boyd, Cloer, Daniel, Fairbank, Garcia, Kester,  
 31 Lawrence, Miller, Rippy, Scott, Smith, Snook, Spence,  
 32 Tapia, Veiga, White--Concerning expansion of the  
 33 stationary source voluntary emission reduction program,  
 34 and, in connection therewith, providing for additional  
 35 flexibility and cost recovery incentives.

36

37 (Amended as printed in House Journal, May 7, pages 2016-2017.)

38

39 Pursuant to House Rule 16, Representative Hoppe moved "Shall the main  
 40 question be now put?" The motion was declared **passed** by the following  
 41 roll call vote:

42

43	YES	41	NO	24	EXCUSED	0	ABSENT	0
44								
45	Alexander	Y	Groff	N	Marshall	Y	Spence	Y
46	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
47	Berry	Y	Harvey	N	Mitchell	N	Stafford	Y
48	Borodkin	Y	Hefley	Y	Paschall	N	Stengel	N
49	Boyd	Y	Hodge	N	Plant	Y	Swenson	Y
50	Cadman	N	Hoppe	Y	Ragsdale	N	Tapia	Y
51	Chavez	Y	Jahn	Y	Rhodes	N	Tochtrop	Y
52	Clapp	N	Jameson	Y	Rippy	Y	Veiga	Y
53	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
54	Coleman	Y	Kester	Y	Saliman	Y	Webster	N
55	Crane	N	King	Y	Sanchez	N	Weddig	Y
56	Daniel	Y	Larson	N	Schultheis	N	White	Y

1	Decker	N	Lawrence	Y	Scott	Y	Williams S.	Y
2	Fairbank	Y	Lee	N	Sinclair	N	Williams T.	Y
3	Fritz	N	Mace	Y	Smith	N	Witwer	N
4	Garcia	N	Madden	Y	Snook	Y	Young	N
5							Mr. Speaker	N

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

13	YES	42	NO	23	EXCUSED	0	ABSENT	0
15	Alexander	N	Groff	Y	Marshall	Y	Spence	Y
16	Bacon	Y	Grossman	Y	Miller	Y	Spradley	N
17	Berry	Y	Harvey	N	Mitchell	N	Stafford	N
18	Borodkin	Y	Hefley	N	Paschall	N	Stengel	N
19	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
20	Cadman	N	Hoppe	Y	Ragsdale	Y	Tapia	Y
21	Chavez	Y	Jahn	Y	Rhodes	N	Tochtrop	Y
22	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
23	Cloer	Y	Johnson	N	Romanoff	Y	Vigil	Y
24	Coleman	Y	Kester	Y	Saliman	Y	Webster	N
25	Crane	N	King	N	Sanchez	Y	Weddig	Y
26	Daniel	Y	Larson	Y	Schultheis	N	White	Y
27	Decker	N	Lawrence	Y	Scott	Y	Williams S.	Y
28	Fairbank	Y	Lee	N	Sinclair	N	Williams T.	Y
29	Fritz	N	Mace	Y	Smith	N	Witwer	N
30	Garcia	Y	Madden	Y	Snook	Y	Young	N
31							Mr. Speaker	N

32  
33 Representative Smith requested his name be removed as sponsor.  
34 Co-sponsors added: Representatives Bacon, Borodkin, Coleman, Jameson,  
35 Madden, Marshall, Plant, Sanchez.

### 37 38 IMMEDIATE RECONSIDERATION OF SB02-190

39  
40 Having voted on the prevailing side, Representative Grossman moved for  
41 immediate reconsideration of **SB02-190**. As shown by the following  
42 recorded vote less than a majority of those elected to the House voted in  
43 the affirmative and the motion was declared **lost**:

45	YES	26	NO	39	EXCUSED	0	ABSENT	0
47	Alexander	Y	Groff	N	Marshall	N	Spence	N
48	Bacon	N	Grossman	N	Miller	N	Spradley	N
49	Berry	N	Harvey	Y	Mitchell	Y	Stafford	Y
50	Borodkin	N	Hefley	Y	Paschall	Y	Stengel	Y
51	Boyd	N	Hodge	N	Plant	N	Swenson	N
52	Cadman	Y	Hoppe	N	Ragsdale	Y	Tapia	N
53	Chavez	N	Jahn	N	Rhodes	Y	Tochtrop	N
54	Clapp	Y	Jameson	N	Rippy	N	Veiga	N
55	Cloer	N	Johnson	Y	Romanoff	N	Vigil	N
56	Coleman	N	Kester	N	Saliman	N	Webster	Y

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

8  
9

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10  
11 House in recess. House reconvened.

12  
13

14 **MESSAGE FROM THE SENATE**

15 Mr. Speaker:

16

17 The Senate has passed on Third Reading and returns herewith  
18 HB02-1399, 1456, 1015, 1409.

19

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

22 HB02-1237, amended as printed in Senate Journal, May 7, pages  
23 1232-1233;

24 HB02-1044, amended as printed in Senate Journal, May 7, page 1215  
25 and May 8;

26 HB02-1465, amended as printed in Senate Journal, May 7, page 1229;

27 HB02-1358, amended as printed in Senate Journal, May 7, page 1229;

28 HB02-1326, amended as printed in Senate Journal, May 7, pages  
29 1219-1222;

30 HB02-1440, amended as printed in Senate Journal, May 7, page 1259;

31 HB02-1395, amended as printed in Senate Journal, May 7, page 1259.

32

33

34 **MESSAGE FROM THE REVISOR**

35

36 We herewith transmit without comment, as amended, HB02-1237, 1044,  
37 1465, 1358, 1326, 1440, and 1395.

38

39

40

41 **CONSIDERATION OF CONFERENCE COMMITTEE REPORTS**

42

43 **HB02-1246** by Representative(s) King; also Senator(s) Windels--  
44 Concerning the creation of the eligible facilities education  
45 task force.

46

47 (Conference Committee Report printed in House Journal, May 3, pages  
48 1825-1826.)

49

50 On motion of Representative King, the Conference Committee Report  
51 was **adopted** by the following roll call vote:

52

53	YES	63	NO	0	EXCUSED	2	ABSENT	0
54	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
55	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
56	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y

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

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

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

41  
42 Co-sponsors added: Representatives Boyd, Daniel, Lee, Weddig, Williams S.

43  
44 **SB02-161** by Senator(s) Perlmutter; also Representative(s) Smith--  
45 Concerning the modification of procedures for the  
46 foreclosure of deeds of trust.

47  
48 (Conference Committee Report printed in House Journal, May 6, pages  
49 1863-1865.)

50  
51 On motion of Representative Smith, the Conference Committee Report  
52 was **adopted** by the following roll call vote:

53								
54	<u>YES</u>	<u>61</u>	<u>NO</u>	<u>0</u>	<u>EXCUSED</u>	<u>3</u>	<u>ABSENT</u>	<u>1</u>
55	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
56	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y

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

15  
16  
17

18 The question being "Shall the bill, as amended, pass?".  
19 A roll call vote was taken. As shown by the following recorded vote, a  
20 majority of those elected to the House voted in the affirmative and the  
21 bill, as amended, was declared **repassed**.

22

23 YES 61            NO 0            EXCUSED 3            ABSENT 1

24

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

42

43 Co-sponsor added: Representative Coleman.

44

45

46 **HB02-1131** by Representative(s) Hodge; also Senator(s) Takis--  
47 Concerning the qualifications required of an applicant  
48 before a special license plate may be issued.

49

50 (Conference Committee Report printed in House Journal, May 8,  
51 page 2034.)

52

53 On motion of Representative Hodge, the Conference Committee Report  
54 was **adopted** by the following roll call vote:

55

	YES 62	NO 0	EXCUSED 3	ABSENT 0				
1								
2								
3	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
4	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
5	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
6	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
7	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
8	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
9	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
10	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	E
11	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
12	Coleman	Y	Kester	Y	Saliman	E	Webster	Y
13	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
14	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
15	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
16	Fairbank	Y	Lee	E	Sinclair	Y	Williams T.	Y
17	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
18	Garcia	Y	Madden	Y	Snook	Y	Young	Y
19							Mr. Speaker	Y
20								

21

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

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

24 majority of those elected to the House voted in the affirmative and the

25 bill, as amended, was declared **repassed**.

	YES 62	NO 0	EXCUSED 3	ABSENT 0				
26								
27								
28								
29	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
30	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
31	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
32	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
33	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
34	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
35	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
36	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	E
37	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
38	Coleman	Y	Kester	Y	Saliman	E	Webster	Y
39	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
40	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
41	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
42	Fairbank	Y	Lee	E	Sinclair	Y	Williams T.	Y
43	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
44	Garcia	Y	Madden	Y	Snook	Y	Young	Y
45							Mr. Speaker	Y
46								

47 Co-sponsors added: Representatives Tochtrop, Vigil.

48

49 **HB02-1061** by Representative(s) Garcia; also Senator(s) Entz --

50 Concerning applications for absentee ballots.

51

52 (Conference Committee Report printed in House Journal, May 8,

53 page 2033.)

54

55 On motion of Representative Garcia, the Conference Committee Report

56 was **adopted** by the following roll call vote:



	YES 61	NO 0	EXCUSED 3	ABSENT 1			
1							
2	Alexander	Y	Groff	Y	Marshall	Y	Spence
3	Bacon	Y	Grossman	Y	Miller	Y	Spradley
4	Berry	Y	Harvey	Y	Mitchell	Y	Stafford
5	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel
6	Boyd	Y	Hodge	Y	Plant	Y	Swenson
7	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia
8	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop
9	Clapp	Y	Jameson	Y	Rippy	Y	Veiga
10	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil
11	Coleman	Y	Kester	Y	Saliman	E	Webster
12	Crane	Y	King	Y	Sanchez	Y	Weddig
13	Daniel	Y	Larson	Y	Schultheis	Y	White
14	Decker	Y	Lawrence	Y	Scott	Y	Williams S.
15	Fairbank	Y	Lee	E	Sinclair	Y	Williams T.
16	Fritz	Y	Mace	Y	Smith	Y	Witwer
17	Garcia	Y	Madden	Y	Snook	Y	Young
18							Mr. Speaker
19							

20  
21 The question being "Shall the bill, as amended, pass?".  
22 A roll call vote was taken. As shown by the following recorded vote, a  
23 majority of those elected to the House voted in the affirmative and the  
24 bill, as amended, was declared **repassed**.

	YES 62	NO 0	EXCUSED 3	ABSENT 0			
25							
26							
27							
28	Alexander	Y	Groff	Y	Marshall	Y	Spence
29	Bacon	Y	Grossman	Y	Miller	Y	Spradley
30	Berry	Y	Harvey	Y	Mitchell	Y	Stafford
31	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel
32	Boyd	Y	Hodge	Y	Plant	Y	Swenson
33	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia
34	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop
35	Clapp	Y	Jameson	Y	Rippy	Y	Veiga
36	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil
37	Coleman	Y	Kester	Y	Saliman	E	Webster
38	Crane	Y	King	Y	Sanchez	Y	Weddig
39	Daniel	Y	Larson	Y	Schultheis	Y	White
40	Decker	Y	Lawrence	Y	Scott	Y	Williams S.
41	Fairbank	Y	Lee	E	Sinclair	Y	Williams T.
42	Fritz	Y	Mace	Y	Smith	Y	Witwer
43	Garcia	Y	Madden	Y	Snook	Y	Young
44							Mr. Speaker
45							

46 Co-sponsors added: Representatives Boyd, Ragsdale, Scott.

47  
48 **HB02-1155** by Representative(s) Clapp, Fairbank, Fritz, Hefley,  
49 Hoppe, Kester, Lawrence, Mace, Mitchell, Scott, Snook,  
50 Spence, Stafford, Swenson, Webster, White, Witwer; also  
51 Senator(s) Owen--Concerning the coverage of pregnant  
52 women under the children's basic health plan, and making  
53 an appropriation therefor.

54  
55 (Conference Committee Report printed in House Journal, May 8,  
56 pages 2034-2035.)

1 On motion of Representative Clapp, the Conference Committee Report  
2 was **adopted** by the following roll call vote:

3  
4 YES 63            NO 0            EXCUSED 2            ABSENT 0

5 Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
6 Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
7 Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
8 Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
9 Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
10 Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
11 Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
12 Clapp	Y	Jameson	Y	Rippy	Y	Veiga	E
13 Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
14 Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
15 Crane	Y	King	Y	Sanchez	Y	Weddig	Y
16 Daniel	Y	Larson	Y	Schultheis	Y	White	Y
17 Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
18 Fairbank	Y	Lee	E	Sinclair	Y	Williams T.	Y
19 Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
20 Garcia	Y	Madden	Y	Snook	Y	Young	Y
21						Mr. Speaker	Y

22  
23  
24 The question being "Shall the bill, as amended, pass?".  
25 A roll call vote was taken. As shown by the following recorded vote, a  
26 majority of those elected to the House voted in the affirmative and the  
27 bill, as amended, was declared **repassed**.

28  
29 YES 63            NO 0            EXCUSED 2            ABSENT 0

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

48  
49 Co-sponsors added: Representatives Bacon, Weddig.

50  
51 **HB02-1263** by Representative(s) Alexander; also Senator(s) Hagedorn  
52 --Concerning substance abuse treatment, and making an  
53 appropriation in connection therewith.

54  
55 (Conference Committee Report printed in House Journal, May 8, pages  
56 2035-2036.)



1 (Conference Committee Report printed in House Journal, May 8,  
2 page 2036.)

3  
4 On motion of Representative Grossman, the Conference Committee  
5 Report was **adopted** by the following roll call vote:

6  
7 YES 63            NO 0            EXCUSED 2            ABSENT 0

8								
9	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
10	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
11	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
12	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
13	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
14	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
15	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
16	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	E
17	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
18	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
19	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
20	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
21	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
22	Fairbank	Y	Lee	E	Sinclair	Y	Williams T.	Y
23	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
24	Garcia	Y	Madden	Y	Snook	Y	Young	Y
25							Mr. Speaker	Y

26

27

28

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

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

33

34 YES 63            NO 0            EXCUSED 2            ABSENT 0

35								
36	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
37	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
38	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
39	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
40	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
41	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
42	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
43	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	E
44	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
45	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
46	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
47	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
48	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
49	Fairbank	Y	Lee	E	Sinclair	Y	Williams T.	Y
50	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
51	Garcia	Y	Madden	Y	Snook	Y	Young	Y
52							Mr. Speaker	Y

53

54

55

1 **HB02-1013** by Representative(s) Spradley, Williams T.; also Sena-  
 2 tor(s) McElhany, Owen--Concerning the guaranteed issue  
 3 of health insurance benefits for business groups of one.  
 4

5 (Conference Committee Report printed in House Journal, May 8, pages  
 6 2032-2033.)  
 7

8 On motion of Representative Spradley, the Conference Committee Report  
 9 was **adopted** by the following roll call vote:  
 10

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

31  
 32 The question being "Shall the bill, as amended, pass?".  
 33 A roll call vote was taken. As shown by the following recorded vote, a  
 34 majority of those elected to the House voted in the affirmative and the  
 35 bill, as amended, was declared **repassed**.  
 36

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

55  
 56 Co-sponsor added: Representative Mace.

1 **HB02-1161** by Representative(s) Young; also Senator(s) Hillman--  
 2 Concerning the creation of enhanced rural enterprise  
 3 zones, and, in connection therewith, establishing state  
 4 income tax credits for taxpayers who establish new  
 5 business facilities in enhanced rural enterprise zones.  
 6

7 (Conference Committee Report printed in House Journal, May 8,  
 8 page 2035.)  
 9

10  
 11 On motion of Representative Young, the Conference Committee Report  
 12 was **adopted** by the following roll call vote:  
 13

	YES 64	NO 0	EXCUSED 1	ABSENT 0			
16 Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
17 Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
18 Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
19 Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
20 Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
21 Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
22 Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
23 Clapp	Y	Jameson	Y	Rippy	Y	Veiga	E
24 Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
25 Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
26 Crane	Y	King	Y	Sanchez	Y	Weddig	Y
27 Daniel	Y	Larson	Y	Schultheis	Y	White	Y
28 Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
29 Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
30 Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
31 Garcia	Y	Madden	Y	Snook	Y	Young	Y
32						Mr. Speaker	Y

33  
 34  
 35  
 36 The question being "Shall the bill, as amended, pass?".  
 37 A roll call vote was taken. As shown by the following recorded vote, a  
 38 majority of those elected to the House voted in the affirmative and the  
 39 bill, as amended, was declared **repassed**.  
 40

	YES 61	NO 2	EXCUSED 1	ABSENT 1			
43 Alexander	-	Groff	Y	Marshall	Y	Spence	Y
44 Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
45 Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
46 Borodkin	Y	Hefley	Y	Paschall	N	Stengel	Y
47 Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
48 Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
49 Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
50 Clapp	Y	Jameson	Y	Rippy	Y	Veiga	E
51 Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
52 Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
53 Crane	Y	King	Y	Sanchez	Y	Weddig	Y
54 Daniel	Y	Larson	Y	Schultheis	N	White	Y
55 Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
56 Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y

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

4  
5 Co-sponsors added: Representatives Jameson, Mace.

6  
7  
8  
9 **CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILLS**

10  
11 **HB02-1471** by Representative(s) Young, Berry, Saliman; also  
12 Senator(s) Reeves, Tate, Owen--Concerning funding for  
13 capital construction, and making supplemental  
14 appropriations in connection therewith.

15  
16 (Amended as printed in Senate Journal, May 7.)

17  
18 Representative Young moved that the House **concur** in Senate amend-  
19 ments. The motion was declared **passed** by the following roll call vote:

20  
21 YES 64            NO 0            EXCUSED 1            ABSENT 0

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

40  
41  
42 The question being, "Shall the bill, as amended, pass?".

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

46  
47 YES 63            NO 0            EXCUSED 1            ABSENT 1

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

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

10

11

12 **HB02-1259** by Representative(s) Marshall; also Senator(s) Tate--Con-  
 13 cerning protection of consumers' home ownership equity.

14

15 (Amended as printed in Senate Journal, May 7.)

16

17 Representative Marshall moved that the House **concur** in Senate amend-  
 18 ments. The motion was declared **passed** by the following roll call vote:

19

20 YES 65            NO 0            EXCUSED 0            ABSENT 0

21

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

39

40

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

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

45

46 YES 65            NO 0            EXCUSED 0            ABSENT 0

47

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



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

10 Co-sponsors added: Representatives Bacon, Boyd, Clapp, Coleman, Crane,  
11 Daniel, Miller, Rhodes, Sanchez, Vigil, Weddig, Young.

12  
13 **HB02-1468** by Representative(s) Berry, Young, Saliman; also  
14 Senator(s) Tate, Reeves, Owen--Concerning the state  
15 contribution for employees enrolled in group benefit plans  
16 that include enrollment in medical benefits, and making an  
17 appropriation in connection therewith.

18  
19 (Amended as printed in Senate Journal, May 7.)

20  
21 Representative Berry moved that the House **adhere** to its position on  
22 HB02-1468. The motion was **passed** by the following roll call vote:

23	24	YES	65	NO	0	EXCUSED	0	ABSENT	0
25	26	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
27	27	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
28	28	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
29	29	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
30	30	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
31	31	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
32	32	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
33	33	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
34	34	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
35	35	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
36	36	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
37	37	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
38	38	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
39	39	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
40	40	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
41	41	Garcia	Y	Madden	Y	Snook	Y	Young	Y
42	42							Mr. Speaker	Y

43  
44  
45  
46 **HB02-1403** by Representative(s) Schultheis; also Senator(s) Nichol--  
47 Concerning the modification of governmental appoint-  
48 ments to accommodate the effect of redistricting Colorado  
49 congressional districts.

50  
51 (Amended as printed in Senate Journal, May 7.)

52  
53 Representative Schultheis moved that the House **concur** in Senate amend-  
54 ments. The motion was declared **passed** by the following roll call vote:

55

	YES 61	NO 2	EXCUSED 1	ABSENT 1				
1	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
2	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
3	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
4	Borodkin	Y	Hefley	Y	Paschall	N	Stengel	-
5	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
6	Cadman	N	Hoppe	Y	Ragsdale	Y	Tapia	Y
7	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
8	Clapp	E	Jameson	Y	Rippy	Y	Veiga	Y
9	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
10	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
11	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
12	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
13	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
14	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
15	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
16	Garcia	Y	Madden	Y	Snook	Y	Young	Y
17							Mr. Speaker	Y

18  
19  
20  
21 The question being, "Shall the bill, as amended, pass?".  
22 A roll call vote was taken. As shown by the following recorded vote, a  
23 majority of those elected to the House voted in the affirmative, and the  
24 bill, as amended, was declared **repassed**.

	YES 63	NO 1	EXCUSED 1	ABSENT 0				
25	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
26	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
27	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
28	Borodkin	Y	Hefley	Y	Paschall	N	Stengel	Y
29	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
30	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
31	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
32	Clapp	E	Jameson	Y	Rippy	Y	Veiga	Y
33	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
34	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
35	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
36	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
37	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
38	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
39	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
40	Garcia	Y	Madden	Y	Snook	Y	Young	Y
41							Mr. Speaker	Y

42  
43  
44  
45  
46 Co-sponsors added: Representatives Coleman, Garcia, Ragsdale, Weddig.

47  
48 **HB02-1038** by Representative(s) Tapia; also Senator(s) Arnold--  
49 Concerning the unlawful possession of certain items with  
50 intent to manufacture a controlled substance, and making  
51 an appropriation in connection therewith.

52  
53 (Amended as printed in Senate Journal, May 7.)

54  
55 Representative Tapia moved that the House **concur** in Senate amend-  
56 ments. The motion was declared **passed** by the following roll call vote:

	YES 64	NO 0	EXCUSED 1	ABSENT 0				
1								
2								
3	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
4	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
5	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
6	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
7	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
8	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
9	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
10	Clapp	E	Jameson	Y	Rippy	Y	Veiga	Y
11	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
12	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
13	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
14	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
15	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
16	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
17	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
18	Garcia	Y	Madden	Y	Snook	Y	Young	Y
19							Mr. Speaker	Y
20								

21  
22 The question being, "Shall the bill, as amended, pass?".  
23 A roll call vote was taken. As shown by the following recorded vote, a  
24 majority of those elected to the House voted in the affirmative, and the  
25 bill, as amended, was declared **repassed**.

	YES 63	NO 1	EXCUSED 1	ABSENT 0				
26								
27								
28								
29	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
30	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
31	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
32	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
33	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
34	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
35	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
36	Clapp	E	Jameson	Y	Rippy	Y	Veiga	Y
37	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
38	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
39	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
40	Daniel	Y	Larson	N	Schultheis	Y	White	Y
41	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
42	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
43	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
44	Garcia	Y	Madden	Y	Snook	Y	Young	Y
45							Mr. Speaker	Y
46								

47  
48 **HB02-1415** by Representative(s) Hoppe, Swenson, Cloer, Garcia,  
49 Harvey, Johnson, Kester, Miller, Smith, Snook, Spradley;  
50 also Senator(s) Isgar, Chlouber, Entz, Owen, Phillips,  
51 Taylor--Concerning net metering by electric utilities.

52  
53 (Amended as printed in Senate Journal, May 7.)

54  
55 Representative Hoppe moved that the House **concur** in Senate amend-  
56 ments. The motion was declared **passed** by the following roll call vote:

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

21  
 22 The question being, "Shall the bill, as amended, pass?".  
 23 A roll call vote was taken. As shown by the following recorded vote, a  
 24 majority of those elected to the House voted in the affirmative, and the  
 25 bill, as amended, was declared **repassed**.

	YES 64	NO 0	EXCUSED 1	ABSENT 0				
26								
27								
28								
29	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
30	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
31	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
32	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
33	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
34	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
35	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
36	Clapp	E	Jameson	Y	Rippy	Y	Veiga	Y
37	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
38	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
39	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
40	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
41	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
42	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
43	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
44	Garcia	Y	Madden	Y	Snook	Y	Young	Y
45							Mr. Speaker	Y
46								

47 Co-sponsors added: Representatives Plant, Romanoff, Weddig.

48  
 49 **HB02-1237** by Representative(s) Hefley; also Senator(s) Gordon--  
 50 Concerning substantive changes for the strengthening of  
 51 criminal laws.

52  
 53 (Amended as printed in Senate Journal, May 7.)

54  
 55 Representative Hefley moved that the House **concur** in Senate amend-  
 56 ments. The motion was declared **passed** by the following roll call vote:

	YES 59	NO 5	EXCUSED 1	ABSENT 0				
1	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
2	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
3	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
4	Borodkin	Y	Hefley	Y	Paschall	N	Stengel	Y
5	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
6	Cadman	Y	Hoppe	N	Ragsdale	Y	Tapia	Y
7	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
8	Clapp	E	Jameson	Y	Rippy	Y	Veiga	Y
9	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
10	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
11	Crane	N	King	Y	Sanchez	Y	Weddig	Y
12	Daniel	Y	Larson	Y	Schultheis	Y	White	N
13	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
14	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
15	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
16	Garcia	Y	Madden	Y	Snook	Y	Young	N
17							Mr. Speaker	Y

18  
19  
20

21 The question being, "Shall the bill, as amended, pass?".  
22 A roll call vote was taken. As shown by the following recorded vote, a  
23 majority of those elected to the House voted in the affirmative, and the  
24 bill, as amended, was declared **repassed**.

25

	YES 62	NO 2	EXCUSED 1	ABSENT 0				
26	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
27	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
28	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
29	Borodkin	Y	Hefley	Y	Paschall	N	Stengel	Y
30	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
31	Cadman	Y	Hoppe	N	Ragsdale	Y	Tapia	Y
32	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
33	Clapp	E	Jameson	Y	Rippy	Y	Veiga	Y
34	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
35	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
36	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
37	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
38	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
39	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
40	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
41	Garcia	Y	Madden	Y	Snook	Y	Young	Y
42							Mr. Speaker	Y

43  
44

45 Co-sponsors added: Representatives Alexander, Borodkin, Stafford, Weddig.

46

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

51

52 (Amended as printed in Senate Journal, May 7.)

53

54 Representative Williams S. moved that the House **concur** in Senate  
55 amendments. The motion was declared **passed** by the following roll call  
56 vote:

	YES 61	NO 3	EXCUSED 1	ABSENT 0				
1								
2								
3	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
4	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
5	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
6	Borodkin	Y	Hefley	Y	Paschall	N	Stengel	Y
7	Boyd	Y	Hodge	Y	Plant	Y	Swenson	N
8	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
9	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
10	Clapp	E	Jameson	Y	Rippy	Y	Veiga	Y
11	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
12	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
13	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
14	Daniel	Y	Larson	N	Schultheis	Y	White	Y
15	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
16	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
17	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
18	Garcia	Y	Madden	Y	Snook	Y	Young	Y
19							Mr. Speaker	Y
20								

21

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

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

24 majority of those elected to the House voted in the affirmative, and the

25 bill, as amended, was declared **repassed**.

	YES 64	NO 0	EXCUSED 1	ABSENT 0				
26								
27								
28								
29	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
30	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
31	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
32	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
33	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
34	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
35	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
36	Clapp	E	Jameson	Y	Rippy	Y	Veiga	Y
37	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
38	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
39	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
40	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
41	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
42	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
43	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
44	Garcia	Y	Madden	Y	Snook	Y	Young	Y
45							Mr. Speaker	Y
46								

47 Co-sponsors added: Representatives Vigil, Weddig.

48

49 **HB02-1465** by Representative(s) Scott; also Senator(s) Phillips--

50 Concerning the division of special districts into

51 subdistricts.

52

53 (Amended as printed in Senate Journal, May 7.)

54

55 Representative Scott moved that the House **concur** in Senate amend-

56 ments. The motion was declared **passed** by the following roll call vote:

	YES	61	NO	1	EXCUSED	2	ABSENT	1	
1									
2									
3	Alexander		Y	Groff	Y	Marshall	Y	Spence	Y
4	Bacon		Y	Grossman	Y	Miller	Y	Spradley	Y
5	Berry		Y	Harvey	Y	Mitchell	Y	Stafford	Y
6	Borodkin		Y	Hefley	-	Paschall	Y	Stengel	Y
7	Boyd		Y	Hodge	Y	Plant	Y	Swenson	Y
8	Cadman		Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
9	Chavez		Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
10	Clapp		E	Jameson	Y	Rippy	Y	Veiga	E
11	Cloer		N	Johnson	Y	Romanoff	Y	Vigil	Y
12	Coleman		Y	Kester	Y	Saliman	Y	Webster	Y
13	Crane		Y	King	Y	Sanchez	Y	Weddig	Y
14	Daniel		Y	Larson	Y	Schultheis	Y	White	Y
15	Decker		Y	Lawrence	Y	Scott	Y	Williams S.	Y
16	Fairbank		Y	Lee	Y	Sinclair	Y	Williams T.	Y
17	Fritz		Y	Mace	Y	Smith	Y	Witwer	Y
18	Garcia		Y	Madden	Y	Snook	Y	Young	Y
19								Mr. Speaker	Y

20

21

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

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

26

	YES	61	NO	2	EXCUSED	2	ABSENT	0	
27									
28									
29	Alexander		Y	Groff	Y	Marshall	Y	Spence	Y
30	Bacon		Y	Grossman	Y	Miller	Y	Spradley	Y
31	Berry		Y	Harvey	Y	Mitchell	Y	Stafford	Y
32	Borodkin		Y	Hefley	Y	Paschall	Y	Stengel	Y
33	Boyd		Y	Hodge	Y	Plant	Y	Swenson	Y
34	Cadman		N	Hoppe	Y	Ragsdale	Y	Tapia	Y
35	Chavez		Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
36	Clapp		E	Jameson	Y	Rippy	Y	Veiga	E
37	Cloer		N	Johnson	Y	Romanoff	Y	Vigil	Y
38	Coleman		Y	Kester	Y	Saliman	Y	Webster	Y
39	Crane		Y	King	Y	Sanchez	Y	Weddig	Y
40	Daniel		Y	Larson	Y	Schultheis	Y	White	Y
41	Decker		Y	Lawrence	Y	Scott	Y	Williams S.	Y
42	Fairbank		Y	Lee	Y	Sinclair	Y	Williams T.	Y
43	Fritz		Y	Mace	Y	Smith	Y	Witwer	Y
44	Garcia		Y	Madden	Y	Snook	Y	Young	Y
45								Mr. Speaker	Y

46

47

48

49

50 **IMMEDIATE RECONSIDERATION OF HB02-1237**

51

52 Having voted on the prevailing side, Representative Young moved for  
53 reconsideration of the last House action on **HB02-1237** (repassage, page  
54 2063). As shown by the following recorded vote, a majority of those  
55 elected voted in the affirmative the motion was declared **passed**:

56

	YES 33	NO 31	EXCUSED 1	ABSENT 0				
1								
2								
3	Alexander	N	Groff	N	Marshall	N	Spence	Y
4	Bacon	N	Grossman	Y	Miller	N	Spradley	Y
5	Berry	N	Harvey	Y	Mitchell	N	Stafford	Y
6	Borodkin	N	Hefley	N	Paschall	Y	Stengel	N
7	Boyd	N	Hodge	N	Plant	Y	Swenson	Y
8	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
9	Chavez	N	Jahn	N	Rhodes	Y	Tochtrop	N
10	Clapp	Y	Jameson	N	Rippy	Y	Veiga	E
11	Cloer	Y	Johnson	Y	Romanoff	N	Vigil	N
12	Coleman	N	Kester	Y	Saliman	N	Webster	N
13	Crane	Y	King	Y	Sanchez	N	Weddig	N
14	Daniel	N	Larson	N	Schultheis	Y	White	Y
15	Decker	N	Lawrence	N	Scott	Y	Williams S.	N
16	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
17	Fritz	Y	Mace	Y	Smith	Y	Witwer	N
18	Garcia	N	Madden	N	Snook	Y	Young	Y
19							Mr. Speaker	Y
20								

21  
22 Representative Young moved for reconsideration of repassage of  
23 **HB02-1237**. As shown by the following recorded vote, less than a  
24 majority of those elected voted in the affirmative the motion was declared  
25 **lost**:

	YES 27	NO 36	EXCUSED 1	ABSENT 1				
26								
27								
28								
29	Alexander	Y	Groff	N	Marshall	N	Spence	Y
30	Bacon	N	Grossman	-	Miller	N	Spradley	Y
31	Berry	N	Harvey	Y	Mitchell	Y	Stafford	Y
32	Borodkin	N	Hefley	N	Paschall	Y	Stengel	N
33	Boyd	N	Hodge	N	Plant	N	Swenson	Y
34	Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	N
35	Chavez	N	Jahn	N	Rhodes	Y	Tochtrop	N
36	Clapp	Y	Jameson	N	Rippy	Y	Veiga	E
37	Cloer	N	Johnson	N	Romanoff	N	Vigil	N
38	Coleman	N	Kester	N	Saliman	N	Webster	Y
39	Crane	Y	King	Y	Sanchez	N	Weddig	N
40	Daniel	N	Larson	N	Schultheis	Y	White	Y
41	Decker	N	Lawrence	N	Scott	Y	Williams S.	N
42	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
43	Fritz	Y	Mace	N	Smith	Y	Witwer	N
44	Garcia	N	Madden	N	Snook	Y	Young	Y
45							Mr. Speaker	N
46								
47								
48								
49								

### 50 NOTICE OF INTENT TO RECONSIDER HB02-1237

51  
52 Having voted on the prevailing side, Representative Dean served notice  
53 of intent to reconsider **HB02-1237**.

54  
55  
56



1 **HB02-1358** by Representative(s) Alexander; also Senator(s) Fitz-  
 2 Gerald--Concerning the assessment of a bed and breakfast  
 3 for property tax purposes.  
 4

5 (Amended as printed in Senate Journal, May 7.)  
 6

7 Representative Alexander moved that the House **concur** in Senate amend-  
 8 ments. The motion was declared **passed** by the following roll call vote:  
 9

10	YES 64	NO 0	EXCUSED 1	ABSENT 0				
11	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
12	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
13	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
14	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
15	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
16	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
17	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
18	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	E
19	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
20	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
21	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
22	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
23	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
24	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
25	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
26	Garcia	Y	Madden	Y	Snook	Y	Young	Y
27							Mr. Speaker	Y

28  
 29  
 30 The question being, "Shall the bill, as amended, pass?".

31 A roll call vote was taken. As shown by the following recorded vote, a  
 32 majority of those elected to the House voted in the affirmative, and the  
 33 bill, as amended, was declared **repassed**.  
 34

35	YES 57	NO 7	EXCUSED 1	ABSENT 0				
37	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
38	Bacon	N	Grossman	Y	Miller	Y	Spradley	Y
39	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
40	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
41	Boyd	Y	Hodge	N	Plant	Y	Swenson	Y
42	Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	Y
43	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
44	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	E
45	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	N
46	Coleman	N	Kester	Y	Saliman	Y	Webster	Y
47	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
48	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
49	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
50	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
51	Fritz	Y	Mace	N	Smith	Y	Witwer	Y
52	Garcia	N	Madden	Y	Snook	Y	Young	Y
53							Mr. Speaker	Y

54  
 55 Co-sponsors added: Representatives Cadman, Cloer, Daniel, Schultheis,  
 56 Williams S.

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

10

11 (Amended as printed in Senate Journal, May 7.)

12

13 Representative Scott moved that the House **concur** in Senate amend-  
 14 ments. The motion was declared **passed** by the following roll call vote:

15

16	YES 64	NO 0	EXCUSED 1	ABSENT 0			
17							
18	Alexander	Y	Groff	Y	Marshall	Y	Spence Y
19	Bacon	Y	Grossman	Y	Miller	Y	Spradley Y
20	Berry	Y	Harvey	Y	Mitchell	Y	Stafford Y
21	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel Y
22	Boyd	Y	Hodge	Y	Plant	Y	Swenson Y
23	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia Y
24	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop Y
25	Clapp	Y	Jameson	Y	Rippy	Y	Veiga E
26	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil Y
27	Coleman	Y	Kester	Y	Saliman	Y	Webster Y
28	Crane	Y	King	Y	Sanchez	Y	Weddig Y
29	Daniel	Y	Larson	Y	Schultheis	Y	White Y
30	Decker	Y	Lawrence	Y	Scott	Y	Williams S. Y
31	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T. Y
32	Fritz	Y	Mace	Y	Smith	Y	Witwer Y
33	Garcia	Y	Madden	Y	Snook	Y	Young Y
34							Mr. Speaker Y

35

36

37 The question being, "Shall the bill, as amended, 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  
 40 bill, as amended, was declared **repassed**.

41

42	YES 64	NO 0	EXCUSED 1	ABSENT 0			
43							
44	Alexander	Y	Groff	Y	Marshall	Y	Spence Y
45	Bacon	Y	Grossman	Y	Miller	Y	Spradley Y
46	Berry	Y	Harvey	Y	Mitchell	Y	Stafford Y
47	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel Y
48	Boyd	Y	Hodge	Y	Plant	Y	Swenson Y
49	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia Y
50	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop Y
51	Clapp	Y	Jameson	Y	Rippy	Y	Veiga E
52	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil Y
53	Coleman	Y	Kester	Y	Saliman	Y	Webster Y
54	Crane	Y	King	Y	Sanchez	Y	Weddig Y
55	Daniel	Y	Larson	Y	Schultheis	Y	White Y
56	Decker	Y	Lawrence	Y	Scott	Y	Williams S. Y

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

5  
6 Co-sponsors added: Representatives Cadman, Cloer, Hodge.

7  
8 **HB02-1440** by Representative(s) Young, Alexander, Berry, Clapp,  
9 Cloer, Crane, Kester, Larson, Miller, Rhodes, Rippy,  
10 Romanoff, Sanchez, Smith, Snook, Spradley, Stafford,  
11 Tochtrop, Webster, White; also Senator(s) Entz--  
12 Concerning state emergency services, and making an  
13 appropriation in connection therewith.

14  
15 (Amended as printed in Senate Journal, May 7.)

16  
17 Representative Young moved that the House **concur** in Senate amend-  
18 ments. The motion was declared **passed** by the following roll call vote:

19	YES	64	NO	0	EXCUSED	1	ABSENT	0
20	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
21	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
22	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
23	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
24	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
25	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
26	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
27	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	E
28	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
29	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
30	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
31	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
32	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
33	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
34	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
35	Garcia	Y	Madden	Y	Snook	Y	Young	Y
36							Mr. Speaker	Y

37  
38  
39  
40  
41 The question being, "Shall the bill, as amended, pass?"

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

45	YES	64	NO	0	EXCUSED	1	ABSENT	0
46	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
47	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
48	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
49	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
50	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
51	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
52	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
53	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	E
54	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y

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

10  
11 **HB02-1395** by Representative(s) Sinclair, Cadman, Crane, Decker,  
12 Hodge, Miller, Ragsdale; also Senator(s) Taylor--  
13 Concerning the denial of the right of inspection of certain  
14 military records filed with the county clerk and recorder's  
15 office regarding a member of the military's separation  
16 from service.

17  
18 (Amended as printed in Senate Journal, May 7.)

19  
20 Representative Sinclair moved that the House **concur** in Senate amend-  
21 ments. The motion was declared **passed** by the following roll call vote:

22	YES	64	NO	0	EXCUSED	1	ABSENT	0
23	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
24	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
25	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
26	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
27	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
28	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
29	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
30	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	E
31	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
32	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
33	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
34	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
35	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
36	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
37	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
38	Garcia	Y	Madden	Y	Snook	Y	Young	Y
39							Mr. Speaker	Y

40  
41  
42  
43  
44 The question being, "Shall the bill, as amended, pass?".

45 A roll call vote was taken. As shown by the following recorded vote, a  
46 majority of those elected to the House voted in the affirmative, and the  
47 bill, as amended, was declared **repassed**.

48	YES	63	NO	1	EXCUSED	1	ABSENT	0
49	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
50	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
51	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
52	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
53	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
54	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y

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

---

12  
13  
14  
15  
16 **MESSAGE FROM THE SENATE**

17 Mr. Speaker:

18  
19 The Senate has adopted the First Report of the First Conference  
20 Committee on HB02-1349, as printed in Senate Journal, May 8, and  
21 repassed the bill as amended. The bill is returned herewith.  
22

23  
24  
25 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**  
26 **on HB02-1349**

27  
28 This Report Amends the Reengrossed Bill.  
29

30 To the President of the Senate and the  
31 Speaker of the House of Representatives:  
32

33 Your first conference committee appointed on HB02-1349,  
34 concerning the financing of public schools, and making an appropriation  
35 therefor, has met and reports that it has agreed upon the following:  
36

37 1. That the Senate recede from its amendments made to the bill,  
38 as said amendments appear in the rerevised bill, and that the following  
39 amendments be substituted therefor:  
40

41 Amend reengrossed bill, page 5, line 1, strike "(a)," and substitute "(a)  
42 (II),".  
43

44 Page 6, line 12, strike "SECTION 22-54-103 (10) (a)" and substitute  
45 "PARAGRAPH (a) OF SUBSECTION (10) OF THIS SECTION";  
46

47 line 21, strike "DISTRICT." and substitute "DISTRICT, MINUS ANY SUCH  
48 PUPILS WHO WERE ENROLLED IN ANY SUCH ON-LINE PROGRAMS FOR THE  
49 2001-02 SCHOOL YEAR.";  
50

51 strike lines 22 through 27.  
52

53 Page 7, strike lines 1 through 11 and substitute the following:  
54

55 "(10) (a) (II) "Pupil enrollment" shall include a pupil who WAS  
56 ENROLLED DURING THE 2001-02 SCHOOL YEAR IN AN ON-LINE PROGRAM

1 AUTHORIZED PURSUANT TO SECTION 22-33-104.6 AND WHO IS ENROLLED AND  
2 PARTICIPATES IN AN ANY SUCH ON-LINE PROGRAM AUTHORIZED PURSUANT TO  
3 SECTION 22-33-104.6 ON OCTOBER 1 WITHIN THE APPLICABLE BUDGET  
4 YEAR OR THE SCHOOL DAY NEAREST SAID DATE."

5

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

7

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

9

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

12

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

15

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

17

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

19

20 strike lines 20 through 27.

21

22 Page 11, strike lines 1 through 11;

23

24 strike lines 19 through 27.

25

26 Page 12, strike lines 1 through 17.

27

28 Renumber succeeding sections accordingly.

29

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

31

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

35

36 Page 17, strike lines 18 through 27.

37

38 Page 18, strike lines 1 through 16.

39

40 Renumber succeeding sections accordingly.

41

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

43

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

45

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

47

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

50

51 (III.1) FOR THE 2002-03 BUDGET YEAR AND BUDGET YEARS  
52 THEREAFTER, THE DEPARTMENT SHALL ALLOW SCHOOL DISTRICTS TO  
53 APPLY TO THE DEPARTMENT FOR AUTHORIZATION TO SERVE NO MORE THAN  
54 ONE THOUSAND FIVE HUNDRED ELIGIBLE CHILDREN THROUGH A FULL-DAY  
55 KINDERGARTEN COMPONENT OF THE DISTRICT'S PRESCHOOL PROGRAM.  
56 THE DEPARTMENT, USING ESTABLISHED CRITERIA, SHALL SELECT SCHOOL

1 DISTRICTS TO PARTICIPATE IN SUCH FULL-DAY KINDERGARTEN PROGRAMS  
 2 UNTIL THE TOTAL NUMBER OF FULL-DAY KINDERGARTEN POSITIONS  
 3 APPLIED FOR HAS BEEN FILLED OR THE LIMITATION OF ONE THOUSAND FIVE  
 4 HUNDRED CHILDREN HAS BEEN REACHED, WHICHEVER EVENT OCCURS  
 5 FIRST. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO WAIVERS  
 6 SHALL BE GRANTED BY THE DEPARTMENT THAT WOULD ALLOW MORE THAN  
 7 ONE THOUSAND FIVE HUNDRED FULL-DAY KINDERGARTEN CHILDREN.

8  
 9 (III.2) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY,  
 10 SCHOOL DISTRICTS THAT DID NOT HAVE ANY CHILDREN PARTICIPATE IN THE  
 11 STATE PRESCHOOL PROGRAM DURING THE 2001-02 BUDGET YEAR SHALL  
 12 BE GIVEN THE FIRST OPPORTUNITY TO HAVE UP TO ONE THOUSAND  
 13 CHILDREN PARTICIPATE IN THE STATE PRESCHOOL PROGRAM DURING THE  
 14 2002-03 BUDGET YEAR, WITH THE DEPARTMENT GIVING PRIORITY TO  
 15 SCHOOL DISTRICTS THAT HAVE BEEN WAITING TO PARTICIPATE IN THE  
 16 STATE PRESCHOOL PROGRAM FOR THE LONGEST PERIOD. IF SUCH SCHOOL  
 17 DISTRICTS DO NOT USE ALL ONE THOUSAND POSITIONS, ANY REMAINING  
 18 UNUSED POSITIONS SHALL BE ALLOWED TO ANY OTHER SCHOOL DISTRICTS  
 19 THAT ARE PARTICIPATING IN THE STATE PRESCHOOL PROGRAM DURING THE  
 20 2002-03 BUDGET YEAR.";

21  
 22 line 18, strike "(III.2)" and substitute "(III.3)";

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

25  
 26 strike lines 24 and 25 and substitute the following:

27  
 28 "ANY SCHOOL".

29  
 30 Page 20, strike lines 4 through 13 and substitute the following:

31  
 32 "CONSIDERATION.

33  
 34 **SECTION 11.** 22-28-104 (1), Colorado Revised Statutes, is  
 35 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

36  
 37 **22-28-104. Establishment of public preschool programs.**  
 38 (1) There is hereby established a state preschool program, which shall be  
 39 implemented in school districts beginning in January of 1989. The  
 40 purposes of the program are:

41  
 42 (a.5) FOR THE 2002-03 SCHOOL YEAR AND EACH SCHOOL YEAR  
 43 THEREAFTER, TO ALSO SERVE THREE-YEAR-OLD CHILDREN WHO LACK  
 44 OVERALL LEARNING READINESS DUE TO SIGNIFICANT FAMILY RISK  
 45 FACTORS, WHO ARE IN NEED OF LANGUAGE DEVELOPMENT, OR WHO ARE  
 46 RECEIVING SERVICES FROM THE STATE DEPARTMENT OF HUMAN SERVICES  
 47 PURSUANT TO ARTICLE 5 OF TITLE 26, C.R.S., AS NEGLECTED OR  
 48 DEPENDENT CHILDREN AND WHO WOULD BENEFIT FROM PARTICIPATION IN  
 49 THE STATE PRESCHOOL PROGRAM;

50  
 51 **SECTION 12.** The introductory portion to 22-28-106 (1) (a) and  
 52 22-28-106 (1) (a) (I) and (1) (a) (II), Colorado Revised Statutes, are  
 53 amended to read:

54  
 55 **22-28-106. Eligibility of children for participation in district**  
 56 **program.** (1) (a) The department shall establish, by rule, and regulation,

1 criteria for each school district to use in determining which children in  
2 the district shall be eligible for participation in the district preschool  
3 program, subject to the following requirements:  
4

5 (I) FOR EACH SCHOOL YEAR PRIOR TO THE 2002-03 SCHOOL YEAR,  
6 no child shall participate in the district preschool program unless he OR  
7 SHE is four or five years old and would be eligible to enroll in  
8 kindergarten in the following academic year. FOR THE 2002-03 SCHOOL  
9 YEAR AND EACH SCHOOL YEAR THEREAFTER, A CHILD WHO IS THREE, FOUR,  
10 OR FIVE YEARS OLD AND MEETS THE CRITERIA SPECIFIED IN  
11 SUBPARAGRAPHS (II) TO (IV) OF THIS PARAGRAPH (a) AND ANY OTHER  
12 CRITERIA ESTABLISHED BY RULE MAY PARTICIPATE IN THE DISTRICT  
13 PRESCHOOL PROGRAM.  
14

15 (II) No child shall participate in the district preschool program  
16 unless such child lacks overall learning readiness due to significant family  
17 risk factors, is in need of language development, including but not limited  
18 to the ability to speak English, or is receiving services from the state  
19 department of human services pursuant to article 5 of title 26, C.R.S., as  
20 a neglected or dependent child; EXCEPT THAT NO CHILD WHO IS THREE  
21 YEARS OF AGE SHALL PARTICIPATE IN THE DISTRICT PRESCHOOL PROGRAM  
22 UNLESS SUCH CHILD LACKS OVERALL LEARNING READINESS THAT IS  
23 ATTRIBUTABLE TO AT LEAST THREE OF THE SIGNIFICANT FAMILY RISK  
24 FACTORS."  
25

26 Renumber succeeding sections accordingly.  
27

28 Page 34, line 15, strike "FIVE HUNDRED" and substitute "ONE HUNDRED  
29 THIRTY-FIVE".  
30

31 Page 37, line 26, strike "(2) (a.8), (3) (a) (II),".  
32

33 Page 38, strike lines 14 and 15 and substitute the following:  
34

35 "DISTRICT FACILITY AND THAT DOES NOT HAVE ONGOING FINANCIAL  
36 OBLIGATIONS INCURRED TO REPAY THE OUTSTANDING COSTS OF NEW  
37 CONSTRUCTION UNDERTAKEN FOR THE CHARTER SCHOOL'S BENEFIT, and  
38 provide an estimate of the number".  
39

40 Page 40, strike lines 2 through 22;  
41

42 line 23, before "(III)", insert "(3) (a)";  
43

44 line 25, strike "~~federally required educational~~" and substitute "federally  
45 required educational";  
46

47 line 26, strike "SPECIAL EDUCATION".  
48

49 Page 46, line 6, strike "SCHOOL." and substitute "SCHOOL AND THAT WAS  
50 CREATED FOR THE SOLE PURPOSE OF HOLDING TITLE TO SUCH FACILITY."  
51

52 Page 48, line 18, after "THAT", insert "MEET APPLICABLE STATE BUILDING  
53 CODE REQUIREMENTS AND".  
54

55 Page 49, after line 1, insert the following:  
56



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

6  
7 Reletter succeeding paragraphs accordingly.

8  
9 Page 49, line 13, after "CONSTRUCTION.", insert "THE BOARD SHALL ALSO  
10 DETERMINE THE PRIORITY OF THE CHARTER SCHOOL CAPITAL  
11 CONSTRUCTION NEED IN RELATION TO THE CAPITAL CONSTRUCTION NEEDS  
12 OF THE ENTIRE DISTRICT.";

13  
14 line 18, after "PLAN,", insert "AND THE BOARD HAS PRIORITIZED THE  
15 CHARTER SCHOOL CAPITAL CONSTRUCTION NEEDS IN RELATION TO THE  
16 CAPITAL CONSTRUCTION NEEDS OF THE ENTIRE DISTRICT,".

17  
18 Page 51, line 3, strike "AND";

19  
20 after line 3, insert the following:

21  
22           (c) THE INVESTMENT AND INTEREST EARNINGS ON BOND  
23 PROCEEDS SHALL BE DISTRIBUTED ON A PRO RATA BASIS TO THE  
24 PARTICIPATING CHARTER SCHOOL AFTER MANAGEMENT FEES HAVE BEEN  
25 COLLECTED; AND";

26  
27 line 4, strike "(c)" and substitute "(d)";

28  
29 strike line 19 and substitute the following:

30  
31 "CONTRACT SPECIFYING THAT:

32  
33           (a) THE OWNERSHIP OF ANY CAPITAL";

34  
35 line 20, strike "REVERT" and substitute "AUTOMATICALLY REVERT TO THE  
36 DISTRICT";

37  
38 line 23, strike "SCHOOL." and substitute "SCHOOL; AND";

39  
40 after line 23, insert the following:

41  
42           (b) THE CHARTER SCHOOL SHALL NOT ENCUMBER ANY CAPITAL  
43 CONSTRUCTION FINANCED BY BOND REVENUES WITH ANY ADDITIONAL  
44 DEBT."

45  
46 Page 57, line 17, strike "A";

47  
48 strike line 18 and substitute the following:

49  
50 "THE COLORADO EDUCATIONAL AND CULTURAL FACILITIES AUTHORITY  
51 CREATED IN SECTION 23-15-104 (1) (a), C.R.S., TO OBTAIN SUCH".

52  
53 Page 58, line 9, strike "Two" and substitute "ONE".

54  
55 Page 59, strike line 22 and substitute the following:

56

1 "CHARTER SCHOOL BY THE COLORADO EDUCATIONAL AND CULTURAL  
2 FACILITIES AUTHORITY CREATED IN SECTION 23-15-104 (1) (a), C.R.S.";  
3  
4 line 23, strike "DISTRICT".  
5  
6 Page 60, strike line 13 and substitute the following:  
7  
8 "SCHOOL BY THE COLORADO EDUCATIONAL AND CULTURAL FACILITIES  
9 AUTHORITY";  
10  
11 strike line 27 and substitute the following:  
12  
13 "BY THE COLORADO EDUCATIONAL AND CULTURAL FACILITIES AUTHORITY  
14 FOR WHICH".  
15  
16 Page 61, line 23, strike "TWO" and substitute "ONE";  
17  
18 line 27, strike "A".  
19  
20 Page 62, strike line 1 and substitute the following:  
21  
22 "THE COLORADO EDUCATIONAL AND CULTURAL FACILITIES AUTHORITY  
23 SHALL HAVE ITS";  
24  
25 line 10, strike "TWO" and substitute "ONE";  
26  
27 strike lines 13 and 14 and substitute the following:  
28  
29 "BONDS ISSUED BY THE COLORADO EDUCATIONAL AND CULTURAL  
30 FACILITIES AUTHORITY SHALL HAVE ITS PAYMENT REDUCED BY THE SAME".  
31  
32 Page 63, strike lines 3 and 4 and substitute the following:  
33  
34 "CHARTER SCHOOL BONDS ON BEHALF OF THE CHARTER SCHOOL BY THE  
35 COLORADO EDUCATIONAL AND CULTURAL FACILITIES";  
36  
37 line 6, strike "C.R.S.; OR" and substitute "C.R.S.";  
38  
39 strike lines 7 through 9;  
40  
41 strike lines 12 through 14 and substitute the following:  
42  
43 "AUTHORITY FOR THE PURPOSE OF FINANCING A FACILITY TO BE USED".  
44  
45 Page 64, line 4, strike "OR ANY OTHER GOVERNMENTAL";  
46  
47 strike lines 5 and 6 and substitute the following:  
48  
49 "HAS ISSUED QUALIFIED CHARTER";  
50  
51 strike lines 11 and 12 and substitute the following:  
52  
53 "BOARD OF DIRECTORS OF THE COLORADO EDUCATIONAL AND CULTURAL  
54 FACILITIES AUTHORITY SHALL SUBMIT TO THE GOVERNOR A";  
55  
56 line 17, strike "TO";

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

5  
6 Page 65, after line 3, insert the following:

7  
8 **"22-30.5-409. Annual reports on bonds issued on behalf of**  
9 **charter schools - review by state auditor.** (1) PRIOR TO JANUARY 30,  
10 2003, AND PRIOR TO JANUARY 30 OF EACH YEAR THEREAFTER, THE  
11 COLORADO EDUCATIONAL AND CULTURAL FACILITIES AUTHORITY CREATED  
12 IN SECTION 23-15-104 (1) (a), C.R.S., SHALL SUBMIT A REPORT TO THE  
13 STATE AUDITOR THAT INCLUDES INFORMATION CONCERNING THE ISSUANCE  
14 OF QUALIFIED CHARTER SCHOOL BONDS, AS DEFINED IN SECTION  
15 22-30.5-408 (1) (c), THAT HAVE RESULTED IN CHARTER SCHOOLS  
16 OBTAINING MORE FAVORABLE FINANCING TERMS BY RELIANCE ON THE  
17 EXISTENCE OF THE CHARTER SCHOOL DEBT RESERVE FUND CREATED IN  
18 SECTION 22-30.5-407 (2) (a) AND THE POTENTIAL REPLENISHMENT OF THE  
19 CHARTER SCHOOL DEBT RESERVE FUND PURSUANT TO SECTION  
20 22-30.5-408 (2) (a). SUCH REPORT SHALL INCLUDE, BUT NEED NOT BE  
21 LIMITED TO:

22  
23 (a) THE TOTAL AMOUNT OF SUCH QUALIFIED CHARTER SCHOOL  
24 BONDS ISSUED DURING THE MOST RECENTLY COMPLETED CALENDAR YEAR;

25  
26 (b) THE CHARTER SCHOOLS ON WHOSE BEHALF SUCH QUALIFIED  
27 CHARTER SCHOOL BONDS WERE ISSUED;

28  
29 (c) AN ITEMIZATION OF THE CHARTER SCHOOL FACILITIES FOR  
30 WHICH SUCH QUALIFIED CHARTER SCHOOL BONDS WERE ISSUED, THE  
31 TOTAL COST OF EACH SUCH CHARTER SCHOOL FACILITY, AND THE  
32 PERCENTAGE OF THE TOTAL COST OF EACH SUCH FACILITY TO BE PAID  
33 FROM THE PROCEEDS OBTAINED FROM THE ISSUANCE OF SUCH QUALIFIED  
34 CHARTER SCHOOL BONDS;

35  
36 (d) THE INVESTMENT RATINGS OF SUCH QUALIFIED CHARTER  
37 SCHOOL BONDS;

38  
39 (e) THE TOTAL AMOUNT OF NET AND GROSS PROCEEDS OBTAINED  
40 FROM THE ISSUANCE OF SUCH QUALIFIED CHARTER SCHOOL BONDS DURING  
41 THE MOST RECENTLY COMPLETED CALENDAR YEAR;

42  
43 (f) THE TOTAL AMOUNT OF SUCH OUTSTANDING QUALIFIED  
44 CHARTER SCHOOL BONDS;

45  
46 (g) THE TOTAL AMOUNT OF ANNUAL INSTALLMENTS OF PRINCIPAL  
47 AND INTEREST ON SUCH QUALIFIED CHARTER SCHOOL BONDS THAT WERE  
48 SCHEDULED TO BE PAID DURING THE MOST RECENTLY COMPLETED  
49 CALENDAR YEAR, THE TOTAL AMOUNT OF SUCH ANNUAL INSTALLMENTS  
50 ACTUALLY PAID DURING THE MOST RECENTLY COMPLETED CALENDAR  
51 YEAR, AND THE TOTAL AMOUNT OF SUCH ANNUAL INSTALLMENTS  
52 SCHEDULED TO BE PAID DURING THE CURRENT CALENDAR YEAR AND  
53 FUTURE CALENDAR YEARS;

54  
55 (h) THE TOTAL AMOUNT, IF ANY, OF MONEYS EXPENDED FROM  
56 EACH CHARTER SCHOOL'S OWN DEBT SERVICE RESERVE FUND OR ACCOUNT

1 DURING THE MOST RECENTLY COMPLETED CALENDAR YEAR FOR THE  
2 PURPOSE OF PAYING PRINCIPAL AND INTEREST ON SUCH QUALIFIED  
3 CHARTER SCHOOL BONDS; AND

4  
5 (i) THE TOTAL AMOUNT, IF ANY, OF MONEYS EXPENDED FROM THE  
6 CHARTER SCHOOL DEBT RESERVE FUND DURING THE MOST RECENTLY  
7 COMPLETED CALENDAR YEAR FOR THE PURPOSE OF PAYING PRINCIPAL AND  
8 INTEREST ON SUCH QUALIFIED CHARTER SCHOOL BONDS.

9  
10 (2) NO LATER THAN MARCH 1, 2002, AND NO LATER THAN MARCH  
11 1 EACH YEAR THEREAFTER, THE STATE AUDITOR SHALL EXAMINE THE  
12 REPORT SUBMITTED IN ACCORDANCE WITH SUBSECTION (1) OF THIS  
13 SECTION AND, UPON COMPLETION OF SUCH REVIEW, SHALL REPORT ANY  
14 FINDINGS REGARDING SAID SUBMITTED REPORT TO THE EDUCATION  
15 COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, THE  
16 LEGISLATIVE AUDIT COMMITTEE, THE CAPITAL DEVELOPMENT COMMITTEE,  
17 THE JOINT BUDGET COMMITTEE, AND THE DEPARTMENT OF EDUCATION."

18  
19 Page 68, strike lines 4 through 27.

20  
21 Page 69, strike line 1, insert the following:

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

25  
26 **22-54-124. State aid for charter schools - use of state education**  
27 **fund moneys.** (8) THE GENERAL ASSEMBLY HEREBY FINDS THAT WITH  
28 THE ADOPTION OF THE NEW DEFINITION OF "QUALIFIED CHARTER" SCHOOL,  
29 ENACTED IN HOUSE BILL 02-1349 DURING THE SECOND REGULAR SESSION  
30 OF THE SIXTY-THIRD GENERAL ASSEMBLY, THE PROGRAM CREATED IN THIS  
31 SECTION IS A NEW PROGRAM AS OF THE EFFECTIVE DATE OF SAID ACT AND  
32 THAT THE GENERAL ASSEMBLY ENACTED SUCH NEW PROGRAM IN ORDER  
33 TO MEET THE ELIGIBILITY REQUIREMENTS OF THE INCENTIVE GRANT  
34 PROGRAM INCLUDED IN THE FEDERAL "NO CHILD LEFT BEHIND ACT OF  
35 2001", P.L. No. 107-110."

36  
37 Page 70, strike lines 13 and 14 and substitute the following:

38  
39 "(II) THE TOTAL AMOUNT OF STATE EDUCATION FUND MONEYS TO  
40 BE DISTRIBUTED TO ALL ELIGIBLE DISTRICTS FOR THE 2002-03 BUDGET  
41 YEAR SHALL BE SEVEN MILLION EIGHT HUNDRED THIRTEEN THOUSAND  
42 NINE HUNDRED FORTY-THREE DOLLARS.

43  
44 (III) (A) THE TOTAL AMOUNT OF STATE EDUCATION";

45  
46 strike line 16 and substitute the following:

47  
48 "BUDGET YEAR FROM THE 2003-04 BUDGET YEAR THROUGH THE 2011-12";

49  
50 line 19, strike "(I)" and substitute "(II)";

51  
52 line 24, strike "2011-12" and substitute "2012-13".

53  
54 Page 71, strike lines 3 through 8;

55  
56 line 9, strike "(C)" and substitute "(B)";

1 strike line 17 and substitute the following:

2

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

4

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

9

10 Page 72, strike line 1.

11

12 Page 89, strike line 27.

13

14 Strike pages 90 and 91.

15

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

17

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

23

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

26

27 **26-6-102. Definitions.** As used in this article, unless the context  
28 otherwise requires:

29

30 (1.5) "Child care center" means a facility, by whatever name  
31 known, that is maintained for the whole or part of a day for the care of  
32 five or more children who are eighteen years of age or younger and who  
33 are not related to the owner, operator, or manager thereof, whether such  
34 facility is operated with or without compensation for such care and with  
35 or without stated educational purposes. The term includes, but is not  
36 limited to, facilities commonly known as day care centers, school-age  
37 child care centers, before and after school programs, nursery schools,  
38 kindergartens, preschools, day camps, summer camps, and centers for  
39 developmentally disabled children and those facilities that give  
40 twenty-four-hour care for children and includes those facilities for  
41 children under the age of six years with stated educational purposes  
42 operated in conjunction with a public, private, or parochial college or a  
43 private or parochial school; except that the term shall not apply to any  
44 kindergarten maintained in connection with a public, private, or parochial  
45 elementary school system of at least six grades OR OPERATED AS A  
46 COMPONENT OF A SCHOOL DISTRICT'S PRESCHOOL PROGRAM OPERATED  
47 PURSUANT TO ARTICLE 28 OF TITLE 22, C.R.S. The term shall not include  
48 any facility licensed as a family child care home or foster care home.

49

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

52

53 **22-43.7-105. Financial assistance application requirements -  
54 evaluation criteria - oversight board - duties.**

55 (6.5) NOTWITHSTANDING ANY PROVISION IN SUBSECTION (6) OF THIS  
56 SECTION TO THE CONTRARY, APPROPRIATIONS FOR THE CAPITAL

1 CONSTRUCTION PROJECTS THAT WILL RECEIVE MATCHING GRANTS FROM  
2 THE CONSTRUCTION AND RENOVATION FUND FOR THE 2002-03 FISCAL  
3 YEAR MAY BE MADE TO THE DEPARTMENT OF EDUCATION IN HOUSE BILL  
4 02-1349, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-THIRD  
5 GENERAL ASSEMBLY.

6

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

9

10 **22-7-607.5. Teacher pay incentive program - repeal.** (1) As  
11 used in this section, unless the context otherwise requires:

12

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

17

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

22

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

44

45 (II) ANY PUBLIC SCHOOL THAT QUALIFIED FOR FUNDING AS AN  
46 ELIGIBLE SCHOOL, AS DEFINED IN SUBPARAGRAPH (I) OF PARAGRAPH (a) OF  
47 SUBSECTION (1) OF THIS SECTION, FOR THE 2001-02 BUDGET YEAR BUT  
48 DOES NOT QUALIFY AS AN ELIGIBLE SCHOOL, AS DEFINED IN  
49 SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS  
50 SECTION, SHALL RECEIVE FUNDING PURSUANT TO THIS SECTION FOR THE  
51 2001-02 BUDGET YEAR ONLY.

52

53 (b) The per pupil grant amount shall be an amount equal to ~~twelve~~  
54 ~~million six hundred thirty thousand~~ THREE MILLION SIX HUNDRED TWENTY  
55 THOUSAND dollars divided by the total number of students enrolled in all  
56 eligible schools.

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

9  
 10 (I) ~~Reward outstanding teacher performance;~~

11  
 12 (II) ~~Offer a recruitment bonus to encourage a teacher who holds~~  
 13 ~~a master certificate pursuant to section 22-60.5-202 to teach at the~~  
 14 ~~eligible school or a retention bonus to such a teacher who has taught at~~  
 15 ~~the school for at least one school year;~~

16  
 17 (III) ~~Offer a recruitment bonus to encourage a teacher in a~~  
 18 ~~hard-to-recruit subject or a retention bonus to such a teacher who has~~  
 19 ~~taught at the school for at least one school year; or~~

20  
 21 (IV) ~~Defray housing and living expenses if an eligible school is~~  
 22 ~~located in a community with a lack of adequate affordable housing.~~

23  
 24 (b) (I) ~~To give a bonus under subparagraph (I) of paragraph (a) of~~  
 25 ~~this subsection (3), the district school board or district superintendent~~  
 26 ~~must specifically identify a data-driven evaluation based upon the results~~  
 27 ~~of student performance on the assessments administered pursuant to~~  
 28 ~~section 22-7-409 that was used to determine which teachers should~~  
 29 ~~receive the bonus.~~

30  
 31 (II) ~~To give a recruitment bonus under subparagraph (II) or (III)~~  
 32 ~~of paragraph (a) of this subsection (3), the district school board or district~~  
 33 ~~superintendent must identify an open teaching position that is filled by a~~  
 34 ~~new teacher.~~

35  
 36 (III) ~~The state board shall determine by rule what subjects~~  
 37 ~~constitute hard-to-recruit subjects for purposes of subparagraph (III) of~~  
 38 ~~paragraph (a) of this subsection (3).~~

39  
 40 **SECTION 53.** Article 54 of title 22, Colorado Revised Statutes,  
 41 is amended BY THE ADDITION OF A NEW SECTION to read:

42  
 43 **22-54-123.5. School breakfast program - appropriation -**  
 44 **low-performing schools.** (1) FOR THE 2002-03 BUDGET YEAR AND EACH  
 45 BUDGET YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE  
 46 BY SEPARATE LINE ITEM A MINIMUM OF FIVE HUNDRED THOUSAND  
 47 DOLLARS TO ASSIST SCHOOL DISTRICTS THAT ARE PROVIDING A SCHOOL  
 48 BREAKFAST PROGRAM THROUGH PARTICIPATION IN PROGRAMS  
 49 AUTHORIZED UNDER THE "NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC.  
 50 1751 ET SEQ., OR THE "CHILD NUTRITION ACT", 42 U.S.C. SEC. 1771 ET  
 51 SEQ. THE DEPARTMENT SHALL DEVELOP PROCEDURES TO APPROPRIATELY  
 52 ALLOCATE AND DISBURSE THE FUNDS AMONG PARTICIPATING SCHOOL  
 53 DISTRICTS. EACH SCHOOL DISTRICT THAT RECEIVES MONEYS PURSUANT TO  
 54 THIS SECTION SHALL USE SUCH MONEYS TO CREATE, EXPAND, OR ENHANCE  
 55 THE SCHOOL BREAKFAST PROGRAM IN EACH LOW-PERFORMING SCHOOL OF  
 56 THE RECEIVING DISTRICT WITH THE GOAL OF IMPROVING THE ACADEMIC

1 PERFORMANCE OF THE STUDENTS ATTENDING SUCH SCHOOLS.

2

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

7

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

10

11

12

13

14

**ARTICLE 86**  
**Summer School Grant Program**  
**Facility Schools**

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

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

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

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

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

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

(3) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE FACILITY SUMMER SCHOOL GRANT PROGRAM CREATED IN THIS ARTICLE RECEIVE FUNDING FOR THE 2002-03 FISCAL YEAR FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION AND THAT ANY ADDITIONAL FUNDING IN SUBSEQUENT



1 FISCAL YEARS FROM THE STATE EDUCATION FUND BE SUBJECT TO REVIEW  
2 AND DETERMINATION BY THE GENERAL ASSEMBLY ON AN ANNUAL BASIS.

3

4 **22-86-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
5 CONTEXT OTHERWISE REQUIRES:

6

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

9

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

12

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

21

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

24

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

28

29 **22-86-103. Facility summer school grant program - creation -**  
30 **rules.** (1) THERE IS HEREBY CREATED THE FACILITY SUMMER SCHOOL  
31 GRANT PROGRAM TO PROVIDE GRANTS TO FACILITY SCHOOLS THAT  
32 OPERATE SUMMER SCHOOL PROGRAMS FOR THE CHILDREN RESIDING IN THE  
33 FACILITIES. THE GRANT PROGRAM SHALL BE DESIGNED TO ASSIST FACILITY  
34 SCHOOLS IN PROVIDING INTENSIVE EDUCATIONAL SERVICES IN THE AREAS  
35 OF READING, WRITING, MATHEMATICS, AND SCIENCE FOR CHILDREN WHO  
36 ARE PERFORMING BELOW GRADE LEVEL IN THESE AREAS.

37

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

43

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

50

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

- 1           **22-86-104. Facility summer school grant program - application**  
2 **- criteria.** (1) A FACILITY SCHOOL THAT SEEKS TO RECEIVE A GRANT  
3 PURSUANT TO THIS ARTICLE SHALL SUBMIT AN APPLICATION TO THE  
4 DEPARTMENT IN ACCORDANCE WITH RULES PROMULGATED BY THE STATE  
5 BOARD. THE APPLICATION SHALL INCLUDE THE FOLLOWING INFORMATION:  
6  
7           (a) THE NUMBER OF CHILDREN RECEIVING EDUCATIONAL SERVICES  
8 FROM THE FACILITY SCHOOL;  
9  
10           (b) THE GRADE LEVELS OF CHILDREN RECEIVING EDUCATIONAL  
11 SERVICES FROM THE FACILITY SCHOOL AND THEIR LEVELS OF ACADEMIC  
12 PERFORMANCE IN THE AREAS OF READING, WRITING, MATHEMATICS, AND  
13 SCIENCE, INCLUDING THEIR LEVELS OF PERFORMANCE ON THE MOST  
14 RECENTLY ADMINISTERED CSAP ASSESSMENTS, IF AVAILABLE;  
15  
16           (c) A DESCRIPTION OF THE EDUCATIONAL SERVICES, INCLUDING  
17 BUT NOT LIMITED TO THE CURRICULA PROVIDED BY THE FACILITY SCHOOL  
18 AND THE EDUCATIONAL SERVICES THE FACILITY SCHOOL WOULD  
19 ANTICIPATE PROVIDING THROUGH A SUMMER SCHOOL PROGRAM;  
20  
21           (d) A DESCRIPTION OF THE METHOD USED BY THE FACILITY SCHOOL  
22 TO MEASURE CHILDREN'S ACADEMIC PERFORMANCE, INCLUDING THE  
23 METHOD USED TO DETERMINE WHETHER A CHILD IS PERFORMING AT,  
24 BELOW, OR ABOVE GRADE LEVEL AND THE METHOD, IF ANY, USED TO  
25 DETERMINE A CHILD'S ACADEMIC GROWTH OVER TIME;  
26  
27           (e) AN ITEMIZATION OF OTHER SOURCES OF FUNDING RECEIVED BY  
28 THE FACILITY SCHOOL AND USED TO PROVIDE EDUCATIONAL SERVICES,  
29 INCLUDING BUT NOT LIMITED TO A SUMMER SCHOOL PROGRAM;  
30  
31           (f) A DESCRIPTION OF THE GOALS THAT THE FACILITY SCHOOL'S  
32 SUMMER SCHOOL PROGRAM IS EXPECTED TO ACHIEVE AND THE METHOD BY  
33 WHICH THE FACILITY SCHOOL WILL MEASURE ACHIEVEMENT OF THE  
34 GOALS; AND  
35  
36           (g) ANY ADDITIONAL INFORMATION REQUIRED BY RULE OF THE  
37 STATE BOARD.  
38  
39           (2) THE DEPARTMENT SHALL REVIEW THE APPLICATIONS RECEIVED  
40 FROM FACILITY SCHOOLS PURSUANT TO THIS SECTION AND SHALL MAKE  
41 RECOMMENDATIONS TO THE STATE BOARD CONCERNING THE AWARDING  
42 OF GRANTS AND THE AMOUNTS OF THE GRANTS. THE STATE BOARD SHALL  
43 TAKE INTO CONSIDERATION THE RECOMMENDATIONS OF THE DEPARTMENT  
44 AND SHALL ANNUALLY AWARD GRANTS TO FACILITY SCHOOLS IN AMOUNTS  
45 SPECIFIED BY THE STATE BOARD. IN AWARDING GRANTS PURSUANT TO THIS  
46 ARTICLE, THE STATE BOARD SHALL:  
47  
48           (a) CONSIDER THE GEOGRAPHIC LOCATION OF THE FACILITY  
49 SCHOOL AND, TO THE EXTENT POSSIBLE, ENSURE THAT GRANT MONEYS ARE  
50 AWARDED TO FACILITY SCHOOLS THROUGHOUT THE STATE;  
51  
52           (b) AWARD GRANTS TO FACILITY SCHOOLS THAT ARE  
53 IMPLEMENTING SUMMER SCHOOL PROGRAMS USING CURRICULA THAT ARE  
54 RESEARCH-BASED AND THAT HAVE BEEN USED WITH DEMONSTRATED  
55 SUCCESS EITHER BY THE APPLYING FACILITY SCHOOL OR BY ANOTHER  
56 SCHOOL; AND

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

5  
6 **22-86-105. Reporting requirements.** (1) ON OR BEFORE  
7 OCTOBER 1, 2004, AND ON OR BEFORE OCTOBER 1 EACH YEAR  
8 THEREAFTER, EACH FACILITY SCHOOL THAT RECEIVES A GRANT PURSUANT  
9 TO THIS ARTICLE SHALL SUBMIT A REPORT TO THE DEPARTMENT AFTER  
10 COMPLETION OF EACH ACADEMIC YEAR IN WHICH THE FACILITY SCHOOL  
11 PARTICIPATES IN THE GRANT PROGRAM. THE REPORT SHALL INCLUDE THE  
12 FOLLOWING INFORMATION:

13  
14 (a) THE NUMBER OF CHILDREN WHO PARTICIPATED IN THE FACILITY  
15 SCHOOL'S SUMMER SCHOOL PROGRAM;

16  
17 (b) THE LEVELS OF PERFORMANCE IN READING, WRITING,  
18 MATHEMATICS, AND SCIENCE DEMONSTRATED BY THE CHILDREN  
19 PARTICIPATING IN THE SUMMER SCHOOL PROGRAM BOTH BEFORE  
20 PARTICIPATION IN THE PROGRAM AND DURING THE SCHOOL YEAR  
21 FOLLOWING PARTICIPATION IN THE PROGRAM; AND

22  
23 (c) SUCH OTHER INFORMATION AS THE STATE BOARD MAY BY RULE  
24 REQUIRE TO ASSESS THE EFFECTIVENESS OF THE FACILITY SCHOOL'S  
25 SUMMER SCHOOL PROGRAM AND OF THE GRANT PROGRAM.

26  
27 **22-86-106. Facility summer school grant program fund.** THERE  
28 IS HEREBY CREATED IN THE STATE TREASURY THE FACILITY SUMMER  
29 SCHOOL GRANT PROGRAM FUND, REFERRED TO IN THIS SECTION AS THE  
30 "FUND", FOR THE PAYMENT OF FACILITY SUMMER SCHOOL GRANTS  
31 AWARDED PURSUANT TO THIS ARTICLE. THE FUND SHALL CONSIST OF SUCH  
32 MONEYS AS MAY BE APPROPRIATED THERETO FROM THE STATE GENERAL  
33 FUND AND FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4)  
34 OF ARTICLE IX OF THE STATE CONSTITUTION, AS WELL AS ANY MONEYS  
35 RECEIVED BY THE DEPARTMENT PURSUANT TO SECTION 22-86-103 (4).  
36 THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY  
37 THE GENERAL ASSEMBLY TO THE DEPARTMENT FOR THE PURPOSES  
38 SPECIFIED IN THIS ARTICLE. THE DEPARTMENT MAY EXPEND UP TO ONE  
39 PERCENT OF THE MONEYS ANNUALLY APPROPRIATED FROM THE FUND TO  
40 OFFSET THE DOCUMENTED COSTS INCURRED IN IMPLEMENTING THE GRANT  
41 PROGRAM. ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT  
42 OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. AT THE END  
43 OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN  
44 THE FUND SHALL REMAIN THEREIN AND SHALL NOT BE CREDITED OR  
45 TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

46  
47 **SECTION 55.** Part 1 of article 60.5 of title 22, Colorado Revised  
48 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
49 read:

50  
51 **22-60.5-112.5. National credential - fee assistance - one-time**  
52 **payments.** (1) (a) BEGINNING JULY 1, 2002, THE DEPARTMENT OF  
53 EDUCATION SHALL ASSIST PERSONS WHO ARE SEEKING NATIONAL  
54 CREDENTIALS BY PAYING A PORTION OF THE FEES CHARGED FOR SUCH  
55 NATIONAL CREDENTIAL. FEE ASSISTANCE PURSUANT TO THIS SECTION  
56 SHALL BE AVAILABLE TO ANY PERSON WHO:

- 1 (I) IS SEEKING A NATIONAL CREDENTIAL FROM AN APPROVED  
2 PROFESSIONAL ORGANIZATION AS A REQUIREMENT FOR OR IN THE COURSE  
3 OF OBTAINING MASTER TEACHER CERTIFICATION PURSUANT TO THIS  
4 ARTICLE;  
5
- 6 (II) RECEIVES NATIONAL CREDENTIAL FEE ASSISTANCE THROUGH  
7 A FEDERAL ASSISTANCE PROGRAM;  
8
- 9 (III) IS EMPLOYED AS A TEACHER IN A PUBLIC SCHOOL IN THIS  
10 STATE AT THE TIME OF APPLYING FOR FEE ASSISTANCE PURSUANT TO THIS  
11 SECTION; AND  
12
- 13 (IV) APPLIES FOR NATIONAL CREDENTIAL FEE ASSISTANCE AS  
14 PROVIDED IN THIS SECTION.  
15
- 16 (b) THE AMOUNT OF FEE ASSISTANCE PAID PURSUANT TO THIS  
17 SUBSECTION (1) SHALL BE EQUAL TO THE AMOUNT OF THE NATIONAL  
18 CREDENTIAL FEE RECEIVED BY THE APPLYING TEACHER THROUGH A  
19 FEDERAL ASSISTANCE PROGRAM.  
20
- 21 (2) (a) TO APPLY FOR NATIONAL CREDENTIAL FEE ASSISTANCE  
22 PURSUANT TO THIS SECTION, A PERSON SHALL PRESENT TO THE  
23 DEPARTMENT OF EDUCATION THE FOLLOWING ITEMS:  
24
- 25 (I) PROOF THAT THE PERSON HAS BEGUN THE PROCESS TO OBTAIN  
26 THE NATIONAL CREDENTIAL AND IDENTIFICATION OF THE NATIONAL  
27 CREDENTIAL PROGRAM IN WHICH THE PERSON WILL PARTICIPATE TO  
28 OBTAIN THE NATIONAL CREDENTIAL;  
29
- 30 (II) PROOF THAT THE PERSON HAS RECEIVED OR WILL RECEIVE  
31 NATIONAL CREDENTIAL FEE ASSISTANCE THROUGH A FEDERAL ASSISTANCE  
32 PROGRAM AND THE AMOUNT OF SUCH ASSISTANCE; AND  
33
- 34 (III) PROOF THAT THE PERSON IS EMPLOYED AS A TEACHER AT A  
35 PUBLIC SCHOOL IN THIS STATE AT THE TIME OF APPLYING FOR NATIONAL  
36 CREDENTIAL FEE ASSISTANCE.  
37
- 38 (b) FOLLOWING RECEIPT OF THE ITEMS SPECIFIED IN PARAGRAPH (a)  
39 OF THIS SUBSECTION (2) AND VERIFICATION THAT THE PERSON MEETS THE  
40 CRITERIA SPECIFIED IN SUBSECTION (1) OF THIS SECTION, THE DEPARTMENT  
41 OF EDUCATION SHALL FORWARD THE FEE ASSISTANCE TO THE IDENTIFIED  
42 NATIONAL CREDENTIAL PROGRAM ON BEHALF OF THE PERSON IN THE  
43 AMOUNT SPECIFIED IN SUBSECTION (1) OF THIS SECTION. THE FEE  
44 ASSISTANCE SHALL BE PAID OUT OF MONEYS IN THE NATIONAL CREDENTIAL  
45 FUND CREATED IN PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION.  
46
- 47 (c) IF A PERSON WHO RECEIVES FEE ASSISTANCE PURSUANT TO THIS  
48 SECTION DOES NOT COMPLETE THE NATIONAL CREDENTIAL PROGRAM FOR  
49 WHICH HE OR SHE RECEIVED SUCH ASSISTANCE, THE NATIONAL  
50 CREDENTIAL PROGRAM SHALL REFUND TO THE DEPARTMENT OF  
51 EDUCATION THE AMOUNT OF FEE ASSISTANCE PAID ON BEHALF OF SAID  
52 PERSON.  
53
- 54 (3) (a) THE STATE BOARD OF EDUCATION SHALL PROMULGATE  
55 RULES AS NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION,  
56 INCLUDING BUT NOT LIMITED TO A RULE IDENTIFYING THOSE NATIONALLY

1 RECOGNIZED PROFESSIONAL CREDENTIALING ORGANIZATIONS THAT ARE  
2 APPROVED FOR PURPOSES OF THIS SECTION.

3  
4 (b) THE DEPARTMENT OF EDUCATION SHALL SEEK AND IS  
5 AUTHORIZED TO ACCEPT AND EXPEND ANY PUBLIC OR PRIVATE GIFTS,  
6 GRANTS, AND DONATIONS THAT MAY BE AVAILABLE TO FUND THE  
7 PURPOSES SPECIFIED IN THIS SECTION. ALL SUCH GIFTS, GRANTS, AND  
8 DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER WHO SHALL  
9 CREDIT THE SAME TO THE NATIONAL CREDENTIAL FUND CREATED IN  
10 PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION.

11  
12 (4) (a) THE GENERAL ASSEMBLY RECOGNIZES THAT, TO OBTAIN A  
13 NATIONAL CREDENTIAL FROM AN APPROVED PROFESSIONAL  
14 ORGANIZATION, A TEACHER MUST DEMONSTRATE EXCELLENCE IN  
15 TEACHING SKILLS AND ACHIEVE A VERY HIGH LEVEL OF PERFORMANCE.  
16 THE GENERAL ASSEMBLY FURTHER RECOGNIZES THAT INCENTIVES TO  
17 ENCOURAGE TEACHERS TO OBTAIN NATIONAL CREDENTIALING WILL  
18 BENEFIT THE STUDENTS OF COLORADO BY ENCOURAGING TEACHERS TO  
19 ACHIEVE HIGHER LEVELS OF PERFORMANCE. THEREFORE, THE GENERAL  
20 ASSEMBLY HEREBY FINDS THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE  
21 IX OF THE STATE CONSTITUTION, PROVIDING NATIONAL CREDENTIAL FEE  
22 ASSISTANCE TO TEACHERS WHO OBTAIN A NATIONAL CREDENTIAL FROM AN  
23 APPROVED PROFESSIONAL ORGANIZATION CONSTITUTES A PERFORMANCE  
24 INCENTIVE FOR TEACHERS AND SUCH TEACHERS MAY THEREFORE RECEIVE  
25 FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4)  
26 OF ARTICLE IX OF THE STATE CONSTITUTION.

27  
28 (b) THERE IS HEREBY CREATED IN THE STATE TREASURY THE  
29 NATIONAL CREDENTIAL FUND, REFERRED TO IN THIS PARAGRAPH (b) AS THE  
30 "FUND". THE FUND SHALL CONSIST OF ANY MONEYS APPROPRIATED  
31 THERETO BY THE GENERAL ASSEMBLY FROM THE STATE EDUCATION FUND  
32 CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION  
33 OR FROM THE STATE GENERAL FUND AND ANY MONEYS CREDITED THERETO  
34 PURSUANT TO PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION.  
35 MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY  
36 THE GENERAL ASSEMBLY. MONEYS APPROPRIATED FROM THE FUND SHALL  
37 BE USED FOR THE PAYMENT OF FEE ASSISTANCE PURSUANT TO THIS  
38 SECTION. ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF  
39 MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY AMOUNT  
40 REMAINING IN THE FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN  
41 IN THE FUND AND SHALL NOT BE TRANSFERRED OR CREDITED TO THE  
42 GENERAL FUND OR TO ANY OTHER FUND.

43  
44 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
45 REQUIRES:

46  
47 (a) "APPROVED PROFESSIONAL ORGANIZATION" MEANS A  
48 NATIONALLY RECOGNIZED PROFESSIONAL CREDENTIALING ORGANIZATION  
49 THAT IS APPROVED BY RULE OF THE STATE BOARD OF EDUCATION.

50  
51 (b) "NATIONAL CREDENTIAL" MEANS A CERTIFICATION OR OTHER  
52 FORM OF REGISTRATION OR CREDENTIAL ISSUED BY A NATIONALLY  
53 RECOGNIZED PROFESSIONAL CREDENTIALING ORGANIZATION. "NATIONAL  
54 CREDENTIAL" SHALL INCLUDE, BUT NEED NOT BE LIMITED TO,  
55 CERTIFICATION BY THE NATIONAL BOARD FOR PROFESSIONAL TEACHING  
56 STANDARDS.

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

3  
4           **22-41-104. Lawful investments.** (2) The state treasurer has  
5 authority, to be exercised at the state treasurer's discretion, to effect  
6 exchanges or sales whenever such exchanges or sales will not result in  
7 any ultimate loss of principal and to effect exchanges or sales that will  
8 result in a loss of principal whenever such loss can be offset by a  
9 corresponding gain within ~~the same~~ THREE fiscal year YEARS of such  
10 exchange or sale. No exchange or sale of securities shall be  
11 consummated by the state treasurer ~~which~~ THAT will result in a net loss  
12 of principal unless the general assembly has previously appropriated a  
13 sum to the public school fund equivalent to the anticipated net loss of  
14 principal from such exchange or sale.

15  
16           **SECTION 57.** 23-3.9-102 (2) (c) (II), Colorado Revised Statutes,  
17 is amended to read:

18  
19           **23-3.9-102. Teacher loan forgiveness pilot program -**  
20 **administration - fund - conditions.** (2) In addition to any qualifications  
21 specified by the commission, to qualify for the teacher loan forgiveness  
22 pilot program, a teacher shall:

23  
24           (c) (II) Be fully qualified under a training program approved by  
25 a federal court or agency or the STATE department OF EDUCATION; and

26  
27           **SECTION 58.** The introductory portion to 22-7-409 (1.2) (d) (I)  
28 and 22-7-409 (1.2) (d) (I) (B), Colorado Revised Statutes, are amended  
29 to read:

30  
31           **22-7-409. Assessments - repeal.** (1.2) (d) (I) Every student  
32 enrolled in a public school shall be required to take the assessments  
33 administered pursuant to subsection (1) of this section AT THE GRADE  
34 LEVEL IN WHICH THE STUDENT IS ENROLLED, AS DETERMINED BY THE  
35 SCHOOL DISTRICT; except that the students described in sub-subparagraph  
36 (A) of this subparagraph (I) shall be required only to take the assessments  
37 required by said sub-subparagraph. However, the scores of the following  
38 students shall not be used by the state for purposes of calculating school  
39 academic performance ratings pursuant to section 22-7-604 (5) or for  
40 accreditation pursuant to article 11 of this title:

41  
42           (B) Any student who transfers into the school after ~~February 1~~  
43 OCTOBER 1 of the school year in which the assessment is administered;  
44 and

45  
46           **SECTION 59.** 22-7-605, Colorado Revised Statutes, is amended  
47 BY THE ADDITION OF A NEW SUBSECTION to read:

48  
49           **22-7-605. School accountability reports -**  
50 **format.** (9.5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO  
51 THE CONTRARY, THE DEPARTMENT SHALL NOT INCLUDE ON ANY SCHOOL  
52 ACCOUNTABILITY REPORT A STATEMENT THAT THE INFORMATION  
53 PROVIDED IN SAID REPORT IS INDEPENDENTLY AUDITED AND VERIFIED FOR  
54 ACCURACY UNLESS SUCH INFORMATION HAS IN FACT BEEN SO AUDITED  
55 AND VERIFIED.

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

3  
4           **22-36-101. Choice of programs and schools within school**  
5 **districts.** (5) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF  
6 THIS SUBSECTION (5), ANY PUPIL WHO ENROLLS IN A SCHOOL DISTRICT  
7 OTHER THAN THE PUPIL'S SCHOOL DISTRICT OF RESIDENCE PURSUANT TO  
8 THIS ARTICLE MAY REMAIN ENROLLED IN THAT SCHOOL DISTRICT'S SCHOOL  
9 OR PROGRAM THROUGH THE END OF THE SCHOOL YEAR.

10  
11           (b) THIS SUBSECTION (5) SHALL NOT APPLY IF:

12  
13           (I) THE NONRESIDENT PUPIL IS EXPELLED PURSUANT TO STATUTE  
14 FROM THE SCHOOL OR PROGRAM DESCRIBED IN PARAGRAPH (a) OF THIS  
15 SUBSECTION (5);

16  
17           (II) THE NONRESIDENT PUPIL'S ATTENDANCE OR PARTICIPATION IN  
18 THE SCHOOL OR PROGRAM DESCRIBED IN PARAGRAPH (a) OF THIS  
19 SUBSECTION (5) REQUIRES THE SCHOOL DISTRICT TO PERFORM ANY OF THE  
20 FUNCTIONS DESCRIBED IN SUBPARAGRAPHS (I) TO (III) OF PARAGRAPH (b)  
21 OF SUBSECTION (2) OF THIS SECTION; OR

22  
23           (III) THE NONRESIDENT PUPIL IS EXCLUDED FROM THE SCHOOL OR  
24 PROGRAM DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (5) FOR ANY  
25 OF THE REASONS DESCRIBED IN PARAGRAPHS (a) TO (d) OF SUBSECTION (3)  
26 OF THIS SECTION.

27  
28           **SECTION 61.** 22-7-606 (1) (a) and (3), Colorado Revised  
29 Statutes, are amended to read:

30  
31           **22-7-606. School accountability reports - delivery website -**  
32 **repeal.** (1) (a) The department shall deliver each public school's annual  
33 accountability report to the public school by September 15, 2001, and by  
34 ~~September 15~~ NOVEMBER 15, 2002, AND BY NOVEMBER 15 each year  
35 thereafter. The department shall print and provide to the public school  
36 copies of the accountability reports in the amount of: Total pupil  
37 enrollment at last annual count, plus the total number of teachers as listed  
38 on the school accountability report, plus an additional twenty-five  
39 percent.

40  
41           (3) (a) The department shall develop an internet website, which  
42 homepage address shall be "www.state.co.us/schools", specifically to  
43 place each public school's accountability report on the internet. The  
44 department shall design the website so that users may search for a  
45 particular school's accountability report through a number of sorting  
46 functions, including but not limited to school district, county, city, and  
47 zip code.

48  
49           (b) EACH YEAR, UPON COMPLETING THE PREPARATION OF THE  
50 SCHOOL ACCOUNTABILITY REPORTS AND TRANSMITTING SUCH REPORTS  
51 FOR PRINTING, the department shall ~~annually~~ update the website to  
52 include each school accountability report prepared by the department and  
53 shall maintain at the website an archive accessible by internet users of the  
54 three previous years' school accountability reports. The website shall  
55 allow users to easily compare schools' overall academic performance  
56 ratings as determined pursuant to section 22-7-604. Such comparison

1 shall be facilitated by search tools that allow a user, at a minimum, to find  
2 schools within different geographic ranges of another school and to find  
3 schools within different geographic areas and zip codes.  
4

5 (c) On or before January 1, 2001, the state board shall contract  
6 with a private entity for the design, including the search and sort  
7 functions, of the school accountability report website. The department  
8 shall award the contract based upon a competitive bid; except that the  
9 provisions of the "Procurement Code", articles 101 to 112 of title 24,  
10 C.R.S., shall not apply to this contract.  
11

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

15 **22-7-609.6. School improvement - appropriations.** ON AND  
16 AFTER JULY 1, 2003, THE GENERAL ASSEMBLY MAY APPROPRIATE SUCH  
17 MONEYS AS ARE AVAILABLE TO ASSIST SCHOOL DISTRICTS IN IMPROVING  
18 THE ACADEMIC IMPROVEMENT OF SCHOOLS THAT RECEIVED AN ACADEMIC  
19 IMPROVEMENT RATING OF "UNSATISFACTORY". IN ADDITION, THE  
20 DEPARTMENT OF EDUCATION MAY ALLOCATE ANY MONEYS RECEIVED  
21 PURSUANT TO THE FEDERAL "NO CHILD LEFT BEHIND ACT OF 2001",  
22 PUBLIC LAW 107-110, FOR SUCH PURPOSE.  
23

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

34 **SECTION 64. Appropriation - adjustments to the 2002 long**  
35 **bill.** (1) In addition to any other appropriation, there is hereby  
36 appropriated, out of any moneys in the state education fund created in  
37 section 17 (4) of article IX of the state constitution not otherwise  
38 appropriated, to the department of education, for the fiscal year beginning  
39 July 1, 2002, the sum of two hundred twenty-nine thousand dollars  
40 (\$229,000), or so much thereof as may be necessary, for the  
41 implementation of section 22-7-603.7, Colorado Revised Statutes.  
42

43 (2) In addition to any other appropriation, there is hereby  
44 appropriated, out of any moneys in the state public school fund, created  
45 in section 22-54-114, Colorado Revised Statutes, not otherwise  
46 appropriated, to the department of education, for the fiscal year beginning  
47 July 1, 2002, the sum of two hundred sixty thousand three hundred  
48 fifty-four dollars (\$260,354), or so much thereof as may be necessary, for  
49 the implementation of section 22-54-125, Colorado Revised Statutes.  
50

51 (3) In addition to any other appropriation, for the fiscal year  
52 beginning July 1, 2002, there is hereby appropriated, out of any moneys  
53 in the state education fund created in section 17 (4) of article IX of the  
54 state constitution not otherwise appropriated, to the facility summer  
55 school grant program fund created in section 22-86-106, Colorado  
56 Revised Statutes, the sum of five hundred thousand dollars (\$500,000),



1 and such sum, or so much thereof as may be necessary, is further  
2 appropriated to the department of education, for the implementation of  
3 article 86 of title 22, Colorado Revised Statutes.  
4

5 (4) In addition to any other appropriation, there is hereby  
6 appropriated, out of any moneys in the general fund not otherwise  
7 appropriated, to the department of education, for the fiscal year beginning  
8 July 1, 2002, the sum of five hundred thousand dollars (\$500,000), or so  
9 much thereof as may be necessary, for the implementation of section  
10 22-54-123.5, Colorado Revised Statutes.  
11

12 (5) In addition to any other appropriation, there is hereby  
13 appropriated, out of any moneys in the state education fund created in  
14 section 17 (4) of article IX of the state constitution not otherwise  
15 appropriated, to the national credential fund created in section  
16 22-60.5-112.5 (4) (b), Colorado Revised Statutes, for the fiscal year  
17 beginning July 1, 2002, the sum of sixty thousand dollars (\$60,000), and  
18 such sum, or so much thereof as may be necessary, is further appropriated  
19 to the department of education, for the implementation of section  
20 22-60.5-112.5, Colorado Revised Statutes.  
21

22 (6) For the implementation of this act, appropriations made in the  
23 annual general appropriation act for the fiscal year beginning July 1,  
24 2002, shall be adjusted as follows:  
25

26 (a) The cash funds exempt appropriation to the department of  
27 education, assistance to public schools, grant programs and other  
28 distributions, for the state public school fund, school capital construction  
29 expenditures reserve, is decreased by fifteen million six hundred  
30 twenty-seven thousand eight hundred eighty-six dollars (\$15,627,886).  
31 Of said sum, seven million eight hundred thirteen thousand nine hundred  
32 forty-three dollars (\$7,813,943) shall be from the state education fund,  
33 created pursuant to section 17 (4) of article IX of the state constitution,  
34 and seven million eight hundred thirteen thousand nine hundred  
35 forty-three dollars (\$7,813,943) shall be from the state public school  
36 fund, school capital construction expenditures reserve established in  
37 section 22-54-117 (1.5), Colorado Revised Statutes.  
38

39 (b) The cash funds exempt appropriation to the department of  
40 education, assistance to public schools, grant programs and other  
41 distributions, for the teacher pay incentive program, is decreased by nine  
42 million ten thousand dollars (\$9,010,000). Said sum shall be from the  
43 state education fund, created pursuant to section 17 (4) of article IX of the  
44 state constitution.  
45

46 (c) The appropriation to the department of education, assistance  
47 to public schools, public school finance, for the state share of districts'  
48 total program funding, is increased by two million eight hundred ninety  
49 thousand four hundred dollars (\$2,890,400), or so much thereof as may  
50 be necessary, to expand the number of preschool slots. Of said sum, one  
51 million five hundred twelve thousand one hundred eighty-seven dollars  
52 (\$1,512,187) shall be from the state education fund created pursuant to  
53 section 17 (4) of article IX of the state constitution, and one million three  
54 hundred seventy-eight thousand two hundred thirteen dollars  
55 (\$1,378,213) shall be from the general fund.  
56

1 (d) The cash funds exempt appropriation to the department of  
 2 education, assistance to public schools, public school finance, for the  
 3 state share of districts' total program funding, is decreased by two  
 4 hundred sixty thousand three hundred fifty-four dollars (\$260,354). Said  
 5 sum shall be from the state public school fund, created in section  
 6 22-54-114, Colorado Revised Statutes.

7  
 8 (e) The appropriation to the department of education, assistance  
 9 to public schools, public school finance, for the state share of districts'  
 10 total program funding, is increased by two million five hundred  
 11 eighty-seven thousand four hundred six dollars (\$2,587,406), or so much  
 12 thereof as may be necessary, for the implementation of section 22-54-104  
 13 (5) (a) (IX), Colorado Revised Statutes. Said sum shall be from the state  
 14 education fund, created pursuant to section 17 (4) of article IX of the state  
 15 constitution."

16  
 17 Renumber succeeding section accordingly.

18  
 19 2. That, under the authority granted the committee to consider  
 20 matters not at issue between the two houses, the following amendments  
 21 be recommended:

22  
 23 Amend reengrossed bill, page 4, line 10, after "TO", insert "AT LEAST".

24  
 25 Page 89, after line 21, insert the following:

26  
 27 **"SECTION 43.** 22-54-117 (1.7) (a), Colorado Revised Statutes,  
 28 is amended to read:

29  
 30 **22-54-117. Contingency reserve - capital construction**  
 31 **expenditures reserve.** (1.7) (a) In addition to any amount annually  
 32 appropriated by the general assembly to the state public school fund as  
 33 a contingency reserve and any amount appropriated from the general fund  
 34 to the state public school fund as a school capital construction  
 35 expenditures reserve in accordance with section 24-75-201.1 (4) (b),  
 36 C.R.S., and subsection (1.5) of this section, for the 2001-02 budget year  
 37 and FOR THE 2003-04 BUDGET YEAR AND budget years thereafter, an  
 38 amount equal to the amount appropriated for the budget year from the  
 39 state education fund to the department of education pursuant to section  
 40 22-54-124 (4) shall be appropriated from the state education fund created  
 41 in section 17 (4) of article IX of the state constitution to the school capital  
 42 construction expenditures reserve created in said subsection (1.5) to be  
 43 used only as provided in said subsection (1.5).

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

48  
 49 **24-75-201.1. Restriction on state appropriations - legislative**  
 50 **declaration - definitions.** (4) (a.5) THE GENERAL ASSEMBLY HEREBY  
 51 FINDS, DETERMINES, AND DECLARES THAT:

52  
 53 (I) FOR THE FISCAL YEAR 2002-03, GENERAL FUND REVENUES WILL  
 54 NOT EXCEED GENERAL FUND OBLIGATIONS AND THE MONEYS REQUIRED TO  
 55 BE ALLOCATED TO THE HIGHWAY USERS TAX FUND BY MORE THAN EIGHTY  
 56 MILLION DOLLARS, AS REQUIRED IN PARAGRAPH (c) OF THIS SUBSECTION

1 (4), AND, THEREFORE, THE GENERAL ASSEMBLY IS NOT OBLIGATED TO  
2 APPROPRIATE GENERAL FUND MONEYS FOR FISCAL YEAR 2002-03 AS  
3 WOULD OTHERWISE BE REQUIRED BY SUBPARAGRAPH (III) OF PARAGRAPH  
4 (b) OF THIS SUBSECTION (4);

5  
6 (II) DESPITE THE FACT THAT THE STATE IS NOT OBLIGATED TO  
7 APPROPRIATE GENERAL FUND MONEYS FOR FISCAL YEAR 2002-03 FOR  
8 SCHOOL DISTRICT CAPITAL CONSTRUCTION PURSUANT TO THIS SUBSECTION  
9 (4), THE GENERAL ASSEMBLY RECOGNIZES THE IMPORTANCE OF ASSISTING  
10 SCHOOL DISTRICTS IN PROVIDING SAFE, ADEQUATE, AND NECESSARY  
11 BUILDINGS AND CLASSROOMS FOR SCHOOL CHILDREN;

12  
13 (III) TO ASSIST SCHOOL DISTRICTS WITH CAPITAL CONSTRUCTION  
14 FUNDING TO THE GREATEST EXTENT POSSIBLE UNDER THE CURRENT FISCAL  
15 RESTRAINTS AND LIMITATIONS FACING THE STATE, THE GENERAL  
16 ASSEMBLY SHALL APPROPRIATE FIFTEEN MILLION DOLLARS FOR THE  
17 2002-03 FISCAL YEAR, WHICH EQUALS THE AMOUNT OF GENERAL FUND  
18 APPROPRIATIONS THAT WOULD OTHERWISE BE REQUIRED TO BE  
19 APPROPRIATED FOR THE 2002-03 FISCAL YEAR PURSUANT TO  
20 SUBPARAGRAPH (III) OF PARAGRAPH (b) OF THIS SUBSECTION (4), BUT FOR  
21 THE PROVISIONS OF PARAGRAPH (c) OF THIS SUBSECTION (4), FROM  
22 MONEYS THAT WOULD HAVE OTHERWISE BEEN CREDITED TO THE GENERAL  
23 FUND EXCEPT FOR INITIATED AND REFERRED MEASURES APPROVED BY THE  
24 VOTERS AT THE 2000 GENERAL ELECTION THAT DIVERTED SUCH GENERAL  
25 FUND MONEYS TO OTHER STATE FUNDS:

26  
27 (A) BY TRANSFERRING MONEYS TRANSFERRED TO THE PUBLIC  
28 SCHOOL FUND AS A CONTINGENCY RESERVE PURSUANT TO SECTION  
29 22-54-117 (1.6) (a), C.R.S., TO THE SCHOOL CONSTRUCTION AND  
30 RENOVATION FUND CREATED IN SECTION 22-43.7-103 (1), C.R.S.; AND

31  
32 (B) BY APPROPRIATING MONEYS FROM THE STATE EDUCATION  
33 FUND TO THE SCHOOL CONSTRUCTION AND RENOVATION FUND CREATED IN  
34 SECTION 22-43.7-103 (1), C.R.S., AND THE SCHOOL CAPITAL  
35 CONSTRUCTION EXPENDITURES RESERVE CREATED IN SECTION 22-54-117  
36 (1.5) (a), C.R.S.

37  
38 (b) (IV) For the fiscal year 2003-04, the general assembly shall  
39 continue to appropriate ten million dollars to the school capital  
40 construction expenditures reserve and ~~five million dollars to the school~~  
41 ~~construction and renovation fund, both of which appropriations~~ WHICH  
42 APPROPRIATION will be included in the calculation of the maximum level  
43 of state general fund appropriations pursuant to said paragraph (a). The  
44 general assembly shall appropriate an additional ~~five~~ TEN million dollars  
45 to the school construction and renovation fund. Said additional amount  
46 shall be a general fund appropriation that exceeds the limitation on state  
47 general fund appropriations established by SAID paragraph (a) ~~of~~  
48 ~~subsection (1) of this section~~ in the fiscal year in which first made but  
49 will be included in the calculation of the maximum level of state general  
50 fund appropriations pursuant to said paragraph (a) in the following fiscal  
51 year.

52  
53 **SECTION 45.** 22-54-117 (1.6), Colorado Revised Statutes, is  
54 amended to read:

55  
56 **22-54-117. Contingency reserve - capital construction**

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

13  
14 (b) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS  
15 SUBSECTION (1.6) TO THE CONTRARY, FOR EACH CALENDAR MONTH OF THE  
16 2002-03 FISCAL YEAR, THROUGH JUNE 30, 2003, THE STATE TREASURER  
17 SHALL TRANSFER FROM THE CONTINGENCY RESERVE CREATED IN THE  
18 STATE PUBLIC SCHOOL FUND PURSUANT TO PARAGRAPH (a) OF THIS  
19 SUBSECTION (1.6) TO THE SCHOOL CONSTRUCTION AND RENOVATION FUND  
20 CREATED IN SECTION 22-43.7-103 (1) AN AMOUNT EQUAL TO THE MONEYS  
21 TRANSFERRED TO SAID CONTINGENCY RESERVE DURING SUCH CALENDAR  
22 MONTH NO LATER THAN THE LAST DAY OF THE MONTH IN WHICH SUCH  
23 MONEYS WERE TRANSFERRED TO SAID CONTINGENCY RESERVE. HOWEVER,  
24 THE TOTAL AMOUNT OF MONEYS TRANSFERRED FROM THE CONTINGENCY  
25 RESERVE CREATED IN THE STATE PUBLIC SCHOOL FUND TO THE SCHOOL  
26 CONSTRUCTION AND RENOVATION FUND PURSUANT TO THIS PARAGRAPH  
27 (b) SHALL NOT EXCEED FOUR MILLION ONE HUNDRED THOUSAND DOLLARS.

28  
29 **SECTION 46.** Article 2 of title 22, Colorado Revised Statutes,  
30 is amended BY THE ADDITION OF A NEW SECTION to read:

31  
32 **22-2-122. On-line education programs - study - report - repeal.**

33 (1) THE DEPARTMENT, IN CONJUNCTION WITH THE STUDY COMMITTEE  
34 APPOINTED PURSUANT TO SUBSECTION (2) OF THIS SECTION, SHALL  
35 CONDUCT A STUDY OF ELEMENTARY AND SECONDARY ON-LINE EDUCATION  
36 PROGRAMS THROUGH WHICH STUDENTS RECEIVE ALL OR MOST OF THEIR  
37 INSTRUCTION ON-LINE. THE STUDY SHALL INCLUDE, BUT NEED NOT BE  
38 LIMITED TO, AN EXAMINATION AND EVALUATION OF THE FOLLOWING  
39 ISSUES:

40  
41 (a) IDENTIFICATION OF THE GRADE LEVELS AND SUBJECT MATTER  
42 AREAS THAT ARE MOST APPROPRIATE FOR ON-LINE EDUCATION PROGRAMS  
43 AND FOR WHICH ON-LINE EDUCATION PROGRAMS ARE MOST EFFECTIVE;

44  
45 (b) IDENTIFICATION OF THE SIGNIFICANT BENEFITS AND  
46 DETRIMENTS THAT MAY BE EXPERIENCED BY STUDENTS WHO RECEIVE  
47 THEIR EDUCATION THROUGH ON-LINE EDUCATION PROGRAMS;

48  
49 (c) WHETHER ON-LINE EDUCATION PROGRAM CURRICULA ARE  
50 AVAILABLE THAT ARE ACADEMICALLY RIGOROUS, RESEARCH-BASED, AND  
51 SEQUENTIAL, AND METHODS OF ASSISTING SCHOOL DISTRICTS AND  
52 CHARTER SCHOOLS THAT OPERATE ON-LINE EDUCATION PROGRAMS IN  
53 DEVELOPING, OBTAINING, AND ACCESSING SUCH CURRICULA;

54  
55 (d) IDENTIFICATION OF STRATEGIES THAT CAN EFFECTIVELY  
56 ENSURE STUDENT ENGAGEMENT AND FACILITATE STUDENT

1 ACCOUNTABILITY;

2

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

7

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

13

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

19

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

24

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

34

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

39

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

43

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

53

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

56

1 (n) IDENTIFICATION OF ANY ADDITIONAL COSTS INCURRED AND  
2 SAVINGS RECOGNIZED IN OPERATING ON-LINE EDUCATION PROGRAMS, AS  
3 COMPARED TO TRADITIONAL EDUCATION PROGRAMS, INCLUDING BUT NOT  
4 LIMITED TO THE APPROPRIATENESS OF FUNDING STUDENTS ENROLLED IN  
5 ON-LINE EDUCATION PROGRAMS AT A LOWER LEVEL THAN OTHER  
6 STUDENTS AND THE APPROPRIATENESS OF REQUIRING SCHOOL DISTRICTS  
7 TO ALLOCATE A CERTAIN AMOUNT PER ON-LINE STUDENT TO CAPITAL  
8 RESERVE AND INSURANCE RESERVE ACCOUNTS.  
9

10 (2) (a) THERE IS HEREBY CREATED A STUDY COMMITTEE TO WORK  
11 WITH THE DEPARTMENT IN CONDUCTING THE STUDY REQUIRED BY THIS  
12 SECTION. THE STUDY COMMITTEE SHALL CONSIST OF MEMBERS APPOINTED  
13 AS PROVIDED IN PARAGRAPHS (b) AND (c) OF THIS SUBSECTION (2).  
14

15 (b) FOUR MEMBERS OF THE STUDY COMMITTEE SHALL BE  
16 APPOINTED AS FOLLOWS:  
17

18 (I) TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES APPOINTED  
19 BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES WHO ARE NOT  
20 MEMBERS OF THE SAME POLITICAL PARTY;  
21

22 (II) TWO MEMBERS OF THE SENATE APPOINTED BY THE PRESIDENT  
23 OF THE SENATE WHO ARE NOT MEMBERS OF THE SAME POLITICAL PARTY.  
24

25 (c) TEN MEMBERS OF THE STUDY COMMITTEE SHALL BE APPOINTED  
26 BY THE GOVERNOR. NO MORE THAN FIVE OF THE MEMBERS APPOINTED BY  
27 THE GOVERNOR SHALL BE FROM THE SAME POLITICAL PARTY. THE  
28 MEMBERS SHALL BE APPOINTED AS FOLLOWS:  
29

30 (I) ONE MEMBER WHO IS A REPRESENTATIVE OF A PUBLIC OR  
31 PRIVATE ENTITY THAT DESIGNS AND PRODUCES CURRICULA FOR  
32 ELEMENTARY OR SECONDARY ON-LINE EDUCATION PROGRAMS;  
33

34 (II) ONE MEMBER WHO IS A REPRESENTATIVE OF A STATEWIDE  
35 PARENT, TEACHER, AND STUDENT ORGANIZATION WHO HAS EXPERIENCE  
36 WITH ELEMENTARY OR SECONDARY ON-LINE EDUCATION PROGRAMS;  
37

38 (III) TWO MEMBERS WHO ARE EMPLOYED BY SCHOOL DISTRICTS OR  
39 CHARTER SCHOOLS, ONE OF WHICH IS IN A RURAL AREA OF THE STATE AND  
40 ONE OF WHICH IS IN AN URBAN AREA OF THE STATE, BOTH OF WHICH  
41 MEMBERS HAVE EXPERIENCE IN OPERATING ELEMENTARY OR SECONDARY  
42 ON-LINE EDUCATION PROGRAMS;  
43

44 (IV) TWO MEMBERS WHO ARE MEMBERS OF SCHOOL DISTRICT  
45 BOARDS OF EDUCATION OR CHARTER SCHOOL GOVERNING BOARDS IN  
46 SCHOOL DISTRICTS OR CHARTER SCHOOLS THAT OPERATE ELEMENTARY OR  
47 SECONDARY ON-LINE EDUCATION PROGRAMS, ONE OF WHICH IS IN A RURAL  
48 AREA OF THE STATE AND ONE OF WHICH IS IN AN URBAN AREA OF THE  
49 STATE;  
50

51 (V) TWO MEMBERS WHO ARE CLASSROOM TEACHERS WHO SPEND  
52 A SIGNIFICANT AMOUNT OF TIME TEACHING STUDENTS THROUGH  
53 ELEMENTARY OR SECONDARY ON-LINE EDUCATION PROGRAMS, ONE OF  
54 WHOM IS EMPLOYED BY A SCHOOL DISTRICT AND ONE OF WHOM IS  
55 EMPLOYED BY A CHARTER SCHOOL;  
56

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

3  
4 (VII) ONE MEMBER WHO IS A MEMBER OF THE STATE BOARD OF  
5 EDUCATION.

6  
7 (3) THE DEPARTMENT SHALL PROVIDE SUCH CLERICAL AND  
8 TECHNICAL ASSISTANCE AS MAY BE REQUESTED BY THE STUDY COMMITTEE  
9 IN COMPLETING THE STUDY DESCRIBED IN THIS SECTION.

10  
11 (4) NO LATER THAN DECEMBER 31, 2002, THE DEPARTMENT SHALL  
12 PRESENT THE STUDY FINDINGS, THE FINDINGS RESULTING FROM STUDIES  
13 CONDUCTED BY THE DEPARTMENT OF COURSE-SPECIFIC ON-LINE  
14 EDUCATION PROGRAMS, AND RECOMMENDATIONS REGARDING THE DESIGN  
15 AND IMPLEMENTATION OF FULL-TIME AND COURSE-SPECIFIC ELEMENTARY  
16 AND SECONDARY ON-LINE EDUCATION PROGRAMS TO THE STATE BOARD OF  
17 EDUCATION AND THE EDUCATION COMMITTEES OF THE SENATE AND THE  
18 HOUSE OF REPRESENTATIVES.

19  
20 (5) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2003.

21  
22 **SECTION 47.** 22-7-607.5 (1) (c), (2) (c), and (2) (d), Colorado  
23 Revised Statutes, are amended to read:

24  
25 **22-7-607.5. Teacher pay incentive program - repeal.** (1) As  
26 used in this section, unless the context otherwise requires:

27  
28 (c) "Teacher" means a person who IS EMPLOYED AS A RESIDENT  
29 TEACHER PURSUANT TO SECTION 22-32-110.3 OR is licensed pursuant to  
30 article 60.5 of this title, or authorized by a letter of authorization issued  
31 pursuant to section 22-60.5-111, to teach and is primarily engaged in  
32 teaching during the majority of a school day.

33  
34 (2) (c) The significant improvement bonus per pupil amount shall  
35 be an amount equal to four hundred twenty thousand dollars divided by  
36 the total number of students enrolled in all eligible schools that receive  
37 a school improvement rating of "significant improvement". IN ANY  
38 FISCAL YEAR IN WHICH NO ELIGIBLE SCHOOLS RECEIVE A SCHOOL  
39 IMPROVEMENT RATING OF "SIGNIFICANT IMPROVEMENT", THE AMOUNT  
40 SPECIFIED FOR SIGNIFICANT IMPROVEMENT BONUSES PURSUANT TO THIS  
41 PARAGRAPH (c) SHALL BE ADDED TO THE TOTAL AMOUNT TO BE  
42 DISTRIBUTED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2).

43  
44 (d) The improvement bonus per pupil amount shall be an amount  
45 equal to two hundred ten thousand dollars divided by the total number of  
46 students enrolled in all eligible schools that receive a school improvement  
47 rating of "improvement". IN ANY FISCAL YEAR IN WHICH NO ELIGIBLE  
48 SCHOOLS RECEIVE A SCHOOL IMPROVEMENT RATING OF "IMPROVEMENT",  
49 THE AMOUNT SPECIFIED FOR IMPROVEMENT BONUSES PURSUANT TO THIS  
50 PARAGRAPH (d) SHALL BE ADDED TO THE TOTAL AMOUNT TO BE  
51 DISTRIBUTED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2).

52  
53 **SECTION 48.** 34-63-102 (2), Colorado Revised Statutes, is  
54 amended to read:

55  
56 **34-63-102. Creation of mineral leasing fund - distribution -**

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

8  
9 (b) FOR THE PURPOSE OF REPAYING AN ADDITIONAL EXPENDITURE  
10 OF MONEYS FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4)  
11 (a) OF ARTICLE IX OF THE STATE CONSTITUTION FOR THE STATE'S SHARE OF  
12 TOTAL PROGRAM PURSUANT TO ARTICLE 54 OF TITLE 22, C.R.S., MADE FOR  
13 THE 2001-02 FISCAL YEAR DUE TO A PROJECTED SHORTFALL IN THE  
14 AMOUNT OF MONEYS DESCRIBED IN PARAGRAPH (a) OF SUBSECTION (1) OF  
15 THIS SECTION RECEIVED BY THE STATE TREASURER IN SAID FISCAL YEAR,  
16 NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, UPON  
17 RECEIPT BY THE STATE TREASURER OF ANY MONEYS DESCRIBED IN  
18 PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION DURING THE 2002-03  
19 FISCAL YEAR, OF THE PORTION OF SAID MONEYS THAT WOULD OTHERWISE  
20 BE PAID TO THE STATE PUBLIC SCHOOL FUND PURSUANT TO PARAGRAPH (a)  
21 OF THIS SUBSECTION (2), THE STATE TREASURER SHALL FIRST TRANSFER AN  
22 AMOUNT OF SAID MONEYS EQUAL TO SIX MILLION DOLLARS TO THE STATE  
23 EDUCATION FUND CREATED PURSUANT TO SECTION 17 (4) OF ARTICLE IX  
24 OF THE STATE CONSTITUTION PRIOR TO PAYING SAID PORTION OF MONEYS  
25 TO THE STATE PUBLIC SCHOOL FUND IN ACCORDANCE WITH PARAGRAPH (a)  
26 OF THIS SUBSECTION (2)."

27  
28 Renumber succeeding sections accordingly.

29  
30 Page 92, before line 14, insert the following:

31  
32 **"SECTION 65. Appropriation - adjustments to the 2002 long**  
33 **bill.** (1) In addition to any other appropriation, for the fiscal year  
34 beginning July 1, 2002, there is hereby appropriated, out of any moneys  
35 in the state education fund created in section 17 (4) of article IX of the  
36 state constitution not otherwise appropriated, to the school construction  
37 and renovation fund created in section 22-43.7-103 (1), Colorado Revised  
38 Statutes, the sum of nine hundred thousand dollars (\$900,000), and such  
39 sum, or so much thereof as may be necessary, is further appropriated to  
40 the department of education, for the purpose of providing matching grants  
41 for eligible capital construction projects in accordance with article 43.7  
42 of title 22, Colorado Revised Statutes.

43  
44 (2) In addition to any other appropriation, there is hereby  
45 appropriated, out of any moneys in the school construction and  
46 renovation fund created in section 22-43.7-103 (1), Colorado Revised  
47 Statutes, not otherwise appropriated, to the department of education, for  
48 the fiscal year beginning July 1, 2002, the sum of four million one  
49 hundred thousand dollars (\$4,100,000), or so much thereof as may be  
50 necessary, for the purpose of providing matching grants for eligible  
51 capital construction projects in accordance with article 43.7 of title 22,  
52 Colorado Revised Statutes.

53  
54 (3) In addition to any other appropriation, there is hereby  
55 appropriated, out of any moneys in the state education fund created in  
56 section 17 (4) of article IX of the state constitution, not otherwise



1 appropriated, to the school capital construction expenditures reserve in  
2 the state public school fund created in section 22-54-117 (1.5), Colorado  
3 Revised Statutes, for the fiscal year beginning July 1, 2002, the sum of  
4 ten million dollars (\$10,000,000), and such sum, or so much thereof as  
5 may be necessary, is further appropriated to the department of education,  
6 for the purpose of providing supplemental assistance for school district  
7 capital expenditures in accordance with section 22-54-117 (1.5),  
8 Colorado Revised Statutes.

9  
10 (4) (a) In addition to any other appropriation, there is hereby  
11 appropriated, to the department of education, for the fiscal year beginning  
12 July 1, 2002, the sum of twenty thousand dollars (\$20,000), or so much  
13 thereof as may be necessary, for the purpose of implementing section  
14 22-2-122, Colorado Revised Statutes. Said sum shall be from the general  
15 fund.

16  
17 (b) It is the intent of the general assembly that the general fund  
18 appropriation in paragraph (a) of this subsection (4) shall be derived from  
19 savings generated from the implementation of the provisions of House  
20 Bill 02-1226, as enacted during the Second Regular Session of the  
21 Sixty-third General Assembly.

22  
23 (5) For the implementation of this act, appropriations made in the  
24 annual general appropriation act for the fiscal year beginning July 1,  
25 2002, shall be adjusted as follows:

26  
27 (a) The cash funds exempt appropriation of lottery proceeds to the  
28 department of education, assistance to public schools, grant programs and  
29 other distributions, for the state public school fund, contingency reserve,  
30 is decreased by four million one hundred thousand dollars (\$4,100,000).

31  
32 (b) The general fund appropriation to the department of education,  
33 assistance to public schools, grant programs and other distributions, for  
34 the teacher development fund, is decreased by nine hundred seventy-eight  
35 thousand two hundred thirteen dollars (\$978,213).

36  
37 (c) The cash funds exempt appropriation from the teacher  
38 development fund, created in section 22-7-708, Colorado Revised  
39 Statutes, to the department of education, assistance to public schools,  
40 grant programs and other distributions, for the teacher development grant  
41 program, is decreased by nine hundred seventy-eight thousand two  
42 hundred thirteen dollars (\$978,213).

43  
44 (d) The general fund appropriation to the department of education,  
45 assistance to public schools, grant programs and other distributions, for  
46 the state public school fund, contingency reserve, is decreased by nine  
47 hundred thousand dollars (\$900,000).

48

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1 <b>SECTION 66.</b> Part III (2) (A) of section 2 of chapter 363, Session Laws of Colorado 2001, as amended by House Bill 02-1368 enacted at the Second Regular							
2 Session of the Sixty-third General Assembly, is amended to read:							
3							
4       Section 2. <b>Appropriation.</b>							
5							
6							
7							
8 <b>(2) ASSISTANCE TO PUBLIC SCHOOLS</b>							
9 <b>(A) Public School Finance</b>							
10 State Share of Districts' Total Program							
11 Funding <sup>19, 20</sup>	2,215,611,114		2,065,696,689		9,877,183 <sup>a</sup>	140,037,242 <sup>b</sup>	
12 Additional State Aid Related to Locally							
13 Negotiated Business Incentive							
14 Agreements	<u>1,856,928</u>		1,856,928				
15	2,217,468,042						
16							

17 <sup>a</sup> This amount shall be from rental income earned on public school lands.

18 <sup>b</sup> Of this amount, ~~\$89,726,005~~ \$95,726,005 shall be from the State Education Fund created in Section 17 (4) of Article IX of the State Constitution, and ~~\$50,311,237~~  
19 \$44,311,237 shall be from the State Public School Fund created in Section 22-54-114, C.R.S. Of the amount from the State Public School Fund, ~~\$26,300,000~~  
20 \$20,300,000 is estimated to be from federal mineral leasing revenues transferred to the State Public School Fund pursuant to Section 22-54-114 (1), \$3,274,700 is  
21 estimated to be from reserves, \$17,736,537 is estimated to be from interest earned on moneys in the Public School Fund and transferred to the State Public School  
22 Fund pursuant to Section 22-41-106, C.R.S., and \$3,000,000 is estimated to be from audit recoveries deposited in the State Public School Fund pursuant to Section  
23 22-54-114 (4), C.R.S.



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

4  
5  
6 As shown by the following recorded vote less than a majority of those  
7 elected to the House voted in the affirmative and the motion for  
8 immediate reconsideration was declared **lost**:  
9

10	YES 14	NO 48	EXCUSED 3	ABSENT 0				
11	Alexander	N	Groff	N	Marshall	N	Spence	N
12	Bacon	N	Grossman	N	Miller	N	Spradley	N
13	Berry	N	Harvey	Y	Mitchell	Y	Stafford	N
14	Borodkin	N	Hefley	N	Paschall	Y	Stengel	N
15	Boyd	N	Hodge	N	Plant	N	Swenson	Y
16	Cadman	Y	Hoppe	N	Ragsdale	N	Tapia	N
17	Chavez	N	Jahn	N	Rhodes	Y	Tochtrop	N
18	Clapp	Y	Jameson	N	Rippy	N	Veiga	E
19	Cloer	N	Johnson	N	Romanoff	N	Vigil	N
20	Coleman	N	Kester	N	Saliman	N	Webster	Y
21	Crane	Y	King	E	Sanchez	N	Weddig	N
22	Daniel	N	Larson	N	Schultheis	Y	White	N
23	Decker	N	Lawrence	N	Scott	Y	Williams S.	N
24	Fairbank	E	Lee	Y	Sinclair	Y	Williams T.	N
25	Fritz	N	Mace	N	Smith	N	Witwer	N
26	Garcia	N	Madden	N	Snook	N	Young	Y
27							Mr. Speaker	N

### 31 MESSAGES FROM THE SENATE

32 Mr. Speaker:

33  
34 The Senate has passed on Third Reading and transmitted to the Revisor  
35 of Statutes:

36 HB02-1303, amended as printed in Senate Journal, May 7, pages  
37 1239-1240.

38 HB02-1003, amended as printed in Senate Journal, May 7, pages  
39 1233-1239 and May 8.

40  
41  
42 The Senate has passed on Third Reading and transmitted to the Revisor  
43 of Statutes:

44 HB02-1315, amended as printed in Senate Journal, May 7, page 1240,  
45 and May 8;

46 HB02-1046, amended as printed in Senate Journal, May 8;

47 HB02-1455, amended as printed in Senate Journal, May 8.  
48  
49

### 50 MESSAGES FROM THE REVISOR

51  
52 We herewith transmit without comment, as amended, HB02-1003, 1303.  
53  
54

55 We herewith transmit without comment, as amended, HB02-1046, 1315,  
56 and 1455.

1 **CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILLS**

2  
3 **HB02-1315** by Representative(s) Mitchell; also Senator(s) Hagedorn--  
4 Concerning Colorado's response to terrorism, and, in  
5 connection therewith, creating the office of preparedness,  
6 security, and fire safety.

7  
8 (Amended as printed in Senate Journal, May 7, page 1240.)  
9

10 Representative Mitchell moved that the House **concur** in Senate amend-  
11 ments. The motion was declared **passed** by the following roll call vote:  
12

13	YES 61	NO 0	EXCUSED 3	ABSENT 1				
14	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
15	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
16	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
17	Borodkin	-	Hefley	Y	Paschall	Y	Stengel	Y
18	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
19	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
20	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
21	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	E
22	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
23	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
24	Crane	Y	King	E	Sanchez	Y	Weddig	Y
25	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
26	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
27	Fairbank	E	Lee	Y	Sinclair	Y	Williams T.	Y
28	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
29	Garcia	Y	Madden	Y	Snook	Y	Young	Y
30							Mr. Speaker	Y

31  
32  
33 The question being, "Shall the bill, as amended, pass?".

34 A roll call vote was taken. As shown by the following recorded vote, a  
35 majority of those elected to the House voted in the affirmative, and the  
36 bill, as amended, was declared **repassed**.

37	YES 60	NO 2	EXCUSED 3	ABSENT 0				
38	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
39	Bacon	N	Grossman	Y	Miller	Y	Spradley	Y
40	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
41	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
42	Boyd	Y	Hodge	N	Plant	Y	Swenson	Y
43	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
44	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
45	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	E
46	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
47	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
48	Crane	Y	King	E	Sanchez	Y	Weddig	Y
49	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
50	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
51	Fairbank	E	Lee	Y	Sinclair	Y	Williams T.	Y
52	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
53	Garcia	Y	Madden	Y	Snook	Y	Young	Y
54							Mr. Speaker	Y

55  
56

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

6  
 7 (Amended as printed in Senate Journal, May 8.)

8  
 9 Representative Lee moved that the House **concur** in Senate amendments.  
 10 The motion was declared **passed** by the following roll call vote:

	YES 61	NO 0	EXCUSED 4	ABSENT 0				
13	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
14	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
15	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
16	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
17	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
18	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
19	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
20	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	E
21	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
22	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
23	Crane	Y	King	E	Sanchez	Y	Weddig	Y
24	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
25	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
26	Fairbank	E	Lee	Y	Sinclair	Y	Williams T.	Y
27	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
28	Garcia	Y	Madden	Y	Snook	Y	Young	Y
29							Mr. Speaker	E

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

	YES 61	NO 0	EXCUSED 4	ABSENT 0				
38	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
39	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
40	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
41	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
42	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
43	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
44	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
45	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	E
46	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
47	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
48	Crane	Y	King	E	Sanchez	Y	Weddig	Y
49	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
50	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
51	Fairbank	E	Lee	Y	Sinclair	Y	Williams T.	Y
52	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
53	Garcia	Y	Madden	Y	Snook	Y	Young	Y
54							Mr. Speaker	E

55  
 56 Co-sponsor added: Representative Young.

1 **HB02-1455** by Representative(s) Paschall, Lee, Crane, Daniel, Dean,  
 2 Hefley, Johnson, Rhodes, Rippy, Saliman, Scott, Spence,  
 3 Stafford, Stengel, Veiga, Webster, Weddig, Young; also  
 4 Senator(s) Linkhart, Andrews, Cairns, Chlouber, Evans,  
 5 Hanna, Hillman, Lamborn, May--Concerning a restriction  
 6 in the class of motor vehicles for which emissions test fees  
 7 are collected upon registration to only those that have been  
 8 clean screened.  
 9

10 (Amended as printed in Senate Journal, May 8.)

11  
 12 Representative Paschall moved that the House **concur** in Senate amend-  
 13 ments. The motion was declared **passed** by the following roll call vote:

14

15	YES 60	NO 1	EXCUSED 4	ABSENT 0				
16								
17	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
18	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
19	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
20	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
21	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
22	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
23	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
24	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	E
25	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
26	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
27	Crane	Y	King	E	Sanchez	Y	Weddig	Y
28	Daniel	Y	Larson	N	Schultheis	Y	White	Y
29	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
30	Fairbank	E	Lee	Y	Sinclair	Y	Williams T.	Y
31	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
32	Garcia	Y	Madden	Y	Snook	Y	Young	Y
33							Mr. Speaker	E

34  
 35  
 36 The question being, "Shall the bill, as amended, pass?".  
 37 A roll call vote was taken. As shown by the following recorded vote, a  
 38 majority of those elected to the House voted in the affirmative, and the  
 39 bill, as amended, was declared **repassed**.

40

41	YES 61	NO 0	EXCUSED 4	ABSENT 0				
42								
43	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
44	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
45	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
46	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
47	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
48	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
49	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
50	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	E
51	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
52	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
53	Crane	Y	King	E	Sanchez	Y	Weddig	Y
54	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
55	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
56	Fairbank	E	Lee	Y	Sinclair	Y	Williams T.	Y

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

4  
5  
6 **HB02-1303** by Representative(s) Coleman, Dean, Hefley, Kester,  
7 Mace, Sanchez; also Senator(s) Evans, Takis--Concerning  
8 the establishment of a family literacy education grant  
9 program, and making an appropriation therefor.

10  
11 (Amended as printed in Senate Journal, May 7, pages 1239-1240.)

12  
13 Representative Coleman moved that the House **concur** in Senate amend-  
14 ments. Representative Young moved a substitute motion that the House  
15 **adhere** to its position.

16  
17 Pursuant to House Rule 16, Representative Spradley moved "Shall the  
18 main question be now put?" The motion was declared **passed** by the  
19 following roll call vote:

20	YES	35	NO	26	EXCUSED	4	ABSENT	0
21	Alexander	Y	Groff	N	Marshall	N	Spence	Y
22	Bacon	N	Grossman	N	Miller	N	Spradley	Y
23	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
24	Borodkin	N	Hefley	Y	Paschall	Y	Stengel	Y
25	Boyd	N	Hodge	N	Plant	N	Swenson	Y
26	Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	N
27	Chavez	Y	Jahn	N	Rhodes	Y	Tochtrop	N
28	Clapp	Y	Jameson	N	Rippy	Y	Veiga	E
29	Cloer	Y	Johnson	Y	Romanoff	N	Vigil	N
30	Coleman	N	Kester	N	Saliman	N	Webster	Y
31	Crane	Y	King	E	Sanchez	N	Weddig	N
32	Daniel	N	Larson	Y	Schultheis	Y	White	Y
33	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	N
34	Fairbank	E	Lee	Y	Sinclair	Y	Williams T.	Y
35	Fritz	Y	Mace	N	Smith	Y	Witwer	Y
36	Garcia	N	Madden	N	Snook	Y	Young	Y
37							Mr. Speaker	E

38  
39  
40  
41  
42 Representative Young's motion was to adhere was declared **passed** by the  
43 following roll call vote:

44	YES	34	NO	26	EXCUSED	4	ABSENT	1
45	Alexander	Y	Groff	N	Marshall	N	Spence	Y
46	Bacon	N	Grossman	N	Miller	N	Spradley	Y
47	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
48	Borodkin	N	Hefley	Y	Paschall	Y	Stengel	Y
49	Boyd	N	Hodge	N	Plant	Y	Swenson	Y
50	Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	N
51	Chavez	N	Jahn	N	Rhodes	Y	Tochtrop	N
52	Clapp	Y	Jameson	N	Rippy	Y	Veiga	E
53	Cloer	N	Johnson	Y	Romanoff	N	Vigil	N
54	Coleman	N	Kester	Y	Saliman	-	Webster	Y



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

8  
9  
10 **HB02-1003** by Representative(s) Spradley, Clapp, Williams T.; also  
11 Senator(s) Hagedorn, Owen--Concerning expanded access  
12 to health insurance.

13  
14 (Amended as printed in Senate Journal, May 8.)

15  
16 Representative Spradley moved that the House **concur** in Senate amend-  
17 ments. The motion was declared **passed** by the following roll call vote:

18	YES	59	NO	0	EXCUSED	5	ABSENT	1
19	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
20	Bacon	Y	Grossman	-	Miller	Y	Spradley	Y
21	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
22	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
23	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
24	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
25	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
26	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	E
27	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
28	Coleman	E	Kester	Y	Saliman	Y	Webster	Y
29	Crane	Y	King	E	Sanchez	Y	Weddig	Y
30	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
31	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
32	Fairbank	E	Lee	Y	Sinclair	Y	Williams T.	Y
33	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
34	Garcia	Y	Madden	Y	Snook	Y	Young	Y
35							Mr. Speaker	E

36  
37  
38  
39  
40 The question being, "Shall the bill, as amended, pass?"

41 A roll call vote was taken. As shown by the following recorded vote, a  
42 majority of those elected to the House voted in the affirmative, and the  
43 bill, as amended, was declared **repassed**.

44	YES	60	NO	0	EXCUSED	5	ABSENT	0
45	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
46	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
47	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
48	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
49	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
50	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
51	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
52	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	E
53	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
54	Coleman	E	Kester	Y	Saliman	Y	Webster	Y

1	Crane	Y	King	E	Sanchez	Y	Weddig	Y
2	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
3	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
4	Fairbank	E	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	E

8  
9 Co-sponsors added: Representatives Boyd, Daniel, Jahn, Romanoff, Sanchez,  
10 Schultheis, Williams S.

11  
12  
13  
14 **MESSAGE FROM THE SENATE**

15 Mr. Speaker:

16  
17 The Senate voted to reject the First Report of the First Conference  
18 Committee on HB02-1359, as printed in Senate Journal, May 8, and  
19 dissolved the Conference Committee. The Senate requests that a Second  
20 Conference Committee be appointed. The President appointed Senators  
21 Linkhart, Chm., Gordon and Dyer as members of the Second Conference  
22 Committee on HB02-1359.

23  
24 The Senate has voted to recede from its position on HB02-1029 and  
25 concur with House amendments and has repassed the bill. The bill is  
26 returned herewith.

27  
28 The Senate has adopted the First Report of the First Conference  
29 Committee on SB02-049, as printed in Senate Journal May 7, pages  
30 1256-1257, and repassed the bill as amended.

31  
32  
33 **CONSIDERATION FOR REQUEST FOR**  
34 **SECOND CONFERENCE COMMITTEE FOR HB02-1359**

35  
36 **HB02-1359** by Representative(s) Stafford, Coleman, Harvey, Mace,  
37 Paschall, Sanchez; also Senator(s) Linkhart--Concerning  
38 child placement in dependency or neglect actions.

39  
40 Under Joint Rule 6(b)(4) the Senate rejected the First Conference  
41 Committee Report and has requested that a Second Conference  
42 Committee be appointed.

43  
44 Representative Stafford moved that a Second Conference Committee **not**  
45 be appointed. The motion passed by the following roll call vote:

46  
47 YES 61            NO 0            EXCUSED 4            ABSENT 0

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

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

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**MESSAGE FROM THE SENATE**

15

Mr. Speaker:

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17

The Senate voted to adhere to its position on SB02-190. The bill is returned herewith.

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**CONSIDERATION OF ADHERENCE ON SB02-190**

23

24

**SB02-190** by Senator(s) Phillips, Anderson, Fitz-Gerald, Gordon, Hernandez, Hillman, Matsunaka, Musgrave, Nichol, Takis, Tate, Taylor, Teck, Tupa; also Representative(s) Hoppe, Boyd, Cloer, Daniel, Fairbank, Garcia, Kester, Lawrence, Miller, Rippy, Scott, Snook, Spence, Tapia, Veiga, White-- Concerning expansion of the stationary source voluntary emission reduction program, and, in connection therewith, providing for additional flexibility and cost recovery incentives.

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34

Representative Hoppe moved that the House **recede** from its position on **SB02-190**. Representative Harvey moved a substitute motion that the House **adhere** to its position.

35

36

37

38

39

Pursuant to House Rule 16, Representative Harvey moved "Shall the main question be now put?" The motion was declared **passed** by the following roll call vote:

40

41

42

YES 35            NO 28            EXCUSED 0            ABSENT 2

43

44

45

Alexander	Y	Groff	N	Marshall	N	Spence	Y
Bacon	N	Grossman	N	Miller	N	Spradley	Y
Berry	N	Harvey	N	Mitchell	Y	Stafford	Y
Borodkin	N	Hefley	Y	Paschall	Y	Stengel	Y
Boyd	N	Hodge	N	Plant	Y	Swenson	N
Cadman	Y	Hoppe	N	Ragsdale	N	Tapia	-
Chavez	N	Jahn	N	Rhodes	Y	Tochtrop	N
Clapp	Y	Jameson	N	Rippy	N	Veiga	Y
Cloer	Y	Johnson	Y	Romanoff	N	Vigil	N
Coleman	N	Kester	Y	Saliman	N	Webster	Y
Crane	Y	King	Y	Sanchez	N	Weddig	N
Daniel	N	Larson	Y	Schultheis	Y	White	Y

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1	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	N
2	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
3	Fritz	Y	Mace	N	Smith	Y	Witwer	Y
4	Garcia	-	Madden	N	Snook	Y	Young	Y
5							Mr. Speaker	Y

8 Representative Harvey's motion to **adhere** to its position on **SB02-190**  
 9 was declared **passed** by the following roll call vote:

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

### 34 IMMEDIATE RECONSIDERATION OF SB02-190

36 Having voted on the prevailing side, Representative Paschall moved for  
 37 immediate reconsideration of **SB02-190**. As shown by the following  
 38 recorded vote less than a majority of those elected to the House voted in  
 39 the affirmative and the motion was declared **lost**:

41	YES	32	NO	33	EXCUSED	0	ABSENT	0
43	Alexander	N	Groff	Y	Marshall	Y	Spence	N
44	Bacon	Y	Grossman	Y	Miller	Y	Spradley	N
45	Berry	N	Harvey	N	Mitchell	N	Stafford	N
46	Borodkin	Y	Hefley	N	Paschall	N	Stengel	N
47	Boyd	Y	Hodge	Y	Plant	Y	Swenson	N
48	Cadman	N	Hoppe	Y	Ragsdale	Y	Tapia	Y
49	Chavez	Y	Jahn	Y	Rhodes	N	Tochtrop	Y
50	Clapp	N	Jameson	Y	Rippy	N	Veiga	Y
51	Cloer	Y	Johnson	N	Romanoff	Y	Vigil	Y
52	Coleman	Y	Kester	N	Saliman	Y	Webster	Y
53	Crane	N	King	N	Sanchez	Y	Weddig	Y
54	Daniel	Y	Larson	N	Schultheis	N	White	Y
55	Decker	N	Lawrence	N	Scott	N	Williams S.	Y
56	Fairbank	N	Lee	N	Sinclair	N	Williams T.	N

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

**CONSIDERATION OF CONFERENCE COMMITTEE REPORTS**

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

14 (Conference Committee Report printed in House Journal, May 8, pages  
 15 2071-2101.)

17 On motion of Representative King, the Conference Committee Report  
 18 was **adopted** by the following roll call vote:

19								
20	<u>YES</u>	64	<u>NO</u>	0	<u>EXCUSED</u>	1	<u>ABSENT</u>	0
21								
22	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
23	Bacon	Y	Grossman	E	Miller	Y	Spradley	Y
24	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
25	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
26	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
27	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
28	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
29	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
30	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
31	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
32	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
33	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
34	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
35	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
36	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
37	Garcia	Y	Madden	Y	Snook	Y	Young	Y
38							Mr. Speaker	Y

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

45								
46	<u>YES</u>	64	<u>NO</u>	0	<u>EXCUSED</u>	1	<u>ABSENT</u>	0
47								
48	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
49	Bacon	Y	Grossman	E	Miller	Y	Spradley	Y
50	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
51	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
52	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
53	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
54	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
55	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
56	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y

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

10 Co-sponsors added: Representatives Alexander, Borodkin, Chavez, Coleman,  
 11 Crane, Fritz, Groff, Hoppe, Jahn, Kester, Lee, Mace, Romanoff, Schultheis,  
 12 Scott, Sinclair, Tapia, White, Williams S., Williams T., Mr. Speaker.

13  
 14  
 15  
 16 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**  
 17 **on SB02-179**

18  
 19 This Report Amends the Rerevised Bill.

20  
 21 To the President of the Senate and the  
 22 Speaker of the House of Representatives:

23  
 24 Your first conference committee appointed on SB02-179,  
 25 concerning transportation funding, and making an appropriation in  
 26 connection therewith, has met and reports that it has agreed upon the  
 27 following:

28  
 29 That the Senate accede to the House amendments made to the bill,  
 30 as said amendments appear in the rerevised bill, with the following  
 31 changes:

32  
 33 Amend rerevised bill, strike everything below the enacting clause and  
 34 substitute the following:

35  
 36 **"SECTION 1.** Part 2 of article 75 of title 24, Colorado Revised  
 37 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
 38 read:

39  
 40 **24-75-217. Transfers of general fund surplus.** (1) ON JULY 1,  
 41 2003, AND ON JULY 1 IN EACH SUCCEEDING FISCAL YEAR, THE GENERAL  
 42 FUND SURPLUS DESIGNATED IN ACCORDANCE WITH SECTION 24-75-201 (1),  
 43 LESS THE FOUR PERCENT RESERVE REQUIRED BY SECTION 24-75-201.1 (1)  
 44 (d) (III), AND LESS ANY GENERAL FUND REVENUES THAT ARE DESIGNATED  
 45 AS STATE REVENUES IN EXCESS OF THE CONSTITUTIONAL LIMITATION ON  
 46 STATE FISCAL YEAR SPENDING FOR THE IMMEDIATELY PRECEDING FISCAL  
 47 YEAR, SHALL BE CREDITED AND ALLOCATED AS FOLLOWS:

48  
 49 (a) TWO-THIRDS OF THE SURPLUS TO THE HIGHWAY USERS TAX  
 50 FUND CREATED IN SECTION 43-4-201, C.R.S.; AND

51  
 52 (b) ONE-THIRD OF THE SURPLUS TO THE CAPITAL CONSTRUCTION  
 53 FUND CREATED IN SECTION 24-75-302.

54  
 55 **SECTION 2.** 24-77-103 (2), Colorado Revised Statutes, is  
 56 amended to read:

1           **24-77-103. Limitation on state fiscal year spending - legislative**  
2 **declaration.** (2) (a) (I) For purposes of paragraph (b) of subsection (1)  
3 of this section, AND IN ACCORDANCE WITH SECTION 20 (7) (a) OF ARTICLE  
4 X OF THE STATE CONSTITUTION, the percentage of allowable increase in  
5 state fiscal year spending shall equal the sum of inflation as modified by  
6 the percentage change in state population in the prior calendar year.

7  
8           (II) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

9  
10           (A) SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION  
11 REQUIRES THE MAXIMUM ANNUAL PERCENTAGE CHANGE IN STATE FISCAL  
12 YEAR SPENDING TO EQUAL INFLATION PLUS THE PERCENTAGE CHANGE IN  
13 STATE POPULATION IN THE PRIOR CALENDAR YEAR ADJUSTED FOR REVENUE  
14 CHANGES APPROVED BY VOTERS.

15  
16           (B) IT IS THE CONSIDERED JUDGMENT OF THE GENERAL ASSEMBLY  
17 THAT THE INCLUSION OF INFLATION AND THE PERCENTAGE CHANGE IN  
18 STATE POPULATION IN THE PRIOR CALENDAR YEAR WHEN CALCULATING  
19 THE MAXIMUM ANNUAL PERCENTAGE CHANGE IN STATE FISCAL YEAR  
20 SPENDING IS DESIGNED TO ALLOW STATE FISCAL YEAR SPENDING TO  
21 INCREASE TO THE EXTENT NECESSARY, BUT ONLY TO THE EXTENT  
22 NECESSARY, TO ENSURE THAT STATE POPULATION GROWTH AND  
23 INFLATION, WHICH ARE FACTORS BEYOND THE DIRECT CONTROL OF STATE  
24 GOVERNMENT, DO NOT UNDULY AFFECT THE ABILITY OF THE STATE TO  
25 FUND TRANSPORTATION PROJECTS AND OTHER PROJECTS AND SERVICES  
26 NEEDED TO MEET THE DEMANDS OF A GROWING POPULATION.

27  
28           (III) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES  
29 THAT:

30  
31           (A) FOR THE PURPOSE OF DETERMINING THE MAXIMUM  
32 PERCENTAGE CHANGE IN STATE FISCAL YEAR SPENDING FOR ANY GIVEN  
33 FISCAL YEAR, SECTION 20 (7) (a) OF ARTICLE X OF THE STATE  
34 CONSTITUTION REQUIRES THE STATE TO ANNUALLY DETERMINE  
35 POPULATION BY ANNUAL FEDERAL CENSUS ESTIMATES AND TO FURTHER  
36 ADJUST THE POPULATION DETERMINED EVERY DECADE TO MATCH THE  
37 DECENNIAL FEDERAL CENSUS.

38  
39           (B) SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION  
40 DOES NOT SPECIFY HOW ADJUSTMENTS TO POPULATION TO MATCH THE  
41 DECENNIAL FEDERAL CENSUS ARE TO BE MADE AND IT IS THEREFORE  
42 WITHIN THE LEGISLATIVE PREROGATIVE TO DETERMINE THE MANNER IN  
43 WHICH SUCH ADJUSTMENTS ARE TO BE MADE.

44  
45           (C) THE RESULTS OF THE 2000 FEDERAL CENSUS INDICATE THAT  
46 THE ANNUAL FEDERAL CENSUS ESTIMATES USED TO DETERMINE  
47 POPULATION FOR THE PURPOSE OF DETERMINING THE MAXIMUM ANNUAL  
48 PERCENTAGE CHANGE IN STATE FISCAL YEAR SPENDING IN THE FISCAL  
49 YEARS PRIOR TO THE 2001-02 FISCAL YEAR UNDERESTIMATED POPULATION  
50 GROWTH IN THE STATE, WHICH CAUSED A CUMULATIVE REDUCTION IN THE  
51 MAXIMUM ANNUAL PERCENTAGE CHANGE IN STATE FISCAL YEAR SPENDING  
52 DURING THE PRIOR FISCAL YEARS, RESULTED IN OVER-REFUNDS OF STATE  
53 REVENUES DURING THE PRIOR FISCAL YEARS, AND IMPAIRED THE STATE'S  
54 ABILITY TO FUND TRANSPORTATION PROJECTS AND OTHER PROJECTS AND  
55 SERVICES NEEDED TO MEET THE DEMANDS OF THE STATE'S GROWING  
56 POPULATION.

1 (D) IT IS CONSISTENT WITH THE PURPOSES OF SECTION 20 (7) (a) OF  
2 ARTICLE X OF THE STATE CONSTITUTION FOR THE GENERAL ASSEMBLY TO  
3 ENACT LEGISLATION THAT WILL ENSURE THAT THE STATE CAN RECOUP  
4 STATE REVENUES LOST BECAUSE THE UNDERESTIMATES OF POPULATION  
5 GROWTH IN THE STATE IN THE FISCAL YEARS PRIOR TO THE 2001-02 FISCAL  
6 YEAR RESULTED IN OVER-REFUNDS OF STATE REVENUES AND THAT THE  
7 STATE CAN ALSO RECOUP STATE REVENUES LOST IN THE FUTURE DUE TO  
8 OVER-REFUNDS RESULTING FROM FUTURE UNDERESTIMATES OF  
9 POPULATION GROWTH.

10  
11 (E) THE MECHANISM FOR ALLOWING THE ADJUSTMENT OF  
12 POPULATION EVERY DECADE TO MATCH THE FEDERAL CENSUS TO OCCUR  
13 OVER MORE THAN ONE FISCAL YEAR WHEN THE ACTUAL AMOUNT OF STATE  
14 FISCAL YEAR SPENDING FOR THE FIRST FISCAL YEAR IN WHICH SUCH AN  
15 ADJUSTMENT CAN BE MADE IS INSUFFICIENT TO ALLOW THE STATE TO  
16 RECOUP THE FULL AMOUNT OF ALL OVER-REFUNDS RESULTING FROM  
17 UNDERESTIMATES OF POPULATION GROWTH THAT IS SET FORTH IN  
18 SUBPARAGRAPH (II.5) OF PARAGRAPH (b) OF THIS SUBSECTION (2), IS  
19 REASONABLE, NECESSARY, IN THE BEST INTERESTS OF THE STATE, AND  
20 CONSISTENT WITH THE REQUIREMENTS AND OBJECTIVES OF SECTION 20 (7)  
21 (a) OF ARTICLE X OF THE STATE CONSTITUTION.

22  
23 (b) (I) Except as otherwise provided in ~~subparagraph (H)~~  
24 SUBPARAGRAPHS (II) AND (II.5) of this paragraph (b), the percentage  
25 change in state population for any given calendar year shall be the  
26 percentage change between the estimate of state population due to be  
27 issued by the United States bureau of census in December of such  
28 calendar year with a reference date of July 1 of the same calendar year  
29 and the estimate of state population due to be issued by the United States  
30 bureau of census in December of the same calendar year with a reference  
31 date of July 1 of the immediately preceding calendar year.

32  
33 (II) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II.5) OF  
34 THIS PARAGRAPH (b), for any calendar year for which an estimate of state  
35 population is not issued due to the federal census of the United States  
36 bureau of census, the percentage change in state population for such  
37 calendar year shall be the percentage change between the state population  
38 as reported in the federal census conducted by the United States bureau  
39 of census due in December of such calendar year and the estimate of state  
40 population due to be issued by the United States bureau of census in  
41 December of the same year with a reference date of July 1 of the  
42 immediately preceding calendar year.

43  
44 (II.5) (A) IF THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR  
45 A GIVEN FISCAL YEAR IS CALCULATED WITH A PERCENTAGE OF ALLOWABLE  
46 INCREASE IN STATE FISCAL YEAR SPENDING THAT INCLUDES A PERCENTAGE  
47 CHANGE IN STATE POPULATION DETERMINED IN ACCORDANCE WITH  
48 SUBPARAGRAPH (II) OF THIS PARAGRAPH (b) AND THE LIMITATION ON  
49 STATE FISCAL YEAR SPENDING EXCEEDS THE ACTUAL AMOUNT OF STATE  
50 FISCAL YEAR SPENDING FOR THAT FISCAL YEAR, THE PERCENTAGE CHANGE  
51 IN STATE POPULATION SHALL BE REDUCED SO THAT THE LIMITATION ON  
52 STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR CALCULATED WITH  
53 A PERCENTAGE OF ALLOWABLE INCREASE IN STATE FISCAL YEAR SPENDING  
54 THAT INCLUDES SUCH REDUCED PERCENTAGE CHANGE IN STATE  
55 POPULATION EQUALS THE AMOUNT OF STATE FISCAL YEAR SPENDING FOR  
56 THAT FISCAL YEAR.



1 (B) THE DIFFERENCE BETWEEN THE PERCENTAGE CHANGE IN STATE  
2 POPULATION DETERMINED IN ACCORDANCE WITH SUBPARAGRAPH (II) OF  
3 THIS PARAGRAPH (b) AND THE REDUCED PERCENTAGE CHANGE IN STATE  
4 POPULATION USED TO CALCULATE THE LIMITATION ON STATE FISCAL YEAR  
5 SPENDING PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH  
6 (II.5) SHALL BE CARRIED FORWARD AS AN ADJUSTMENT OF THE  
7 PERCENTAGE CHANGE IN STATE POPULATION DETERMINED PURSUANT TO  
8 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) FOR A MAXIMUM PERIOD OF  
9 NINE FISCAL YEARS. IF THE AMOUNT OF STATE FISCAL YEAR SPENDING FOR  
10 THE IMMEDIATELY SUBSEQUENT FISCAL YEAR EXCEEDS THE LIMITATION ON  
11 STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR, THE UNUSED  
12 ADJUSTMENT SHALL BE ADDED FIRST TO THE PERCENTAGE CHANGE IN  
13 STATE POPULATION DETERMINED PURSUANT TO SUBPARAGRAPH (I) OF THIS  
14 PARAGRAPH (b) THAT IS INCLUDED IN THE PERCENTAGE OF THE  
15 ALLOWABLE INCREASE IN STATE FISCAL YEAR SPENDING USED IN  
16 CALCULATING THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR THAT  
17 FISCAL YEAR TO THE GREATEST EXTENT POSSIBLE WITHOUT CAUSING THE  
18 LIMITATION ON STATE FISCAL YEAR SPENDING TO EXCEED THE ACTUAL  
19 AMOUNT OF STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR.  
20

21 (C) ANY REMAINING PORTION OF THE UNUSED ADJUSTMENT SHALL  
22 CONTINUE TO BE ADDED, TO THE GREATEST EXTENT POSSIBLE, TO THE  
23 PERCENTAGE CHANGE IN STATE POPULATION DETERMINED PURSUANT TO  
24 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) THAT IS INCLUDED IN THE  
25 PERCENTAGE OF ALLOWABLE INCREASE IN STATE FISCAL YEAR SPENDING  
26 USED IN CALCULATING THE LIMITATION ON STATE FISCAL YEAR SPENDING  
27 FOR SUBSEQUENT FISCAL YEARS WITHOUT CAUSING THE LIMITATION ON  
28 STATE FISCAL YEAR SPENDING FOR A GIVEN FISCAL YEAR TO EXCEED THE  
29 ACTUAL AMOUNT OF STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR.  
30

31 (D) ANY PORTION OF THE UNUSED ADJUSTMENT THAT REMAINS  
32 UNUSED AFTER THE EXPIRATION OF THE MAXIMUM PERIOD OF NINE FISCAL  
33 YEARS SHALL NOT BE INCLUDED IN THE PERCENTAGE OF ALLOWABLE  
34 INCREASE IN STATE FISCAL YEAR SPENDING USED IN CALCULATING THE  
35 LIMITATION ON STATE FISCAL YEAR SPENDING FOR ANY FISCAL YEAR  
36 SUBSEQUENT TO THE EXPIRATION OF SUCH PERIOD.  
37

38 **SECTION 3.** 30-11-101 (1) (f), Colorado Revised Statutes, is  
39 amended, and the said 30-11-101 (1) is further amended BY THE  
40 ADDITION OF A NEW PARAGRAPH, to read:  
41

42 **30-11-101. Powers of counties.** (1) Each organized county  
43 within the state shall be a body corporate and politic, and as such shall be  
44 empowered for the following purposes:  
45

46 (f) To develop, maintain, and operate mass transportation systems,  
47 which power shall be vested either individually in the board of county  
48 commissioners or jointly with other political subdivisions or  
49 governmental entities formed pursuant to the provisions of part 2 of  
50 article 1 of title 29, C.R.S. Except that AS PROVIDED IN PARAGRAPH (j) OF  
51 THIS SUBSECTION (1), this provision shall not apply to any county or  
52 portion thereof encompassed by the regional transportation district as  
53 formed pursuant to the provisions of article 9 of title 32, C.R.S.  
54 Counties, by ordinance adopted, administered, and enforced in  
55 accordance with part 4 of article 15 of this title, shall have the authority:  
56 To fix, maintain, and revise passenger fees, rates, and charges, and terms

1 and conditions for such systems; to prescribe the method of development,  
2 maintenance, and operation of such mass transportation systems; and to  
3 receive contributions, gifts, or other support from public and private  
4 entities to defray the operating costs of such systems.  
5

6 (j) FOR ANY COUNTY LOCATED IN WHOLE OR IN PART WITHIN THE  
7 BOUNDARIES OF THE REGIONAL TRANSPORTATION DISTRICT, TO PROVIDE  
8 TRANSIT SERVICES IN COOPERATION WITH AND PURSUANT TO  
9 CONSULTATION WITH THE BOARD OF DIRECTORS OF THE DISTRICT. FOR  
10 PURPOSES OF THIS PARAGRAPH (j), "COUNTY" MEANS ANY COUNTY OR CITY  
11 AND COUNTY.  
12

13 **SECTION 4.** The introductory portion to 32-9-119 (2) (a),  
14 Colorado Revised Statutes, is amended to read:  
15

16 **32-9-119. Additional powers of district.** (2) (a) To provide  
17 revenue to finance the operations of the district, to defray the cost of  
18 construction of capital improvements and acquisition of capital  
19 equipment, and to pay the interest and principal on securities of the  
20 district, the board, for and on behalf of the district after approval by  
21 election held pursuant to articles 1 to 13 of title 1, C.R.S., shall have the  
22 power to levy uniformly throughout the district a sales tax at the rate of  
23 six-tenths of one percent, OR AT THE RATE OF ONE PERCENT IF APPROVED  
24 BY THE ELIGIBLE ELECTORS OF THE DISTRICT IN ACCORDANCE WITH  
25 SECTION 32-9-119.4, upon every transaction or other incident with respect  
26 to which a sales tax is now levied by the state, pursuant to the provisions  
27 of article 26 of title 39, C.R.S.; except that:  
28

29 **SECTION 5.** Article 9 of title 32, Colorado Revised Statutes, is  
30 amended BY THE ADDITION OF A NEW SECTION to read:  
31

32 **32-9-119.4. Election for a sales tax rate increase - petition**  
33 **requirement.** (1) FOR PURPOSES OF COMPLYING WITH THE PROVISIONS  
34 OF SECTION 20 (4) OF ARTICLE X OF THE STATE CONSTITUTION AND UPON  
35 RECEIPT OF A NOTICE FROM THE SECRETARY OF STATE STATING THAT A  
36 VALID PETITION HAS BEEN FILED AND VERIFIED AND THE ADOPTION BY THE  
37 BOARD OF AN APPROPRIATE RESOLUTION, THE BOARD MAY SUBMIT TO THE  
38 REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE  
39 DISTRICT AT ANY GENERAL ELECTION OR ELECTION HELD IN NOVEMBER OF  
40 AN ODD-NUMBERED YEAR, THE BALLOT QUESTION SET FORTH IN  
41 SUBSECTION (3) OF THIS SECTION.  
42

43 (2) A VALID PETITION:  
44

45 (a) SHALL REQUEST THAT THE BOARD SUBMIT THE BALLOT  
46 QUESTION SET FORTH IN SUBSECTION (3) OF THIS SECTION TO THE  
47 REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE  
48 DISTRICT;  
49

50 (b) SHALL BE SIGNED BY A NUMBER OF SUCH REGISTERED  
51 ELECTORS EQUAL TO AT LEAST FIVE PERCENT OF THE TOTAL NUMBER OF  
52 VOTES CAST WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT  
53 FOR ALL CANDIDATES FOR THE OFFICE OF SECRETARY OF STATE AT THE  
54 PREVIOUS GENERAL ELECTION; AND  
55

56 (c) SHALL HAVE THE REQUIRED SIGNATURES VERIFIED BY THE

1 SECRETARY OF STATE IN ACCORDANCE WITH SUBSECTION (4) OF THIS  
2 SECTION.

3

4 (3) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF  
5 THIS SUBSECTION (3), THE BALLOT QUESTION TO BE SUBMITTED BY THE  
6 BOARD PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE AS  
7 FOLLOWS:

8

9 "SHALL REGIONAL TRANSPORTATION DISTRICT TAXES BE INCREASED  
10 (FIRST FULL FISCAL YEAR DOLLAR INCREASE) ANNUALLY AND BY  
11 WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER BY  
12 INCREASING THE RATE OF SALES TAX LEVIED BY THE DISTRICT BY  
13 FOUR-TENTHS OF ONE PERCENT, FROM THE CURRENT SIX-TENTHS OF ONE  
14 PERCENT TO ONE PERCENT COMMENCING JANUARY 1 (FIRST CALENDAR  
15 YEAR THAT COMMENCES AFTER THE ELECTION AT WHICH THE BALLOT  
16 QUESTION IS SUBMITTED), AND, IN CONNECTION THEREWITH, SHALL  
17 REGIONAL TRANSPORTATION DISTRICT DEBT BE INCREASED (PRINCIPAL  
18 AMOUNT), WITH A REPAYMENT COST OF (MAXIMUM TOTAL DISTRICT COST)  
19 WITH ALL PROCEEDS OF DEBT AND TAXES TO BE USED AND SPENT FOR THE  
20 CONSTRUCTION AND OPERATION OF A FIXED GUIDE WAY MASS TRANSIT  
21 SYSTEM, THE CONSTRUCTION OF ADDITIONAL PARK-N-RIDE LOTS, THE  
22 EXPANSION AND IMPROVEMENT OF EXISTING PARK-N-RIDE LOTS, AND  
23 INCREASED BUS SERVICE, INCLUDING THE USE OF SMALLER BUSES AND  
24 VANS AND ALTERNATIVE FUEL VEHICLES AS APPROPRIATE, AS SPECIFIED IN  
25 THE TRANSIT EXPANSION PLAN ADOPTED BY THE BOARD OF DIRECTORS OF  
26 THE DISTRICT ON OR BEFORE (SPECIFIED DATE) AND SHALL DEBT BE  
27 EVIDENCED BY BONDS, NOTES, OR OTHER MULTIPLE-FISCAL YEAR  
28 OBLIGATIONS INCLUDING REFUNDING BONDS THAT MAY BE ISSUED AS A  
29 LOWER OR HIGHER RATE OF INTEREST AND INCLUDING DEBT THAT MAY  
30 HAVE A REDEMPTION PRIOR TO MATURITY WITH OR WITHOUT PAYMENT OF  
31 A PREMIUM, PAYABLE FROM ALL REVENUES GENERATED BY SAID TAX  
32 INCREASE, FEDERAL FUNDS, INVESTMENT INCOME, PUBLIC AND PRIVATE  
33 CONTRIBUTIONS, AND OTHER REVENUES AS THE BOARD MAY DETERMINE,  
34 AND WITH SUCH REVENUES RAISED BY THE SALES TAX RATE INCREASE AND  
35 THE PROCEEDS OF DEBT OBLIGATIONS AND ANY INVESTMENT INCOME ON  
36 SUCH REVENUES AND PROCEEDS BEING EXEMPT FROM THE REVENUE AND  
37 SPENDING RESTRICTIONS CONTAINED IN SECTION 20 OF ARTICLE X OF THE  
38 COLORADO CONSTITUTION UNTIL SUCH TIME AS ALL DEBT IS REPAYED WHEN  
39 THE RATE OF TAX WILL BE DECREASED TO THAT AMOUNT NECESSARY FOR  
40 THE CONTINUED OPERATION OF THE SYSTEM BUT NOT LESS THAN  
41 SIX-TENTHS OF ONE PERCENT?"

42

43 (b) THE BALLOT QUESTION SET FORTH IN PARAGRAPH (a) OF THIS  
44 SUBSECTION (3) MAY BE MODIFIED BY THE PROPONENTS OF A PETITION OR  
45 BY THE DISTRICT TO THE EXTENT NECESSARY TO CONFORM TO THE LEGAL  
46 REQUIREMENTS FOR BALLOT QUESTIONS AND TITLES.

47

48 (c) IF AT ANY ELECTION A MAJORITY OF THE REGISTERED ELECTORS  
49 WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT VOTING ON THE  
50 BALLOT QUESTION VOTE AFFIRMATIVELY ON THE BALLOT QUESTION  
51 SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (3), THEN THE RATE OF  
52 SALES TAX LEVIED BY THE DISTRICT SHALL BE INCREASED BY FOUR-TENTHS  
53 OF ONE PERCENT TO A RATE OF ONE PERCENT.

54

55 (4) THE PROVISIONS OF ARTICLE 40 OF TITLE 1, C.R.S., REGARDING  
56 THE FOLLOWING SUBJECT MATTER SHALL APPLY TO PETITIONS THAT MAY

1 BE SUBMITTED PURSUANT TO THIS SECTION: FORM REQUIREMENTS AND  
2 APPROVAL; CIRCULATION OF PETITIONS; ELECTOR INFORMATION AND  
3 SIGNATURES ON PETITIONS; AFFIDAVITS AND REQUIREMENTS OF  
4 CIRCULATORS OF PETITIONS; AND VERIFICATION OF SIGNATURES,  
5 INCLUDING, BUT NOT LIMITED TO, CURE OF AN INSUFFICIENCY OF  
6 SIGNATURES AND PROTESTS REGARDING SUFFICIENCY STATEMENTS AND  
7 PROCEDURES FOR HEARINGS OR FURTHER APPEALS REGARDING SUCH  
8 PROTESTS. THE PROVISIONS OF ARTICLE 40 OF TITLE 1, C.R.S., REGARDING  
9 REVIEW AND COMMENT, THE SETTING OF A BALLOT TITLE, INCLUDING, BUT  
10 NOT LIMITED TO, THE DUTIES OF THE TITLE BOARD, REHEARINGS AND  
11 APPEALS, AND THE NUMBER OF SIGNATURES REQUIRED SHALL NOT APPLY  
12 TO PETITIONS THAT MAY BE SUBMITTED PURSUANT TO THIS SECTION.  
13

14 (5) ANY PETITION SHALL BE FILED WITH THE SECRETARY OF STATE  
15 AT LEAST NINETY DAYS BEFORE THE ELECTION AT WHICH THE BALLOT  
16 QUESTION SPECIFIED IN THE PETITION IS TO BE SUBMITTED TO THE  
17 REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE  
18 DISTRICT. NOTICE OF ANY QUESTION TO BE SUBMITTED TO THE  
19 REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE  
20 DISTRICT AFTER VERIFICATION OF THE SIGNATURES ON ANY PETITION FILED  
21 WITH THE SECRETARY OF STATE AND AT WHICH ELECTION SUCH QUESTION  
22 SHALL BE SUBMITTED SHALL BE FILED BY THE BOARD IN THE OFFICE OF THE  
23 SECRETARY OF STATE PRIOR TO FIFTY-FIVE DAYS BEFORE THE ELECTION.  
24

25 (6) PRIOR TO THE GENERAL ELECTION AT WHICH ANY QUESTION IS  
26 TO BE SUBMITTED TO THE REGISTERED ELECTORS PURSUANT TO  
27 SUBSECTION (1) OF THIS SECTION, THE BOARD SHALL HOLD AT LEAST TWO  
28 PUBLIC HEARINGS IN EACH OF THE COUNTIES INCLUDED, IN WHOLE OR IN  
29 PART, WITHIN THE DISTRICT.  
30

31 (7) (a) NO PUBLIC MONEYS FROM THE STATE, ANY CITY, TOWN,  
32 CITY AND COUNTY, OR COUNTY SHALL BE EXPENDED BY THE PUBLIC  
33 ENTITY OR BY ANY PRIVATE ENTITY OR PRIVATE PERSON TO ADVERTISE,  
34 PROMOTE, OR PURCHASE COMMERCIAL PROMOTION OR ADVERTISEMENT TO  
35 URGE ELECTORS TO VOTE IN FAVOR OF OR AGAINST ANY QUESTION  
36 SUBMITTED AT AN ELECTION PURSUANT TO THE PROVISIONS OF THIS  
37 SECTION.  
38

39 (b) NO QUESTION SUBMITTED TO ELIGIBLE ELECTORS OF THE  
40 DISTRICT PURSUANT TO THIS SECTION SHALL OBLIGATE ANY FUNDS OF THE  
41 DEPARTMENT OF TRANSPORTATION, NOR SHALL THE APPROVAL OF A  
42 QUESTION BY THE ELIGIBLE ELECTORS BE CONSTRUED AS CREATING ANY  
43 COMMITMENT OR OBLIGATION OF FUNDS OF THE DEPARTMENT.  
44

45 (8) IF AT ANY ELECTION A MAJORITY OF THE REGISTERED ELECTORS  
46 WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT VOTING ON THE  
47 QUESTION VOTE IN THE AFFIRMATIVE ON A BALLOT QUESTION TO INCREASE  
48 THE RATE OF SALES TAX LEVIED BY THE DISTRICT AND THEN, IN A  
49 CORRESPONDING OR SUBSEQUENT ELECTION, A MAJORITY OF THE  
50 REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE  
51 DISTRICT VOTING ON THE QUESTION VOTE IN THE AFFIRMATIVE TO LOWER  
52 THE RATE OF SALES TAX LEVIED BY THE DISTRICT, THE DISTRICT SHALL  
53 DECREASE THE RATE OF THE SALES TAX TO SIX-TENTHS OF ONE PERCENT OR  
54 TO AN AMOUNT NECESSARY TO REPAY ALL INDEBTEDNESS OF THE DISTRICT  
55 OBLIGATED UNDER THE APPROVED SALES TAX INCREASE, INCLUDING ANY  
56 COSTS INCURRED WITH REGARD TO NECESSARY DEBT REPAYMENT

1 BROUGHT ON BY A CORRESPONDING OR SUBSEQUENT SALES TAX  
2 REDUCTION, AND FOLLOWING SUCH REPAYMENT TO SIX-TENTHS OF ONE  
3 PERCENT.

4  
5 **SECTION 6.** 39-22-2002 (1), (4), (5) (b), and (5) (c), Colorado  
6 Revised Statutes, are amended to read:

7  
8 **39-22-2002. Fiscal years commencing on or after July 1, 1998**  
9 **- state sales tax refund - authority of executive director.** (1) If, for any  
10 state fiscal year commencing on or after July 1, 1998, the amount of state  
11 revenues exceeds the limitation on state fiscal year spending imposed by  
12 section 20 (7) (a) of article X of the state constitution and voters  
13 statewide either have not authorized the state to retain and spend all of  
14 the excess revenues for that fiscal year or have authorized the state to  
15 retain and spend only a portion of the excess revenues for that fiscal year,  
16 the executive director shall, if the amount of the identical individual  
17 refund calculated pursuant to paragraph (a) of subsection (2) of this  
18 section exceeds fifteen dollars, for the taxable year commencing on or  
19 after January 1 of the calendar year in which that fiscal year ended, but  
20 prior to January 1 of the subsequent calendar year, calculate a temporary  
21 state sales tax refund in accordance with the provisions of this section to  
22 refund the amount of excess state revenues that is not refunded by  
23 another method established by law. ~~multiplied by one hundred five~~  
24 ~~percent.~~

25  
26 (4) No later than October 1 of any given calendar year  
27 commencing on or after January 1, 1999, during which the controller  
28 certifies, in accordance with the provisions of section 24-77-106.5,  
29 C.R.S., that state revenues exceed the limitation on state fiscal year  
30 spending imposed by section 20 (7) (a) of article X of the state  
31 constitution for the fiscal year ending in that calendar year, the executive  
32 director shall, if the amount of the identical individual refund calculated  
33 pursuant to subsection (2) of this section exceeds fifteen dollars, calculate  
34 the income classifications and the amount of the refund allowed for each  
35 income classification pursuant to section 39-22-2003 (3) for the taxable  
36 year commencing during said fiscal year that would refund the amount of  
37 excess state revenues that is not refunded by another method established  
38 by law. ~~multiplied by one hundred five percent.~~

39  
40 (5) If one or more ballot questions are submitted to the voters at  
41 a statewide election to be held in November of any given calendar year  
42 commencing on or after January 1, 1999, that seek authorization for the  
43 state to retain and spend all or any portion of the amount of excess  
44 revenues for the fiscal year ending during said calendar year, no later than  
45 October 1 of said calendar year, the executive director shall, in addition  
46 to the calculations required by subsection (4) of this section:

47  
48 (b) If the amount of any identical refund calculated pursuant to  
49 subparagraph (I) of paragraph (a) of this subsection (5) exceeds fifteen  
50 dollars, calculate income classifications and the amount of the refund to  
51 be allowed for each income classification pursuant to section 39-22-2003  
52 (3) for the taxable year commencing during said fiscal year that would  
53 refund the amount of excess state revenues, if any, required to be  
54 refunded if one or more of such ballot questions are approved by voters  
55 statewide and that is not refunded by another method established by law;  
56 ~~multiplied by one hundred five percent;~~

1 (c) If the amount of the identical refund calculated pursuant to  
2 subparagraph (II) of paragraph (a) of this subsection (5) exceeds fifteen  
3 dollars, calculate income classifications and the amount of the refund to  
4 be allowed for each income classification pursuant to section 39-22-2003  
5 (3) for the taxable year commencing during said fiscal year that would  
6 refund the amount of excess state revenues, if any, required to be  
7 refunded if all of such ballot questions are not approved by voters  
8 statewide and that is not refunded by another method established by law.  
9 ~~multiplied by one hundred five percent.~~

10

11 **SECTION 7.** 42-4-1012 (1) (d) (IV), Colorado Revised Statutes,  
12 is amended to read:

13

14 **42-4-1012. High occupancy vehicle (GOV) and high occupancy**  
15 **toll (HOT) lanes.** (1) (d) The department shall develop and adopt  
16 functional specifications and standards for an automatic vehicle  
17 identification system for use on high occupancy vehicle lanes, high  
18 occupancy toll lanes, any public highway constructed and operated under  
19 the provisions of part 5 of article 4 of title 43, C.R.S., and any other street  
20 or highway where tolls or charges are imposed for the privilege of  
21 traveling upon such street or highway. The specifications and standards  
22 shall ensure that:

23

24 (IV) There is compatibility between any automatic vehicle  
25 identification system in operation on August 4, 1999, and any automatic  
26 vehicle identification system designed and installed on and after said  
27 date; EXCEPT THAT THE OPERATOR OF AN AUTOMATIC VEHICLE  
28 IDENTIFICATION SYSTEM IN OPERATION ON AUGUST 4, 1999, MAY REPLACE  
29 SUCH SYSTEM WITH A DIFFERENT SYSTEM THAT IS NOT COMPATIBLE WITH  
30 THE SYSTEM IN OPERATION ON AUGUST 4, 1999, SUBJECT TO THE  
31 APPROVAL OF THE DEPARTMENT. AFTER THE DEPARTMENT APPROVES  
32 SUCH REPLACEMENT, THE SPECIFICATIONS AND STANDARDS DEVELOPED  
33 PURSUANT TO THIS PARAGRAPH (d) SHALL BE AMENDED TO REQUIRE  
34 COMPATIBILITY WITH THE REPLACEMENT SYSTEM.

35

36 **SECTION 8.** 43-4-205, Colorado Revised Statutes, is amended  
37 BY THE ADDITION OF A NEW SUBSECTION to read:

38

39 **43-4-205. Allocation of fund.** (6.6) THE REVENUES CREDITED TO  
40 THE HIGHWAY USERS TAX FUND PURSUANT TO SECTION 24-75-217 (1) (a),  
41 C.R.S., SHALL BE PAID TO THE STATE HIGHWAY FUND FOR ALLOCATION TO  
42 THE DEPARTMENT OF TRANSPORTATION AND SHALL BE EXPENDED FOR  
43 STATE HIGHWAY RECONSTRUCTION, REPAIR, MAINTENANCE, AND CAPITAL  
44 EXPANSION PROJECTS.

45

46 **SECTION 9.** 43-4-206 (2) (a) (I), Colorado Revised Statutes, is  
47 amended to read:

48

49 **43-4-206. State allocation.** (2) (a) Notwithstanding the  
50 provisions of subsection (1) of this section, the revenues credited to the  
51 highway users tax fund pursuant to section 39-26-123 (2), C.R.S., and  
52 credited to the state highway fund pursuant to section 43-4-205 (6.5) shall  
53 be expended by the department of transportation for the implementation  
54 of the strategic transportation project investment program in the following  
55 manner:

56

1 (I) ~~At least~~ NO MORE THAN ninety percent of such revenues shall  
2 be expended for highway purposes or highway-related capital  
3 improvements, including, but not limited to, high occupancy vehicle  
4 lanes, park-and-ride facilities, and transportation management systems  
5 AND AT LEAST TEN PERCENT OF SUCH REVENUES SHALL BE EXPENDED FOR  
6 TRANSIT PURPOSES OR FOR TRANSIT-RELATED CAPITAL IMPROVEMENTS.  
7

8 **SECTION 10.** Article 4 of title 43, Colorado Revised Statutes,  
9 is amended BY THE ADDITION OF A NEW PART to read:  
10

11 **PART 8**  
12 **STATEWIDE TOLLING ENTERPRISE**  
13

14 **43-4-801. Legislative declaration.** THE GENERAL ASSEMBLY  
15 HEREBY FINDS AND DECLARES THAT, IN ORDER TO FINANCE, CONSTRUCT,  
16 OPERATE, AND MAINTAIN ADDITIONAL HIGHWAY CAPACITY AND  
17 ACCOMMODATE THE NEEDS OF THE TRAVELING PUBLIC THROUGH AND  
18 WITHIN THE STATE OF COLORADO THROUGH SAFE, EFFICIENT, CONVENIENT,  
19 AND MODERN VEHICULAR TRAFFIC, IT IS NECESSARY AND IN THE PUBLIC  
20 INTEREST TO PROVIDE FOR THE FINANCING, CONSTRUCTION, OPERATION,  
21 REGULATION, AND MAINTENANCE OF A STATEWIDE SYSTEM OF TOLL  
22 HIGHWAYS THAT ARE INTEROPERABLE, THAT INCORPORATE THE BENEFITS  
23 OF ADVANCED ENGINEERING DESIGN, EXPERIENCE, AND SAFETY, AND THAT  
24 WILL REDUCE TRAFFIC CONGESTION, DELAYS, HAZARDS, INJURIES, AND  
25 FATALITIES. THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES  
26 THAT IT IS NECESSARY TO AUTHORIZE THE TRANSPORTATION COMMISSION  
27 TO CREATE, UNDER THE SUPERVISION OF THE TRANSPORTATION  
28 COMMISSION, A STATEWIDE TOLLING ENTERPRISE THAT HAS THE POWER TO  
29 IMPOSE TOLLS, ISSUE REVENUE BONDS, AND EXERCISE OTHER POWERS  
30 NECESSARY AND APPROPRIATE TO CARRY OUT THESE PURPOSES.  
31

32 **43-4-802. Definitions.** AS USED IN THIS PART 8, UNLESS THE  
33 CONTEXT OTHERWISE REQUIRES:  
34

35 (1) "BOND" MEANS ANY BOND, NOTE, INTERIM CERTIFICATE,  
36 CONTRACT, OR OTHER EVIDENCE OF INDEBTEDNESS OF THE ENTERPRISE,  
37 INCLUDING, BUT NOT LIMITED TO, ANY OBLIGATION TO THE UNITED STATES  
38 IN CONNECTION WITH A LOAN FROM OR GUARANTEED BY THE UNITED  
39 STATES.  
40

41 (2) "COMMISSION" MEANS THE TRANSPORTATION COMMISSION  
42 CREATED BY SECTION 43-1-106.  
43

44 (3) "CONSTRUCT" OR "CONSTRUCTION" MEANS THE PLANNING,  
45 DESIGNING, ENGINEERING, ACQUISITION, INSTALLATION, CONSTRUCTION,  
46 OR RECONSTRUCTION OF A TOLL HIGHWAY.  
47

48 (4) "DEPARTMENT" MEANS THE DEPARTMENT OF TRANSPORTATION  
49 CREATED IN SECTION 24-1-128.7, C.R.S.  
50

51 (5) "DIRECTOR" MEANS THE DIRECTOR OF THE ENTERPRISE.  
52

53 (6) "ENTERPRISE" MEANS ANY STATEWIDE TOLLING ENTERPRISE  
54 CREATED BY THE COMMISSION PURSUANT TO SECTION 43-4-803.  
55

56 (7) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF

1 THE DEPARTMENT.

2

3 (8) "SPECIAL FUND" MEANS THE STATEWIDE TOLLING ENTERPRISE  
4 SPECIAL REVENUE FUND CREATED IN SECTION 43-4-804.

5

6 (9) "TOLL" MEANS THE COMPENSATION TO BE PAID TO THE  
7 ENTERPRISE FOR THE PRIVILEGE OF USING ANY TOLL HIGHWAY, OR ANY  
8 PART THEREOF, BY VEHICULAR OR OTHER TRAFFIC.

9

10 (10) "TOLL HIGHWAY" MEANS A NEW HIGHWAY OR ADDITIONAL  
11 LANE CAPACITY AND RELATED HIGHWAY IMPROVEMENTS. A TOLL  
12 HIGHWAY CANNOT ELIMINATE PREVIOUSLY EXISTING HIGHWAY LANES  
13 THAT HAVE SERVED VEHICULAR TRAFFIC ON A TOLL-FREE BASIS EXCEPT  
14 PURSUANT TO SECTION 42-4-1012, C.R.S.

15

16 (11) "TOLL REVENUES" MEANS THE REVENUES GENERATED BY A  
17 TOLL HIGHWAY CONSTRUCTED, OPERATED, OR MAINTAINED PURSUANT TO  
18 THIS PART 8.

19

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

31

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

43

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

50

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



1 C.R.S.

2

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

5

6 **43-4-804. Statewide tolling enterprise special revenue fund -**  
7 **creation - separate highway accounts.** (1) A FUND TO BE KNOWN AS  
8 THE STATEWIDE TOLLING ENTERPRISE SPECIAL REVENUE FUND IS HEREBY  
9 CREATED IN THE STATE TREASURY. ALL TOLL REVENUES RECEIVED BY THE  
10 ENTERPRISE SHALL BE DEPOSITED INTO THE SPECIAL FUND. THE  
11 ENTERPRISE ALSO MAY DEPOSIT OR PERMIT OTHERS TO DEPOSIT OTHER  
12 MONEYS INTO THE SPECIAL FUND, BUT IN NO EVENT MAY REVENUES FROM  
13 ANY TAX OTHERWISE AVAILABLE FOR GENERAL PURPOSES BE DEPOSITED  
14 INTO THE SPECIAL FUND. THE STATE TREASURER, AFTER CONSULTING WITH  
15 THE COMMISSION IN ITS CAPACITY AS THE BOARD OF THE ENTERPRISE,  
16 SHALL INVEST ANY MONEYS IN THE SPECIAL FUND, INCLUDING ANY  
17 SURPLUS OR RESERVES, BUT EXCLUDING ANY PROCEEDS FROM THE SALE OF  
18 BONDS OR EARNINGS ON SUCH PROCEEDS INVESTED PURSUANT TO SECTION  
19 43-4-809, THAT ARE NOT NEEDED FOR IMMEDIATE USE. SUCH MONEYS  
20 MAY BE INVESTED IN THE TYPES OF INVESTMENTS AUTHORIZED IN  
21 SECTIONS 24-36-109, 24-36-112, AND 24-36-113, C.R.S.

22

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

30

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

39

40 (4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,  
41 THE COMMISSION SHALL DESIGNATE A STATE TOLL HIGHWAY AND MONEYS  
42 IN THE SPECIAL FUND THAT ARE DERIVED FROM TOLLS SHALL ONLY BE  
43 EXPENDED TO FUND THE ADMINISTRATION, PLANNING, DESIGN,  
44 DEVELOPMENT, FINANCING, CONSTRUCTION, OPERATION, MAINTENANCE,  
45 OR REPAIR OF THE STATE TOLL HIGHWAY OR TO PAY BONDS OF THE  
46 ENTERPRISE THAT WERE ISSUED TO FINANCE THE STATE TOLL HIGHWAY.  
47 ONCE THE ENTERPRISE HAS PAID THE COSTS OF CONSTRUCTING THE STATE  
48 TOLL HIGHWAY, INCLUDING SUFFICIENT CONTINGENCIES, PAID ALL DEBT  
49 SERVICE ON ALL BONDS ISSUED TO FINANCE THE TOLL HIGHWAY, AND  
50 REIMBURSED THE STATE HIGHWAY FUND FOR THE AMOUNT OF ANY STATE  
51 HIGHWAY FUND MONEYS TRANSFERRED TO THE STATEWIDE TOLLING  
52 ENTERPRISE FUND PLUS INTEREST IN ACCORDANCE WITH SECTION  
53 43-4-805, THE COMMISSION SHALL ADJUST TOLL RATES IN THE CORRIDOR  
54 SO THAT THE AMOUNT OF TOLL REVENUES TO BE GENERATED IS AS CLOSE  
55 AS POSSIBLE TO THE AMOUNT REQUIRED FOR THE ONGOING OPERATION,  
56 MAINTENANCE, RENEWAL, AND REPLACEMENT OF THE TOLL HIGHWAY. A

1 TOLL HIGHWAY CANNOT ELIMINATE PREVIOUSLY EXISTING HIGHWAY  
2 LANES THAT HAVE SERVED VEHICULAR TRAFFIC ON A TOLL-FREE BASIS  
3 EXCEPT PURSUANT TO SECTION 42-4-1012, C.R.S.  
4

5 **43-4-805. Statewide tolling enterprise operating fund.** THE  
6 COMMISSION MAY TRANSFER MONEYS FROM THE STATE HIGHWAY FUND  
7 CREATED IN SECTION 43-1-219 TO THE ENTERPRISE FOR THE PURPOSE OF  
8 DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE PRIOR TO THE  
9 RECEIPT OF BOND PROCEEDS OR TOLL REVENUES BY THE ENTERPRISE.  
10 WHEN THE ENTERPRISE RECEIVES SUFFICIENT BOND PROCEEDS OR TOLL  
11 REVENUES, THE ENTERPRISE SHALL REIMBURSE THE STATE HIGHWAY FUND  
12 FOR THE FULL AMOUNT OF ANY TRANSFER MADE BY THE COMMISSION PLUS  
13 INTEREST AT A RATE SET BY THE COMMISSION. ANY MONEYS  
14 TRANSFERRED TO THE ENTERPRISE PURSUANT TO THIS SECTION SHALL BE  
15 DEPOSITED INTO A FUND TO BE KNOWN AS THE STATEWIDE TOLLING  
16 ENTERPRISE OPERATING FUND, WHICH FUND IS HEREBY CREATED, AND  
17 SHALL NOT BE DEPOSITED INTO THE SPECIAL FUND. MONEYS FROM THE  
18 SPECIAL FUND MAY, HOWEVER, BE USED TO REIMBURSE THE STATE  
19 HIGHWAY FUND FOR THE AMOUNT OF ANY TRANSFER OR ANY INTEREST  
20 THEREON.  
21

22 **43-4-806. Powers and duties of the commission when acting as**  
23 **the board of the enterprise - annual report.** (1) THE COMMISSION, IN  
24 ITS CAPACITY AS THE BOARD OF THE ENTERPRISE, HAS THE FOLLOWING  
25 POWERS AND DUTIES:  
26

27 (a) TO ADVISE THE DIRECTOR;  
28

29 (b) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND  
30 CONDUCT OF ITS BUSINESS;  
31

32 (c) TO ISSUE REVENUE BONDS, PAYABLE SOLELY FROM THE SPECIAL  
33 FUND, FOR THE PURPOSES OF PAYING THE COST OF FINANCING,  
34 CONSTRUCTING, OPERATING, OR MAINTAINING A TOLL HIGHWAY;  
35

36 (d) TO ESTABLISH AND, FROM TIME TO TIME, INCREASE OR  
37 DECREASE FEES, TOLLS, RATES, AND CHARGES FOR THE PRIVILEGE OF  
38 TRAVELING ON OR THE USE OF THE PROPERTY OF A TOLL HIGHWAY;  
39

40 (e) TO CHARGE AND COLLECT FEES AND CHARGES FOR THE USE OF  
41 OTHER PROPERTY OF THE ENTERPRISE;  
42

43 (f) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND  
44 PERSONAL PROPERTY AS NECESSARY IN THE EXERCISE OF ITS POWERS AND  
45 PERFORMANCE OF ITS DUTIES;  
46

47 (g) TO ACQUIRE BY PURCHASE, GIFT, GRANT, OR BY  
48 CONDEMNATION, AS PROVIDED IN ARTICLE 1 OF TITLE 38, C.R.S., ANY AND  
49 ALL RIGHTS-OF-WAY, LANDS, BUILDINGS, MONEYS, OR GROUNDS  
50 NECESSARY OR CONVENIENT FOR ITS AUTHORIZED PURPOSES;  
51

52 (h) TO MAKE AND ENTER INTO CONTRACTS OR AGREEMENTS WITH  
53 A PRIVATE ENTITY TO FACILITATE A PUBLIC-PRIVATE INITIATIVE PURSUANT  
54 TO SECTIONS 43-1-1203 AND 43-1-1204, INCLUDING, BUT NOT LIMITED TO:  
55

56 (I) AN AGREEMENT PURSUANT TO WHICH THE PRIVATE ENTITY IS

- 1 AUTHORIZED TO ESTABLISH, INCREASE, OR DECREASE AND TO CHARGE AND  
2 COLLECT TOLLS, RATES, AND CHARGES FOR THE PRIVILEGE OF TRAVELING  
3 ON ANY TOLL PROJECT, SUBJECT TO THE SUPERVISION AND APPROVAL OF  
4 THE ENTERPRISE UNDER THE TERMS OF ANY SUCH AGREEMENT, BUT  
5 OTHERWISE WITHOUT ANY SUPERVISION OR APPROVAL BY ANY OTHER  
6 BOARD, AGENCY, BUREAU, COMMISSION, OR OFFICIAL OF THE STATE;  
7
- 8 (II) AN AGREEMENT PURSUANT TO WHICH THE ENTERPRISE OR THE  
9 ENTERPRISE ON BEHALF OF THE DEPARTMENT OPERATES, MAINTAINS, OR  
10 PROVIDES TOLL ENFORCEMENT SERVICES OR OTHER SERVICES OR  
11 PROPERTY IN CONNECTION WITH A TOLL PROJECT;  
12
- 13 (III) AN AGREEMENT PURSUANT TO WHICH A PRIVATE ENTITY  
14 OPERATES ALL OR ANY PORTION OF A TOLL PROJECT ON BEHALF OF THE  
15 ENTERPRISE; AND  
16
- 17 (IV) AN AGREEMENT PURSUANT TO WHICH THE ENTERPRISE OR THE  
18 ENTERPRISE ON BEHALF OF THE DEPARTMENT OPERATES, MAINTAINS, OR  
19 PROVIDES LAW ENFORCEMENT SERVICES, TOLL ENFORCEMENT SERVICES,  
20 OR OTHER SERVICES OR PROPERTY IN CONNECTION WITH A TOLL PROJECT;  
21
- 22 (i) TO MAKE AND TO ENTER INTO ALL OTHER CONTRACTS OR  
23 AGREEMENTS, INCLUDING INTERGOVERNMENTAL AGREEMENTS PURSUANT  
24 TO SECTION 29-1-203, C.R.S., THAT ARE NECESSARY OR INCIDENTAL TO  
25 THE EXERCISE OF ITS POWERS AND PERFORMANCE OF ITS DUTIES;  
26
- 27 (j) TO EMPLOY OR CONTRACT FOR THE SERVICES OF CONSULTING  
28 ENGINEERS OR OTHER EXPERTS AS ARE NECESSARY IN ITS JUDGMENT TO  
29 CARRY OUT ITS POWERS AND DUTIES;  
30
- 31 (k) TO PREPARE, OR CAUSE TO BE PREPARED, DETAILED PLANS,  
32 SPECIFICATIONS, OR ESTIMATES FOR THE FINANCING, CONSTRUCTION,  
33 RELOCATION, REPAIR, MAINTENANCE, OR OPERATION OF A TOLL HIGHWAY  
34 WITHIN THE STATE. A TOLL HIGHWAY CANNOT ELIMINATE PREVIOUSLY  
35 EXISTING HIGHWAY LANES THAT HAVE SERVED VEHICULAR TRAFFIC ON A  
36 TOLL-FREE BASIS EXCEPT PURSUANT TO SECTION 42-4-1012, C.R.S.  
37
- 38 (l) TO ACQUIRE, CONSTRUCT, RELOCATE, OPERATE, REGULATE, AND  
39 MAINTAIN A TOLL HIGHWAY THROUGH AND WITHIN THE STATE;  
40
- 41 (m) TO CONSTRUCT, MAINTAIN, AND OPERATE STATIONS FOR THE  
42 COLLECTION OF TOLLS ALONG A TOLL HIGHWAY;  
43
- 44 (n) TO SET AND ADOPT, ON AN ANNUAL BASIS, A BUDGET FOR THE  
45 ENTERPRISE;  
46
- 47 (o) TO PURCHASE, TRADE, EXCHANGE, ACQUIRE, BUY, SELL, LEASE,  
48 LEASE WITH AN OPTION TO PURCHASE, DISPOSE OF, OR ENCUMBER REAL OR  
49 PERSONAL PROPERTY OR ANY INTEREST THEREIN, INCLUDING EASEMENTS  
50 AND RIGHTS-OF-WAY, WITHOUT RESTRICTION OR LIMITATION;  
51
- 52 (p) TO ENTER INTO INTEREST RATE EXCHANGE AGREEMENTS FOR  
53 BONDS THAT HAVE BEEN ISSUED IN ACCORDANCE WITH ARTICLE 59.3 OF  
54 TITLE 11, C.R.S.;  
55
- 56 (q) PURSUANT TO SECTION 24-1-107.5, C.R.S., TO ESTABLISH,

1 CREATE, AND APPROVE NONPROFIT ENTITIES AND BONDS ISSUED BY OR ON  
2 BEHALF OF SUCH NONPROFIT ENTITIES FOR THE PURPOSE OF FINANCING,  
3 CONSTRUCTING, OPERATING, OR MAINTAINING A TOLL HIGHWAY, TO  
4 ACCEPT THE ASSETS OF ANY SUCH NONPROFIT ENTITY, TO OBTAIN AN  
5 OPTION TO ACQUIRE THE ASSETS OF ANY SUCH NONPROFIT ENTITY BY  
6 PAYING SUCH BONDS, TO APPOINT OR APPROVE THE APPOINTMENT OF  
7 MEMBERS OF THE GOVERNING BOARD OF ANY SUCH NONPROFIT ENTITY,  
8 AND TO REMOVE THE MEMBERS OF THE GOVERNING BOARD OF ANY SUCH  
9 NONPROFIT ENTITY FOR CAUSE;

10

11 (r) TO TRANSFER MONEY, PROPERTY, OR OTHER ASSETS OF THE  
12 ENTERPRISE TO THE DEPARTMENT; AND

13

14 (s) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY  
15 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES  
16 GRANTED IN THIS SECTION.

17

18 (2) THE COMMISSION, ACTING AS THE BOARD OF THE ENTERPRISE,  
19 SHALL ENSURE UNRESTRICTED ACCESS BY ALL VEHICLES TO ANY TOLL  
20 HIGHWAY AND SHALL NOT REQUIRE THAT A PARTICULAR CLASS OF  
21 VEHICLES TRAVEL UPON ANY TOLL HIGHWAY, INCLUDING A TOLL HIGHWAY  
22 THAT PROVIDES ADDITIONAL CAPACITY ON AN EXISTING HIGHWAY. A TOLL  
23 HIGHWAY CANNOT ELIMINATE PREVIOUSLY EXISTING HIGHWAY LANES  
24 THAT HAVE SERVED VEHICULAR TRAFFIC ON A TOLL-FREE BASIS EXCEPT  
25 PURSUANT TO SECTION 42-4-1012, C.R.S.

26

27 (3) NO LATER THAN FEBRUARY 15, 2003, AND NO LATER THAN  
28 FEBRUARY 15 OF EACH YEAR THEREAFTER, THE COMMISSION SHALL  
29 PRESENT A REPORT TO THE TRANSPORTATION AND ENERGY COMMITTEE OF  
30 THE HOUSE OF REPRESENTATIVES AND THE GOVERNMENT, VETERANS AND  
31 MILITARY RELATIONS, AND TRANSPORTATION COMMITTEE OF THE SENATE  
32 THAT SHALL INCLUDE A SUMMARY OF THE ENTERPRISE'S ACTIVITIES FOR  
33 THE PREVIOUS YEAR, A STATEMENT OF CURRENT TOLL RATES AND ANY  
34 EXPECTED CHANGES, A SUMMARY OF THE STATUS OF ANY CURRENT TOLL  
35 PROJECTS, A STATEMENT OF THE ENTERPRISE'S REVENUES, EXPENSES OF  
36 THE ENTERPRISE, AND ANY RECOMMENDATIONS FOR STATUTORY CHANGES  
37 THAT THE COMMISSION DEEMS NECESSARY OR DESIRABLE. THE  
38 COMMITTEES SHALL REVIEW THE REPORT AND MAY RECOMMEND  
39 LEGISLATION. THE REPORT SHALL BE PUBLIC AND SHALL BE AVAILABLE ON  
40 THE WEBSITE OF THE DEPARTMENT ON OR BEFORE JANUARY 15 OF THE  
41 YEAR IN WHICH THE REPORT IS PRESENTED.

42

43 **43-4-807. Bonds.** (1) THE ENTERPRISE MAY, FROM TIME TO TIME,  
44 ISSUE BONDS FOR ANY OF ITS CORPORATE PURPOSES. THE BONDS SHALL BE  
45 ISSUED PURSUANT TO RESOLUTION OF THE COMMISSION ACTING IN ITS  
46 CAPACITY AS THE BOARD OF THE ENTERPRISE AND SHALL BE PAYABLE  
47 SOLELY OUT OF ALL OR A SPECIFIED PORTION OF THE MONEYS IN THE  
48 SPECIAL FUND.

49

50 (2) BONDS MAY BE EXECUTED AND DELIVERED BY THE ENTERPRISE  
51 AT SUCH TIMES, MAY BE IN SUCH FORM AND DENOMINATIONS AND INCLUDE  
52 SUCH TERMS AND MATURITIES, MAY BE SUBJECT TO OPTIONAL OR  
53 MANDATORY REDEMPTION PRIOR TO MATURITY WITH OR WITHOUT A  
54 PREMIUM, MAY BE IN FULLY REGISTERED FORM OR BEARER FORM  
55 REGISTRABLE AS TO PRINCIPAL OR INTEREST OR BOTH, MAY BEAR SUCH  
56 CONVERSION PRIVILEGES, MAY BE PAYABLE IN SUCH INSTALLMENTS AND

1 AT SUCH TIMES NOT EXCEEDING FORTY-FIVE YEARS FROM THE DATE  
2 THEREOF, MAY BE PAYABLE AT SUCH PLACE OR PLACES WHETHER WITHIN  
3 OR WITHOUT THE STATE, MAY BEAR INTEREST AT SUCH RATE OR RATES PER  
4 ANNUM, WHICH MAY BE FIXED OR VARY ACCORDING TO INDEX,  
5 PROCEDURE, OR FORMULA OR AS DETERMINED BY THE ENTERPRISE OR ITS  
6 AGENTS, WITHOUT REGARD TO ANY INTEREST RATE LIMITATION APPEARING  
7 IN ANY OTHER LAW OF THE STATE, MAY BE SUBJECT TO PURCHASE AT THE  
8 OPTION OF THE HOLDER OR THE ENTERPRISE, MAY BE EVIDENCED IN SUCH  
9 MANNER, MAY BE EXECUTED BY SUCH OFFICERS OF THE ENTERPRISE,  
10 INCLUDING THE USE OF ONE OR MORE FACSIMILE SIGNATURES SO LONG AS  
11 AT LEAST ONE MANUAL SIGNATURE APPEARS ON THE BONDS, WHICH MAY  
12 BE EITHER OF AN OFFICER OF THE ENTERPRISE OR OF AN AGENT  
13 AUTHENTICATING THE SAME, MAY BE IN THE FORM OF COUPON BONDS THAT  
14 HAVE ATTACHED INTEREST COUPONS BEARING A MANUAL OR FACSIMILE  
15 SIGNATURE OF AN OFFICER OF THE ENTERPRISE, AND MAY CONTAIN SUCH  
16 PROVISIONS NOT INCONSISTENT WITH THIS PART 8 ALL AS PROVIDED IN THE  
17 RESOLUTION OF THE ENTERPRISE UNDER WHICH THE BONDS ARE  
18 AUTHORIZED TO BE ISSUED OR AS PROVIDED IN A TRUST INDENTURE  
19 BETWEEN THE ENTERPRISE AND ANY COMMERCIAL BANK OR TRUST  
20 COMPANY HAVING FULL TRUST POWERS.

21  
22 (3) BONDS OF THE ENTERPRISE MAY BE SOLD AT PUBLIC OR  
23 PRIVATE SALE AT SUCH PRICE OR PRICES, IN SUCH MANNER, AND AT SUCH  
24 TIMES AS DETERMINED BY THE COMMISSION, AND THE COMMISSION MAY  
25 PAY ALL FEES, EXPENSES, AND COMMISSIONS THAT IT DEEMS NECESSARY  
26 OR ADVANTAGEOUS IN CONNECTION WITH THE SALE OF THE BONDS. THE  
27 POWER TO FIX THE DATE OF SALE OF THE BONDS, TO RECEIVE BIDS OR  
28 PROPOSALS, TO AWARD AND SELL BONDS, TO FIX INTEREST RATES, AND TO  
29 TAKE ALL OTHER ACTION NECESSARY TO SELL AND DELIVER THE BONDS  
30 MAY BE DELEGATED TO AN OFFICER OR AGENT OF THE ENTERPRISE. ANY  
31 OUTSTANDING BONDS MAY BE REFUNDED BY THE ENTERPRISE PURSUANT  
32 TO ARTICLE 56 OF TITLE 11, C.R.S. ALL BONDS AND ANY INTEREST  
33 COUPONS APPLICABLE THERETO ARE DECLARED TO BE NEGOTIABLE  
34 INSTRUMENTS.

35  
36 (4) THE RESOLUTION OR TRUST INDENTURE AUTHORIZING THE  
37 ISSUANCE OF THE BONDS MAY PLEDGE ALL OR A PORTION OF THE SPECIAL  
38 FUND, MAY CONTAIN SUCH PROVISIONS FOR PROTECTING AND ENFORCING  
39 THE RIGHTS AND REMEDIES OF HOLDERS OF ANY OF THE BONDS AS THE  
40 ENTERPRISE DEEMS APPROPRIATE, MAY SET FORTH THE RIGHTS AND  
41 REMEDIES OF THE HOLDERS OF ANY OF THE BONDS, AND MAY CONTAIN  
42 PROVISIONS THAT THE ENTERPRISE DEEMS APPROPRIATE FOR THE SECURITY  
43 OF THE HOLDERS OF THE BONDS, INCLUDING, BUT NOT LIMITED TO,  
44 PROVISIONS FOR LETTERS OF CREDIT, INSURANCE, STANDBY CREDIT  
45 AGREEMENTS, OR OTHER FORMS OF CREDIT ENSURING TIMELY PAYMENT OF  
46 THE BONDS, INCLUDING THE REDEMPTION PRICE OR THE PURCHASE PRICE.

47  
48 (5) ANY PLEDGE OF THE SPECIAL FUND OR OTHER PROPERTY MADE  
49 BY THE ENTERPRISE OR BY ANY PERSON OR GOVERNMENTAL UNIT WITH  
50 WHICH THE ENTERPRISE CONTRACTS SHALL BE VALID AND BINDING FROM  
51 THE TIME THE PLEDGE IS MADE. THE SPECIAL FUND OR OTHER PROPERTY  
52 SO PLEDGED SHALL IMMEDIATELY BE SUBJECT TO THE LIEN OF SUCH  
53 PLEDGE WITHOUT ANY PHYSICAL DELIVERY OR FURTHER ACT, AND THE  
54 LIEN OF SUCH PLEDGE SHALL BE VALID AND BINDING AGAINST ALL PARTIES  
55 HAVING CLAIMS OF ANY KIND IN TORT, CONTRACT, OR OTHERWISE AGAINST  
56 THE PLEDGING PARTY REGARDLESS OF WHETHER SUCH CLAIMING PARTY

1 HAS NOTICE OF SUCH LIEN. THE INSTRUMENT BY WHICH THE PLEDGE IS  
2 CREATED NEED NOT BE RECORDED OR FILED.  
3

4 (6) NEITHER THE MEMBERS OF THE COMMISSION, EMPLOYEES OF  
5 THE ENTERPRISE, NOR ANY PERSON EXECUTING THE BONDS SHALL BE  
6 LIABLE PERSONALLY ON THE BONDS OR SUBJECT TO ANY PERSONAL  
7 LIABILITY OR ACCOUNTABILITY BY REASON OF THE ISSUANCE THEREOF.  
8

9 (7) THE ENTERPRISE MAY PURCHASE ITS BONDS OUT OF ANY  
10 AVAILABLE MONEYS AND MAY HOLD, PLEDGE, CANCEL, OR RESELL SUCH  
11 BONDS SUBJECT TO AND IN ACCORDANCE WITH AGREEMENTS WITH THE  
12 HOLDERS THEREOF.  
13

14 **43-4-808. Investments.** THE ENTERPRISE MAY INVEST OR DEPOSIT  
15 ANY PROCEEDS AND ANY INTEREST FROM THE SALE OF BONDS IN THE  
16 MANNER PROVIDED BY PART 6 OF ARTICLE 75 OF TITLE 24, C.R.S. IN  
17 ADDITION, THE ENTERPRISE MAY DIRECT A CORPORATE TRUSTEE THAT  
18 HOLDS SUCH PROCEEDS AND ANY INTEREST TO INVEST OR DEPOSIT SUCH  
19 PROCEEDS AND ANY INTEREST IN INVESTMENTS OR DEPOSITS OTHER THAN  
20 THOSE SPECIFIED BY SAID PART 6 IF THE COMMISSION DETERMINES, BY  
21 RESOLUTION, THAT SUCH INVESTMENT OR DEPOSIT MEETS THE STANDARD  
22 ESTABLISHED IN SECTION 15-1-304, C.R.S., THE INCOME IS AT LEAST  
23 COMPARABLE TO INCOME AVAILABLE ON INVESTMENTS OR DEPOSITS  
24 SPECIFIED BY SAID PART 6, AND SUCH INVESTMENT WILL ASSIST THE  
25 ENTERPRISE IN THE FINANCING, CONSTRUCTION, MAINTENANCE, OR  
26 OPERATION OF A TOLL HIGHWAY.  
27

28 **43-4-809. Bonds eligible for investment.** ALL BANKS, TRUST  
29 COMPANIES, SAVINGS AND LOAN ASSOCIATIONS, INSURANCE COMPANIES,  
30 EXECUTORS, ADMINISTRATORS, GUARDIANS, TRUSTEES, AND OTHER  
31 FIDUCIARIES MAY LEGALLY INVEST ANY MONEYS WITHIN THEIR CONTROL  
32 IN ANY BONDS ISSUED UNDER THIS PART 8. PUBLIC ENTITIES, AS DEFINED  
33 IN SECTION 24-75-601 (1), C.R.S., MAY INVEST PUBLIC MONEYS IN SUCH  
34 BONDS ONLY IF SUCH BONDS SATISFY THE INVESTMENT REQUIREMENTS  
35 ESTABLISHED IN PART 6 OF ARTICLE 75 OF TITLE 24, C.R.S.  
36

37 **43-4-810. Exemption from taxation - securities laws.** THE  
38 INCOME OR OTHER REVENUES OF THE ENTERPRISE, ALL PROPERTIES AT ANY  
39 TIME OWNED BY THE ENTERPRISE, AND BONDS ISSUED BY THE ENTERPRISE,  
40 AND THE TRANSFER OF AND THE INCOME FROM ANY BONDS ISSUED BY THE  
41 ENTERPRISE SHALL BE EXEMPT FROM ALL TAXATION AND ASSESSMENTS IN  
42 THE STATE. IN THE RESOLUTION OR INDENTURE AUTHORIZING THE BONDS,  
43 THE ENTERPRISE MAY WAIVE THE EXEMPTION FROM FEDERAL INCOME  
44 TAXATION FOR INTEREST ON THE BONDS. BONDS ISSUED BY THE  
45 ENTERPRISE SHALL BE EXEMPT FROM THE PROVISIONS OF ARTICLE 51 OF  
46 TITLE 11, C.R.S.  
47

48 **43-4-811. Traffic laws - toll collection.** (1) THE TRAFFIC LAWS  
49 OF THIS STATE, AND THOSE OF ANY MUNICIPALITY THROUGH WHICH A TOLL  
50 HIGHWAY PASSES, AND THE ENTERPRISE'S REGULATIONS REGARDING TOLL  
51 COLLECTION AND ENFORCEMENT SHALL PERTAIN TO AND GOVERN THE USE  
52 OF ANY SUCH TOLL HIGHWAY. STATE AND LOCAL LAW ENFORCEMENT  
53 AUTHORITIES ARE AUTHORIZED TO ENTER INTO TRAFFIC AND TOLL  
54 ENFORCEMENT AGREEMENTS WITH THE ENTERPRISE. ANY MONEYS  
55 RECEIVED BY A STATE LAW ENFORCEMENT AUTHORITY PURSUANT TO SUCH  
56 TOLL ENFORCEMENT AGREEMENT SHALL BE SUBJECT TO ANNUAL

1 APPROPRIATIONS BY THE GENERAL ASSEMBLY TO SUCH LAW ENFORCEMENT  
2 AUTHORITY FOR THE PURPOSE OF PERFORMING ITS DUTIES PURSUANT TO  
3 SUCH AGREEMENT.  
4

5 (2) THE ENTERPRISE MAY ADOPT, BY RESOLUTION OF THE  
6 COMMISSION, REGULATIONS PERTAINING TO THE ENFORCEMENT OF TOLL  
7 COLLECTION AND PROVIDING A CIVIL PENALTY FOR TOLL EVASION. THE  
8 CIVIL PENALTY ESTABLISHED BY THE ENTERPRISE FOR ANY TOLL EVASION  
9 SHALL BE NOT LESS THAN TEN DOLLARS NOR MORE THAN ONE HUNDRED  
10 DOLLARS IN ADDITION TO ANY COSTS IMPOSED BY A COURT. THE  
11 ENTERPRISE MAY USE STATE OF THE ART TECHNOLOGY, INCLUDING, BUT  
12 NOT LIMITED TO, AUTOMATIC VEHICLE IDENTIFICATION PHOTOGRAPHY, TO  
13 AID IN THE COLLECTION OF TOLLS AND ENFORCEMENT OF TOLL  
14 VIOLATIONS.  
15

16 (3) (a) ANY PERSON WHO EVADES A TOLL ESTABLISHED BY THE  
17 ENTERPRISE SHALL BE SUBJECT TO THE CIVIL PENALTY ESTABLISHED BY  
18 THE ENTERPRISE FOR TOLL EVASION. ANY PEACE OFFICER, LEVEL I, AS  
19 DEFINED IN SECTION 18-1-901 (3) (1) (I), C.R.S., SHALL HAVE THE  
20 AUTHORITY TO ISSUE CIVIL PENALTY ASSESSMENTS, OR MUNICIPAL  
21 SUMMONS AND COMPLAINTS IF AUTHORIZED PURSUANT TO A MUNICIPAL  
22 ORDINANCE, FOR SUCH TOLL EVASION.  
23

24 (b) AT ANY TIME THAT A PERSON IS CITED FOR TOLL EVASION, THE  
25 PERSON OPERATING THE MOTOR VEHICLE INVOLVED SHALL BE GIVEN  
26 EITHER A NOTICE IN THE FORM OF A CIVIL PENALTY ASSESSMENT NOTICE OR  
27 A MUNICIPAL SUMMONS AND COMPLAINT.  
28

29 (c) IF A CIVIL PENALTY ASSESSMENT NOTICE IS ISSUED, SUCH  
30 NOTICE SHALL BE TENDERED BY A PEACE OFFICER, LEVEL I, AND SHALL  
31 CONTAIN THE NAME AND ADDRESS OF THE PERSON OPERATING THE MOTOR  
32 VEHICLE INVOLVED, THE LICENSE NUMBER OF THE MOTOR VEHICLE, SUCH  
33 PERSON'S DRIVER'S LICENSE NUMBER, THE NATURE OF THE VIOLATION, THE  
34 AMOUNT OF THE PENALTY PRESCRIBED FOR THE VIOLATION, THE DATE OF  
35 THE NOTICE, A PLACE FOR SUCH PERSON TO EXECUTE A SIGNED  
36 ACKNOWLEDGMENT OF SUCH PERSON'S RECEIPT OF THE CIVIL PENALTY  
37 ASSESSMENT NOTICE, A PLACE FOR SUCH PERSON TO EXECUTE A SIGNED  
38 ACKNOWLEDGMENT OF LIABILITY FOR THE CITED VIOLATION, AND SUCH  
39 OTHER INFORMATION AS MAY BE REQUIRED BY LAW TO CONSTITUTE THE  
40 NOTICE AS A COMPLAINT TO APPEAR IN COURT SHOULD THE PRESCRIBED  
41 PENALTY NOT BE PAID WITHIN TWENTY DAYS. EVERY CITED PERSON SHALL  
42 EXECUTE THE SIGNED ACKNOWLEDGMENT OF THE PERSON'S RECEIPT OF  
43 THE CIVIL PENALTY ASSESSMENT NOTICE.  
44

45 (d) THE ACKNOWLEDGMENT OF LIABILITY SHALL BE EXECUTED AT  
46 THE TIME THE CITED PERSON PAYS THE PRESCRIBED PENALTY. THE PERSON  
47 CITED SHALL PAY THE CIVIL PENALTY AUTHORIZED BY THE ENTERPRISE AT  
48 THE OFFICE OF THE ENTERPRISE EITHER IN PERSON OR BY POSTMARKING  
49 SUCH PAYMENT WITHIN TWENTY DAYS OF THE NOTICE. IF THE PERSON  
50 CITED DOES NOT PAY THE PRESCRIBED PENALTY WITHIN TWENTY DAYS OF  
51 THE NOTICE, THE CIVIL PENALTY ASSESSMENT NOTICE SHALL CONSTITUTE  
52 A COMPLAINT TO APPEAR IN COURT, AND THE PERSON CITED SHALL, WITHIN  
53 THE TIME SPECIFIED IN THE CIVIL PENALTY ASSESSMENT NOTICE, FILE AN  
54 ANSWER TO THIS COMPLAINT WITH THE COUNTY COURT FOR THE COUNTY  
55 IN WHICH THE CIVIL PENALTY ASSESSMENT WAS ISSUED.  
56

1 (e) IF A MUNICIPAL SUMMONS AND COMPLAINT IS ISSUED, THE  
2 ADJUDICATION OF THE VIOLATION SHALL BE CONDUCTED AND THE FORMAT  
3 OF THE SUMMONS AND COMPLAINT SHALL BE DETERMINED PURSUANT TO  
4 THE TERMS OF THE MUNICIPAL ORDINANCE AUTHORIZING ISSUANCE OF THE  
5 SUMMONS AND COMPLAINT. IN NO CASE SHALL THE PENALTY UPON  
6 CONVICTION FOR VIOLATION OF A MUNICIPAL ORDINANCE FOR TOLL  
7 EVASION EXCEED THE LIMIT ESTABLISHED IN SUBSECTION (2) OF THIS  
8 SECTION.  
9

10 (4) THE RESPECTIVE COURTS OF THE MUNICIPALITIES, COUNTIES,  
11 THE CITY AND COUNTY OF DENVER, AND THE CITY AND COUNTY OF  
12 BROOMFIELD HAVE JURISDICTION TO TRY ALL CASES ARISING UNDER  
13 MUNICIPAL ORDINANCES AND STATE LAWS GOVERNING THE USE OF A TOLL  
14 HIGHWAY AND ARISING UNDER THE TOLL EVASION CIVIL PENALTY  
15 REGULATIONS ENACTED BY THE ENTERPRISE. VENUE FOR SUCH CASES  
16 SHALL BE IN THE MUNICIPALITY, COUNTY, OR CITY AND COUNTY WHERE  
17 THE ALLEGED VIOLATION OF MUNICIPAL ORDINANCE, STATE LAW, OR  
18 REGULATION OF THE ENTERPRISE OCCURRED.  
19

20 (5) THE AGGREGATE AMOUNT OF PENALTIES, EXCLUSIVE OF COURT  
21 COSTS, COLLECTED AS A RESULT OF CIVIL PENALTIES IMPOSED PURSUANT  
22 TO RESOLUTIONS ADOPTED AS AUTHORIZED IN SUBSECTION (2) OF THIS  
23 SECTION SHALL BE REMITTED TO THE ENTERPRISE, AND SHALL BE APPLIED  
24 BY THE ENTERPRISE TO DEFRAY THE COSTS AND EXPENSES OF ENFORCING  
25 THE LAWS OF THE STATE AND THE REGULATIONS OF THE ENTERPRISE. IF A  
26 MUNICIPAL SUMMONS OR COMPLAINT IS ISSUED, THE AGGREGATE PENALTY  
27 SHALL BE APPORTIONED PURSUANT TO THE TERMS OF ANY ENFORCEMENT  
28 AGREEMENT.  
29

30 (6) (a) IN ADDITION TO THE PENALTY ASSESSMENT PROCEDURE  
31 PROVIDED FOR IN SUBSECTION (3) OF THIS SECTION, WHERE AN INSTANCE  
32 OF TOLL EVASION IS EVIDENCED BY AUTOMATIC VEHICLE IDENTIFICATION  
33 PHOTOGRAPHY OR OTHER TECHNOLOGY NOT INVOLVING A PEACE OFFICER,  
34 A CIVIL PENALTY ASSESSMENT NOTICE MAY BE ISSUED AND SENT BY  
35 FIRST-CLASS MAIL BY THE ENTERPRISE TO THE REGISTERED OWNER OF THE  
36 MOTOR VEHICLE INVOLVED. SUCH NOTICE SHALL CONTAIN THE NAME AND  
37 ADDRESS OF THE REGISTERED OWNER OF THE VEHICLE INVOLVED, THE  
38 LICENSE NUMBER OF THE VEHICLE INVOLVED, THE DATE OF THE NOTICE,  
39 THE TIME AND LOCATION OF THE VIOLATION, THE AMOUNT OF THE PENALTY  
40 PRESCRIBED FOR THE VIOLATION, A PLACE FOR SUCH PERSON TO EXECUTE  
41 A SIGNED ACKNOWLEDGMENT OF LIABILITY FOR THE CITED VIOLATION,  
42 AND SUCH OTHER INFORMATION AS MAY BE REQUIRED BY LAW TO  
43 CONSTITUTE THE NOTICE AS A COMPLAINT TO APPEAR IN COURT.  
44

45 (b) SHOULD THE PRESCRIBED PENALTY NOT BE PAID WITHIN  
46 TWENTY DAYS OF THE NOTICE, IN ORDER TO ENSURE THAT ADEQUATE  
47 NOTICE HAS BEEN GIVEN, THE ENTERPRISE SHALL SEND A SECOND PENALTY  
48 ASSESSMENT NOTICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED,  
49 CONTAINING THE SAME INFORMATION AS SET FORTH IN PARAGRAPH (a) OF  
50 THIS SUBSECTION (6). SUCH NOTICE SHALL SPECIFY THAT THE ALLEGED  
51 VIOLATOR MAY PAY THE SAME PENALTY ASSESSMENT AT ANY TIME PRIOR  
52 TO THE SCHEDULED HEARING.  
53

54 (c) THE PROVISIONS OF PARAGRAPH (d) OF SUBSECTION (3) OF THIS  
55 SECTION CONCERNING PAYMENT OF THE PRESCRIBED PENALTY, AND  
56 FAILURE TO PAY, SHALL APPLY TO PENALTY ASSESSMENT NOTICES MAILED



1 BY THE ENTERPRISE PURSUANT TO THIS SUBSECTION (6).

2

3 **43-4-812. Applicability of other laws.** (1) NOTWITHSTANDING  
4 ANY LAW TO THE CONTRARY, THE ENTERPRISE SHALL NOT BE SUBJECT TO  
5 THE PROVISIONS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF  
6 TITLE 24, C.R.S.

7

8 (2) THE ENTERPRISE SHALL BE SUBJECT TO THE OPEN MEETINGS  
9 PROVISIONS OF THE COLORADO SUNSHINE LAW CONTAINED IN PART 4 OF  
10 ARTICLE 6 OF TITLE 24, C.R.S., AND THE OPEN RECORDS PROVISIONS OF  
11 ARTICLE 72 OF TITLE 24, C.R.S.

12

13 (3) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE  
14 PROVISIONS OF PART 3 OF ARTICLE 3 OF THIS TITLE AND ARTICLE 45 OF  
15 TITLE 7, C.R.S., SHALL NOT APPLY TO ANY TOLL HIGHWAY THAT IS  
16 FINANCED, CONSTRUCTED, OPERATED, OR MAINTAINED PURSUANT TO THIS  
17 PART 8 OR TO ANY PUBLIC-PRIVATE INITIATIVE PURSUANT TO SECTION  
18 43-1-1203 OR 43-1-1204.

19

20 (4) REVENUES OF THE ENTERPRISE SHALL NOT BE SUBJECT TO THE  
21 PROVISIONS OF SECTION 43-1-1205.

22

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

28

29 **SECTION 11. Appropriation.** In addition to any other  
30 appropriation, there is hereby appropriated, to the department of law, for  
31 the fiscal year beginning July 1, 2002, the sum of five thousand eight  
32 hundred forty-three dollars (\$5,843), or so much thereof as may be  
33 necessary, for the provision of legal services to the department of  
34 transportation related to the implementation of this act. This amount shall  
35 be from cash funds exempt received from the department of  
36 transportation.

37

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

47

48 Respectfully submitted,

49 Senate Committee:

50 Stan Matsunaka

51 Alice Nichol

52

House Committee:

Keith King

Rob Fairbank

Jennifer Veiga

53

54

55

56

1       **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

2  
3       **SB02-179**     by Senator(s) Matsunaka; also Representative(s) Veiga--  
4                   Concerning transportation funding, and making an  
5                   appropriation in connection therewith.

6  
7       (Conference Committee Report printed in House Journal, May 8, pages  
8       2112-2131.)

9  
10      Representative Veiga moved that the Conference Committee Report be  
11      **adopted**.

12  
13      Pursuant to House Rule 16, Representative Speaker moved "Shall the  
14      main question be now put?" The motion was declared **passed** by the  
15      following roll call vote:

16  
17      YES 53           NO 10           EXCUSED 0           ABSENT 2

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

36  
37  
38      Representative Veiga's motion to adopt the Conference Committee Report  
39      was **adopted** by the following roll call vote:

40  
41      YES 44           NO 20           EXCUSED 0           ABSENT 1

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

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

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

10	YES	46	NO	18	EXCUSED	1	ABSENT	0
13	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
14	Bacon	Y	Grossman	Y	Miller	Y	Spradley	N
15	Berry	Y	Harvey	N	Mitchell	N	Stafford	Y
16	Borodkin	Y	Hefley	N	Paschall	Y	Stengel	Y
17	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
18	Cadman	N	Hoppe	Y	Ragsdale	Y	Tapia	Y
19	Chavez	Y	Jahn	Y	Rhodes	N	Tochtrop	Y
20	Clapp	E	Jameson	Y	Rippy	Y	Veiga	Y
21	Cloer	N	Johnson	N	Romanoff	Y	Vigil	Y
22	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
23	Crane	N	King	N	Sanchez	Y	Weddig	Y
24	Daniel	Y	Larson	Y	Schultheis	N	White	Y
25	Decker	N	Lawrence	Y	Scott	N	Williams S.	Y
26	Fairbank	N	Lee	N	Sinclair	N	Williams T.	N
27	Fritz	N	Mace	Y	Smith	Y	Witwer	Y
28	Garcia	Y	Madden	Y	Snook	Y	Young	Y
29							Mr. Speaker	Y

31 Co-sponsors added: Representatives Boyd, Chavez, Coleman, Garcia, Groff,  
 32 Jahn, Jameson, Larson, Madden, Marshall, Miller, Plant, Romanoff, Sanchez,  
 33 Smith, Stafford, Tapia, Vigil, Weddig.

### 35 IMMEDIATE RECONSIDERATION OF SB02-179

38 Having voted on the prevailing side, Representative Young moved for  
 39 immediate reconsideration of **SB02-179**. As shown by the following  
 40 recorded vote less than a majority of those elected to the House voted in  
 41 the affirmative and the motion was declared **lost**:

43	YES	17	NO	46	EXCUSED	1	ABSENT	1
45	Alexander	N	Groff	N	Marshall	N	Spence	N
46	Bacon	N	Grossman	N	Miller	N	Spradley	Y
47	Berry	N	Harvey	Y	Mitchell	-	Stafford	N
48	Borodkin	N	Hefley	Y	Paschall	Y	Stengel	N
49	Boyd	N	Hodge	N	Plant	N	Swenson	N
50	Cadman	Y	Hoppe	N	Ragsdale	N	Tapia	N
51	Chavez	N	Jahn	N	Rhodes	Y	Tochtrop	N
52	Clapp	E	Jameson	N	Rippy	N	Veiga	N
53	Cloer	Y	Johnson	Y	Romanoff	N	Vigil	N
54	Coleman	N	Kester	N	Saliman	N	Webster	N
55	Crane	Y	King	Y	Sanchez	N	Weddig	N
56	Daniel	N	Larson	N	Schultheis	Y	White	N

1	Decker	Y	Lawrence	N	Scott	Y	Williams S.	N
2	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	N
3	Fritz	Y	Mace	N	Smith	N	Witwer	N
4	Garcia	N	Madden	N	Snook	N	Young	N
5							Mr. Speaker	N

6

7

8

9

10 **MESSAGE FROM THE SENATE**

11 Mr. Speaker:

12

13 The President appointed Senators Matsunaka, Chm. Nichol and May as  
14 members of the First Conference Committee on HB02-1310.

15

16

17

18 **HOUSE RECEDES ON HB02-1295**

19

20 Representative Young moved that the House **recede** from its position on  
21 **HB02-1295**, discharge Conference Committee, and that the House  
22 **concur** in Senate amendments. The motion was declared **passed** by the  
23 following roll call vote:

24

25

YES	54	NO	11	EXCUSED	0	ABSENT	0
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YES	61	NO	4	EXCUSED	0	ABSENT	0
-----	----	----	---	---------	---	--------	---

52	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
53	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
54	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
55	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
56	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y

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

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

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

13  
14 Co-sponsor added: Representative Tochtrop.

15  
16  
17 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

18  
19 The following resolution was read by title and given immediate  
20 consideration:

21  
22 **HJR02-1082** by Representatives Spradley, Dean, and Grossman; also  
23 Senators Thiebaut, Matsunaka, and Andrews--Concerning  
24 the adjournment sine die of the Second Regular Session of  
25 the Sixty-third General Assembly.

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

30  
31 That when the Second Regular Session of the Sixty-third General  
32 Assembly adjourns on May 8, 2002, it shall stand adjourned *sine die*.

33  
34 On motion of Representative Spradley, the rules were suspended and the  
35 resolution given immediate consideration and **adopted** by **viva voce** vote.

36  
37 Co-sponsors added: Representatives Alexander, Cadman, Chavez, Crane,  
38 Harvey, Larson, Mace, Paschall, Rhodes, Sanchez, Schultheis, Stafford,  
39 Swenson, Tapia, Tochtrop, Weddig, Williams S., Young.

40  
41  
42  
43 **CONSIDERATION OF RESOLUTIONS**

44  
45 **SJR02-040** by Senator(s) Lamborn, McElhany, Anderson, Arnold,  
46 Cairns, Chlouber, Dyer, Entz, Hagedorn, Hernandez, May,  
47 Musgrave, Owen, Takis, Teck, Tupa; also  
48 Representative(s) Mitchell, Madden, Scott--Concerning  
49 honoring former Supreme Court Justice Byron White.

50  
51 (Printed and placed in member's file.)

52  
53 On motion of Representative Mitchell, the resolution was **adopted** by  
54 **viva voce** vote.

55  
56 Co-sponsors added: Roll call of the House.

1 **SJR02-044** by Senator(s) Andrews, Arnold, Cairns, Chlouber, Dyer,  
 2 Epps, Evans, Gordon, Hagedorn, Hernandez, Hillman,  
 3 Lamborn, May, Musgrave, Nichol, Owen, Taylor, Teck;  
 4 also Representative(s) Mitchell--Concerning the support  
 5 of the General Assembly for constitutional protections  
 6 accorded elected officials in expressing their views on  
 7 public issues.  
 8  
 9

10 On motion of Representative Mitchell, the resolution was **adopted** by the  
 11 following roll call vote:  
 12

	YES 58	NO 5	EXCUSED 0	ABSENT 2			
15 Alexander	Y	Groff	Y	Marshall	Y	Spence	-
16 Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
17 Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
18 Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
19 Boyd	Y	Hodge	N	Plant	Y	Swenson	Y
20 Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	Y
21 Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
22 Clapp	Y	Jameson	Y	Rippy	-	Veiga	Y
23 Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	N
24 Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
25 Crane	Y	King	Y	Sanchez	Y	Weddig	N
26 Daniel	Y	Larson	Y	Schultheis	Y	White	Y
27 Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
28 Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
29 Fritz	Y	Mace	N	Smith	Y	Witwer	Y
30 Garcia	Y	Madden	Y	Snook	Y	Young	Y
31						Mr. Speaker	Y

32  
 33 Co-sponsors added: Representatives Coleman, Young.  
 34  
 35

36  
 37  
 38 **MESSAGE FROM THE SENATE**  
 39

40 Mr. Speaker:  
 41  
 42 Pursuant to Joint Rule No. 5, the Senate voted to recede from its position  
 43 to request a Conference Committee on HB02-1186, and repassed the bill  
 44 as so amended. The Senate requests that the Conference Committee be  
 45 dissolved. The bill is returned herewith.  
 46  
 47

48 The Senate has passed on Third Reading and transmitted to the Revisor  
 49 of Statutes:  
 50

51 HB02-1203, amended as printed in Senate Journal, May 7.  
 52  
 53  
 54  
 55

1                                   **MESSAGE FROM THE REVISOR**

2  
3 We herewith transmit without comment, as amended, HB02-1203.  
4  
5

6  
7                                   **CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILL**

8  
9 **HB02-1203** by Representative(s) Lee, Hefley, Mitchell; also Senator(s)  
10 Linkhart, Epps, Evans, Gordon, Perlmutter--Concerning  
11 implementation of recommendations of the committee on  
12 legal services in connection with legislative review of  
13 rules and regulations of state agencies, and making an  
14 appropriation in connection therewith.  
15

16 (Amended as printed in Senate Journal, May 7.)  
17

18 Representative Lee moved that the House **concur** in Senate amendments.  
19 Representative Mitchell moved a substitute motion that the House **adhere**  
20 to its position on **HB02-1203**.  
21

22 Pursuant to House Rule 16, Representative Rippy moved "Shall the main  
23 question be now put?" The motion was declared **passed** by the following  
24 roll call vote:  
25

	YES 45	NO 20	EXCUSED 0	ABSENT 0			
28 Alexander	Y	Groff	N	Marshall	Y	Spence	Y
29 Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
30 Berry	Y	Harvey	N	Mitchell	Y	Stafford	Y
31 Borodkin	Y	Hefley	Y	Paschall	N	Stengel	Y
32 Boyd	N	Hodge	Y	Plant	N	Swenson	Y
33 Cadman	Y	Hoppe	N	Ragsdale	N	Tapia	Y
34 Chavez	Y	Jahn	Y	Rhodes	N	Tochtrop	Y
35 Clapp	N	Jameson	N	Rippy	Y	Veiga	Y
36 Cloer	Y	Johnson	N	Romanoff	Y	Vigil	Y
37 Coleman	Y	Kester	Y	Saliman	N	Webster	Y
38 Crane	Y	King	Y	Sanchez	N	Weddig	Y
39 Daniel	N	Larson	Y	Schultheis	N	White	Y
40 Decker	Y	Lawrence	Y	Scott	N	Williams S.	Y
41 Fairbank	N	Lee	N	Sinclair	Y	Williams T.	Y
42 Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
43 Garcia	N	Madden	N	Snook	Y	Young	Y
44						Mr. Speaker	Y

45  
46  
47 The motion to **adhere** to its position on HB02-1203 was declared **lost** by  
48 the following roll call vote:  
49

	YES 23	NO 42	EXCUSED 0	ABSENT 0			
52 Alexander	Y	Groff	N	Marshall	N	Spence	Y
53 Bacon	N	Grossman	N	Miller	N	Spradley	N
54 Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
55 Borodkin	N	Hefley	Y	Paschall	Y	Stengel	N
56 Boyd	N	Hodge	N	Plant	N	Swenson	N

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

13  
14  
15 A second substitute motion was moved by Representative Johnson, that  
16 the House **not concur** in Senate amendments and that a Conference  
17 Committee be appointed.

18  
19 Pursuant to House Rule 16, Representative Plant moved "Shall the main  
20 question be now put?" The motion was declared **passed** by the following  
21 roll call vote: was declared **lost** by the following roll call vote:

23	YES	43	NO	21	EXCUSED	1	ABSENT	0
24								
25	Alexander	Y	Groff	N	Marshall	Y	Spence	Y
26	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
27	Berry	Y	Harvey	N	Mitchell	N	Stafford	Y
28	Borodkin	Y	Hefley	N	Paschall	N	Stengel	Y
29	Boyd	Y	Hodge	Y	Plant	Y	Swenson	N
30	Cadman	N	Hoppe	Y	Ragsdale	N	Tapia	Y
31	Chavez	Y	Jahn	Y	Rhodes	N	Tochtrop	Y
32	Clapp	Y	Jameson	N	Rippy	Y	Veiga	Y
33	Cloer	E	Johnson	N	Romanoff	Y	Vigil	Y
34	Coleman	Y	Kester	N	Saliman	Y	Webster	Y
35	Crane	Y	King	N	Sanchez	N	Weddig	Y
36	Daniel	Y	Larson	Y	Schultheis	N	White	Y
37	Decker	N	Lawrence	Y	Scott	N	Williams S.	Y
38	Fairbank	N	Lee	N	Sinclair	Y	Williams T.	Y
39	Fritz	Y	Mace	Y	Smith	Y	Witwer	N
40	Garcia	N	Madden	Y	Snook	Y	Young	Y
41							Mr. Speaker	Y

42  
43  
44 Representative Johnson's motion that the House **not concur** in Senate  
45 amendments and that a Conference Committee be appointed was declared  
46 **lost** by the following roll call vote:

48	YES	27	NO	37	EXCUSED	1	ABSENT	0
49								
50	Alexander	Y	Groff	N	Marshall	N	Spence	Y
51	Bacon	N	Grossman	N	Miller	N	Spradley	N
52	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
53	Borodkin	N	Hefley	N	Paschall	Y	Stengel	N
54	Boyd	N	Hodge	N	Plant	N	Swenson	Y
55	Cadman	Y	Hoppe	N	Ragsdale	N	Tapia	N
56	Chavez	N	Jahn	N	Rhodes	Y	Tochtrop	N



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

11

12

13 Representative Lee renewed his motion that the House **concur** in Senate  
14 amendments.

15

16 Pursuant to House Rule 16, Representative Grossman moved "Shall the  
17 main question be now put?" The motion was declared **passed** by the  
18 following roll call vote:

19

20	YES 44	NO 18	EXCUSED 1	ABSENT 2				
21								
22	Alexander	-	Groff	N	Marshall	Y	Spence	Y
23	Bacon	Y	Grossman	Y	Miller	Y	Spradley	-
24	Berry	Y	Harvey	Y	Mitchell	N	Stafford	Y
25	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
26	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
27	Cadman	N	Hoppe	Y	Ragsdale	N	Tapia	Y
28	Chavez	Y	Jahn	Y	Rhodes	N	Tochtrop	Y
29	Clapp	Y	Jameson	N	Rippy	Y	Veiga	Y
30	Cloer	E	Johnson	N	Romanoff	Y	Vigil	Y
31	Coleman	Y	Kester	Y	Saliman	Y	Webster	N
32	Crane	N	King	N	Sanchez	N	Weddig	N
33	Daniel	Y	Larson	Y	Schultheis	N	White	N
34	Decker	Y	Lawrence	Y	Scott	N	Williams S.	Y
35	Fairbank	Y	Lee	N	Sinclair	Y	Williams T.	Y
36	Fritz	Y	Mace	Y	Smith	N	Witwer	Y
37	Garcia	N	Madden	Y	Snook	Y	Young	Y
38							Mr. Speaker	Y

39

40

41 Representative Lee's motion that the House **concur** in Senate amendments  
42 was declared **passed** by the following roll call vote:

43

44	YES 43	NO 16	EXCUSED 1	ABSENT 5				
45	Alexander	N	Groff	Y	Marshall	Y	Spence	Y
46	Bacon	Y	Grossman	Y	Miller	Y	Spradley	-
47	Berry	N	Harvey	Y	Mitchell	N	Stafford	Y
48	Borodkin	Y	Hefley	Y	Paschall	N	Stengel	Y
49	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
50	Cadman	N	Hoppe	-	Ragsdale	Y	Tapia	Y
51	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
52	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
53	Cloer	E	Johnson	N	Romanoff	Y	Vigil	Y
54	Coleman	Y	Kester	-	Saliman	Y	Webster	Y
55	Crane	N	King	N	Sanchez	Y	Weddig	Y
56	Daniel	Y	Larson	Y	Schultheis	N	White	N

1	Decker	N	Lawrence	Y	Scott	Y	Williams S.	Y
2	Fairbank	N	Lee	N	Sinclair	-	Williams T.	-
3	Fritz	N	Mace	Y	Smith	N	Witwer	N
4	Garcia	Y	Madden	Y	Snook	Y	Young	Y
5							Mr. Speaker	Y

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

13	YES 48	NO 13	EXCUSED 1	ABSENT 3				
14	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
15	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
16	Berry	N	Harvey	N	Mitchell	N	Stafford	Y
17	Borodkin	Y	Hefley	Y	Paschall	N	Stengel	Y
18	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
19	Cadman	N	Hoppe	Y	Ragsdale	Y	Tapia	Y
20	Chavez	Y	Jahn	Y	Rhodes	N	Tochtrop	Y
21	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
22	Cloer	E	Johnson	-	Romanoff	Y	Vigil	Y
23	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
24	Crane	N	King	-	Sanchez	Y	Weddig	Y
25	Daniel	Y	Larson	Y	Schultheis	-	White	N
26	Decker	N	Lawrence	Y	Scott	Y	Williams S.	Y
27	Fairbank	Y	Lee	N	Sinclair	Y	Williams T.	Y
28	Fritz	N	Mace	Y	Smith	N	Witwer	N
29	Garcia	Y	Madden	Y	Snook	Y	Young	Y
30							Mr. Speaker	Y

31  
32 Co-sponsors added: Representatives Groff, Plant.  
33  
34

### 35 36 **MESSAGES FROM THE SENATE**

37 Mr. Speaker:

38  
39 The Senate has voted to recede from its position on HB02-1468 and  
40 concur with House Amendments and has repassed the bill. The bill is  
41 returned herewith.  
42

43  
44 The Senate has passed on Third Reading and transmitted to the Revisor  
45 of Statutes:

46  
47 HB02-1459, amended as printed in Senate Journal, May 7;  
48 HB02-1136, amended as printed in Senate Journal, May 7.  
49

### 50 51 52 **MESSAGE FROM THE REVISOR**

53  
54 We herewith transmit without comment, as amended, HB02-1136 and  
55 1459.  
56

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

2  
3 **HB02-1459** by Representative(s) Grossman; also Senator(s) Owen--  
4 Concerning federal requirements for the performance of  
5 non-firearm-related criminal history record checks, and  
6 making an appropriation in connection therewith.

7  
8 (Amended as printed in Senate Journal, May 7.)  
9

10  
11 Representative Grossman moved that the House **concur** in Senate amend-  
12 ments. The motion was declared **passed** by the following roll call vote:  
13

14	YES 58	NO 6	EXCUSED 1	ABSENT 0				
16	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
17	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
18	Berry	Y	Harvey	Y	Mitchell	N	Stafford	Y
19	Borodkin	Y	Hefley	Y	Paschall	N	Stengel	Y
20	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
21	Cadman	N	Hoppe	Y	Ragsdale	Y	Tapia	Y
22	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
23	Clapp	N	Jameson	Y	Rippy	Y	Veiga	Y
24	Cloer	E	Johnson	Y	Romanoff	Y	Vigil	Y
25	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
26	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
27	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
28	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
29	Fairbank	N	Lee	N	Sinclair	Y	Williams T.	Y
30	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
31	Garcia	Y	Madden	Y	Snook	Y	Young	Y
32							Mr. Speaker	Y

33  
34  
35  
36 The question being, "Shall the bill, as amended, pass?".

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

41	YES 61	NO 1	EXCUSED 1	ABSENT 2				
43	Alexander	Y	Groff	Y	Marshall	-	Spence	Y
44	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
45	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
46	Borodkin	Y	Hefley	Y	Paschall	N	Stengel	Y
47	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
48	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
49	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
50	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
51	Cloer	E	Johnson	Y	Romanoff	Y	Vigil	Y
52	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
53	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
54	Daniel	Y	Larson	Y	Schultheis	-	White	Y
55	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
56	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y

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

4  
5 Co-sponsors added: Representatives Daniel, Garcia, Sanchez, Tapia, Veiga,  
6 Vigil, Weddig.

7  
8 **HB02-1288** by Representative(s) Stengel; also Senator(s) Taylor--  
9 Concerning the assessment of property for property tax  
10 purposes.

11  
12 Representative Stengel moved that the House **concur** in Senate amend-  
13 ments. The motion was declared **passed** by the following roll call vote:

14	YES	55	NO	6	EXCUSED	1	ABSENT	3
17	Alexander	-	Groff	Y	Marshall	Y	Spence	Y
18	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
19	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
20	Borodkin	Y	Hefley	Y	Paschall	N	Stengel	-
21	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
22	Cadman	Y	Hoppe	N	Ragsdale	Y	Tapia	Y
23	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
24	Clapp	Y	Jameson	Y	Rippy	N	Veiga	E
25	Cloer	-	Johnson	Y	Romanoff	Y	Vigil	Y
26	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
27	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
28	Daniel	Y	Larson	Y	Schultheis	N	White	Y
29	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
30	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
31	Fritz	Y	Mace	Y	Smith	N	Witwer	N
32	Garcia	Y	Madden	Y	Snook	Y	Young	Y
33							Mr. Speaker	Y

34  
35  
36 The question being, "Shall the bill, as amended, pass?".  
37 A roll call vote was taken. As shown by the following recorded vote, a  
38 majority of those elected to the House voted in the affirmative, and the  
39 bill, as amended, was declared **repassed**.

40	YES	62	NO	2	EXCUSED	1	ABSENT	0
43	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
44	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
45	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
46	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
47	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
48	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
49	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
50	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	E
51	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
52	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
53	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
54	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
55	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
56	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y

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

4  
5 Co-sponsors added: Representatives Cloer, Tapia, Weddig.  
6

7  
8  
9 **MESSAGES FROM THE SENATE**

10 Mr. Speaker:

11  
12 The Senate has passed on Third Reading and returns herewith  
13 HB02-1024, 1344.  
14

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

17  
18 HB02-1147, amended as printed in Senate Journal, May 7, page 1263;  
19 HB02-1288, amended as printed in Senate Journal, May 7, page 1263.  
20

21  
22 The Senate has adopted the First Report of the First Conference  
23 Committee on HB02-1310, as printed in Senate Journal, May 8, and  
24 repassed the bill as amended. The bill is returned herewith.  
25

26  
27  
28 **MESSAGE FROM THE REVISOR**

29  
30 We herewith transmit without comment, as amended, HB02-1147, 1288.  
31

32  
33  
34 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**  
35 **on HB02-1310**  
36

37 This Report Amends the Rerevised Bill.

38  
39 To the President of the Senate and the  
40 Speaker of the House of Representatives:  
41

42 Your first conference committee appointed on HB02-1310,  
43 concerning modifications to state funding available to address critical  
44 needs of the state's citizens, and making an appropriation in connection  
45 therewith, has met and reports that it has agreed upon the following:  
46

47 That the House accede to the Senate amendments made to the bill,  
48 as said amendments appear in the rerevised bill, with the following  
49 changes:  
50

51 Amend rerevised bill, strike everything below the enacting clause and  
52 substitute the following:  
53

54 **"SECTION 1.** Part 2 of article 75 of title 24, Colorado Revised  
55 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
56 read:

1           **24-75-217. Transfers of general fund surplus.** (1) ON JULY 1,  
2 2003, AND ON JULY 1 IN EACH SUCCEEDING FISCAL YEAR, THE GENERAL  
3 FUND SURPLUS DESIGNATED IN ACCORDANCE WITH SECTION 24-75-201 (1),  
4 LESS THE FOUR PERCENT RESERVE REQUIRED BY SECTION 24-75-201.1 (1)  
5 (d) (III), AND LESS ANY GENERAL FUND REVENUES THAT ARE DESIGNATED  
6 AS STATE REVENUES IN EXCESS OF THE CONSTITUTIONAL LIMITATION ON  
7 STATE FISCAL YEAR SPENDING FOR THE IMMEDIATELY PRECEDING FISCAL  
8 YEAR, SHALL BE CREDITED AND ALLOCATED AS FOLLOWS:  
9

10           (a) TWO-THIRDS OF THE SURPLUS TO THE HIGHWAY USERS TAX  
11 FUND CREATED IN SECTION 43-4-201, C.R.S.; AND  
12

13           (b) ONE-THIRD OF THE SURPLUS TO THE CAPITAL CONSTRUCTION  
14 FUND CREATED IN SECTION 24-75-302.  
15

16           **SECTION 2.** 24-77-103 (2), Colorado Revised Statutes, is  
17 amended to read:  
18

19           **24-77-103. Limitation on state fiscal year spending - legislative**  
20 **declaration.** (2) (a) (I) For purposes of paragraph (b) of subsection (1)  
21 of this section, AND IN ACCORDANCE WITH SECTION 20 (7) (a) OF ARTICLE  
22 X OF THE STATE CONSTITUTION, the percentage of allowable increase in  
23 state fiscal year spending shall equal the sum of inflation as modified by  
24 the percentage change in state population in the prior calendar year.  
25

26           (II) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:  
27

28           (A) SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION  
29 REQUIRES THE MAXIMUM ANNUAL PERCENTAGE CHANGE IN STATE FISCAL  
30 YEAR SPENDING TO EQUAL INFLATION PLUS THE PERCENTAGE CHANGE IN  
31 STATE POPULATION IN THE PRIOR CALENDAR YEAR ADJUSTED FOR REVENUE  
32 CHANGES APPROVED BY VOTERS.  
33

34           (B) IT IS THE CONSIDERED JUDGMENT OF THE GENERAL ASSEMBLY  
35 THAT THE INCLUSION OF INFLATION AND THE PERCENTAGE CHANGE IN  
36 STATE POPULATION IN THE PRIOR CALENDAR YEAR WHEN CALCULATING  
37 THE MAXIMUM ANNUAL PERCENTAGE CHANGE IN STATE FISCAL YEAR  
38 SPENDING IS DESIGNED TO ALLOW STATE FISCAL YEAR SPENDING TO  
39 INCREASE TO THE EXTENT NECESSARY, BUT ONLY TO THE EXTENT  
40 NECESSARY, TO ENSURE THAT STATE POPULATION GROWTH AND  
41 INFLATION, WHICH ARE FACTORS BEYOND THE DIRECT CONTROL OF STATE  
42 GOVERNMENT, DO NOT UNDULY AFFECT THE ABILITY OF THE STATE TO  
43 FUND TRANSPORTATION PROJECTS AND OTHER PROJECTS AND SERVICES  
44 NEEDED TO MEET THE DEMANDS OF A GROWING POPULATION.  
45

46           (III) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES  
47 THAT:  
48

49           (A) FOR THE PURPOSE OF DETERMINING THE MAXIMUM  
50 PERCENTAGE CHANGE IN STATE FISCAL YEAR SPENDING FOR ANY GIVEN  
51 FISCAL YEAR, SECTION 20 (7) (a) OF ARTICLE X OF THE STATE  
52 CONSTITUTION REQUIRES THE STATE TO ANNUALLY DETERMINE  
53 POPULATION BY ANNUAL FEDERAL CENSUS ESTIMATES AND TO FURTHER  
54 ADJUST THE POPULATION DETERMINED EVERY DECADE TO MATCH THE  
55 DECENNIAL FEDERAL CENSUS.  
56

1 (B) SECTION 20(7)(a) OF ARTICLE X OF THE STATE CONSTITUTION  
2 DOES NOT SPECIFY HOW ADJUSTMENTS TO POPULATION TO MATCH THE  
3 DECENNIAL FEDERAL CENSUS ARE TO BE MADE AND IT IS THEREFORE  
4 WITHIN THE LEGISLATIVE PREROGATIVE TO DETERMINE THE MANNER IN  
5 WHICH SUCH ADJUSTMENTS ARE TO BE MADE.  
6

7 (C) THE RESULTS OF THE 2000 FEDERAL CENSUS INDICATE THAT  
8 THE ANNUAL FEDERAL CENSUS ESTIMATES USED TO DETERMINE  
9 POPULATION FOR THE PURPOSE OF DETERMINING THE MAXIMUM ANNUAL  
10 PERCENTAGE CHANGE IN STATE FISCAL YEAR SPENDING IN THE FISCAL  
11 YEARS PRIOR TO THE 2001-02 FISCAL YEAR UNDERESTIMATED POPULATION  
12 GROWTH IN THE STATE, WHICH CAUSED A CUMULATIVE REDUCTION IN THE  
13 MAXIMUM ANNUAL PERCENTAGE CHANGE IN STATE FISCAL YEAR SPENDING  
14 DURING THE PRIOR FISCAL YEARS, RESULTED IN OVER-REFUNDS OF STATE  
15 REVENUES DURING THE PRIOR FISCAL YEARS, AND IMPAIRED THE STATE'S  
16 ABILITY TO FUND TRANSPORTATION PROJECTS AND OTHER PROJECTS AND  
17 SERVICES NEEDED TO MEET THE DEMANDS OF THE STATE'S GROWING  
18 POPULATION.  
19

20 (D) IT IS CONSISTENT WITH THE PURPOSES OF SECTION 20(7)(a) OF  
21 ARTICLE X OF THE STATE CONSTITUTION FOR THE GENERAL ASSEMBLY TO  
22 ENACT LEGISLATION THAT WILL ENSURE THAT THE STATE CAN RECOUP  
23 STATE REVENUES LOST BECAUSE THE UNDERESTIMATES OF POPULATION  
24 GROWTH IN THE STATE IN THE FISCAL YEARS PRIOR TO THE 2001-02 FISCAL  
25 YEAR RESULTED IN OVER-REFUNDS OF STATE REVENUES AND THAT THE  
26 STATE CAN ALSO RECOUP STATE REVENUES LOST IN THE FUTURE DUE TO  
27 OVER-REFUNDS RESULTING FROM FUTURE UNDERESTIMATES OF  
28 POPULATION GROWTH.  
29

30 (E) THE MECHANISM FOR ALLOWING THE ADJUSTMENT OF  
31 POPULATION EVERY DECADE TO MATCH THE FEDERAL CENSUS TO OCCUR  
32 OVER MORE THAN ONE FISCAL YEAR WHEN THE ACTUAL AMOUNT OF STATE  
33 FISCAL YEAR SPENDING FOR THE FIRST FISCAL YEAR IN WHICH SUCH AN  
34 ADJUSTMENT CAN BE MADE IS INSUFFICIENT TO ALLOW THE STATE TO  
35 RECOUP THE FULL AMOUNT OF ALL OVER-REFUNDS RESULTING FROM  
36 UNDERESTIMATES OF POPULATION GROWTH THAT IS SET FORTH IN  
37 SUBPARAGRAPH (II.5) OF PARAGRAPH (b) OF THIS SUBSECTION (2), IS  
38 REASONABLE, NECESSARY, IN THE BEST INTERESTS OF THE STATE, AND  
39 CONSISTENT WITH THE REQUIREMENTS AND OBJECTIVES OF SECTION 20(7)  
40 (a) OF ARTICLE X OF THE STATE CONSTITUTION.  
41

42 (b) (I) Except as otherwise provided in ~~subparagraph (H)~~  
43 SUBPARAGRAPHS (II) AND (II.5) of this paragraph (b), the percentage  
44 change in state population for any given calendar year shall be the  
45 percentage change between the estimate of state population due to be  
46 issued by the United States bureau of census in December of such  
47 calendar year with a reference date of July 1 of the same calendar year  
48 and the estimate of state population due to be issued by the United States  
49 bureau of census in December of the same calendar year with a reference  
50 date of July 1 of the immediately preceding calendar year.  
51

52 (II) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II.5) OF  
53 THIS PARAGRAPH (b), for any calendar year for which an estimate of state  
54 population is not issued due to the federal census of the United States  
55 bureau of census, the percentage change in state population for such  
56 calendar year shall be the percentage change between the state population

1 as reported in the federal census conducted by the United States bureau  
2 of census due in December of such calendar year and the estimate of state  
3 population due to be issued by the United States bureau of census in  
4 December of the same year with a reference date of July 1 of the  
5 immediately preceding calendar year.

6  
7 (II.5) (A) IF THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR  
8 A GIVEN FISCAL YEAR IS CALCULATED WITH A PERCENTAGE OF ALLOWABLE  
9 INCREASE IN STATE FISCAL YEAR SPENDING THAT INCLUDES A PERCENTAGE  
10 CHANGE IN STATE POPULATION DETERMINED IN ACCORDANCE WITH  
11 SUBPARAGRAPH (II) OF THIS PARAGRAPH (b) AND THE LIMITATION ON  
12 STATE FISCAL YEAR SPENDING EXCEEDS THE ACTUAL AMOUNT OF STATE  
13 FISCAL YEAR SPENDING FOR THAT FISCAL YEAR, THE PERCENTAGE CHANGE  
14 IN STATE POPULATION SHALL BE REDUCED SO THAT THE LIMITATION ON  
15 STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR CALCULATED WITH  
16 A PERCENTAGE OF ALLOWABLE INCREASE IN STATE FISCAL YEAR SPENDING  
17 THAT INCLUDES SUCH REDUCED PERCENTAGE CHANGE IN STATE  
18 POPULATION EQUALS THE AMOUNT OF STATE FISCAL YEAR SPENDING FOR  
19 THAT FISCAL YEAR.

20  
21 (B) THE DIFFERENCE BETWEEN THE PERCENTAGE CHANGE IN STATE  
22 POPULATION DETERMINED IN ACCORDANCE WITH SUBPARAGRAPH (II) OF  
23 THIS PARAGRAPH (b) AND THE REDUCED PERCENTAGE CHANGE IN STATE  
24 POPULATION USED TO CALCULATE THE LIMITATION ON STATE FISCAL YEAR  
25 SPENDING PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH  
26 (II.5) SHALL BE CARRIED FORWARD AS AN ADJUSTMENT OF THE  
27 PERCENTAGE CHANGE IN STATE POPULATION DETERMINED PURSUANT TO  
28 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) FOR A MAXIMUM PERIOD OF  
29 NINE FISCAL YEARS. IF THE AMOUNT OF STATE FISCAL YEAR SPENDING FOR  
30 THE IMMEDIATELY SUBSEQUENT FISCAL YEAR EXCEEDS THE LIMITATION ON  
31 STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR, THE UNUSED  
32 ADJUSTMENT SHALL BE ADDED FIRST TO THE PERCENTAGE CHANGE IN  
33 STATE POPULATION DETERMINED PURSUANT TO SUBPARAGRAPH (I) OF THIS  
34 PARAGRAPH (b) THAT IS INCLUDED IN THE PERCENTAGE OF THE  
35 ALLOWABLE INCREASE IN STATE FISCAL YEAR SPENDING USED IN  
36 CALCULATING THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR THAT  
37 FISCAL YEAR TO THE GREATEST EXTENT POSSIBLE WITHOUT CAUSING THE  
38 LIMITATION ON STATE FISCAL YEAR SPENDING TO EXCEED THE ACTUAL  
39 AMOUNT OF STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR.

40  
41 (C) ANY REMAINING PORTION OF THE UNUSED ADJUSTMENT SHALL  
42 CONTINUE TO BE ADDED, TO THE GREATEST EXTENT POSSIBLE, TO THE  
43 PERCENTAGE CHANGE IN STATE POPULATION DETERMINED PURSUANT TO  
44 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) THAT IS INCLUDED IN THE  
45 PERCENTAGE OF ALLOWABLE INCREASE IN STATE FISCAL YEAR SPENDING  
46 USED IN CALCULATING THE LIMITATION ON STATE FISCAL YEAR SPENDING  
47 FOR SUBSEQUENT FISCAL YEARS WITHOUT CAUSING THE LIMITATION ON  
48 STATE FISCAL YEAR SPENDING FOR A GIVEN FISCAL YEAR TO EXCEED THE  
49 ACTUAL AMOUNT OF STATE FISCAL YEAR SPENDING FOR THAT FISCAL YEAR.

50  
51 (D) ANY PORTION OF THE UNUSED ADJUSTMENT THAT REMAINS  
52 UNUSED AFTER THE EXPIRATION OF THE MAXIMUM PERIOD OF NINE FISCAL  
53 YEARS SHALL NOT BE INCLUDED IN THE PERCENTAGE OF ALLOWABLE  
54 INCREASE IN STATE FISCAL YEAR SPENDING USED IN CALCULATING THE  
55 LIMITATION ON STATE FISCAL YEAR SPENDING FOR ANY FISCAL YEAR  
56 SUBSEQUENT TO THE EXPIRATION OF SUCH PERIOD.



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  
28 CONSULTATION 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.** The introductory portion to 32-9-119 (2) (a),  
33 Colorado Revised Statutes, is amended to read:

34  
35           **32-9-119. Additional powers of district.** (2) (a) To provide  
36 revenue to finance the operations of the district, to defray the cost of  
37 construction of capital improvements and acquisition of capital  
38 equipment, and to pay the interest and principal on securities of the  
39 district, the board, for and on behalf of the district after approval by  
40 election held pursuant to articles 1 to 13 of title 1, C.R.S., shall have the  
41 power to levy uniformly throughout the district a sales tax at the rate of  
42 six-tenths of one percent, OR AT THE RATE OF ONE PERCENT IF APPROVED  
43 BY THE ELIGIBLE ELECTORS OF THE DISTRICT IN ACCORDANCE WITH  
44 SECTION 32-9-119.4, upon every transaction or other incident with respect  
45 to which a sales tax is now levied by the state, pursuant to the provisions  
46 of article 26 of title 39, C.R.S.; except that:

47  
48           **SECTION 5.** Article 9 of title 32, Colorado Revised Statutes, is  
49 amended BY THE ADDITION OF A NEW SECTION to read:

50  
51           **32-9-119.4. Election for a sales tax rate increase - petition**  
52 **requirement.** (1) FOR PURPOSES OF COMPLYING WITH THE PROVISIONS  
53 OF SECTION 20 (4) OF ARTICLE X OF THE STATE CONSTITUTION AND UPON  
54 RECEIPT OF A NOTICE FROM THE SECRETARY OF STATE STATING THAT A  
55 VALID PETITION HAS BEEN FILED AND VERIFIED AND THE ADOPTION BY THE  
56 BOARD OF AN APPROPRIATE RESOLUTION, THE BOARD MAY SUBMIT TO THE

1 REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE  
2 DISTRICT AT ANY GENERAL ELECTION OR ELECTION HELD IN NOVEMBER OF  
3 AN ODD-NUMBERED YEAR, THE BALLOT QUESTION SET FORTH IN  
4 SUBSECTION (3) OF THIS SECTION.

5

6 (2) A VALID PETITION:

7

8 (a) SHALL REQUEST THAT THE BOARD SUBMIT THE BALLOT  
9 QUESTION SET FORTH IN SUBSECTION (3) OF THIS SECTION TO THE  
10 REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE  
11 DISTRICT;

12

13 (b) SHALL BE SIGNED BY A NUMBER OF SUCH REGISTERED  
14 ELECTORS EQUAL TO AT LEAST FIVE PERCENT OF THE TOTAL NUMBER OF  
15 VOTES CAST WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT  
16 FOR ALL CANDIDATES FOR THE OFFICE OF SECRETARY OF STATE AT THE  
17 PREVIOUS GENERAL ELECTION; AND

18

19 (c) SHALL HAVE THE REQUIRED SIGNATURES VERIFIED BY THE  
20 SECRETARY OF STATE IN ACCORDANCE WITH SUBSECTION (4) OF THIS  
21 SECTION.

22

23 (3) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF  
24 THIS SUBSECTION (3), THE BALLOT QUESTION TO BE SUBMITTED BY THE  
25 BOARD PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE AS  
26 FOLLOWS:

27

28 "SHALL REGIONAL TRANSPORTATION DISTRICT TAXES BE INCREASED  
29 (FIRST FULL FISCAL YEAR DOLLAR INCREASE) ANNUALLY AND BY  
30 WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER BY  
31 INCREASING THE RATE OF SALES TAX LEVIED BY THE DISTRICT BY  
32 FOUR-TENTHS OF ONE PERCENT, FROM THE CURRENT SIX-TENTHS OF ONE  
33 PERCENT TO ONE PERCENT COMMENCING JANUARY 1 (FIRST CALENDAR  
34 YEAR THAT COMMENCES AFTER THE ELECTION AT WHICH THE BALLOT  
35 QUESTION IS SUBMITTED), AND, IN CONNECTION THEREWITH, SHALL  
36 REGIONAL TRANSPORTATION DISTRICT DEBT BE INCREASED (PRINCIPAL  
37 AMOUNT), WITH A REPAYMENT COST OF (MAXIMUM TOTAL DISTRICT COST)  
38 WITH ALL PROCEEDS OF DEBT AND TAXES TO BE USED AND SPENT FOR THE  
39 CONSTRUCTION AND OPERATION OF A FIXED GUIDE WAY MASS TRANSIT  
40 SYSTEM, THE CONSTRUCTION OF ADDITIONAL PARK-N-RIDE LOTS, THE  
41 EXPANSION AND IMPROVEMENT OF EXISTING PARK-N-RIDE LOTS, AND  
42 INCREASED BUS SERVICE, INCLUDING THE USE OF SMALLER BUSES AND  
43 VANS AND ALTERNATIVE FUEL VEHICLES AS APPROPRIATE, AS SPECIFIED IN  
44 THE TRANSIT EXPANSION PLAN ADOPTED BY THE BOARD OF DIRECTORS OF  
45 THE DISTRICT ON OR BEFORE (SPECIFIED DATE) AND SHALL DEBT BE  
46 EVIDENCED BY BONDS, NOTES, OR OTHER MULTIPLE-FISCAL YEAR  
47 OBLIGATIONS INCLUDING REFUNDING BONDS THAT MAY BE ISSUED AS A  
48 LOWER OR HIGHER RATE OF INTEREST AND INCLUDING DEBT THAT MAY  
49 HAVE A REDEMPTION PRIOR TO MATURITY WITH OR WITHOUT PAYMENT OF  
50 A PREMIUM, PAYABLE FROM ALL REVENUES GENERATED BY SAID TAX  
51 INCREASE, FEDERAL FUNDS, INVESTMENT INCOME, PUBLIC AND PRIVATE  
52 CONTRIBUTIONS, AND OTHER REVENUES AS THE BOARD MAY DETERMINE,  
53 AND WITH SUCH REVENUES RAISED BY THE SALES TAX RATE INCREASE AND  
54 THE PROCEEDS OF DEBT OBLIGATIONS AND ANY INVESTMENT INCOME ON  
55 SUCH REVENUES AND PROCEEDS BEING EXEMPT FROM THE REVENUE AND  
56 SPENDING RESTRICTIONS CONTAINED IN SECTION 20 OF ARTICLE X OF THE

1 COLORADO CONSTITUTION UNTIL SUCH TIME AS ALL DEBT IS REPAID WHEN  
2 THE RATE OF TAX WILL BE DECREASED TO THAT AMOUNT NECESSARY FOR  
3 THE CONTINUED OPERATION OF THE SYSTEM BUT NOT LESS THAN  
4 SIX-TENTHS OF ONE PERCENT?"

5

6 (b) THE BALLOT QUESTION SET FORTH IN PARAGRAPH (a) OF THIS  
7 SUBSECTION (3) MAY BE MODIFIED BY THE PROPONENTS OF A PETITION OR  
8 BY THE DISTRICT TO THE EXTENT NECESSARY TO CONFORM TO THE LEGAL  
9 REQUIREMENTS FOR BALLOT QUESTIONS AND TITLES.

10

11 (c) IF AT ANY ELECTION A MAJORITY OF THE REGISTERED ELECTORS  
12 WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT VOTING ON THE  
13 BALLOT QUESTION VOTE AFFIRMATIVELY ON THE BALLOT QUESTION  
14 SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (3), THEN THE RATE OF  
15 SALES TAX LEVIED BY THE DISTRICT SHALL BE INCREASED BY FOUR-TENTHS  
16 OF ONE PERCENT TO A RATE OF ONE PERCENT.

17

18 (4) THE PROVISIONS OF ARTICLE 40 OF TITLE 1, C.R.S., REGARDING  
19 THE FOLLOWING SUBJECT MATTER SHALL APPLY TO PETITIONS THAT MAY  
20 BE SUBMITTED PURSUANT TO THIS SECTION: FORM REQUIREMENTS AND  
21 APPROVAL; CIRCULATION OF PETITIONS; ELECTOR INFORMATION AND  
22 SIGNATURES ON PETITIONS; AFFIDAVITS AND REQUIREMENTS OF  
23 CIRCULATORS OF PETITIONS; AND VERIFICATION OF SIGNATURES,  
24 INCLUDING, BUT NOT LIMITED TO, CURE OF AN INSUFFICIENCY OF  
25 SIGNATURES AND PROTESTS REGARDING SUFFICIENCY STATEMENTS AND  
26 PROCEDURES FOR HEARINGS OR FURTHER APPEALS REGARDING SUCH  
27 PROTESTS. THE PROVISIONS OF ARTICLE 40 OF TITLE 1, C.R.S., REGARDING  
28 REVIEW AND COMMENT, THE SETTING OF A BALLOT TITLE, INCLUDING, BUT  
29 NOT LIMITED TO, THE DUTIES OF THE TITLE BOARD, REHEARINGS AND  
30 APPEALS, AND THE NUMBER OF SIGNATURES REQUIRED SHALL NOT APPLY  
31 TO PETITIONS THAT MAY BE SUBMITTED PURSUANT TO THIS SECTION.

32

33 (5) ANY PETITION SHALL BE FILED WITH THE SECRETARY OF STATE  
34 AT LEAST NINETY DAYS BEFORE THE ELECTION AT WHICH THE BALLOT  
35 QUESTION SPECIFIED IN THE PETITION IS TO BE SUBMITTED TO THE  
36 REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE  
37 DISTRICT. NOTICE OF ANY QUESTION TO BE SUBMITTED TO THE  
38 REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE  
39 DISTRICT AFTER VERIFICATION OF THE SIGNATURES ON ANY PETITION FILED  
40 WITH THE SECRETARY OF STATE AND AT WHICH ELECTION SUCH QUESTION  
41 SHALL BE SUBMITTED SHALL BE FILED BY THE BOARD IN THE OFFICE OF THE  
42 SECRETARY OF STATE PRIOR TO FIFTY-FIVE DAYS BEFORE THE ELECTION.

43

44 (6) PRIOR TO THE GENERAL ELECTION AT WHICH ANY QUESTION IS  
45 TO BE SUBMITTED TO THE REGISTERED ELECTORS PURSUANT TO  
46 SUBSECTION (1) OF THIS SECTION, THE BOARD SHALL HOLD AT LEAST TWO  
47 PUBLIC HEARINGS IN EACH OF THE COUNTIES INCLUDED, IN WHOLE OR IN  
48 PART, WITHIN THE DISTRICT.

49

50 (7) (a) NO PUBLIC MONEYS FROM THE STATE, ANY CITY, TOWN,  
51 CITY AND COUNTY, OR COUNTY SHALL BE EXPENDED BY THE PUBLIC  
52 ENTITY OR BY ANY PRIVATE ENTITY OR PRIVATE PERSON TO ADVERTISE,  
53 PROMOTE, OR PURCHASE COMMERCIAL PROMOTION OR ADVERTISEMENT TO  
54 URGE ELECTORS TO VOTE IN FAVOR OF OR AGAINST ANY QUESTION  
55 SUBMITTED AT AN ELECTION PURSUANT TO THE PROVISIONS OF THIS  
56 SECTION.

1 (b) NO QUESTION SUBMITTED TO ELIGIBLE ELECTORS OF THE  
2 DISTRICT PURSUANT TO THIS SECTION SHALL OBLIGATE ANY FUNDS OF THE  
3 DEPARTMENT OF TRANSPORTATION, NOR SHALL THE APPROVAL OF A  
4 QUESTION BY THE ELIGIBLE ELECTORS BE CONSTRUED AS CREATING ANY  
5 COMMITMENT OR OBLIGATION OF FUNDS OF THE DEPARTMENT.  
6

7 (8) IF AT ANY ELECTION A MAJORITY OF THE REGISTERED ELECTORS  
8 WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT VOTING ON THE  
9 QUESTION VOTE IN THE AFFIRMATIVE ON A BALLOT QUESTION TO INCREASE  
10 THE RATE OF SALES TAX LEVIED BY THE DISTRICT AND THEN, IN A  
11 CORRESPONDING OR SUBSEQUENT ELECTION, A MAJORITY OF THE  
12 REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE  
13 DISTRICT VOTING ON THE QUESTION VOTE IN THE AFFIRMATIVE TO LOWER  
14 THE RATE OF SALES TAX LEVIED BY THE DISTRICT, THE DISTRICT SHALL  
15 DECREASE THE RATE OF THE SALES TAX TO SIX-TENTHS OF ONE PERCENT OR  
16 TO AN AMOUNT NECESSARY TO REPAY ALL INDEBTEDNESS OF THE DISTRICT  
17 OBLIGATED UNDER THE APPROVED SALES TAX INCREASE, INCLUDING ANY  
18 COSTS INCURRED WITH REGARD TO NECESSARY DEBT REPAYMENT  
19 BROUGHT ON BY A CORRESPONDING OR SUBSEQUENT SALES TAX  
20 REDUCTION, AND FOLLOWING SUCH REPAYMENT TO SIX-TENTHS OF ONE  
21 PERCENT.  
22

23 **SECTION 6.** 39-22-2002 (1), (4), (5) (b), and (5) (c), Colorado  
24 Revised Statutes, are amended to read:  
25

26 **39-22-2002. Fiscal years commencing on or after July 1, 1998**  
27 **- state sales tax refund - authority of executive director.** (1) If, for any  
28 state fiscal year commencing on or after July 1, 1998, the amount of state  
29 revenues exceeds the limitation on state fiscal year spending imposed by  
30 section 20 (7) (a) of article X of the state constitution and voters  
31 statewide either have not authorized the state to retain and spend all of  
32 the excess revenues for that fiscal year or have authorized the state to  
33 retain and spend only a portion of the excess revenues for that fiscal year,  
34 the executive director shall, if the amount of the identical individual  
35 refund calculated pursuant to paragraph (a) of subsection (2) of this  
36 section exceeds fifteen dollars, for the taxable year commencing on or  
37 after January 1 of the calendar year in which that fiscal year ended, but  
38 prior to January 1 of the subsequent calendar year, calculate a temporary  
39 state sales tax refund in accordance with the provisions of this section to  
40 refund the amount of excess state revenues that is not refunded by  
41 another method established by law. ~~multiplied by one hundred five~~  
42 ~~percent.~~  
43

44 (4) No later than October 1 of any given calendar year  
45 commencing on or after January 1, 1999, during which the controller  
46 certifies, in accordance with the provisions of section 24-77-106.5,  
47 C.R.S., that state revenues exceed the limitation on state fiscal year  
48 spending imposed by section 20 (7) (a) of article X of the state  
49 constitution for the fiscal year ending in that calendar year, the executive  
50 director shall, if the amount of the identical individual refund calculated  
51 pursuant to subsection (2) of this section exceeds fifteen dollars, calculate  
52 the income classifications and the amount of the refund allowed for each  
53 income classification pursuant to section 39-22-2003 (3) for the taxable  
54 year commencing during said fiscal year that would refund the amount of  
55 excess state revenues that is not refunded by another method established  
56 by law. ~~multiplied by one hundred five percent.~~

1 (5) If one or more ballot questions are submitted to the voters at  
2 a statewide election to be held in November of any given calendar year  
3 commencing on or after January 1, 1999, that seek authorization for the  
4 state to retain and spend all or any portion of the amount of excess  
5 revenues for the fiscal year ending during said calendar year, no later than  
6 October 1 of said calendar year, the executive director shall, in addition  
7 to the calculations required by subsection (4) of this section:  
8

9 (b) If the amount of any identical refund calculated pursuant to  
10 subparagraph (I) of paragraph (a) of this subsection (5) exceeds fifteen  
11 dollars, calculate income classifications and the amount of the refund to  
12 be allowed for each income classification pursuant to section 39-22-2003  
13 (3) for the taxable year commencing during said fiscal year that would  
14 refund the amount of excess state revenues, if any, required to be  
15 refunded if one or more of such ballot questions are approved by voters  
16 statewide and that is not refunded by another method established by law;  
17 ~~multiplied by one hundred five percent;~~  
18

19 (c) If the amount of the identical refund calculated pursuant to  
20 subparagraph (II) of paragraph (a) of this subsection (5) exceeds fifteen  
21 dollars, calculate income classifications and the amount of the refund to  
22 be allowed for each income classification pursuant to section 39-22-2003  
23 (3) for the taxable year commencing during said fiscal year that would  
24 refund the amount of excess state revenues, if any, required to be  
25 refunded if all of such ballot questions are not approved by voters  
26 statewide and that is not refunded by another method established by law.  
27 ~~multiplied by one hundred five percent.~~  
28

29 **SECTION 7.** 42-4-1012 (1) (d) (IV), Colorado Revised Statutes,  
30 is amended to read:  
31

32 **42-4-1012. High occupancy vehicle (GOV) and high occupancy**  
33 **toll (HOT) lanes.** (1) (d) The department shall develop and adopt  
34 functional specifications and standards for an automatic vehicle  
35 identification system for use on high occupancy vehicle lanes, high  
36 occupancy toll lanes, any public highway constructed and operated under  
37 the provisions of part 5 of article 4 of title 43, C.R.S., and any other street  
38 or highway where tolls or charges are imposed for the privilege of  
39 traveling upon such street or highway. The specifications and standards  
40 shall ensure that:  
41

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

54 **SECTION 8.** 43-4-205, Colorado Revised Statutes, is amended  
55 BY THE ADDITION OF A NEW SUBSECTION to read:  
56



1 IN CONNECTION WITH A LOAN FROM OR GUARANTEED BY THE UNITED  
2 STATES.

3

4 (2) "COMMISSION" MEANS THE TRANSPORTATION COMMISSION  
5 CREATED BY SECTION 43-1-106.

6

7 (3) "CONSTRUCT" OR "CONSTRUCTION" MEANS THE PLANNING,  
8 DESIGNING, ENGINEERING, ACQUISITION, INSTALLATION, CONSTRUCTION,  
9 OR RECONSTRUCTION OF A TOLL HIGHWAY.

10

11 (4) "DEPARTMENT" MEANS THE DEPARTMENT OF TRANSPORTATION  
12 CREATED IN SECTION 24-1-128.7, C.R.S.

13

14 (5) "DIRECTOR" MEANS THE DIRECTOR OF THE ENTERPRISE.

15

16 (6) "ENTERPRISE" MEANS ANY STATEWIDE TOLLING ENTERPRISE  
17 CREATED BY THE COMMISSION PURSUANT TO SECTION 43-4-803.

18

19 (7) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF  
20 THE DEPARTMENT.

21

22 (8) "SPECIAL FUND" MEANS THE STATEWIDE TOLLING ENTERPRISE  
23 SPECIAL REVENUE FUND CREATED IN SECTION 43-4-804.

24

25 (9) "TOLL" MEANS THE COMPENSATION TO BE PAID TO THE  
26 ENTERPRISE FOR THE PRIVILEGE OF USING ANY TOLL HIGHWAY, OR ANY  
27 PART THEREOF, BY VEHICULAR OR OTHER TRAFFIC.

28

29 (10) "TOLL HIGHWAY" MEANS A NEW HIGHWAY OR ADDITIONAL  
30 LANE CAPACITY AND RELATED HIGHWAY IMPROVEMENTS. A TOLL  
31 HIGHWAY CANNOT ELIMINATE PREVIOUSLY EXISTING HIGHWAY LANES  
32 THAT HAVE SERVED VEHICULAR TRAFFIC ON A TOLL-FREE BASIS EXCEPT  
33 PURSUANT TO SECTION 42-4-1012, C.R.S.

34

35 (11) "TOLL REVENUES" MEANS THE REVENUES GENERATED BY A  
36 TOLL HIGHWAY CONSTRUCTED, OPERATED, OR MAINTAINED PURSUANT TO  
37 THIS PART 8.

38

39 **43-4-803. Statewide tolling enterprise - creation by commission**  
40 **- enterprise status - transfer.** (1) THE COMMISSION MAY CREATE AND  
41 OPERATE A STATEWIDE TOLLING ENTERPRISE, WHICH SHALL OPERATE AS  
42 A GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT AND SHALL  
43 BE A DIVISION OF THE DEPARTMENT. THE COMMISSION SHALL SERVE AS  
44 THE BOARD OF THE ENTERPRISE, BUT SHALL, WITH THE CONSENT OF THE  
45 EXECUTIVE DIRECTOR, APPOINT A DIRECTOR OF THE ENTERPRISE WHO  
46 SHALL POSSESS QUALIFICATIONS AS MAY BE ESTABLISHED BY THE  
47 COMMISSION AND THE STATE PERSONNEL BOARD. THE DIRECTOR SHALL  
48 OVERSEE THE DISCHARGE OF ALL RESPONSIBILITIES OF THE ENTERPRISE  
49 AND SHALL SERVE AT THE PLEASURE OF THE COMMISSION.

50

51 (2) (a) THE ENTERPRISE, AND THE COMMISSION WHEN ACTING IN  
52 ITS CAPACITY AS THE BOARD OF THE ENTERPRISE, SHALL CONSTITUTE AN  
53 ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE  
54 CONSTITUTION SO LONG AS THE ENTERPRISE RETAINS THE AUTHORITY TO  
55 ISSUE REVENUE BONDS AND RECEIVES LESS THAN TEN PERCENT OF ITS  
56 TOTAL ANNUAL REVENUES IN GRANTS, AS DEFINED IN SECTION 24-77-102

1 (7), C.R.S., FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS  
2 COMBINED. SO LONG AS IT CONSTITUTES AN ENTERPRISE PURSUANT TO  
3 THIS SUBSECTION (2), THE ENTERPRISE, AND THE COMMISSION WHEN  
4 ACTING AS THE BOARD OF THE ENTERPRISE, SHALL NOT BE SUBJECT TO ANY  
5 PROVISIONS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.  
6

7 (b) FOR PURPOSES OF PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S.,  
8 THE RECORDS OF THE ENTERPRISE SHALL BE PUBLIC RECORDS, AS DEFINED  
9 IN SECTION 24-72-202 (6), C.R.S., REGARDLESS OF WHETHER THE  
10 ENTERPRISE RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL ANNUAL  
11 REVENUES IN GRANTS, AS DEFINED IN SECTION 24-77-102 (7), C.R.S.,  
12 FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED.  
13

14 (3) THE ENTERPRISE, THE COMMISSION WHEN ACTING AS THE  
15 BOARD OF THE ENTERPRISE, AND THE DIRECTOR SHALL EXERCISE THEIR  
16 POWERS AND PERFORM THE DUTIES SPECIFIED IN THIS PART 8 UNDER THE  
17 DEPARTMENT AS IF THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY  
18 A **TYPE 1** TRANSFER, AS SUCH TRANSFER IS DEFINED IN THE  
19 "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24,  
20 C.R.S.  
21

22 (4) THE ENTERPRISE SHALL CONSTITUTE A PUBLIC ENTITY FOR  
23 PURPOSES OF PART 2 OF ARTICLE 57 OF TITLE 11, C.R.S.  
24

25 **43-4-804. Statewide tolling enterprise special revenue fund -**  
26 **creation - separate highway accounts.** (1) A FUND TO BE KNOWN AS  
27 THE STATEWIDE TOLLING ENTERPRISE SPECIAL REVENUE FUND IS HEREBY  
28 CREATED IN THE STATE TREASURY. ALL TOLL REVENUES RECEIVED BY THE  
29 ENTERPRISE SHALL BE DEPOSITED INTO THE SPECIAL FUND. THE  
30 ENTERPRISE ALSO MAY DEPOSIT OR PERMIT OTHERS TO DEPOSIT OTHER  
31 MONEYS INTO THE SPECIAL FUND, BUT IN NO EVENT MAY REVENUES FROM  
32 ANY TAX OTHERWISE AVAILABLE FOR GENERAL PURPOSES BE DEPOSITED  
33 INTO THE SPECIAL FUND. THE STATE TREASURER, AFTER CONSULTING WITH  
34 THE COMMISSION IN ITS CAPACITY AS THE BOARD OF THE ENTERPRISE,  
35 SHALL INVEST ANY MONEYS IN THE SPECIAL FUND, INCLUDING ANY  
36 SURPLUS OR RESERVES, BUT EXCLUDING ANY PROCEEDS FROM THE SALE OF  
37 BONDS OR EARNINGS ON SUCH PROCEEDS INVESTED PURSUANT TO SECTION  
38 43-4-809, THAT ARE NOT NEEDED FOR IMMEDIATE USE. SUCH MONEYS  
39 MAY BE INVESTED IN THE TYPES OF INVESTMENTS AUTHORIZED IN  
40 SECTIONS 24-36-109, 24-36-112, AND 24-36-113, C.R.S.  
41

42 (2) ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND  
43 INVESTMENT OF MONEYS IN THE SPECIAL FUND SHALL BE CREDITED TO THE  
44 SPECIAL FUND. MONEYS IN THE SPECIAL FUND SHALL BE CONTINUOUSLY  
45 APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSES SET FORTH IN THIS  
46 PART 8. ALL MONEYS DEPOSITED IN THE SPECIAL FUND SHALL REMAIN IN  
47 THE SPECIAL FUND FOR THE PURPOSES SET FORTH IN THIS PART 8 AND NO  
48 PART OF THE SPECIAL FUND SHALL BE USED FOR ANY OTHER PURPOSES.  
49

50 (3) THE ENTERPRISE MAY EXPEND MONEYS IN THE SPECIAL FUND  
51 TO PAY BONDS OF THE ENTERPRISE, TO FUND THE ADMINISTRATION,  
52 PLANNING, FINANCING, CONSTRUCTION, OPERATION, MAINTENANCE, OR  
53 REPAIR OF A TOLL HIGHWAY. THE ENTERPRISE MAY ALSO EXPEND MONEYS  
54 IN THE SPECIAL FUND TO PAY THE COSTS AND EXPENSES OF OPERATING THE  
55 ENTERPRISE. THE COMMISSION SHALL HAVE EXCLUSIVE AUTHORITY TO



1 BUDGET AND APPROVE THE EXPENDITURE OF MONEYS IN THE SPECIAL  
2 FUND.

3  
4 (4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,  
5 THE COMMISSION SHALL DESIGNATE A STATE TOLL HIGHWAY AND MONEYS  
6 IN THE SPECIAL FUND THAT ARE DERIVED FROM TOLLS SHALL ONLY BE  
7 EXPENDED TO FUND THE ADMINISTRATION, PLANNING, DESIGN,  
8 DEVELOPMENT, FINANCING, CONSTRUCTION, OPERATION, MAINTENANCE,  
9 OR REPAIR OF THE STATE TOLL HIGHWAY OR TO PAY BONDS OF THE  
10 ENTERPRISE THAT WERE ISSUED TO FINANCE THE STATE TOLL HIGHWAY.  
11 ONCE THE ENTERPRISE HAS PAID THE COSTS OF CONSTRUCTING THE STATE  
12 TOLL HIGHWAY, INCLUDING SUFFICIENT CONTINGENCIES, PAID ALL DEBT  
13 SERVICE ON ALL BONDS ISSUED TO FINANCE THE TOLL HIGHWAY, AND  
14 REIMBURSED THE STATE HIGHWAY FUND FOR THE AMOUNT OF ANY STATE  
15 HIGHWAY FUND MONEYS TRANSFERRED TO THE STATEWIDE TOLLING  
16 ENTERPRISE FUND PLUS INTEREST IN ACCORDANCE WITH SECTION  
17 43-4-805, THE COMMISSION SHALL ADJUST TOLL RATES IN THE CORRIDOR  
18 SO THAT THE AMOUNT OF TOLL REVENUES TO BE GENERATED IS AS CLOSE  
19 AS POSSIBLE TO THE AMOUNT REQUIRED FOR THE ONGOING OPERATION,  
20 MAINTENANCE, RENEWAL, AND REPLACEMENT OF THE TOLL HIGHWAY. A  
21 TOLL HIGHWAY CANNOT ELIMINATE PREVIOUSLY EXISTING HIGHWAY  
22 LANES THAT HAVE SERVED VEHICULAR TRAFFIC ON A TOLL-FREE BASIS  
23 EXCEPT PURSUANT TO SECTION 42-4-1012, C.R.S.

24  
25 **43-4-805. Statewide tolling enterprise operating fund.** THE  
26 COMMISSION MAY TRANSFER MONEYS FROM THE STATE HIGHWAY FUND  
27 CREATED IN SECTION 43-1-219 TO THE ENTERPRISE FOR THE PURPOSE OF  
28 DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE PRIOR TO THE  
29 RECEIPT OF BOND PROCEEDS OR TOLL REVENUES BY THE ENTERPRISE.  
30 WHEN THE ENTERPRISE RECEIVES SUFFICIENT BOND PROCEEDS OR TOLL  
31 REVENUES, THE ENTERPRISE SHALL REIMBURSE THE STATE HIGHWAY FUND  
32 FOR THE FULL AMOUNT OF ANY TRANSFER MADE BY THE COMMISSION PLUS  
33 INTEREST AT A RATE SET BY THE COMMISSION. ANY MONEYS  
34 TRANSFERRED TO THE ENTERPRISE PURSUANT TO THIS SECTION SHALL BE  
35 DEPOSITED INTO A FUND TO BE KNOWN AS THE STATEWIDE TOLLING  
36 ENTERPRISE OPERATING FUND, WHICH FUND IS HEREBY CREATED, AND  
37 SHALL NOT BE DEPOSITED INTO THE SPECIAL FUND. MONEYS FROM THE  
38 SPECIAL FUND MAY, HOWEVER, BE USED TO REIMBURSE THE STATE  
39 HIGHWAY FUND FOR THE AMOUNT OF ANY TRANSFER OR ANY INTEREST  
40 THEREON.

41  
42 **43-4-806. Powers and duties of the commission when acting as**  
43 **the board of the enterprise - annual report.** (1) THE COMMISSION, IN  
44 ITS CAPACITY AS THE BOARD OF THE ENTERPRISE, HAS THE FOLLOWING  
45 POWERS AND DUTIES:

46  
47 (a) TO ADVISE THE DIRECTOR;

48  
49 (b) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND  
50 CONDUCT OF ITS BUSINESS;

51  
52 (c) TO ISSUE REVENUE BONDS, PAYABLE SOLELY FROM THE SPECIAL  
53 FUND, FOR THE PURPOSES OF PAYING THE COST OF FINANCING,  
54 CONSTRUCTING, OPERATING, OR MAINTAINING A TOLL HIGHWAY;

55  
56 (d) TO ESTABLISH AND, FROM TIME TO TIME, INCREASE OR

- 1 DECREASE FEES, TOLLS, RATES, AND CHARGES FOR THE PRIVILEGE OF  
2 TRAVELING ON OR THE USE OF THE PROPERTY OF A TOLL HIGHWAY;  
3
- 4 (e) TO CHARGE AND COLLECT FEES AND CHARGES FOR THE USE OF  
5 OTHER PROPERTY OF THE ENTERPRISE;  
6
- 7 (f) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND  
8 PERSONAL PROPERTY AS NECESSARY IN THE EXERCISE OF ITS POWERS AND  
9 PERFORMANCE OF ITS DUTIES;  
10
- 11 (g) TO ACQUIRE BY PURCHASE, GIFT, GRANT, OR BY  
12 CONDEMNATION, AS PROVIDED IN ARTICLE 1 OF TITLE 38, C.R.S., ANY AND  
13 ALL RIGHTS-OF-WAY, LANDS, BUILDINGS, MONEYS, OR GROUNDS  
14 NECESSARY OR CONVENIENT FOR ITS AUTHORIZED PURPOSES;  
15
- 16 (h) TO MAKE AND ENTER INTO CONTRACTS OR AGREEMENTS WITH  
17 A PRIVATE ENTITY TO FACILITATE A PUBLIC-PRIVATE INITIATIVE PURSUANT  
18 TO SECTIONS 43-1-1203 AND 43-1-1204, INCLUDING, BUT NOT LIMITED TO:  
19
- 20 (I) AN AGREEMENT PURSUANT TO WHICH THE PRIVATE ENTITY IS  
21 AUTHORIZED TO ESTABLISH, INCREASE, OR DECREASE AND TO CHARGE AND  
22 COLLECT TOLLS, RATES, AND CHARGES FOR THE PRIVILEGE OF TRAVELING  
23 ON ANY TOLL PROJECT, SUBJECT TO THE SUPERVISION AND APPROVAL OF  
24 THE ENTERPRISE UNDER THE TERMS OF ANY SUCH AGREEMENT, BUT  
25 OTHERWISE WITHOUT ANY SUPERVISION OR APPROVAL BY ANY OTHER  
26 BOARD, AGENCY, BUREAU, COMMISSION, OR OFFICIAL OF THE STATE;  
27
- 28 (II) AN AGREEMENT PURSUANT TO WHICH THE ENTERPRISE OR THE  
29 ENTERPRISE ON BEHALF OF THE DEPARTMENT OPERATES, MAINTAINS, OR  
30 PROVIDES TOLL ENFORCEMENT SERVICES OR OTHER SERVICES OR  
31 PROPERTY IN CONNECTION WITH A TOLL PROJECT;  
32
- 33 (III) AN AGREEMENT PURSUANT TO WHICH A PRIVATE ENTITY  
34 OPERATES ALL OR ANY PORTION OF A TOLL PROJECT ON BEHALF OF THE  
35 ENTERPRISE; AND  
36
- 37 (IV) AN AGREEMENT PURSUANT TO WHICH THE ENTERPRISE OR THE  
38 ENTERPRISE ON BEHALF OF THE DEPARTMENT OPERATES, MAINTAINS, OR  
39 PROVIDES LAW ENFORCEMENT SERVICES, TOLL ENFORCEMENT SERVICES,  
40 OR OTHER SERVICES OR PROPERTY IN CONNECTION WITH A TOLL PROJECT;  
41
- 42 (i) TO MAKE AND TO ENTER INTO ALL OTHER CONTRACTS OR  
43 AGREEMENTS, INCLUDING INTERGOVERNMENTAL AGREEMENTS PURSUANT  
44 TO SECTION 29-1-203, C.R.S., THAT ARE NECESSARY OR INCIDENTAL TO  
45 THE EXERCISE OF ITS POWERS AND PERFORMANCE OF ITS DUTIES;  
46
- 47 (j) TO EMPLOY OR CONTRACT FOR THE SERVICES OF CONSULTING  
48 ENGINEERS OR OTHER EXPERTS AS ARE NECESSARY IN ITS JUDGMENT TO  
49 CARRY OUT ITS POWERS AND DUTIES;  
50
- 51 (k) TO PREPARE, OR CAUSE TO BE PREPARED, DETAILED PLANS,  
52 SPECIFICATIONS, OR ESTIMATES FOR THE FINANCING, CONSTRUCTION,  
53 RELOCATION, REPAIR, MAINTENANCE, OR OPERATION OF A TOLL HIGHWAY  
54 WITHIN THE STATE. A TOLL HIGHWAY CANNOT ELIMINATE PREVIOUSLY  
55 EXISTING HIGHWAY LANES THAT HAVE SERVED VEHICULAR TRAFFIC ON A  
56 TOLL-FREE BASIS EXCEPT PURSUANT TO SECTION 42-4-1012, C.R.S.

- 1 (l) TO ACQUIRE, CONSTRUCT, RELOCATE, OPERATE, REGULATE, AND  
2 MAINTAIN A TOLL HIGHWAY THROUGH AND WITHIN THE STATE;  
3
- 4 (m) TO CONSTRUCT, MAINTAIN, AND OPERATE STATIONS FOR THE  
5 COLLECTION OF TOLLS ALONG A TOLL HIGHWAY;  
6
- 7 (n) TO SET AND ADOPT, ON AN ANNUAL BASIS, A BUDGET FOR THE  
8 ENTERPRISE;  
9
- 10 (o) TO PURCHASE, TRADE, EXCHANGE, ACQUIRE, BUY, SELL, LEASE,  
11 LEASE WITH AN OPTION TO PURCHASE, DISPOSE OF, OR ENCUMBER REAL OR  
12 PERSONAL PROPERTY OR ANY INTEREST THEREIN, INCLUDING EASEMENTS  
13 AND RIGHTS-OF-WAY, WITHOUT RESTRICTION OR LIMITATION;  
14
- 15 (p) TO ENTER INTO INTEREST RATE EXCHANGE AGREEMENTS FOR  
16 BONDS THAT HAVE BEEN ISSUED IN ACCORDANCE WITH ARTICLE 59.3 OF  
17 TITLE 11, C.R.S.;
- 18
- 19 (q) PURSUANT TO SECTION 24-1-107.5, C.R.S., TO ESTABLISH,  
20 CREATE, AND APPROVE NONPROFIT ENTITIES AND BONDS ISSUED BY OR ON  
21 BEHALF OF SUCH NONPROFIT ENTITIES FOR THE PURPOSE OF FINANCING,  
22 CONSTRUCTING, OPERATING, OR MAINTAINING A TOLL HIGHWAY, TO  
23 ACCEPT THE ASSETS OF ANY SUCH NONPROFIT ENTITY, TO OBTAIN AN  
24 OPTION TO ACQUIRE THE ASSETS OF ANY SUCH NONPROFIT ENTITY BY  
25 PAYING SUCH BONDS, TO APPOINT OR APPROVE THE APPOINTMENT OF  
26 MEMBERS OF THE GOVERNING BOARD OF ANY SUCH NONPROFIT ENTITY,  
27 AND TO REMOVE THE MEMBERS OF THE GOVERNING BOARD OF ANY SUCH  
28 NONPROFIT ENTITY FOR CAUSE;  
29
- 30 (r) TO TRANSFER MONEY, PROPERTY, OR OTHER ASSETS OF THE  
31 ENTERPRISE TO THE DEPARTMENT; AND  
32
- 33 (s) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY  
34 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES  
35 GRANTED IN THIS SECTION.  
36
- 37 (2) THE COMMISSION, ACTING AS THE BOARD OF THE ENTERPRISE,  
38 SHALL ENSURE UNRESTRICTED ACCESS BY ALL VEHICLES TO ANY TOLL  
39 HIGHWAY AND SHALL NOT REQUIRE THAT A PARTICULAR CLASS OF  
40 VEHICLES TRAVEL UPON ANY TOLL HIGHWAY, INCLUDING A TOLL HIGHWAY  
41 THAT PROVIDES ADDITIONAL CAPACITY ON AN EXISTING HIGHWAY. A TOLL  
42 HIGHWAY CANNOT ELIMINATE PREVIOUSLY EXISTING HIGHWAY LANES  
43 THAT HAVE SERVED VEHICULAR TRAFFIC ON A TOLL-FREE BASIS EXCEPT  
44 PURSUANT TO SECTION 42-4-1012, C.R.S.  
45
- 46 (3) NO LATER THAN FEBRUARY 15, 2003, AND NO LATER THAN  
47 FEBRUARY 15 OF EACH YEAR THEREAFTER, THE COMMISSION SHALL  
48 PRESENT A REPORT TO THE TRANSPORTATION AND ENERGY COMMITTEE OF  
49 THE HOUSE OF REPRESENTATIVES AND THE GOVERNMENT, VETERANS AND  
50 MILITARY RELATIONS, AND TRANSPORTATION COMMITTEE OF THE SENATE  
51 THAT SHALL INCLUDE A SUMMARY OF THE ENTERPRISE'S ACTIVITIES FOR  
52 THE PREVIOUS YEAR, A STATEMENT OF CURRENT TOLL RATES AND ANY  
53 EXPECTED CHANGES, A SUMMARY OF THE STATUS OF ANY CURRENT TOLL  
54 PROJECTS, A STATEMENT OF THE ENTERPRISE'S REVENUES, EXPENSES OF  
55 THE ENTERPRISE, AND ANY RECOMMENDATIONS FOR STATUTORY CHANGES  
56 THAT THE COMMISSION DEEMS NECESSARY OR DESIRABLE. THE

1 COMMITTEES SHALL REVIEW THE REPORT AND MAY RECOMMEND  
2 LEGISLATION. THE REPORT SHALL BE PUBLIC AND SHALL BE AVAILABLE ON  
3 THE WEBSITE OF THE DEPARTMENT ON OR BEFORE JANUARY 15 OF THE  
4 YEAR IN WHICH THE REPORT IS PRESENTED.

5  
6 **43-4-807. Bonds.** (1) THE ENTERPRISE MAY, FROM TIME TO TIME,  
7 ISSUE BONDS FOR ANY OF ITS CORPORATE PURPOSES. THE BONDS SHALL BE  
8 ISSUED PURSUANT TO RESOLUTION OF THE COMMISSION ACTING IN ITS  
9 CAPACITY AS THE BOARD OF THE ENTERPRISE AND SHALL BE PAYABLE  
10 SOLELY OUT OF ALL OR A SPECIFIED PORTION OF THE MONEYS IN THE  
11 SPECIAL FUND.

12  
13 (2) BONDS MAY BE EXECUTED AND DELIVERED BY THE ENTERPRISE  
14 AT SUCH TIMES, MAY BE IN SUCH FORM AND DENOMINATIONS AND INCLUDE  
15 SUCH TERMS AND MATURITIES, MAY BE SUBJECT TO OPTIONAL OR  
16 MANDATORY REDEMPTION PRIOR TO MATURITY WITH OR WITHOUT A  
17 PREMIUM, MAY BE IN FULLY REGISTERED FORM OR BEARER FORM  
18 REGISTRABLE AS TO PRINCIPAL OR INTEREST OR BOTH, MAY BEAR SUCH  
19 CONVERSION PRIVILEGES, MAY BE PAYABLE IN SUCH INSTALLMENTS AND  
20 AT SUCH TIMES NOT EXCEEDING FORTY-FIVE YEARS FROM THE DATE  
21 THEREOF, MAY BE PAYABLE AT SUCH PLACE OR PLACES WHETHER WITHIN  
22 OR WITHOUT THE STATE, MAY BEAR INTEREST AT SUCH RATE OR RATES PER  
23 ANNUM, WHICH MAY BE FIXED OR VARY ACCORDING TO INDEX,  
24 PROCEDURE, OR FORMULA OR AS DETERMINED BY THE ENTERPRISE OR ITS  
25 AGENTS, WITHOUT REGARD TO ANY INTEREST RATE LIMITATION APPEARING  
26 IN ANY OTHER LAW OF THE STATE, MAY BE SUBJECT TO PURCHASE AT THE  
27 OPTION OF THE HOLDER OR THE ENTERPRISE, MAY BE EVIDENCED IN SUCH  
28 MANNER, MAY BE EXECUTED BY SUCH OFFICERS OF THE ENTERPRISE,  
29 INCLUDING THE USE OF ONE OR MORE FACSIMILE SIGNATURES SO LONG AS  
30 AT LEAST ONE MANUAL SIGNATURE APPEARS ON THE BONDS, WHICH MAY  
31 BE EITHER OF AN OFFICER OF THE ENTERPRISE OR OF AN AGENT  
32 AUTHENTICATING THE SAME, MAY BE IN THE FORM OF COUPON BONDS THAT  
33 HAVE ATTACHED INTEREST COUPONS BEARING A MANUAL OR FACSIMILE  
34 SIGNATURE OF AN OFFICER OF THE ENTERPRISE, AND MAY CONTAIN SUCH  
35 PROVISIONS NOT INCONSISTENT WITH THIS PART 8 ALL AS PROVIDED IN THE  
36 RESOLUTION OF THE ENTERPRISE UNDER WHICH THE BONDS ARE  
37 AUTHORIZED TO BE ISSUED OR AS PROVIDED IN A TRUST INDENTURE  
38 BETWEEN THE ENTERPRISE AND ANY COMMERCIAL BANK OR TRUST  
39 COMPANY HAVING FULL TRUST POWERS.

40  
41 (3) BONDS OF THE ENTERPRISE MAY BE SOLD AT PUBLIC OR  
42 PRIVATE SALE AT SUCH PRICE OR PRICES, IN SUCH MANNER, AND AT SUCH  
43 TIMES AS DETERMINED BY THE COMMISSION, AND THE COMMISSION MAY  
44 PAY ALL FEES, EXPENSES, AND COMMISSIONS THAT IT DEEMS NECESSARY  
45 OR ADVANTAGEOUS IN CONNECTION WITH THE SALE OF THE BONDS. THE  
46 POWER TO FIX THE DATE OF SALE OF THE BONDS, TO RECEIVE BIDS OR  
47 PROPOSALS, TO AWARD AND SELL BONDS, TO FIX INTEREST RATES, AND TO  
48 TAKE ALL OTHER ACTION NECESSARY TO SELL AND DELIVER THE BONDS  
49 MAY BE DELEGATED TO AN OFFICER OR AGENT OF THE ENTERPRISE. ANY  
50 OUTSTANDING BONDS MAY BE REFUNDED BY THE ENTERPRISE PURSUANT  
51 TO ARTICLE 56 OF TITLE 11, C.R.S. ALL BONDS AND ANY INTEREST  
52 COUPONS APPLICABLE THERETO ARE DECLARED TO BE NEGOTIABLE  
53 INSTRUMENTS.

54  
55 (4) THE RESOLUTION OR TRUST INDENTURE AUTHORIZING THE  
56 ISSUANCE OF THE BONDS MAY PLEDGE ALL OR A PORTION OF THE SPECIAL

1 FUND, MAY CONTAIN SUCH PROVISIONS FOR PROTECTING AND ENFORCING  
2 THE RIGHTS AND REMEDIES OF HOLDERS OF ANY OF THE BONDS AS THE  
3 ENTERPRISE DEEMS APPROPRIATE, MAY SET FORTH THE RIGHTS AND  
4 REMEDIES OF THE HOLDERS OF ANY OF THE BONDS, AND MAY CONTAIN  
5 PROVISIONS THAT THE ENTERPRISE DEEMS APPROPRIATE FOR THE SECURITY  
6 OF THE HOLDERS OF THE BONDS, INCLUDING, BUT NOT LIMITED TO,  
7 PROVISIONS FOR LETTERS OF CREDIT, INSURANCE, STANDBY CREDIT  
8 AGREEMENTS, OR OTHER FORMS OF CREDIT ENSURING TIMELY PAYMENT OF  
9 THE BONDS, INCLUDING THE REDEMPTION PRICE OR THE PURCHASE PRICE.

10

11 (5) ANY PLEDGE OF THE SPECIAL FUND OR OTHER PROPERTY MADE  
12 BY THE ENTERPRISE OR BY ANY PERSON OR GOVERNMENTAL UNIT WITH  
13 WHICH THE ENTERPRISE CONTRACTS SHALL BE VALID AND BINDING FROM  
14 THE TIME THE PLEDGE IS MADE. THE SPECIAL FUND OR OTHER PROPERTY  
15 SO PLEDGED SHALL IMMEDIATELY BE SUBJECT TO THE LIEN OF SUCH  
16 PLEDGE WITHOUT ANY PHYSICAL DELIVERY OR FURTHER ACT, AND THE  
17 LIEN OF SUCH PLEDGE SHALL BE VALID AND BINDING AGAINST ALL PARTIES  
18 HAVING CLAIMS OF ANY KIND IN TORT, CONTRACT, OR OTHERWISE AGAINST  
19 THE PLEDGING PARTY REGARDLESS OF WHETHER SUCH CLAIMING PARTY  
20 HAS NOTICE OF SUCH LIEN. THE INSTRUMENT BY WHICH THE PLEDGE IS  
21 CREATED NEED NOT BE RECORDED OR FILED.

22

23 (6) NEITHER THE MEMBERS OF THE COMMISSION, EMPLOYEES OF  
24 THE ENTERPRISE, NOR ANY PERSON EXECUTING THE BONDS SHALL BE  
25 LIABLE PERSONALLY ON THE BONDS OR SUBJECT TO ANY PERSONAL  
26 LIABILITY OR ACCOUNTABILITY BY REASON OF THE ISSUANCE THEREOF.

27

28 (7) THE ENTERPRISE MAY PURCHASE ITS BONDS OUT OF ANY  
29 AVAILABLE MONEYS AND MAY HOLD, PLEDGE, CANCEL, OR RESELL SUCH  
30 BONDS SUBJECT TO AND IN ACCORDANCE WITH AGREEMENTS WITH THE  
31 HOLDERS THEREOF.

32

33 **43-4-808. Investments.** THE ENTERPRISE MAY INVEST OR DEPOSIT  
34 ANY PROCEEDS AND ANY INTEREST FROM THE SALE OF BONDS IN THE  
35 MANNER PROVIDED BY PART 6 OF ARTICLE 75 OF TITLE 24, C.R.S. IN  
36 ADDITION, THE ENTERPRISE MAY DIRECT A CORPORATE TRUSTEE THAT  
37 HOLDS SUCH PROCEEDS AND ANY INTEREST TO INVEST OR DEPOSIT SUCH  
38 PROCEEDS AND ANY INTEREST IN INVESTMENTS OR DEPOSITS OTHER THAN  
39 THOSE SPECIFIED BY SAID PART 6 IF THE COMMISSION DETERMINES, BY  
40 RESOLUTION, THAT SUCH INVESTMENT OR DEPOSIT MEETS THE STANDARD  
41 ESTABLISHED IN SECTION 15-1-304, C.R.S., THE INCOME IS AT LEAST  
42 COMPARABLE TO INCOME AVAILABLE ON INVESTMENTS OR DEPOSITS  
43 SPECIFIED BY SAID PART 6, AND SUCH INVESTMENT WILL ASSIST THE  
44 ENTERPRISE IN THE FINANCING, CONSTRUCTION, MAINTENANCE, OR  
45 OPERATION OF A TOLL HIGHWAY.

46

47 **43-4-809. Bonds eligible for investment.** ALL BANKS, TRUST  
48 COMPANIES, SAVINGS AND LOAN ASSOCIATIONS, INSURANCE COMPANIES,  
49 EXECUTORS, ADMINISTRATORS, GUARDIANS, TRUSTEES, AND OTHER  
50 FIDUCIARIES MAY LEGALLY INVEST ANY MONEYS WITHIN THEIR CONTROL  
51 IN ANY BONDS ISSUED UNDER THIS PART 8. PUBLIC ENTITIES, AS DEFINED  
52 IN SECTION 24-75-601 (1), C.R.S., MAY INVEST PUBLIC MONEYS IN SUCH  
53 BONDS ONLY IF SUCH BONDS SATISFY THE INVESTMENT REQUIREMENTS  
54 ESTABLISHED IN PART 6 OF ARTICLE 75 OF TITLE 24, C.R.S.

55

56 **43-4-810. Exemption from taxation - securities laws.** THE

1 INCOME OR OTHER REVENUES OF THE ENTERPRISE, ALL PROPERTIES AT ANY  
2 TIME OWNED BY THE ENTERPRISE, AND BONDS ISSUED BY THE ENTERPRISE,  
3 AND THE TRANSFER OF AND THE INCOME FROM ANY BONDS ISSUED BY THE  
4 ENTERPRISE SHALL BE EXEMPT FROM ALL TAXATION AND ASSESSMENTS IN  
5 THE STATE. IN THE RESOLUTION OR INDENTURE AUTHORIZING THE BONDS,  
6 THE ENTERPRISE MAY WAIVE THE EXEMPTION FROM FEDERAL INCOME  
7 TAXATION FOR INTEREST ON THE BONDS. BONDS ISSUED BY THE  
8 ENTERPRISE SHALL BE EXEMPT FROM THE PROVISIONS OF ARTICLE 51 OF  
9 TITLE 11, C.R.S.

10

11 **43-4-811. Traffic laws - toll collection.** (1) THE TRAFFIC LAWS  
12 OF THIS STATE, AND THOSE OF ANY MUNICIPALITY THROUGH WHICH A TOLL  
13 HIGHWAY PASSES, AND THE ENTERPRISE'S REGULATIONS REGARDING TOLL  
14 COLLECTION AND ENFORCEMENT SHALL PERTAIN TO AND GOVERN THE USE  
15 OF ANY SUCH TOLL HIGHWAY. STATE AND LOCAL LAW ENFORCEMENT  
16 AUTHORITIES ARE AUTHORIZED TO ENTER INTO TRAFFIC AND TOLL  
17 ENFORCEMENT AGREEMENTS WITH THE ENTERPRISE. ANY MONEYS  
18 RECEIVED BY A STATE LAW ENFORCEMENT AUTHORITY PURSUANT TO SUCH  
19 TOLL ENFORCEMENT AGREEMENT SHALL BE SUBJECT TO ANNUAL  
20 APPROPRIATIONS BY THE GENERAL ASSEMBLY TO SUCH LAW ENFORCEMENT  
21 AUTHORITY FOR THE PURPOSE OF PERFORMING ITS DUTIES PURSUANT TO  
22 SUCH AGREEMENT.

23

24 (2) THE ENTERPRISE MAY ADOPT, BY RESOLUTION OF THE  
25 COMMISSION, REGULATIONS PERTAINING TO THE ENFORCEMENT OF TOLL  
26 COLLECTION AND PROVIDING A CIVIL PENALTY FOR TOLL EVASION. THE  
27 CIVIL PENALTY ESTABLISHED BY THE ENTERPRISE FOR ANY TOLL EVASION  
28 SHALL BE NOT LESS THAN TEN DOLLARS NOR MORE THAN ONE HUNDRED  
29 DOLLARS IN ADDITION TO ANY COSTS IMPOSED BY A COURT. THE  
30 ENTERPRISE MAY USE STATE OF THE ART TECHNOLOGY, INCLUDING, BUT  
31 NOT LIMITED TO, AUTOMATIC VEHICLE IDENTIFICATION PHOTOGRAPHY, TO  
32 AID IN THE COLLECTION OF TOLLS AND ENFORCEMENT OF TOLL  
33 VIOLATIONS.

34

35 (3) (a) ANY PERSON WHO EVADES A TOLL ESTABLISHED BY THE  
36 ENTERPRISE SHALL BE SUBJECT TO THE CIVIL PENALTY ESTABLISHED BY  
37 THE ENTERPRISE FOR TOLL EVASION. ANY PEACE OFFICER, LEVEL I, AS  
38 DEFINED IN SECTION 18-1-901 (3) (1) (I), C.R.S., SHALL HAVE THE  
39 AUTHORITY TO ISSUE CIVIL PENALTY ASSESSMENTS, OR MUNICIPAL  
40 SUMMONS AND COMPLAINTS IF AUTHORIZED PURSUANT TO A MUNICIPAL  
41 ORDINANCE, FOR SUCH TOLL EVASION.

42

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

47

48 (c) IF A CIVIL PENALTY ASSESSMENT NOTICE IS ISSUED, SUCH  
49 NOTICE SHALL BE TENDERED BY A PEACE OFFICER, LEVEL I, AND SHALL  
50 CONTAIN THE NAME AND ADDRESS OF THE PERSON OPERATING THE MOTOR  
51 VEHICLE INVOLVED, THE LICENSE NUMBER OF THE MOTOR VEHICLE, SUCH  
52 PERSON'S DRIVER'S LICENSE NUMBER, THE NATURE OF THE VIOLATION, THE  
53 AMOUNT OF THE PENALTY PRESCRIBED FOR THE VIOLATION, THE DATE OF  
54 THE NOTICE, A PLACE FOR SUCH PERSON TO EXECUTE A SIGNED  
55 ACKNOWLEDGMENT OF SUCH PERSON'S RECEIPT OF THE CIVIL PENALTY  
56 ASSESSMENT NOTICE, A PLACE FOR SUCH PERSON TO EXECUTE A SIGNED

1 ACKNOWLEDGMENT OF LIABILITY FOR THE CITED VIOLATION, AND SUCH  
2 OTHER INFORMATION AS MAY BE REQUIRED BY LAW TO CONSTITUTE THE  
3 NOTICE AS A COMPLAINT TO APPEAR IN COURT SHOULD THE PRESCRIBED  
4 PENALTY NOT BE PAID WITHIN TWENTY DAYS. EVERY CITED PERSON SHALL  
5 EXECUTE THE SIGNED ACKNOWLEDGMENT OF THE PERSON'S RECEIPT OF  
6 THE CIVIL PENALTY ASSESSMENT NOTICE.

7  
8 (d) THE ACKNOWLEDGMENT OF LIABILITY SHALL BE EXECUTED AT  
9 THE TIME THE CITED PERSON PAYS THE PRESCRIBED PENALTY. THE PERSON  
10 CITED SHALL PAY THE CIVIL PENALTY AUTHORIZED BY THE ENTERPRISE AT  
11 THE OFFICE OF THE ENTERPRISE EITHER IN PERSON OR BY POSTMARKING  
12 SUCH PAYMENT WITHIN TWENTY DAYS OF THE NOTICE. IF THE PERSON  
13 CITED DOES NOT PAY THE PRESCRIBED PENALTY WITHIN TWENTY DAYS OF  
14 THE NOTICE, THE CIVIL PENALTY ASSESSMENT NOTICE SHALL CONSTITUTE  
15 A COMPLAINT TO APPEAR IN COURT, AND THE PERSON CITED SHALL, WITHIN  
16 THE TIME SPECIFIED IN THE CIVIL PENALTY ASSESSMENT NOTICE, FILE AN  
17 ANSWER TO THIS COMPLAINT WITH THE COUNTY COURT FOR THE COUNTY  
18 IN WHICH THE CIVIL PENALTY ASSESSMENT WAS ISSUED.

19  
20 (e) IF A MUNICIPAL SUMMONS AND COMPLAINT IS ISSUED, THE  
21 ADJUDICATION OF THE VIOLATION SHALL BE CONDUCTED AND THE FORMAT  
22 OF THE SUMMONS AND COMPLAINT SHALL BE DETERMINED PURSUANT TO  
23 THE TERMS OF THE MUNICIPAL ORDINANCE AUTHORIZING ISSUANCE OF THE  
24 SUMMONS AND COMPLAINT. IN NO CASE SHALL THE PENALTY UPON  
25 CONVICTION FOR VIOLATION OF A MUNICIPAL ORDINANCE FOR TOLL  
26 EVASION EXCEED THE LIMIT ESTABLISHED IN SUBSECTION (2) OF THIS  
27 SECTION.

28  
29 (4) THE RESPECTIVE COURTS OF THE MUNICIPALITIES, COUNTIES,  
30 THE CITY AND COUNTY OF DENVER, AND THE CITY AND COUNTY OF  
31 BROOMFIELD HAVE JURISDICTION TO TRY ALL CASES ARISING UNDER  
32 MUNICIPAL ORDINANCES AND STATE LAWS GOVERNING THE USE OF A TOLL  
33 HIGHWAY AND ARISING UNDER THE TOLL EVASION CIVIL PENALTY  
34 REGULATIONS ENACTED BY THE ENTERPRISE. VENUE FOR SUCH CASES  
35 SHALL BE IN THE MUNICIPALITY, COUNTY, OR CITY AND COUNTY WHERE  
36 THE ALLEGED VIOLATION OF MUNICIPAL ORDINANCE, STATE LAW, OR  
37 REGULATION OF THE ENTERPRISE OCCURRED.

38  
39 (5) THE AGGREGATE AMOUNT OF PENALTIES, EXCLUSIVE OF COURT  
40 COSTS, COLLECTED AS A RESULT OF CIVIL PENALTIES IMPOSED PURSUANT  
41 TO RESOLUTIONS ADOPTED AS AUTHORIZED IN SUBSECTION (2) OF THIS  
42 SECTION SHALL BE REMITTED TO THE ENTERPRISE, AND SHALL BE APPLIED  
43 BY THE ENTERPRISE TO DEFRAY THE COSTS AND EXPENSES OF ENFORCING  
44 THE LAWS OF THE STATE AND THE REGULATIONS OF THE ENTERPRISE. IF A  
45 MUNICIPAL SUMMONS OR COMPLAINT IS ISSUED, THE AGGREGATE PENALTY  
46 SHALL BE APPORTIONED PURSUANT TO THE TERMS OF ANY ENFORCEMENT  
47 AGREEMENT.

48  
49 (6) (a) IN ADDITION TO THE PENALTY ASSESSMENT PROCEDURE  
50 PROVIDED FOR IN SUBSECTION (3) OF THIS SECTION, WHERE AN INSTANCE  
51 OF TOLL EVASION IS EVIDENCED BY AUTOMATIC VEHICLE IDENTIFICATION  
52 PHOTOGRAPHY OR OTHER TECHNOLOGY NOT INVOLVING A PEACE OFFICER,  
53 A CIVIL PENALTY ASSESSMENT NOTICE MAY BE ISSUED AND SENT BY  
54 FIRST-CLASS MAIL BY THE ENTERPRISE TO THE REGISTERED OWNER OF THE  
55 MOTOR VEHICLE INVOLVED. SUCH NOTICE SHALL CONTAIN THE NAME AND  
56 ADDRESS OF THE REGISTERED OWNER OF THE VEHICLE INVOLVED, THE

1 LICENSE NUMBER OF THE VEHICLE INVOLVED, THE DATE OF THE NOTICE,  
2 THE TIME AND LOCATION OF THE VIOLATION, THE AMOUNT OF THE PENALTY  
3 PRESCRIBED FOR THE VIOLATION, A PLACE FOR SUCH PERSON TO EXECUTE  
4 A SIGNED ACKNOWLEDGMENT OF LIABILITY FOR THE CITED VIOLATION,  
5 AND SUCH OTHER INFORMATION AS MAY BE REQUIRED BY LAW TO  
6 CONSTITUTE THE NOTICE AS A COMPLAINT TO APPEAR IN COURT.  
7

8 (b) SHOULD THE PRESCRIBED PENALTY NOT BE PAID WITHIN  
9 TWENTY DAYS OF THE NOTICE, IN ORDER TO ENSURE THAT ADEQUATE  
10 NOTICE HAS BEEN GIVEN, THE ENTERPRISE SHALL SEND A SECOND PENALTY  
11 ASSESSMENT NOTICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED,  
12 CONTAINING THE SAME INFORMATION AS SET FORTH IN PARAGRAPH (a) OF  
13 THIS SUBSECTION (6). SUCH NOTICE SHALL SPECIFY THAT THE ALLEGED  
14 VIOLATOR MAY PAY THE SAME PENALTY ASSESSMENT AT ANY TIME PRIOR  
15 TO THE SCHEDULED HEARING.  
16

17 (c) THE PROVISIONS OF PARAGRAPH (d) OF SUBSECTION (3) OF THIS  
18 SECTION CONCERNING PAYMENT OF THE PRESCRIBED PENALTY, AND  
19 FAILURE TO PAY, SHALL APPLY TO PENALTY ASSESSMENT NOTICES MAILED  
20 BY THE ENTERPRISE PURSUANT TO THIS SUBSECTION (6).  
21

22 **43-4-812. Applicability of other laws.** (1) NOTWITHSTANDING  
23 ANY LAW TO THE CONTRARY, THE ENTERPRISE SHALL NOT BE SUBJECT TO  
24 THE PROVISIONS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF  
25 TITLE 24, C.R.S.  
26

27 (2) THE ENTERPRISE SHALL BE SUBJECT TO THE OPEN MEETINGS  
28 PROVISIONS OF THE COLORADO SUNSHINE LAW CONTAINED IN PART 4 OF  
29 ARTICLE 6 OF TITLE 24, C.R.S., AND THE OPEN RECORDS PROVISIONS OF  
30 ARTICLE 72 OF TITLE 24, C.R.S.  
31

32 (3) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE  
33 PROVISIONS OF PART 3 OF ARTICLE 3 OF THIS TITLE AND ARTICLE 45 OF  
34 TITLE 7, C.R.S., SHALL NOT APPLY TO ANY TOLL HIGHWAY THAT IS  
35 FINANCED, CONSTRUCTED, OPERATED, OR MAINTAINED PURSUANT TO THIS  
36 PART 8 OR TO ANY PUBLIC-PRIVATE INITIATIVE PURSUANT TO SECTION  
37 43-1-1203 OR 43-1-1204.  
38

39 (4) REVENUES OF THE ENTERPRISE SHALL NOT BE SUBJECT TO THE  
40 PROVISIONS OF SECTION 43-1-1205.  
41

42 (5) A TOLL HIGHWAY FINANCED, CONSTRUCTED, OPERATED, OR  
43 MAINTAINED PURSUANT TO THIS PART 8 SHALL CONFORM TO AND BE AN  
44 APPROVED PART OF THE APPLICABLE REGIONAL TRANSPORTATION PLAN  
45 AND THE STATEWIDE TRANSPORTATION PLAN DEVELOPED PURSUANT TO  
46 SECTION 43-1-1103.  
47

48 **SECTION 11. Appropriation.** In addition to any other  
49 appropriation, there is hereby appropriated, to the department of law, for  
50 the fiscal year beginning July 1, 2002, the sum of five thousand eight  
51 hundred forty-three dollars (\$5,843), or so much thereof as may be  
52 necessary, for the provision of legal services to the department of  
53 transportation related to the implementation of this act. This amount shall  
54 be from cash funds exempt received from the department of  
55 transportation.  
56



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

10

11 Respectfully submitted,

12       House Committee:

13           Stan Matsunaka

14           Alice Nichol

15

16

17

18

19

20

20           **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

21

22    **HB02-1310** by Representative(s) King; also Senator(s) May--  
 23                   Concerning modifications to state funding available to  
 24                   address critical needs of the state's citizens, and, in  
 25                   connection therewith.

26

27 (Conference Committee Report printed in House Journal, May 8, pages  
 28 2143-2163.)

29

30

31 On motion of Representative King, the Conference Committee Report  
 32 was **adopted** by the following roll call vote:

33

34    YES 53           NO 9           EXCUSED 1           ABSENT 2

35

36 Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
37 Bacon	-	Grossman	Y	Miller	Y	Spradley	-
38 Berry	Y	Harvey	Y	Mitchell	N	Stafford	Y
39 Borodkin	Y	Hefley	Y	Paschall	N	Stengel	Y
40 Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
41 Cadman	N	Hoppe	Y	Ragsdale	Y	Tapia	Y
42 Chavez	Y	Jahn	Y	Rhodes	N	Tochtrop	Y
43 Clapp	Y	Jameson	Y	Rippy	Y	Veiga	E
44 Cloer	N	Johnson	Y	Romanoff	Y	Vigil	Y
45 Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
46 Crane	Y	King	N	Sanchez	Y	Weddig	Y
47 Daniel	Y	Larson	Y	Schultheis	Y	White	Y
48 Decker	Y	Lawrence	Y	Scott	N	Williams S.	Y
49 Fairbank	N	Lee	N	Sinclair	Y	Williams T.	Y
50 Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
51 Garcia	Y	Madden	Y	Snook	Y	Young	Y
52						Mr. Speaker	Y

53

54

55

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

	YES 50	NO 14	EXCUSED 1	ABSENT 0				
7	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
8	Bacon	Y	Grossman	Y	Miller	Y	Spradley	N
9	Berry	Y	Harvey	N	Mitchell	N	Stafford	Y
10	Borodkin	Y	Hefley	Y	Paschall	N	Stengel	Y
11	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
12	Cadman	N	Hoppe	Y	Ragsdale	Y	Tapia	Y
13	Chavez	Y	Jahn	Y	Rhodes	N	Tochtrop	Y
14	Clapp	N	Jameson	Y	Rippy	Y	Veiga	E
15	Cloer	N	Johnson	Y	Romanoff	Y	Vigil	Y
16	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
17	Crane	Y	King	N	Sanchez	Y	Weddig	Y
18	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
19	Decker	Y	Lawrence	Y	Scott	N	Williams S.	Y
20	Fairbank	N	Lee	N	Sinclair	N	Williams T.	Y
21	Fritz	N	Mace	Y	Smith	Y	Witwer	Y
22	Garcia	Y	Madden	Y	Snook	Y	Young	Y
23							Mr. Speaker	Y

24  
 25 Co-sponsors added: Representatives Coleman, Hoppe, Mace, Plant, Smith,  
 26 Weddig, Williams S.

### 30 CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILL

31  
 32 **HB02-1147** by Representative(s) Cloer; also Senator(s) Hagedorn--  
 33 Concerning public information requirements, and making  
 34 an appropriation in connection therewith.

35  
 36 (Amended as printed in Senate Journal, May 8.)

37  
 38 Representative Cloer moved that the House **concur** in Senate amend-  
 39 ments. The motion was declared **passed** by the following roll call vote:

	YES 53	NO 9	EXCUSED 1	ABSENT 2				
43	Alexander	Y	Groff	N	Marshall	Y	Spence	Y
44	Bacon	Y	Grossman	N	Miller	Y	Spradley	Y
45	Berry	Y	Harvey	Y	Mitchell	N	Stafford	Y
46	Borodkin	N	Hefley	Y	Paschall	N	Stengel	Y
47	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
48	Cadman	N	Hoppe	Y	Ragsdale	Y	Tapia	Y
49	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
50	Clapp	Y	Jameson	N	Rippy	Y	Veiga	E
51	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
52	Coleman	Y	Kester	Y	Saliman	Y	Webster	-
53	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
54	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
55	Decker	Y	Lawrence	Y	Scott	N	Williams S.	Y
56	Fairbank	Y	Lee	N	Sinclair	Y	Williams T.	Y

1 Fritz Y Mace Y Smith - Witwer Y  
 2 Garcia Y Madden Y Snook Y Young Y  
 3 Mr. Speaker Y  
 4  
 5

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

10  
 11 YES 54 NO 9 EXCUSED 0 ABSENT 2  
 12 Alexander Y Groff Y Marshall N Spence N  
 13 Bacon Y Grossman N Miller Y Spradley Y  
 14 Berry Y Harvey Y Mitchell N Stafford Y  
 15 Borodkin Y Hefley Y Paschall N Stengel Y  
 16 Boyd Y Hodge Y Plant Y Swenson Y  
 17 Cadman N Hoppe Y Ragsdale - Tapia Y  
 18 Chavez Y Jahn Y Rhodes Y Tochtrop Y  
 19 Clapp Y Jameson Y Rippy Y Veiga Y  
 20 Cloer Y Johnson Y Romanoff Y Vigil Y  
 21 Coleman N Kester Y Saliman N Webster Y  
 22 Crane Y King Y Sanchez Y Weddig Y  
 23 Daniel Y Larson Y Schultheis Y White Y  
 24 Decker Y Lawrence Y Scott N Williams S. Y  
 25 Fairbank Y Lee Y Sinclair - 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 Cloer, Hoppe, Mace, Williams S.  
 31  
 32  
 33

### HOUSE RECEDES ON HB02-1185

36 Representative Romanoff moved that the House recede from its position,  
 37 discharge the Conference Committee and **concur** in Senate amendments.  
 38

39 Pursuant to House Rule 16, Representative Romanoff moved "Shall the  
 40 main question be now put?" The motion was declared **passed** by the  
 41 following roll call vote:  
 42

43 YES 43 NO 18 EXCUSED 0 ABSENT 4  
 44 Alexander Y Groff N Marshall Y Spence N  
 45 Bacon Y Grossman Y Miller Y Spradley Y  
 46 Berry N Harvey Y Mitchell N Stafford Y  
 47 Borodkin - Hefley Y Paschall N Stengel N  
 48 Boyd Y Hodge Y Plant Y Swenson N  
 49 Cadman N Hoppe N Ragsdale N Tapia Y  
 50 Chavez Y Jahn Y Rhodes N Tochtrop Y  
 51 Clapp Y Jameson Y Rippy Y Veiga Y  
 52 Cloer Y Johnson Y Romanoff - Vigil Y  
 53 Coleman Y Kester - Saliman Y Webster Y  
 54 Crane Y King N Sanchez Y Weddig Y  
 55 Daniel Y Larson Y Schultheis N White Y  
 56 Decker Y Lawrence Y Scott N Williams S. Y

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

7 Representative Romanoff's motion that the House **concur** in Senate  
8 amendments was declared **passed** by the following roll call vote:

10	<u>YES 40</u>	<u>NO 23</u>	<u>EXCUSED 0</u>	<u>ABSENT 2</u>				
12	Alexander	Y	Groff	Y	Marshall	Y	Spence	N
13	Bacon	Y	Grossman	Y	Miller	Y	Spradley	-
14	Berry	N	Harvey	N	Mitchell	N	Stafford	N
15	Borodkin	Y	Hefley	Y	Paschall	N	Stengel	-
16	Boyd	Y	Hodge	Y	Plant	Y	Swenson	N
17	Cadman	N	Hoppe	N	Ragsdale	Y	Tapia	Y
18	Chavez	Y	Jahn	Y	Rhodes	N	Tochtrop	Y
19	Clapp	N	Jameson	Y	Rippy	Y	Veiga	Y
20	Cloer	N	Johnson	Y	Romanoff	Y	Vigil	Y
21	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
22	Crane	Y	King	N	Sanchez	Y	Weddig	Y
23	Daniel	Y	Larson	Y	Schultheis	N	White	Y
24	Decker	Y	Lawrence	Y	Scott	N	Williams S.	Y
25	Fairbank	N	Lee	N	Sinclair	N	Williams T.	Y
26	Fritz	N	Mace	Y	Smith	N	Witwer	Y
27	Garcia	Y	Madden	Y	Snook	N	Young	N
28							Mr. Speaker	N

30 Due to adjournment *sine die* HB02-1185 was not repassed. The bill is  
31 lost.

### 35 SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

37 The Speaker has signed: **HB02-1176; HJR02-1040.**

### 40 DELIVERY OF BILL TO GOVERNOR

42 The Chief Clerk of the House of Representatives reports the following  
43 bill has been delivered to the Office of the Governor: **HB02-1176** at  
44 9:17 p.m. on May 08, 2002.

### 48 MESSAGES FROM THE SENATE

49 Mr. Speaker:

51 The Senate has passed on Third Reading and returns herewith  
52 HB02-1458.

55 The Senate has adopted and returns herewith: HJR02-1070, 1078, 1077.

1 Due to adjournment *sine die*, the following bills, resolutions, memorials  
2 did not receive final action in the House:

3

4 **HB02-1185** (repassage after concurring in Senate amendments)

5 **HB02-1136** (consideration of Senate amendments)

6 **HJR02-1075** (consideration)

7 **SB02-065** (consideration of Senate adherence)

8 **SB02-232** (second reading)

9 **SB02-062, 064** (in conference committee)

10 **SJR02-023** (for introduction)

11 **SJM02-002** (final consideration)

12

13

14

15 The hour of 12:00 a.m., having arrived, the Speaker declared the Second  
16 Regular Session of the Sixty-third General Assembly was adjourned  
17 *sine die*.

18

19

Approved:

20

21

22

23

24

25

DOUG DEAN,  
Speaker

26 Attest:

27

28 JUDITH RODRIGUE,

29 Chief Clerk