

**HOUSE JOURNAL**  
**SIXTY-FOURTH GENERAL ASSEMBLY**  
**STATE OF COLORADO**  
**First Regular Session**

Ninety-second Legislative Day

Wednesday, April 9, 2003

1 Prayer by Dr. Gene Selander, Cherry Creek Community Church, Denver.

2

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

4

5 Pledge of Allegiance led by Representative Borodkin.

6

7 The roll was called with the following result:

8

9

Present--41.

10 Excused--Representatives Boyd, Cerbo, Clapp, Coleman, Crane,

11 Fairbank, Frangas, Fritz, Garcia, Hall, Harvey, Jahn, Johnson,

12 Lundberg, Marshall, May, Romanoff, Schultheis, Stafford,

13 Stengel, Tochtrop, Vigil, Witwer, Young--24.

14 Present after roll call--Representative Coleman.

15

16 The Speaker declared a quorum present.

17

18

19 On motion of Representative Paccione, the reading of the journal of  
20 April 8, 2003, was declared dispensed with and approved as corrected by  
21 the Chief Clerk.

22

23

24

**REPORTS OF COMMITTEES OF REFERENCE**

25

**JUDICIARY**

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

29

30 **SB03-284** be amended as follows, and as so amended, be referred to  
31 the Committee of the Whole with favorable  
32 recommendation:

33

34 Amend reengrossed bill, page 2, strike lines 3 and 4 and substitute  
35 "Colorado Revised Statutes, is amended to read:";

36

37 strike lines 14 through 18.

38

39

40

41 **SB03-286** be amended as follows, and as so amended, be referred to  
42 the Committee of the Whole with favorable  
43 recommendation:

1 Amend reengrossed bill, page 3, line 8, strike "THEM." and substitute  
2 "THEM EXCEPT FOR CIRCUMSTANCES PROVIDED FOR IN PARAGRAPH (b) OF  
3 THIS SUBSECTION (1).".  
4  
5  
6  
7

8 **STATE, VETERANS, & MILITARY AFFAIRS**

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

12 **SB03-263** be referred to the Committee of the Whole with favorable  
13 recommendation.  
14  
15

16 **SB03-282** be amended as follows, and as so amended, be referred to  
17 the Committee of the Whole with favorable  
18 recommendation:  
19

20 Amend reengrossed bill, page 5, line 18, after "STATE.", add "THE  
21 SETTLEMENT MONEYS ALLOCATED TO THE TOBACCO EDUCATION,  
22 PREVENTION, AND CESSATION GRANT PROGRAM PURSUANT TO THIS  
23 SUBPARAGRAPH (III) SHALL ONLY BE USED TO FUND TOBACCO EDUCATION,  
24 PREVENTION, AND CESSATION PROGRAMS DESIGNED FOR PREGNANT  
25 WOMEN AND FOR CHILDREN WHO HAVE NOT ATTAINED EIGHTEEN YEARS OF  
26 AGE."  
27

28 Page 6, line 18, strike "AND" and substitute "OR".  
29

30 Page 7, line 11, strike "AND" and substitute "OR";  
31

32 line 26, strike "AND" and substitute "OR".  
33

34 Page 8, line 15, strike "AND" and substitute "OR".  
35

36 Page 10, line 20, strike "AND" and substitute "OR".  
37

38 Page 11, line 13, strike "AND" and substitute "OR".  
39

40 Page 19, line 13, strike "eight million seven";  
41

42 strike line 14;  
43

44 line 15, strike "\$8,734,932." and substitute "nine million four hundred  
45 fifteen thousand eight hundred fifty-four dollars (\$9,415,854).";  
46

47 line 19, strike "one hundred fifty-eight";  
48

49 strike line 20 and substitute the following:  
50

51 "eight hundred thirty-nine thousand two hundred forty-five dollars  
52 (\$9,839,245). Said sum".  
53

54 Page 21, line 23, strike "subsection (2)" and substitute "subsections (2)  
55 and (3)";  
56

1 after line 23, insert the following:

2

3 "(2) Section 12 of this act shall only take effect if Senate Bill  
4 03-083 is not enacted at the First Regular Session of the Sixty-fourth  
5 General Assembly and does not become law."

6

7 Renumber succeeding subsection accordingly.

8

9

10

11 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**  
12 **on SB03-226**

13

14 This Report Amends the Reengrossed Bill.

15

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

18

19 Your first conference committee appointed on SB03-226,  
20 concerning continuation of the examining board of plumbers, has met and  
21 reports that it has agreed upon the following:

22

23 1. That the House recede from its amendment made to the bill, as  
24 said amendment appears in the rerevised bill.

25

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

29

30 Amend reengrossed bill, page 2, line 17, strike "(3) (a) and";

31

32 line 18, strike "are" and substitute "is";

33

34 strike lines 20 through 25.

35

36 Page 3, strike lines 1 through 4 and substitute the following:

37 "(5) This article is repealed, effective July 1, ~~2003~~ 2013. Prior to";

38

39 strike lines 7 through 25.

40

41 Renumber succeeding sections accordingly.

42

43 Page 3, strike line 27 and substitute the following:

44 "amended to read:".

45

46 Page 4, strike line 1;

47

48 strike lines 4 through 17 and substitute the following:

49 "(2) When a complaint or an investigation discloses an instance of".

50

51 Respectfully submitted,

52 Senate Committee:

53 Ken Kester

54 Steve Johnson

55 Jim Isgar

56

House Committee:

Al White

Jerry Frangas

Bill Cadman

**SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

The Speaker has signed: **HB03-1010, 1083, 1108, 1117, 1186, 1232, 1255; HJR03-1034, 1035, 1036, 1039.**

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**MESSAGE FROM THE SENATE**

Madam Speaker:

The Senate has passed on Third Reading and returns herewith: HB03-1044.

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

SB03-249, amended as printed in Senate Journal, April 7, page 938,  
HB03-1121, amended as printed in Senate Journal, April 7,  
pages 937-938.

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**MESSAGE FROM THE REVISOR**

We herewith transmit:

Without comment, as amended, SB03-249 and HB03-1121.

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**MESSAGES FROM THE GOVERNOR**

I certify I received the following on the 8th day of April, 2003, at 10:00 a.m. The original is on file in the records of the House of Representatives of the General Assembly.

Judith Rodrigue,  
Chief Clerk of the House

April 7, 2003

To the Honorable  
House of Representatives  
Sixty-fourth General Assembly  
First Regular Session  
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following acts:

**HB03-1015** Concerning The Alleviation Of The Administrative Workload Of The Department Of Public Health And Environment In Areas Not Directly Related To The Enforcement Of Health And Safety Regulations, And, In

- 1 Connection Therewith, Delaying A Statewide Economic  
2 Analysis And Repealing A Fee Credit Program.  
3  
4 Approved April 7, 2003 at 3:59 P.M.  
5
- 6 **HB03-1027** Concerning Interlocutory Appellate Review Of Class  
7 Certification Orders In Class Action Lawsuits.  
8  
9 Approved April 7, 2003 at 4:01 P.M.  
10
- 11 **HB03-1035** Concerning The Management Of Pest Control Districts,  
12 And, In Connection Therewith, Authorizing Cooperative  
13 Pest Control Agreements.  
14  
15 Approved April 7, 2003 at 4:02 P.M.  
16
- 17 **HB03-1045** Concerning Penalties Relating To Unauthorized Insurance  
18 Policies.  
19  
20 Approved April 7, 2003 at 4:05 P.M.  
21
- 22 **HB03-1047** Concerning The Acceptance Of Contract Terms By A  
23 Public Establishment.  
24  
25 Approved April 7, 2003 at 4:05 P.M.  
26
- 27 **HB03-1050** Concerning The Creation Of The Business Enterprise  
28 Program Cash Fund For The State's Vending Facility  
29 Program.  
30  
31 Approved April 7, 2003 at 4:10 P.M.  
32
- 33 **HB03-1081** Concerning Foster Care Services.  
34  
35 Approved April 7, 2003 at 4:12 P.M.  
36
- 37 **HB03-1087** Concerning Requirements Related To Student Transfers,  
38 And, In Connection Therewith, Adopting A Policy  
39 Establishing That An Applicant With A Proficiency Rating  
40 Of Unsatisfactory In One Or More Academic Areas Who  
41 Attends An Unsatisfactory School, As Defined By Section  
42 22-7-604 (1), Shall Have Priority Over Any Other  
43 Applicant For Enrollment Purposes.  
44  
45 Approved April 7, 2003 at 4:15 P.M.  
46
- 47 **HB03-1216** Concerning The Equipment Required For Driving School  
48 Vehicles.  
49  
50 Approved April 7, 2003 at 4:20 P.M.  
51
- 52 **HB03-1283** Concerning Qualifications For Designation As A Managed  
53 Service Organization For The Purchase Of Treatment  
54 Services Related To Alcohol and Drug Abuse.  
55  
56 Approved April 7, 2003 at 4:20 P.M.

1 **HB03-1286** Concerning Acceleration Of The Process For Terminating  
 2 The Parent-Child Legal Relationship Of Children Under  
 3 One Year Of Age, And, In Connection Therewith,  
 4 Expediting The Voluntary Relinquishment Process.

5  
 6 Approved April 7, 2003 at 4:22 P.M.

7  
 8 Sincerely,  
 9 (signed)  
 10 Bill Owens  
 11 Governor

12 \_\_\_\_\_

13  
 14  
 15  
 16 I certify I received the following on the 8th day of April, 2003, at  
 17 1:45 p.m. The original is on file in the records of the House of  
 18 Representatives of the General Assembly.

19  
 20 Judith Rodrigue,  
 21 Chief Clerk of the House

22 April 8, 2003

23  
 24 To the Honorable  
 25 House of Representatives  
 26 Sixty-fourth General Assembly  
 27 First Regular Session  
 28 Denver, CO 80203

29  
 30 Ladies and Gentlemen:

31  
 32 I have the honor to inform you that I have approved and returned to the  
 33 House of Representatives the following resolution:

34  
 35 **HJR03-1012** Concerning The Species Conservation Eligibility List.

36  
 37 Approved April 8, 2003 at 10:45 A.M.

38  
 39 Sincerely,  
 40 (signed)  
 41 Bill Owens  
 42 Governor

43 \_\_\_\_\_

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

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

51  
 52 **HB03-1351** by Representative(s) Hall--Concerning an increase in the  
 53 annual license fee for retail food establishments.  
 54 Committee on Finance

55

1 **HB03-1352** by Representative(s) Carroll, Jahn, Miller, Smith,  
2 Weissmann--Concerning fingerprint-based criminal  
3 history record checks for students entering training  
4 programs approved by the peace officers standards and  
5 training board.

6 Committee on Local Government

7  
8 **SB03-249** by Senator(s) Owen, Anderson; also Representative(s)  
9 Stengel--Concerning authority for the state to enter into  
10 leveraged leasing agreements, and, in connection  
11 therewith, specifying that property that is the subject of a  
12 leveraged leasing agreement is exempt from property  
13 taxation.

14 Committee on Finance

---

## 17 INTRODUCTION OF RESOLUTIONS

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

21  
22 **HR03-1016** by Representative(s) Merrifield--Concerning National  
23 Library Week.

24  
25 WHEREAS, Our nation's libraries are modern community centers  
26 for education, information, and entertainment and play a vital role in  
27 providing millions of people with the resources they need to live, learn,  
28 and work in the 21st century; and

29  
30 WHEREAS, Libraries are changing and dynamic places and  
31 librarians are incomparable search engines, helping people of all ages find  
32 the information they need in print and online. In a world that's  
33 information rich, librarians are information smart and help ensure a  
34 society where everyone is information literate; and

35  
36 WHEREAS, Libraries are places of opportunity. Libraries are part  
37 of the American dream. They are a place for education, self-help, and  
38 lifelong learning, and because they offer free access to all, they bring  
39 opportunity to all; and

40  
41 WHEREAS, Libraries bring you the world. Libraries are unique.  
42 Libraries enable their patrons, both in person and online, to access nearly  
43 anything on the Web or in print, and provide personal service and  
44 assistance in finding whatever information a person may seek; and

45  
46 WHEREAS, Librarians must be included in public policy  
47 discussions on key issues, such as intellectual freedom, equity of access,  
48 and narrowing the digital divide; and

49  
50 WHEREAS, Awareness and support must be increased for  
51 libraries by raising the visibility of libraries in a positive context and by  
52 communicating clearly and strongly why libraries are both unique and  
53 valuable; and

54  
55 WHEREAS, More individuals must be recruited to the profession  
56 of librarianship to maintain its vitality in today's changing workplace; and

1 WHEREAS, Libraries and library supporters across America are  
2 celebrating National Library Week with @ *your library*<sup>TM</sup>, The Campaign  
3 for America's Libraries; now, therefore,  
4

5 *Be It Resolved by the House of Representatives of the Sixty-fourth*  
6 *General Assembly of the State of Colorado:*  
7

8 That we, the members of House of Representatives of the  
9 Sixty-fourth General Assembly, proclaim April 6-12, 2003, National  
10 Library Week in Colorado, and encourage all Coloradans to take  
11 advantage of the wonderful library resources available in this state and to  
12 thank their librarians for making information available to all who walk  
13 through the library's doors.  
14

15  
16 **HJR03-1049** by Representative(s) Tochtrop, Borodkin, Boyd, Butcher,  
17 Coleman, Fritz, Madden, Marshall, McCluskey, Pommer,  
18 Romanoff, Stafford, Weddig, Weissmann, Williams S.;  
19 also Senator(s) Takis--Concerning remembrance of the  
20 Armenian Genocide from 1915 to 1923, and, in  
21 connection therewith, designating April 24, 2003, and  
22 every year hereafter as "Colorado Day of Remembrance of  
23 the Armenian Genocide".  
24

25 WHEREAS, 1.5 million men, women, and children of Armenian  
26 descent were victims of the brutal genocide perpetrated by the Turkish  
27 Ottoman Empire from 1915-1923, 500,000 more were exiled, and  
28 500,000 were able to escape the regime of terror and establish themselves  
29 in new foreign lands, and, as a result, today there are only 100,000 people  
30 of Armenian heritage left residing within the borders of modern Turkey;  
31 and  
32

33 WHEREAS, The United States' Ambassador to the Ottoman  
34 Empire, Henry Morgenthau, Sr., stated, "Whatever crimes the most  
35 perverted instincts of the human mind can devise, and whatever  
36 refinements of persecutions and injustice the most debased imagination  
37 can conceive, became the daily misfortunes of this devoted people. I am  
38 confident that the whole history of the human race contains no such  
39 horrible episode as this. The great massacres and persecutions of the past  
40 seem almost insignificant when compared to the sufferings of the  
41 Armenian race in 1915. The killing of the Armenian people was  
42 accomplished by the systematic destruction of churches, schools,  
43 libraries, treasures of art, and cultural monuments in an attempt to  
44 eliminate all traces of a noble civilization with a history of more than  
45 3,000 years"; and  
46

47 WHEREAS, Contemporary newspapers, such as the New York  
48 Times, carried headlines including "Tales of Armenian Horrors  
49 Confirmed", "Million Armenians killed or in Exile", and "Wholesale  
50 Massacre of Armenians by Turks"; and  
51

52 WHEREAS, The Armenian Genocide has been acknowledged by  
53 countries and international bodies such as Argentina, Belgium, Canada,  
54 the council of Europe, Cyprus, the European parliament, France, Great  
55 Britain, Greece, Lebanon, Russia, the United Nations, and Uruguay; and  
56

57 WHEREAS, Modern Turkey continues to deny and distort the  
58 facts of the genocide and honor the perpetrators of that crime against



1 humanity as national heroes; and

2

3 WHEREAS, The Armenian people have been denied the right to  
4 self-determination on their ancestral lands and have received no form of  
5 reparations for their tragic loss; and

6

7 WHEREAS, Each year, Armenians throughout the world honor  
8 those who perished from 1915 to 1923, and all the world's people should  
9 commemorate the Armenian Genocide and condemn any attempt to deny  
10 or distort a historical truth as being anything less than genocide, a crime  
11 against humanity; and

12

13 WHEREAS, We must all do our best to raise awareness about the  
14 Armenian Genocide not only because it is an undeniable chapter of world  
15 history, but also because learning more about this unconscionable tragedy  
16 will help people better understand the necessity of eliminating hatred in  
17 our own communities; and

18

19 WHEREAS, Residents of Colorado are highly sensitive to the  
20 need for consistently remembering and openly condemning the crimes  
21 committed against any culture or people to prevent similar atrocities in  
22 the future; and

23

24 WHEREAS, On April 11, 2002, this legislative body unanimously  
25 passed a similar joint resolution in which the roll calls were added as  
26 cosponsors designating "April 24 as Colorado Day of Remembrance of  
27 the Armenian Genocide"; and

28

29 WHEREAS, Armenian-Americans living in Colorado have greatly  
30 enriched our state through their leadership in business, agriculture,  
31 academia, government, and the arts; now, therefore,

32

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

36

37 1. That this legislative body pause in its deliberations to  
38 commemorate the 88th Anniversary of the Armenian Genocide to be  
39 recognized as a memorial service on Sunday, April 27, 2003, at the  
40 Armenian Genocide memorial plaque located in the northeast quadrant  
41 on the State Capitol grounds.

42

43 2. That we, the members of the General Assembly, hereby  
44 designate April 24, 2003, and every year hereafter as "Colorado Day of  
45 Remembrance of the Armenian Genocide".

46

47 3. That the State of Colorado respectfully urges the United States  
48 Congress to likewise act to commemorate the Armenian Genocide.

49

50 *Be It Further Resolved*, That copies of this Joint Resolution be  
51 sent to the Honorable George W. Bush, President of the United States,  
52 the members of the Colorado Congressional Delegation, the Honorable  
53 Bill Owens, Governor of Colorado, the Armenian Assembly of America  
54 in Washington, D.C., and the Armenian National Committee in  
55 Washington, D.C.

56

1 **HJR03-1050** by Representative(s) Lundberg, Cloer, Lee, May M.,  
2 Schultheis, Wiens, Briggs, Brophy, Cadman, Clapp,  
3 Crane, Decker, Fairbank, Fritz, Hall, Harvey, Hefley,  
4 Hoppe, King, Mitchell, Rhodes, Rippy, Rose, Smith,  
5 Spence, Stafford, Stengel; also Senator(s) Cairns, Arnold,  
6 Johnson S., Lamborn, May R.--Concerning the recognition  
7 of Home Education Week in Colorado.  
8

9 WHEREAS, The state of Colorado is committed to excellence in  
10 education; and  
11

12 WHEREAS, The state recognizes the importance of parental  
13 choices in pursuit of educational excellence and the significance of family  
14 involvement in education; and  
15

16 WHEREAS, The state of Colorado recognizes the right of parents  
17 to direct the education and upbringing of their children; and  
18

19 WHEREAS, Home education is a part of our national heritage  
20 evidenced in the formative years of home-educated Americans such as  
21 George Washington, Thomas Jefferson, John Quincy Adams, Abraham  
22 Lincoln, Theodore Roosevelt, Franklin D. Roosevelt, Abigail Adams,  
23 Patrick Henry, John Jay, Booker T. Washington, Andrew Carnegie,  
24 Thomas Edison, Mark Twain, and Ansel Adams; and  
25

26 WHEREAS, Home education is the fastest growing educational  
27 alternative in this country, and a growing number of parents in Colorado  
28 have chosen to teach their children at home; and  
29

30 WHEREAS, Recent studies have found that, on average,  
31 home-educated students in grades 1 through 12 score between the 75th  
32 and 90th percentile on nationally standardized tests; and  
33

34 WHEREAS, Home-educated students captured 3 of the top 6  
35 positions in the last National Geography Bee, including 1st place; and  
36

37 WHEREAS, Home-educated young men and women regularly  
38 serve as interns and aides in the Colorado House of Representatives and  
39 Senate; and  
40

41 WHEREAS, Home-educating parents ought to be commended for  
42 the extraordinary sacrifice and commitment they bring to the education  
43 of their children; and  
44

45 WHEREAS, It is appropriate that Colorado home educators and  
46 home-educated children be recognized for their contribution to the  
47 diversity and quality of education in this great state; and  
48

49 WHEREAS, Volunteer organizations such as Christian Home  
50 Educators of Colorado, Concerned Parents of Colorado, and hundreds of  
51 home-education support groups throughout the state provide a network  
52 of support, resources, and encouragement to thousands of  
53 home-educating families around the state; now, therefore,  
54  
55

1           *Be It Resolved by the House of Representatives of the Sixty-fourth*  
2 *General Assembly of the State of Colorado, the Senate concurring*  
3 *herein:*

4  
5           That the General Assembly honors, thanks, and celebrates home  
6 educators and the home-educated children of this state and recognizes  
7 April 20-26, 2003, as Home Education Week in Colorado.

8  
9           *Be It Further Resolved, That a copy of this Joint Resolution be*  
10 *sent to Christian Home Educators of Colorado and Concerned Parents of*  
11 *Colorado.*

---

12  
13  
14  
15           **LAY OVER OF CALENDAR ITEMS**

16  
17           On motion of Representative King, the following items on the Calendar  
18 were laid over until April 10, retaining place on Calendar:

19  
20           Consideration of Special Orders--**HB03-1178.**  
21           Consideration of General Orders--**HB03-1311, 1132, 1247, 1344, 1123,**  
22 **1317, 1210, 1213, 1280, HCR03-1003, HB03-1105.**  
23           Consideration of Resolutions--**HJR03-1029, 1037, 1038, 1040, 1042,**  
24 **1043, SJR03-030.**  
25           Consideration of Senate amendments--**HB03-1197, 1001.**

---

26  
27  
28  
29           House in recess. House reconvened.

---

30  
31  
32  
33           **REPORTS OF COMMITTEES OF REFERENCE**

34  
35           **BUSINESS AFFAIRS & LABOR**

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

38  
39           **SB03-273**       be amended as follows, and as so amended, be referred to  
40                           the Committee of the Whole with favorable  
41                           recommendation:

42  
43           Amend reengrossed bill, page 4, strike line 8 and substitute "forty-five  
44 million six hundred twenty-five thousand nine hundred sixty-eight dollars  
45 (\$45,625,968).";

46  
47           line 9, strike "ninety-seven dollars (\$44,682,397).".

48  
49           Page 5, line 9, in the General Fund column, strike "(5,220,582)" and  
50 substitute "(6,164,153)" and, in the Total column, strike "(5,737,888)"  
51 and substitute "(6,681,459)".

52  
53           Adjust affected totals accordingly.

54  
55  
56

1 **SB03-274** be referred to the Committee of the Whole with favorable  
2 recommendation.

3  
4 **SB03-296** be referred to the Committee of the Whole with favorable  
5 recommendation.

6  
7 **SB03-302** be referred to the Committee of the Whole with favorable  
8 recommendation.

9  
10

11

12

13 **EDUCATION**

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

16

17 **SB03-248** be amended as follows, and as so amended, be referred to  
18 the Committee on Appropriations with favorable  
19 recommendation:

20

21 Amend reengrossed bill, reengrossed bill, page 7, line 17, strike "2003."  
22 and substitute "2006.";

23

24 strike lines 20 through 27.

25

26 Page 8, strike lines 1 through 11 and substitute the following:

27

28 "SECTION 5. 22-54-103 (10) (f), Colorado Revised Statutes, is  
29 amended, and the said 22-54-103 (10) is further amended BY THE  
30 ADDITION A NEW PARAGRAPH, to read:

31

32 **22-54-103. Definitions - repeal.** As used in this article, unless  
33 the context otherwise requires:

34

35 (10) (e.5) A PUPIL WHO IS ENROLLED AS LESS THAN A FULL-TIME  
36 STUDENT, OTHER THAN A STUDENT DESCRIBED IN PARAGRAPH (b), (c), OR  
37 (d) OF THIS SUBSECTION (10), SHALL BE COUNTED IN ACCORDANCE WITH  
38 RULES PROMULGATED BY THE STATE BOARD FOR STUDENTS WHO ARE  
39 ENROLLED AS LESS THAN FULL-TIME STUDENTS.

40

41 (10) (f) In certifying the district's pupil enrollment to the state  
42 board pursuant to the provisions of section 22-54-112, the district shall  
43 specify the number of pupils enrolled in half-day kindergarten; the  
44 number of pupils enrolled in full-day kindergarten; the number of pupils  
45 enrolled in first grade through twelfth grade, SPECIFYING THOSE WHO ARE  
46 ENROLLED AS FULL-TIME STUDENTS AND THOSE WHO ARE ENROLLED AS  
47 LESS THAN FULL-TIME STUDENTS; the number of expelled pupils receiving  
48 educational services pursuant to section 22-33-203; the number of pupils  
49 enrolled in the district's preschool program; the number of pupils  
50 receiving educational programs under the "Exceptional Children's  
51 Educational Act"; and the number of at-risk pupils.

52

53 **SECTION 6.** The introductory portion to 22-54-104 (2) (a) (V),  
54 Colorado Revised Statutes, is amended to read:

55

56 **22-54-104. District total program.** (2) (a) (V) Except as

1 otherwise provided in this subsection (2), subsection (6) OR (7) of this  
2 section, or section 22-54-104.3, a district's total program for the 2002-03  
3 budget year and budget years thereafter shall be the greater of the  
4 following:

5  
6 **SECTION 7. Repeal.** 22-54-104 (2) (a) (VI), Colorado Revised  
7 Statutes, is repealed as follows:

8  
9 **22-54-104. District total program.** (2) (a) (VI) ~~For the 2003-04~~  
10 ~~budget year and budget years thereafter, the~~".

11  
12 Renumber succeeding sections accordingly.

13  
14 Page 9, line 6, strike "ENROLLMENT AND THE DISTRICT'S" and substitute  
15 "ENROLLMENT.";

16  
17 strike line 7.

18  
19 Page 10, strike lines 20 through 23 and substitute the following:

20  
21 "(7) (a) NOTWITHSTANDING ANY PROVISIONS OF THIS SECTION TO  
22 THE CONTRARY, FOR THE 2003-04 BUDGET YEAR AND EACH BUDGET YEAR  
23 THEREAFTER, IF THE SUM OF THE TOTAL PROGRAM OF ALL DISTRICTS  
24 CALCULATED PURSUANT TO THE PROVISIONS OF THIS SECTION IS GREATER  
25 THAN THE ADJUSTED TOTAL PROGRAM OF ALL DISTRICTS, EACH DISTRICT'S  
26 TOTAL PROGRAM SHALL BE EQUAL TO THE GREATER OF:

27  
28 (I) THE DISTRICT'S TOTAL PROGRAM MULTIPLIED BY AN AMOUNT  
29 EQUAL TO THE ADJUSTED TOTAL PROGRAM OF ALL DISTRICTS DIVIDED BY  
30 THE SUM OF THE TOTAL PROGRAM OF ALL DISTRICTS; OR

31  
32 (II) AN AMOUNT EQUAL TO MINIMUM PER PUPIL FUNDING  
33 MULTIPLIED BY THE DISTRICT'S FUNDED PUPIL COUNT.

34  
35 (b) FOR PURPOSES OF THIS SUBSECTION (7):

36  
37 (I) "ADJUSTED TOTAL PROGRAM OF ALL DISTRICTS" MEANS THE  
38 SUM OF THE TOTAL PROGRAM OF ALL DISTRICTS FOR THE IMMEDIATELY  
39 PRECEDING BUDGET YEAR MULTIPLIED BY ONE PLUS THE SUM OF THE  
40 PERCENTAGE CHANGE IN THE STATEWIDE FUNDED PUPIL COUNT FOR THE  
41 IMMEDIATELY PRECEDING BUDGET YEAR PLUS INFLATION PLUS ONE  
42 PERCENTAGE POINT.

43  
44 (II) "INFLATION" MEANS INFLATION AS DEFINED IN SECTION  
45 22-55-102 (7)".

46  
47 Page 11, strike lines 5 through 27.

48  
49 Strike page 12.

50  
51 Page 13, strike lines 1 through 3 and substitute the following:

52  
53 **SECTION 11.** 22-54-104 (5) (c) (II) (B.1), Colorado Revised  
54 Statutes, is amended, and the said 22-54-104 (5) (c) is further amended  
55 BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

56

1           **22-54-104. District total program.** (5) For purposes of the  
2 formulas used in this section:

3  
4           (c) (II) (B.1) Except as provided in ~~subparagraph (IV)~~  
5 SUBPARAGRAPHS (IV) AND (V) of this paragraph (c), for the 2000-01  
6 budget year and budget years thereafter, a district's cost of living factor  
7 shall be the district's cost of living factor for the prior budget year, but,  
8 if the percentage change in the district's cost of living amount from the  
9 previous cost of living study to the current cost of living study is greater  
10 than the rate of inflation for the most recent calendar year preceding the  
11 budget year in which the cost of living factor is to take effect, a district's  
12 cost of living factor shall be determined by dividing the percentage  
13 change in the district's cost of living amount from the previous cost of  
14 living study to the current cost of living study by the rate of inflation for  
15 the calendar year preceding the budget year in which the cost of living  
16 factor is to take effect, dividing said amount by one thousand and  
17 rounding to the nearest one-thousandth of one percent, and adding the  
18 result obtained to the district's cost of living factor for the prior budget  
19 year. For purposes of this sub-subparagraph (B.1), "the rate of inflation"  
20 means the percentage change in the consumer price index for the  
21 Denver-Boulder consolidated metropolitan statistical area for all urban  
22 consumers, all goods, as published by the United States department of  
23 labor, bureau of labor statistics, or its successor index.

24  
25           (V) FOR THE 2003-04 BUDGET YEAR, A DISTRICT'S COST OF LIVING  
26 FACTOR SHALL BE THE DISTRICT'S COST OF LIVING FACTOR FOR THE  
27 2002-03 BUDGET YEAR MINUS 0.0057."

28  
29 Page 15, line 4, strike "~~per~~" and substitute "per";

30  
31 strike lines 5 through 7 and substitute the following:  
32 "pupil operating revenues multiplied by the district's preschool enrollment  
33 as defined in ~~section 22-54-103(10)(e)~~ SECTION 22-54-103 (9.5). Such".

34  
35 Page 20, line 25, strike "(a.5) (I)," and substitute "(a) (III) (A), (2) (a.3),  
36 (2) (a.5) (I),".

37  
38 Page 21, strike lines 20 through 27 and substitute the following:

39  
40           "(2) (a) (III) (A) For budget year 2000-01 and budget years  
41 thereafter, except as otherwise provided in paragraph (a.3) of this  
42 subsection (2), each charter school and the authorizing school district  
43 shall negotiate funding under the contract at a minimum of ninety-five  
44 percent of the district per pupil revenues for each pupil enrolled in the  
45 charter school who is not an on-line pupil and ~~one hundred~~ NINETY-FIVE  
46 percent of the district per pupil on-line funding for each on-line pupil  
47 enrolled in the charter school. The school district may choose to retain  
48 the actual amount of the charter school's per pupil share of the central  
49 administrative overhead costs for services actually provided to the charter  
50 school; except that such amount shall not exceed five percent of the  
51 district per pupil revenues for each pupil who is not an on-line pupil  
52 enrolled in the charter school AND FIVE PERCENT OF THE DISTRICT PER  
53 PUPIL ON-LINE FUNDING FOR EACH ON-LINE PUPIL ENROLLED IN THE  
54 CHARTER SCHOOL.

55  
56           (a.3) If the authorizing school district enrolls five hundred or

1 fewer students, the charter school shall receive funding in the amount of  
 2 the greater of ~~one hundred~~ NINETY-FIVE percent of the district per pupil  
 3 on-line funding for each on-line pupil enrolled in the charter school plus  
 4 one hundred percent of the district per pupil revenues for each pupil who  
 5 is not an on-line pupil enrolled in the charter school, minus the actual  
 6 amount of the charter school's per pupil share of the central  
 7 administrative overhead costs incurred by the school district, ~~for pupils~~  
 8 ~~who are not on-line pupils~~ based on audited figures, or eighty-five percent  
 9 of the district per pupil revenues for each pupil enrolled in the charter  
 10 school who is not an on-line pupil plus ~~one hundred~~ EIGHTY-FIVE percent  
 11 of the district per pupil on-line funding for each on-line pupil enrolled in  
 12 the charter school.

13

14 (a.5) As used in this subsection (2):

15

16 (I) "Central administrative overhead costs" means indirect costs  
 17 incurred in providing: ~~items or~~

18

19 (A) Services listed under the heading of support services - general  
 20 administration in the school district chart of accounts as specified by rule  
 21 of the state board; AND

22

23 (B) SALARIES AND BENEFITS FOR ADMINISTRATIVE JOB  
 24 CLASSIFICATIONS LISTED UNDER THE HEADINGS OF SUPPORT SERVICES -  
 25 BUSINESS AND SUPPORT SERVICES - CENTRAL IN THE SCHOOL DISTRICT  
 26 CHART OF ACCOUNTS AS SPECIFIED BY RULE OF THE STATE BOARD.".

27

28 Page 22, strike lines 1 through 5;

29

30 strike lines 12 through 17 and substitute the following:

31

32 **"SECTION 21.** 22-33-104.6 (3) (a), (3) (e) (II), (4) (a), and (5)  
 33 (b), Colorado Revised Statutes, are amended, and the said 22-33-104.6  
 34 is further amended BY THE ADDITION OF THE FOLLOWING NEW  
 35 SUBSECTIONS, to read:";

36

37 strike line 19 and substitute the following:

38

39 **"authorized - definitions. (3) Program criteria.** A school district, any  
 40 group of two or more school districts, a charter school, a group of charter  
 41 schools, or any board of cooperative services is hereby authorized to  
 42 create an on-line program. The following guidelines shall apply to any  
 43 on-line program that is created and administered pursuant to the  
 44 provisions of this section:

45

46 (a) A child who is participating in an on-line program shall ~~not~~ be  
 47 subject to compulsory school attendance as provided in this article AND  
 48 SHALL BE DEEMED TO COMPLY WITH THE COMPULSORY ATTENDANCE  
 49 REQUIREMENTS THROUGH PARTICIPATION IN THE ON-LINE PROGRAM;

50

51 (e) An on-line program shall include:

52

53 (II) A process pursuant to which the site coordinator shall notify  
 54 any child who is not performing satisfactorily in the on-line program, as  
 55 determined by the school district or charter school providing the on-line  
 56 program, and shall identify AND PROVIDE other educational alternatives

1 available to such child;

2  
 3 ~~(4) **Funding.** (a) If a child is participating in an on-line program~~  
 4 ~~created by a school district or by a charter school, the school district~~  
 5 ~~providing the on-line program or the chartering school district for the~~  
 6 ~~charter school providing the on-line program shall be entitled to count~~  
 7 ~~such child in accordance with the provisions of section 22-54-103 (8.5)~~  
 8 ~~for purposes of determining on-line pupil enrollment under the "Public~~  
 9 ~~School Finance Act of 1994", article 54 of this title, if, in the preceding~~  
 10 ~~academic year, such child either~~ FOR THE 2003-04 BUDGET YEAR AND FOR  
 11 EACH BUDGET YEAR THEREAFTER, EXCEPT AS OTHERWISE PROVIDED IN  
 12 SUBSECTION (5) OF THIS SECTION, A SCHOOL DISTRICT, FOR PURPOSES OF  
 13 DETERMINING TOTAL PROGRAM FUNDING UNDER THE "PUBLIC SCHOOL  
 14 FINANCE ACT OF 1994", ARTICLE 54 OF THIS TITLE, MAY NOT COUNT A  
 15 STUDENT IN THE SCHOOL DISTRICT'S ON-LINE PUPIL ENROLLMENT WHO  
 16 ENROLLS IN OR TRANSFERS TO AN ON-LINE PROGRAM WITHIN THE SCHOOL  
 17 DISTRICT, UNLESS:

18  
 19 (I) (A) ~~Was enrolled in a public school or charter school of a~~  
 20 ~~school district in this state; or~~ THE STUDENT WAS INCLUDED IN A SCHOOL  
 21 DISTRICT'S PUPIL ENROLLMENT OR ON-LINE PUPIL ENROLLMENT FOR THE  
 22 PRECEDING SCHOOL YEAR; AND

23  
 24 (B) THE STUDENT SUBSTANTIALLY COMPLETED THE ASSIGNED  
 25 COURSE WORK FOR THE CLASSES IN WHICH HE OR SHE WAS ENROLLED FOR  
 26 AT LEAST ONE SEMESTER OF THE PRECEDING SCHOOL YEAR AND RECEIVED  
 27 A SEMESTER GRADE FOR THE CLASSES; OR

28  
 29 (II) THE STUDENT was not enrolled in any private school, ~~had~~ HAS  
 30 not participated in a nonpublic home-based education program, ~~or~~ AND  
 31 ~~had~~ HAS not participated in home instruction by a licensed or certified  
 32 teacher.

33  
 34 (5) (b) For the 2002-03 budget year, ~~and for~~;

35  
 36 line 24, strike "who are enrolled in" and substitute "who, AS OF OCTOBER  
 37 1, are enrolled in, ATTENDING, AND ACTIVELY PARTICIPATING IN".

38  
 39 Page 23, after line 2, insert the following:

40  
 41 "(6) (a) FOR THE 2003-04 BUDGET YEAR AND FOR EACH BUDGET  
 42 YEAR THEREAFTER, IF A STUDENT WHO MEETS THE REQUIREMENTS OF  
 43 PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION OR IS EXEMPT UNDER  
 44 RULES ADOPTED BY THE STATE BOARD TRANSFERS AFTER OCTOBER 1 TO  
 45 AN ON-LINE PROGRAM WITHIN THE SCHOOL DISTRICT IN WHICH THE  
 46 STUDENT WAS INCLUDED IN PUPIL ENROLLMENT FOR THE APPLICABLE  
 47 BUDGET YEAR, THE STUDENT SHALL BE INCLUDED IN THE SCHOOL  
 48 DISTRICT'S ON-LINE PUPIL ENROLLMENT, AND THE DEPARTMENT OF  
 49 EDUCATION SHALL ACCORDINGLY REDUCE THE PER PUPIL FUNDING  
 50 RECEIVED BY THE SCHOOL DISTRICT FOR THE TRANSFERRING STUDENT TO  
 51 THE AMOUNT OF MINIMUM PER PUPIL FUNDING, AS SPECIFIED IN SECTION  
 52 22-54-104 (3.5), FOR THE ENTIRE SCHOOL YEAR IN WHICH THE STUDENT  
 53 TRANSFERRED.

54  
 55 (b) FOR THE 2003-04 BUDGET YEAR AND FOR EACH BUDGET YEAR  
 56 THEREAFTER, IF A STUDENT WHO IS INCLUDED IN THE PUPIL ENROLLMENT



1 OF A SCHOOL DISTRICT TRANSFERS TO AN ON-LINE PROGRAM WITHIN THE  
2 SAME SCHOOL DISTRICT WITHIN THE SAME SCHOOL YEAR, BUT DOES NOT  
3 MEET THE REQUIREMENTS SPECIFIED IN PARAGRAPH (a) OF SUBSECTION (4)  
4 OF THIS SECTION AND IS NOT EXEMPT UNDER RULES ADOPTED BY THE  
5 STATE BOARD, THE DEPARTMENT OF EDUCATION SHALL REMOVE THE  
6 STUDENT FROM THE SCHOOL DISTRICT'S PUPIL ENROLLMENT AND SHALL  
7 ACCORDINGLY REDUCE THE TOTAL PROGRAM FUNDING RECEIVED BY THE  
8 SCHOOL DISTRICT FOR THE ENTIRE SCHOOL YEAR IN WHICH THE STUDENT  
9 TRANSFERRED.

10

11 (7) THE STATE BOARD MAY PROMULGATE RULES ALLOWING  
12 EXEMPTIONS FROM THE REQUIREMENTS OF PARAGRAPH (a) OF SUBSECTION  
13 (4) OF THIS SECTION FOR STUDENTS WHO ARE HABITUALLY DISRUPTIVE OR  
14 ARE OTHERWISE AT RISK OF SUSPENSION OR EXPULSION AND FOR STUDENTS  
15 WHO DID NOT RESIDE IN AND ATTEND A SCHOOL IN THE STATE DURING THE  
16 PRIOR SCHOOL YEAR. IN ADDITION, THE STATE BOARD MAY PROMULGATE  
17 SUCH OTHER RULES AS MAY BE NECESSARY FOR THE IMPLEMENTATION OF  
18 THIS SECTION.

19

20 (8) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT  
21 OTHERWISE REQUIRES:

22

23 (a) "ON-LINE PUPIL ENROLLMENT" SHALL HAVE THE SAME  
24 MEANING AS PROVIDED IN SECTION 22-54-103 (8.5).

25

26 (b) "PUPIL ENROLLMENT" SHALL HAVE THE SAME MEANING AS  
27 PROVIDED IN SECTION 22-54-103 (10).

28

29 **SECTION 22.** 22-54-103 (8.5), Colorado Revised Statutes, is  
30 amended to read:

31

32 **22-54-103. Definitions - repeal.** As used in this article, unless  
33 the context otherwise requires:

34

35 (8.5) "On-line pupil enrollment" means the number of pupils,  
36 ~~enrolled~~ on October 1 within the applicable budget year or the school day  
37 nearest said date, ENROLLED IN, ATTENDING, AND ACTIVELY  
38 PARTICIPATING in, an on-line program created pursuant to section  
39 22-33-104.6 by the district or by a charter school chartered by the district,  
40 minus any such pupils who were enrolled in any such on-line programs  
41 for the 2001-02 school year. IN ADDITION, "ON-LINE PUPIL ENROLLMENT"  
42 MEANS THE NUMBER OF PUPILS WHO MEET THE REQUIREMENTS SPECIFIED  
43 IN SECTION 22-33-104.6 (4) (a) AND TRANSFER TO AN ON-LINE PROGRAM  
44 AFTER OCTOBER 1 OF A SCHOOL YEAR.

45

46 **SECTION 23.** 22-33-104 (1) and (2) (i) (III), Colorado Revised  
47 Statutes, are amended to read:

48

49 **22-33-104. Compulsory school attendance.** (1) Except as  
50 otherwise provided in subsection (2) of this section, every child who has  
51 attained the age of seven years and is under the age of sixteen years,  
52 except as provided by this section, shall attend public school for at least  
53 one thousand fifty-six hours if a secondary school pupil or nine hundred  
54 sixty-eight hours if an elementary school pupil during each school year;  
55 except that in no case shall a school or schools be in session for fewer  
56 than one hundred sixty days without the specific prior approval of the

1 commissioner of education. A STUDENT WHO PARTICIPATES IN AN  
 2 ON-LINE PROGRAM PURSUANT TO THE PROVISIONS OF SECTION 22-33-104.6  
 3 SHALL BE DEEMED TO ATTEND SCHOOL IN ACCORDANCE WITH THE  
 4 REQUIREMENTS OF THIS SUBSECTION (1).

5  
 6 (2) The provisions of subsection (1) of this section shall not apply  
 7 to a child:

8  
 9 (i) Who is being instructed at home:

10  
 11 (III) ~~In an alternative program authorized pursuant to section~~  
 12 ~~22-33-104.6, or".~~

13  
 14 Renumber succeeding sections accordingly.

15  
 16 Page 31, strike lines 15 through 27.

17  
 18 Page 32, strike lines 1 through 13.

19  
 20 Renumber succeeding sections accordingly.

21  
 22 Page 34, strike lines 9 through 27.

23  
 24 Strike pages 35 through 42.

25  
 26 Page 43, strike lines 1 through 3 and substitute the following:

27  
 28 **"SECTION 34.** 22-54-106 (4), Colorado Revised Statutes, is  
 29 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

30  
 31 **22-54-106. Local and state shares of district total program.**

32 (4) (d) FOR PURPOSES OF THIS SUBSECTION (4), "STATE'S SHARE OF THE  
 33 TOTAL PROGRAM OF ALL DISTRICTS" DOES NOT INCLUDE THE AGGREGATE  
 34 AMOUNT OF ADDITIONAL STATE AID PROVIDED PURSUANT TO SUBSECTION  
 35 (8) OF THIS SECTION TO ALL DISTRICTS THAT HAVE ENTERED INTO  
 36 AGREEMENTS WITH TAXPAYERS PURSUANT TO SECTION 22-32-110 (1) (ff)  
 37 OR (1) (gg).

38  
 39 **SECTION 35.** 22-54-106 (8), Colorado Revised Statutes, is  
 40 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

41  
 42 **22-54-106. Local and state shares of district total program.**

43 (8) (e) (I) FOR THE 2003-04 BUDGET YEAR AND EACH BUDGET YEAR  
 44 THEREAFTER, IF THE GENERAL ASSEMBLY DOES NOT APPROPRIATE AN  
 45 AMOUNT SUFFICIENT TO FULLY FUND THE AMOUNT OF ADDITIONAL STATE  
 46 AID AVAILABLE PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (8) TO  
 47 ALL DISTRICTS THAT HAVE ENTERED INTO AN AGREEMENT WITH A  
 48 TAXPAYER PURSUANT TO SECTION 22-32-110 (1) (ff) OR (1) (gg), OR IF A  
 49 SUPPLEMENTAL APPROPRIATION IS MADE TO REDUCE OR ELIMINATE THE  
 50 ADDITIONAL STATE AID THAT SUCH DISTRICTS WOULD OTHERWISE RECEIVE  
 51 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (8), THE ADDITIONAL  
 52 STATE AID THAT EACH SUCH DISTRICT WOULD OTHERWISE RECEIVE  
 53 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (8) SHALL BE REDUCED  
 54 BY A PERCENTAGE DETERMINED BY DIVIDING THE DEFICIT IN SUCH  
 55 APPROPRIATION OR THE REDUCTION IN THE APPROPRIATION, WHICHEVER  
 56 IS APPLICABLE, BY THE TOTAL AMOUNT OF ADDITIONAL STATE AID THAT

1 SUCH DISTRICTS WOULD HAVE RECEIVED PURSUANT TO PARAGRAPH (a) OF  
2 THIS SUBSECTION (8) ABSENT THE DEFICIT OR REDUCTION IN THE  
3 APPROPRIATION. THE DEPARTMENT OF EDUCATION SHALL ENSURE THAT  
4 THE REDUCTION IN STATE AID REQUIRED BY THIS PARAGRAPH (e) IS  
5 ACCOMPLISHED PRIOR TO THE END OF THE BUDGET YEAR.

6

7 (II) FOR PURPOSES OF THIS SECTION, "ADDITIONAL STATE AID"  
8 MEANS THE DIFFERENCE BETWEEN:

9

10 (A) THE AMOUNT OF THE STATE'S SHARE OF A DISTRICT'S TOTAL  
11 PROGRAM CALCULATED IN ACCORDANCE WITH PARAGRAPH (a) OF THIS  
12 SUBSECTION (8); AND

13

14 (B) THE AMOUNT OF WHAT THE STATE'S SHARE OF SUCH DISTRICT'S  
15 TOTAL PROGRAM WOULD HAVE BEEN IF THE VALUATION FOR ASSESSMENT  
16 OF THE DISTRICT THAT ENTERED INTO AN AGREEMENT WITH A TAXPAYER  
17 PURSUANT TO SECTION 22-32-110 (1) (ff) OR (1) (gg) INCLUDED THE  
18 PORTION OF THE VALUATION FOR ASSESSMENT OF THE PERSONAL  
19 PROPERTY OF THE TAXPAYER THAT, WHEN LEVIED UPON BY THE DISTRICT,  
20 WOULD RESULT IN PROPERTY TAX REVENUE EQUAL TO THE AMOUNT OF THE  
21 INCENTIVE PAYMENT OR CREDIT TO SUCH TAXPAYER PURSUANT TO SUCH  
22 AGREEMENT."

23

24 Renumber succeeding sections accordingly.

25

26 Page 44, after line 21, insert the following:

27

28 "SECTION 40. 22-54-115, Colorado Revised Statutes, is  
29 amended BY THE ADDITION OF A NEW SUBSECTION to read:

30

31 **22-54-115. Distribution from state public school fund.**

32 (6) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE  
33 CONTRARY, THE DEPARTMENT OF EDUCATION MAY WITHHOLD A PORTION  
34 OF A SCHOOL DISTRICT'S MONTHLY PAYMENT UNDER THIS SECTION IF THE  
35 SCHOOL DISTRICT FAILS TO COMPLY WITH THE REQUIREMENTS SPECIFIED  
36 IN THIS TITLE AND IN RULES PROMULGATED BY THE STATE BOARD  
37 PERTAINING TO REPORTING FINANCIAL INFORMATION TO THE DEPARTMENT,  
38 INCLUDING BUT NOT LIMITED TO FINANCIAL REPORTING REQUIRED UNDER  
39 THE STATEWIDE FINANCIAL, STUDENT MANAGEMENT, AND HUMAN  
40 RESOURCE ELECTRONIC DATA COMMUNICATIONS AND REPORTING SYSTEM  
41 IMPLEMENTED PURSUANT TO SECTION 22-44-105 (4) AND REPORTING  
42 REQUIRED FOR THE DEPARTMENT TO CONDUCT AN AUDIT PURSUANT TO  
43 SECTION 22-2-113 (1) (f). THE DEPARTMENT MAY WITHHOLD A PORTION  
44 OF THE PAYMENT ONLY UNTIL SUCH TIME AS THE SCHOOL DISTRICT  
45 COMPLIES WITH THE REPORTING REQUIREMENT. A SCHOOL DISTRICT MAY  
46 NOT OBTAIN A LOAN PURSUANT TO THE PROVISIONS OF SECTION 22-54-110  
47 TO ALLEVIATE ANY CASH FLOW MANAGEMENT ISSUES THAT MAY ARISE DUE  
48 TO THE WITHHOLDING OF PAYMENTS PURSUANT TO THIS SUBSECTION (6).

49

50 (b) THE DEPARTMENT OF EDUCATION MAY WITHHOLD A PORTION  
51 OF A CHARTER SCHOOL'S MONTHLY PAYMENT PURSUANT TO THE  
52 PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (6) IF THE  
53 DEPARTMENT OF EDUCATION MAKES DIRECT MONTHLY PAYMENTS TO THE  
54 CHARTER SCHOOL PURSUANT TO SECTION 22-30.5-112 (9) (d).

55

56 **SECTION 41. 22-30.5-112, Colorado Revised Statutes, is**

1 amended BY THE ADDITION OF THE FOLLOWING NEW  
2 SUBSECTIONS to read:

3  
4 **22-30.5-112. Charter schools - financing - guidelines.** (7) A  
5 CHARTER SCHOOL SHALL COMPLY WITH ALL OF THE STATE FINANCIAL AND  
6 BUDGET RULES, REGULATIONS, AND FINANCIAL REPORTING REQUIREMENTS  
7 WITH WHICH THE CHARTERING SCHOOL DISTRICT IS REQUIRED TO COMPLY.  
8

9 (8) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO  
10 THE CONTRARY, A SCHOOL DISTRICT MAY WITHHOLD A PORTION OF A  
11 CHARTER SCHOOL'S MONTHLY PAYMENT DUE PURSUANT TO THIS SECTION  
12 IF:  
13

14 (I) THE CHARTER SCHOOL FAILS TO REPORT FINANCIAL  
15 INFORMATION REQUIRED BY THE SCHOOL DISTRICT TO ENABLE THE SCHOOL  
16 DISTRICT TO COMPLY WITH THE REQUIREMENTS SPECIFIED IN THIS TITLE  
17 AND IN RULES PROMULGATED BY THE STATE BOARD PERTAINING TO  
18 REPORTING FINANCIAL INFORMATION TO THE DEPARTMENT OF EDUCATION;  
19 AND  
20

21 (II) THE FAILURE TO REPORT BY THE CHARTER SCHOOL RESULTS IN  
22 THE WITHHOLDING OF MONEY FROM THE SCHOOL DISTRICT PURSUANT TO  
23 SECTION 22-54-115 (6).  
24

25 (b) THE SCHOOL DISTRICT MAY WITHHOLD A PORTION OF THE  
26 PAYMENT DUE TO THE CHARTER SCHOOL ONLY UNTIL SUCH TIME AS THE  
27 CHARTER SCHOOL COMPLIES WITH THE FINANCIAL REPORTING  
28 REQUIREMENTS.  
29

30 (9) (a) IF, AT ANY TIME, A CHARTER SCHOOL DETERMINES THAT ITS  
31 CHARTERING SCHOOL DISTRICT HAS NOT FORWARDED TO THE CHARTER  
32 SCHOOL THE AMOUNT DUE TO THE CHARTER SCHOOL IN ACCORDANCE WITH  
33 THE TERMS OF THE CHARTER CONTRACT AND THE PROVISIONS OF THIS  
34 SECTION, THE CHARTER SCHOOL MAY SEEK A DETERMINATION FROM THE  
35 STATE BOARD REGARDING WHETHER THE SCHOOL DISTRICT IMPROPERLY  
36 WITHHELD ANY PORTION OF THE AMOUNT DUE TO THE CHARTER SCHOOL.  
37

38 (b) UPON RECEIPT FROM A CHARTER SCHOOL OF A REQUEST FOR A  
39 DETERMINATION OF WHETHER THE SCHOOL DISTRICT HAS IMPROPERLY  
40 WITHHELD ANY PORTION OF THE AMOUNT DUE TO THE CHARTER SCHOOL,  
41 THE STATE BOARD SHALL DIRECT THE DEPARTMENT OF EDUCATION TO  
42 REVIEW THE TERMS OF THE CHARTER CONTRACT AND THE FINANCIAL  
43 INFORMATION OF THE CHARTER SCHOOL AND THE SCHOOL DISTRICT AND  
44 MAKE A RECOMMENDATION TO THE STATE BOARD REGARDING WHETHER  
45 THE SCHOOL DISTRICT IMPROPERLY WITHHELD ANY PORTION OF THE  
46 AMOUNT DUE TO THE CHARTER SCHOOL. THE DEPARTMENT OF EDUCATION  
47 SHALL REQUEST, AND THE CHARTERING SCHOOL DISTRICT AND THE  
48 CHARTER SCHOOL SHALL PROVIDE WITHIN THIRTY DAYS AFTER THE  
49 REQUEST, ALL INFORMATION NECESSARY TO MAKE THE RECOMMENDATION.  
50 THE DEPARTMENT SHALL FORWARD ITS RECOMMENDATION TO THE STATE  
51 BOARD WITHIN THIRTY DAYS AFTER RECEIVING THE INFORMATION FROM  
52 THE CHARTERING SCHOOL DISTRICT AND THE CHARTER SCHOOL.  
53

54 (c) AT THE NEXT STATE BOARD MEETING FOLLOWING RECEIPT OF  
55 THE RECOMMENDATION OF THE DEPARTMENT OF EDUCATION PURSUANT TO  
56 PARAGRAPH (b) OF THIS SUBSECTION (9), THE STATE BOARD SHALL ISSUE

1 ITS DECISION REGARDING WHETHER THE SCHOOL DISTRICT IMPROPERLY  
2 WITHHELD ANY PORTION OF THE AMOUNT DUE TO THE CHARTER SCHOOL.  
3 IF THE STATE BOARD FINDS THAT THE SCHOOL DISTRICT IMPROPERLY  
4 WITHHELD ANY PORTION OF THE AMOUNT DUE TO THE CHARTER SCHOOL,  
5 THE SCHOOL DISTRICT SHALL PAY TO THE CHARTER SCHOOL, WITHIN  
6 THIRTY DAYS AFTER ISSUANCE OF THE DECISION, THE AMOUNT  
7 IMPROPERLY WITHHELD. IN ADDITION, THE SCHOOL DISTRICT SHALL PAY  
8 THE COSTS INCURRED BY THE DEPARTMENT OF EDUCATION IN REVIEWING  
9 THE NECESSARY INFORMATION TO MAKE ITS RECOMMENDATION. IF THE  
10 STATE BOARD FINDS THAT THE SCHOOL DISTRICT DID NOT IMPROPERLY  
11 WITHHOLD ANY PORTION OF THE AMOUNT DUE TO THE CHARTER SCHOOL,  
12 THE CHARTER SCHOOL SHALL PAY THE COSTS INCURRED BY THE  
13 DEPARTMENT OF EDUCATION IN REVIEWING THE NECESSARY INFORMATION  
14 TO MAKE ITS RECOMMENDATION.  
15

16 (d) IF THE SCHOOL DISTRICT FAILS WITHIN THE THIRTY-DAY PERIOD  
17 TO PAY THE FULL AMOUNT THAT WAS IMPROPERLY WITHHELD, THE  
18 CHARTER SCHOOL MAY NOTIFY THE DEPARTMENT OF EDUCATION, AND THE  
19 DEPARTMENT OF EDUCATION SHALL WITHHOLD FROM THE SCHOOL  
20 DISTRICT'S STATE EQUALIZATION PAYMENT THE UNPAID PORTION OF THE  
21 AMOUNT IMPROPERLY WITHHELD BY THE SCHOOL DISTRICT FROM THE  
22 CHARTER SCHOOL AND PAY THE UNPAID PORTION DIRECTLY TO THE  
23 CHARTER SCHOOL. IN ADDITION, THE DEPARTMENT SHALL WITHHOLD  
24 FROM THE SCHOOL DISTRICT'S FUTURE MONTHLY STATE EQUALIZATION  
25 PAYMENTS THE AMOUNT DUE TO THE CHARTER SCHOOL IN ACCORDANCE  
26 WITH THE TERMS OF THE CHARTER CONTRACT AND THE PROVISIONS OF  
27 THIS SECTION AND PAY SUCH AMOUNTS DIRECTLY TO THE CHARTER  
28 SCHOOL ON A MONTHLY BASIS.  
29

30 (e) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (d) OF THIS  
31 SUBSECTION (9), A CHARTER SCHOOL THAT RECEIVES FROM THE  
32 DEPARTMENT OF EDUCATION DIRECT PAYMENTS OF THE AMOUNTS DUE TO  
33 THE CHARTER SCHOOL IN ACCORDANCE WITH THE TERMS OF THE CHARTER  
34 CONTRACT AND THE PROVISIONS OF THIS SECTION MAY NOTIFY THE  
35 DEPARTMENT TO DISCONTINUE THE WITHHOLDING AND DIRECT PAYMENT  
36 OF THE AMOUNTS DUE TO THE CHARTER SCHOOL. IF THE DEPARTMENT OF  
37 EDUCATION DISCONTINUES WITHHOLDING AND DIRECT PAYMENT  
38 PURSUANT TO THIS PARAGRAPH (e), THE SCHOOL DISTRICT SHALL  
39 FORWARD TO THE CHARTER SCHOOL THE AMOUNT DUE TO THE CHARTER  
40 SCHOOL IN ACCORDANCE WITH THE TERMS OF THE CHARTER CONTRACT  
41 AND THE PROVISIONS OF THIS SECTION.  
42

43 **SECTION 42.** 22-30.5-109 (6), Colorado Revised Statutes, is  
44 amended to read:  
45

46 **22-30.5-109. Charter schools - restrictions - establishment -**  
47 **number.** (6) A school district shall not discriminate against a charter OR  
48 CONTRACT school in publicizing the ~~district's~~ educational options  
49 AVAILABLE TO STUDENTS RESIDING WITHIN THE DISTRICT through  
50 advertising, direct mail, availability of mailing lists, or other  
51 informational activities, provided that the charter OR CONTRACT school  
52 pays for its share of such publicity at cost.  
53

54 **SECTION 43.** 22-63-202 (2) (a), Colorado Revised Statutes, is  
55 amended to read:  
56

1           **22-63-202. Employment contracts - contracts to be in writing**  
 2 **- duration - damage provision.** (2) (a) Every employment contract  
 3 executed pursuant to this section shall contain a damages provision.  
 4 Pursuant to said provision, a teacher or chief administrative officer shall  
 5 agree to pay damages to the school district, and the board thereof shall be  
 6 authorized to collect or withhold damages from compensation due or  
 7 payable to said teacher or chief administrative officer, in an amount up to  
 8 one-twelfth of the annual salary specified in said employment contract.  
 9 Said damages shall be paid by the teacher or chief administrative officer  
 10 or withheld from the teacher's or chief administrative officer's salary if  
 11 said individual abandons, breaches, or otherwise refuses to perform  
 12 services for said school district pursuant to the contract, unless the  
 13 teacher or chief administrative officer has given written notice to the  
 14 board thereof ~~no later than thirty days prior to the commencement of the~~  
 15 ~~succeeding academic year~~ ON OR BEFORE JULY 1 that the teacher or chief  
 16 administrative officer will not fulfill the obligations of said individual's  
 17 contract during the succeeding academic year (or, if a school district  
 18 operates an alternative year program, said notice shall be given to the  
 19 board not less than ~~thirty~~ FORTY-FIVE days before the commencement of  
 20 services under the employment contract) or after the beginning of the  
 21 academic year, unless the teacher has given at least thirty days' written  
 22 notice to the board thereof during the academic year to the effect that the  
 23 teacher or chief administrative officer wishes to be relieved of said  
 24 individual's contract for the remainder of the year as of a certain date.  
 25 Said damages shall not exceed ordinary and necessary expenses of a  
 26 board to secure the services of a suitable replacement teacher or chief  
 27 administrative officer.  
 28

29           **SECTION 44.** 22-63-203 (3), Colorado Revised Statutes, is  
 30 amended to read:  
 31

32           **22-63-203. Probationary teachers - renewal and nonrenewal**  
 33 **of employment contract.** (3) A probationary teacher employed by a  
 34 school district on a full-time basis shall be deemed to be reemployed for  
 35 the succeeding academic year at the salary that the probationary teacher  
 36 would be entitled to receive under the general salary schedule, the teacher  
 37 salary policy, or the combination schedule and policy, whichever is  
 38 appropriate, unless the board causes written notice to the contrary to be  
 39 given to said teacher on or before June 1 of the academic year during  
 40 which said teacher is employed. Such teacher shall be presumed to have  
 41 accepted such employment for the succeeding academic year unless said  
 42 teacher causes written notice to the contrary to be given to the board ~~no~~  
 43 ~~later than thirty days prior to the commencement of the succeeding~~  
 44 ~~academic year~~ ON OR BEFORE JULY 1."  
 45

46 Renumber succeeding sections accordingly.  
 47

48 Page 52, line 20, after "The", insert "general fund";  
 49

50 strike lines 22 through 26 and substitute the following:  
 51

52 "by twenty-nine million ten thousand eight hundred ninety-nine dollars  
 53 (\$29,010,899).  
 54

55 (c) The appropriation for assistance to public schools, public  
 56 school finance, state share of districts' total program funding, is increased

1 by one million three hundred seventy-two thousand two hundred  
2 ninety-three dollars (\$1,372,293). Said sum shall be cash funds exempt  
3 from the state education fund".

4  
5 Reletter succeeding paragraphs accordingly.

6  
7 Page 54, after line 6, insert the following:

8  
9 **"SECTION 47. Effective date.** (1) Except as otherwise  
10 provided in subsection (2) of this section, this act shall take effect upon  
11 passage.

12  
13 (2) Sections 34 and 35 of this act shall take effect only if House  
14 Bill 03-\_\_\_\_\_ is not enacted at the First Regular Session of the  
15 Sixty-fourth General Assembly and does not become law."

16  
17 Renumber succeeding section accordingly.

18  
19  
20  
21 **SB03-275** be amended as follows, and as so amended, be referred to  
22 the Committee of the Whole with favorable  
23 recommendation:

24  
25 Amend reengrossed bill, page 2, line 14, after the period, add "IT IS THE  
26 INTENT OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT WORK WITH  
27 SCHOOL DISTRICTS AND REQUEST FROM EACH SCHOOL DISTRICT THE  
28 NUMBER OF ACCOUNTABILITY REPORTS TO BE PROVIDED FOR EACH SCHOOL  
29 WITHIN THE DISTRICT.";

30  
31 strike lines 19 through 23.

32  
33 Page 3, strike lines 1 through 6.

34  
35 Renumber succeeding sections accordingly.

36  
37  
38  
39  
40 **FINANCE**  
41 After consideration on the merits, the Committee recommends the  
42 following:

43  
44 **HB03-1339** be amended as follows, and as so amended, be referred to  
45 the Committee of the Whole with favorable  
46 recommendation:

47  
48 Amend printed bill, page 3, line 3, strike "FUND." and substitute the  
49 following:

50  
51 "FUND IN ORDER TO MAINTAIN THE THREE HUNDRED AND FIFTY  
52 THOUSAND DOLLAR BALANCE IN THE FUND PURSUANT TO THIS SECTION."

53  
54  
55

1 **SB03-259** be amended as follows, and as so amended, be referred to  
 2 the Committee of the Whole with favorable  
 3 recommendation:  
 4

5 Amend reengrossed bill, page 3, strike lines 5 and 6 and substitute the  
 6 following:  
 7

8 "MONTHLY PREMIUM FEE PER FAMILY SHALL BE BASED UPON THE  
 9 FOLLOWING:  
 10

11 (a) FOR FAMILIES WITH ONE ENROLLED CHILD, THE MONTHLY  
 12 PREMIUM FEE SHALL NOT EXCEED TWO HUNDRED FIFTY DOLLARS.  
 13

14 (b) FOR FAMILIES WITH TWO OR MORE ENROLLED CHILDREN,  
 15 WHOSE MONTHLY PREMIUM FEE FOR ONE ENROLLED CHILD, AS  
 16 ESTABLISHED BY THE STATE BOARD PURSUANT TO SUBSECTION (3) OF THIS  
 17 SECTION, IS FIFTY DOLLARS OR LESS, THE AMOUNT OF THE MONTHLY  
 18 PREMIUM FOR EACH ADDITIONAL CHILD SHALL NOT EXCEED THE AMOUNT  
 19 CHARGED FOR THE FIRST CHILD.  
 20

21 (c) FOR FAMILIES WITH TWO OR MORE ENROLLED CHILDREN,  
 22 WHOSE MONTHLY PREMIUM FEE FOR ONE ENROLLED CHILD, AS  
 23 ESTABLISHED BY THE STATE BOARD PURSUANT TO SUBSECTION (3) OF THIS  
 24 SECTION, IS GREATER THAN FIFTY DOLLARS BUT NO MORE THAN TWO  
 25 HUNDRED FIFTY DOLLARS, THE AMOUNT OF THE MONTHLY PREMIUM FEE  
 26 FOR EACH ADDITIONAL CHILD SHALL BE FIFTY DOLLARS."  
 27

28 Page 6, strike lines 14 through 17 and substitute the following:  
 29 "is decreased by seven hundred seventeen thousand seven hundred  
 30 nineteen dollars (\$717,719) and the cash funds appropriation for medical  
 31 services premiums is increased by seven hundred seventeen thousand  
 32 seven hundred nineteen dollars (\$717,719). The cash funds";  
 33

34 strike lines 24 through 27.  
 35

36 Page 7, strike lines 1 and 2 and substitute the following:  
 37

38 "funding, is decreased by two hundred fifty-three thousand two hundred  
 39 forty-four dollars (\$253,244) and the cash funds appropriation to the  
 40 department of human services medicaid-funded programs, services for  
 41 people with disabilities-medicaid funding, services for families and  
 42 children-medicaid funding is increased by two hundred fifty-three  
 43 thousand two hundred forty-four dollars (\$253,244). The cash funds".  
 44  
 45  
 46

47 **SB03-260** be referred to the Committee of the Whole with favorable  
 48 recommendation.  
 49

50  
 51 **SB03-261** be referred to the Committee of the Whole with favorable  
 52 recommendation.  
 53

54  
 55 **SB03-262** be referred to the Committee of the Whole with favorable  
 56 recommendation.



1 **SB03-269** be referred to the Committee of the Whole with favorable  
2 recommendation.  
3

4  
5 **SB03-271** be amended as follows, and as so amended, be referred to  
6 the Committee of the Whole with favorable  
7 recommendation:  
8

9 Amend reengrossed bill, page 2, line 15, strike "SIXTY-THREE dollars" and  
10 substitute "SIXTY-TWO dollars AND FIFTY CENTS";

11  
12 line 16, strike "FORTY-SIX dollars" and substitute "FORTY-FIVE dollars  
13 AND FIFTY CENTS";

14  
15 line 17, strike "THIRTY-THREE dollars" and substitute "THIRTY-TWO  
16 dollars AND FIFTY CENTS".  
17

18 Page 3, strike lines 4 through 9 and substitute the following:  
19 "transmit the moneys to the court administrator of the judicial district in  
20 which the offense occurred for credit to the victims and witnesses  
21 assistance and law enforcement fund established in that judicial district;  
22 EXCEPT THAT ON AND AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH  
23 (I), AS AMENDED, EACH CLERK SHALL TRANSMIT THE PORTION OF THE  
24 SURCHARGE ATTRIBUTABLE TO THE INCREASE IN THE SURCHARGE ENACTED  
25 DURING THE FIRST REGULAR SESSION OF THE SIXTY-FOURTH GENERAL  
26 ASSEMBLY TO THE STATE TREASURER WHO SHALL CREDIT SUCH SUM TO  
27 THE GENERAL FUND.";

28  
29 line 16, strike "SEVENTY PERCENT OF";

30  
31 line 17, strike "any" and substitute "Any";  
32

33 strike lines 20 through 23 and substitute the following:  
34 "law enforcement fund established in that judicial district; EXCEPT THAT  
35 ON AND AFTER THE EFFECTIVE DATE OF THIS SUB-SUBPARAGRAPH (A), AS  
36 AMENDED, THE PORTION OF THE SURCHARGE ATTRIBUTABLE TO THE  
37 INCREASE IN THE SURCHARGE ENACTED DURING THE FIRST REGULAR  
38 SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY SHALL BE  
39 TRANSMITTED TO THE STATE TREASURER WHO SHALL CREDIT SUCH SUM TO  
40 THE GENERAL FUND.".

41  
42 Page 4, line 3, strike "~~At~~ SEVENTY PERCENT OF THE" and substitute "All";  
43

44 strike lines 8 through 19 and substitute the following:  
45 "C.R.S.; EXCEPT THAT ON AND AFTER THE EFFECTIVE DATE OF THIS  
46 SUBPARAGRAPH (I), AS AMENDED, THE PORTION OF THE SURCHARGE  
47 ATTRIBUTABLE TO THE INCREASE IN THE SURCHARGE ENACTED DURING THE  
48 FIRST REGULAR SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY SHALL  
49 BE TRANSMITTED TO THE STATE TREASURER WHO SHALL CREDIT SUCH SUM  
50 TO THE GENERAL FUND. Surcharges paid to the clerk of the court pursuant  
51 to this subparagraph (I) shall be transmitted to the court administrator of  
52 the judicial district in which the offense was committed for credit to the  
53 victims and witnesses assistance and law enforcement fund established  
54 in that judicial district; EXCEPT THAT ON AND AFTER THE EFFECTIVE DATE  
55 OF THIS SUBPARAGRAPH (I), AS AMENDED, THE PORTION OF THE  
56 SURCHARGE ATTRIBUTABLE TO THE INCREASE IN THE SURCHARGE ENACTED

1 DURING THE FIRST REGULAR SESSION OF THE SIXTY-FOURTH GENERAL  
 2 ASSEMBLY SHALL BE TRANSMITTED TO THE STATE TREASURER WHO SHALL  
 3 CREDIT SUCH SUM TO THE GENERAL FUND."

4  
 5 Page 16, line 9, strike "~~AH~~ SEVENTY" and substitute "All";

6  
 7 line 10, strike "PERCENT OF THE";

8  
 9 strike lines 16 through 22 and substitute the following:  
 10 "established in that judicial district; EXCEPT THAT ON AND AFTER THE  
 11 EFFECTIVE DATE OF THIS SUBSECTION (4), AS AMENDED, THE PORTION OF  
 12 THE SURCHARGE ATTRIBUTABLE TO THE INCREASE IN THE SURCHARGE ON  
 13 PENALTY ASSESSMENTS ISSUED FOR VIOLATIONS OF A CLASS A OR A CLASS  
 14 B TRAFFIC INFRACTION OR A CLASS 1 OR A CLASS 2 MISDEMEANOR TRAFFIC  
 15 OFFENSE, PURSUANT TO SECTION 42-4-1701, ENACTED DURING THE FIRST  
 16 REGULAR SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY SHALL BE  
 17 TRANSMITTED TO THE STATE TREASURER WHO SHALL CREDIT SUCH SUM TO  
 18 THE GENERAL FUND."

19  
 20  
 21  
 22 **SB03-277** be referred to the Committee of the Whole with favorable  
 23 recommendation.

24  
 25  
 26 **SB03-280** be referred to the Committee of the Whole with favorable  
 27 recommendation.

28  
 29  
 30 **SB03-285** be referred to the Committee of the Whole with favorable  
 31 recommendation.

32  
 33  
 34 **SB03-290** be amended as follows, and as so amended, be referred to  
 35 the Committee of the Whole with favorable  
 36 recommendation:

37  
 38 Amend reengrossed bill, page 2, line 15, after "COMMITTEE," insert "THE  
 39 FINANCE COMMITTEES OF THE SENATE AND THE HOUSE OF  
 40 REPRESENTATIVES,";

41  
 42 line 20, strike "amended, and the said 33-12-102 is further amended BY"  
 43 and substitute "amended to read:".

44  
 45 Page 3, strike line 1;

46  
 47 strike lines 21 through 23.

48  
 49 Page 8, after line 10, insert the following:

50  
 51 **"SECTION 7. Appropriation.** In addition to any other  
 52 appropriation, there is hereby appropriated, out of any moneys in the  
 53 stores revolving fund created in section 33-10-111.5 (4), Colorado  
 54 Revised Statutes, not otherwise appropriated, to the department of natural  
 55 resources, division of parks and outdoor recreation, for the fiscal year  
 56 beginning July 1, 2003, the sum of two hundred thousand dollars

1 (\$200,000), or so much thereof as may be necessary, for the  
2 implementation of this act."  
3

4 Renumber succeeding section accordingly.

5 Page 1, line 104, strike "RULE AND" and substitute "RULE," and strike  
6 "FUND." and substitute "FUND, AND MAKING AN APPROPRIATION IN  
7 CONNECTION THEREWITH."  
8

9

10

11 **SB03-300** be referred to the Committee of the Whole with favorable  
12 recommendation.  
13

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17

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

18 After consideration on the merits, the Committee recommends the  
19 following:  
20

21

22 **SB03-246** be amended as follows, and as so amended, be referred to  
23 the Committee of the Whole with favorable  
24 recommendation:

25

26 Amend reengrossed bill, page 2, line 5, strike "fund." and substitute  
27 "fund - repeal."  
28

29

30 Page 3, after line 9, insert the following:

31

32 "(III) THIS PARAGRAPH (d) IS REPEALED, EFFECTIVE JULY 1, 2006."  
33

34

35

36

37 **SB03-266** be amended as follows, and as so amended, be referred to  
38 the Committee of the Whole with favorable  
39 recommendation:  
40

41

42 Amend reengrossed bill, page 3, line 4, strike "NO LESS THAN THREE  
43 DOLLARS AND";

44

45 line 5, strike "CENTS." and substitute "CENTS PER PATIENT PER DAY FOR  
46 EACH NURSING FACILITY PROVIDER.";

47

48 strike lines 18 and 19 and substitute the following:  
49

50

51 "(b) THE STATE DEPARTMENT SHALL SEEK THE APPROPRIATE  
52 FEDERAL WAIVER FROM THE FEDERAL REQUIREMENTS FOR THE  
53 IMPOSITION".  
54

55

56 Page 7, line 11, after the period, insert "IN ADDITION, A NURSING FACILITY  
MAY SEEK ADDITIONAL FUNDS FROM OTHER SOURCES FOR THE COST OF  
PROVIDING HEALTH CARE SERVICES THAT ARE NOT FULLY COVERED BY THE  
RATE PAID TO THAT NURSING FACILITY PURSUANT TO THIS PART 2."  
57

58

59

60

1 **SB03-287** be referred to the Committee of the Whole with favorable  
2 recommendation.  
3

4  
5 **SB03-288** be amended as follows, and as so amended, be referred to  
6 the Committee of the Whole with favorable  
7 recommendation:  
8

9 Amend reengrossed bill, page 2, strike lines 2 through 21 and substitute  
10 the following:  
11

12 "SECTION 1. 26-4-517 (3) (b), Colorado Revised Statutes, is  
13 amended to read:  
14

15 **26-4-517. Private duty nursing - repeal.** (3) (b) (I) Private-duty  
16 nursing services shall not be provided as twenty-four-hour care except in  
17 special circumstances and for limited time periods as established by the  
18 state department pursuant to this section.  
19

20 (II) (A) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH  
21 (I) OF THIS PARAGRAPH (b), PRIVATE DUTY NURSING SERVICES MAY BE  
22 PROVIDED AS TWENTY-FOUR-HOUR CARE UP TO THE LIMIT ESTABLISHED IN  
23 PARAGRAPH (c) OF THIS SUBSECTION (3).  
24

25 (B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1,  
26 2006.";  
27

28 line 24, strike "**nursing.** (3) (c)" and substitute "**nursing - repeal.**  
29 (3) (c) (I)";  
30

31 before line 27, insert the following:  
32

33 "(II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2006."  
34

35 Page 3, strike lines 11 through 16 and substitute the following:  
36

37 "premiums, shall be decreased by one million one hundred ninety  
38 thousand seven hundred eighty-eight dollars (\$1,190,788). Of said sum,  
39 five hundred ninety-five thousand three hundred ninety-four dollars  
40 (\$595,394) shall be from the general fund and five hundred ninety-five  
41 thousand three hundred ninety-four dollars (\$595,394) shall be from  
42 federal funds."  
43  
44  
45

46 **SB03-291** be referred to the Committee of the Whole with favorable  
47 recommendation.  
48

49 **SB03-295** be referred to the Committee of the Whole with favorable  
50 recommendation.  
51

52 **SB03-299** be referred to the Committee of the Whole with favorable  
53 recommendation.  
54  
55  
56

**SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

The Speaker has signed: **HB03-1006, 1008; HJR03-1045.**

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**DELIVERY OF BILLS TO GOVERNOR**

The Chief Clerk of the House of Representatives reports the following bills have been delivered to the Office of the Governor: **HB03-1010, 1083, 1108, 1117, 1186, 1232, 1255** at 10:58 a.m., April 9, 2003.

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**MESSAGES FROM THE SENATE**

Madam Speaker:

The Senate granted permission to members of the First Conference Committee on SB03-098 to consider matters not at issue between the two houses.

The President appointed Senators Johnson, Chm., Lamborn, and Hanna, as members of the First Conference Committee on HB03-1218.

The President appointed Senators Johnson, Chm., Kester, and Hanna, as members of the First Conference Committee on HB03-1305.

The President appointed Senators Kester, Chm., Johnson, and Nichol, as members of the First Conference Committee on HB03-1253.

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The Senate granted permission to members of the First Conference Committee on SB03-226 to consider matters not at issue between the two houses.

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

SB03-258, amended as printed in Senate Journal, April 8, pages 947-957,

HB03-1303, amended as printed in Senate Journal, March 27, page 784 and on Third Reading in Senate Journal, April 9.

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**MESSAGE FROM THE REVISOR**

We herewith transmit:

Without comment, as amended, SB03-258 and HB03-1303.

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**INTRODUCTION OF BILLS**  
**First Reading**

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

**HB03-1353** by Representative(s) King--Concerning the replacement of certain incentives allowed to businesses that establish new business facilities or expand existing facilities with a tax credit against state income taxes in an amount equal to a portion of the amount of personal property taxes paid to a school district, and making an appropriation in connection therewith.

Committee on Finance  
Committee on Appropriations

**HB03-1354** by Representative(s) Carroll; also Senator(s) Groff--Concerning the establishment of a microenterprise development advisory council.

Committee on Information & Technology

**SB03-258** by Senator(s) Owen, Teck, Reeves; also Representative(s) Young, Witwer, Plant--Concerning the provision for payment of the expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July I, 2003, except as otherwise noted.

Committee on Appropriations

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**INTRODUCTION OF CONCURRENT RESOLUTION**

The following resolution was read by title and referred to the committee indicated:

**HCR03-1006** by Representative(s) Madden, Weissmann--Submitting to the registered electors of the state of Colorado an amendment to section 20 of article X of the constitution of the state of Colorado, concerning the exclusion of funds for unemployment compensation from fiscal limitations, and, in connection therewith, modifying the definition of "fiscal year spending" to generally exclude the funds, but requiring the amount of the funds for any given fiscal year to be counted as fiscal year spending for the purpose of calculating state and local district fiscal year spending limits only.

Committee on State, Veterans, & Military Affairs

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**INTRODUCTION OF RESOLUTION**

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

**HJR03-1051** by Representative(s) Judd, Merrifield, Borodkin, Boyd, Briggs, Carroll, Cerbo, Coleman, Fairbank, Frangas, Hoppe, Johnson R., Madden, Marshall, May M., McFadyen, Paccione, Pommer, Ragsdale, Rhodes, Rose, Sinclair, Smith, Weissmann, Williams S., Witwer; also Senator(s) Linkhart--Concerning the recognition of world voice day.  
Committee on State, Veterans, & Military Affairs

WHEREAS, The human voice is the primary means by which humans communicate; and

WHEREAS, The human voice is capable of transmitting our thoughts, emotions, and even our general health; and

WHEREAS, Vocal communication is an essential part of functioning on a personal and professional level in society; and

WHEREAS, A healthy, expressive voice is crucial to success in the workplace; and

WHEREAS, Voice disorders have great social, psychological, biological, and economic consequences; and

WHEREAS, The National Center for Voice and Speech in Denver is dedicated to raising awareness of healthy voice use in society; and

WHEREAS, "World Voice Day" is a worldwide celebration of the importance of the human voice and an important educational and outreach activity regarding voice disorders and preventive voice measures; and

WHEREAS, It is a goal of "World Voice Day" to educate the public about voice disorders, professional voice use, laryngeal cancer, and preventive voice care; now, therefore,

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

1. That we, the members of the Colorado General Assembly, recognize April 16, 2003, as the first "World Voice Day" in order to raise awareness of and draw attention to the importance of healthy voice use.

2. That we recognize the role of the National Center for Voice and Speech, a division of the Denver Center for the Performing Arts, in disseminating healthy voice use information to the state, the nation, and the world.

1           *Be It Further Resolved*, That a copy of this Joint Resolution be  
2 sent to the National Center for Voice and Speech at the Denver Center for  
3 the Performing Arts.

4

5

6

7 On motion of Representative King, the House adjourned until 8:00 a.m.,  
8 April 10, 2003.

9

10

Approved:

11

12

13

14

LOLA SPRADLEY,  
Speaker

15

16 Attest:

17

18 JUDITH RODRIGUE,  
19 Chief Clerk