

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

Eightieth Legislative Day

Friday, March 28, 2003

1 Prayer by Father Michael Suchnicki, Samaritan House, Denver.

2

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

4

5 Pledge of Allegiance led by Representative Briggs.

6

7 The roll was called with the following result:

8

9 Present--58.

10 Excused--Representatives Cadman, Crane, Fairbank, Fritz, Rippy,

11 Schultheis, White--7.

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative McFadyen, the reading of the journal of
17 March 27, 2003, was declared dispensed with and approved as corrected
18 by the Chief Clerk.

19

20

21

22 On motion of Representative King, **SB03-036, 235, 107, 126, 237, 243,**
23 **007, 058** were added to the Special Orders Calendar on Friday,
24 March 28, 2003.

25

26

27 On motion of Representative Brophy, the House resolved itself into
28 Committee of the Whole for consideration of Special Orders and he was
29 called to the Chair to act as Chairman.

30

31

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

33

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

38

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

41

42 On motion of Representative King, Consideration of **SB03-015, 113, 233**
43 was laid over until March 31, retaining place on Calendar.

1 **SB03-149** by Senator(s) Arnold; also Representative(s) Spence--
2 Concerning practices relating to school districts' budgets.
3

4 Amendment No. 1, by Representative Spence.
5

6 Amend reengrossed bill, page 2, line 18, after the period, add "IF THE
7 BUDGET INCLUDES THE USE OF A BEGINNING FUND BALANCE, THE SCHOOL
8 DISTRICT BOARD OF EDUCATION SHALL ADOPT A RESOLUTION
9 SPECIFICALLY AUTHORIZING THE USE OF A PORTION OF THE BEGINNING
10 FUND BALANCE IN THE SCHOOL DISTRICT'S BUDGET. THE RESOLUTION, AT
11 A MINIMUM, SHALL SPECIFY THE AMOUNT OF THE BEGINNING FUND
12 BALANCE TO BE SPENT UNDER THE SCHOOL DISTRICT BUDGET, STATE THE
13 PURPOSE FOR WHICH THE EXPENDITURE IS NEEDED, AND STATE THE
14 SCHOOL DISTRICT'S PLAN TO ENSURE THAT THE USE OF THE BEGINNING
15 FUND BALANCE WILL NOT LEAD TO AN ONGOING DEFICIT.".
16

17 Amendment No. 2, by Representative Vigil.
18

19 Amend reengrossed bill, page 5, strike lines 15 through 27.
20

21 Page 6, strike line 1.
22

23 Renumber succeeding sections accordingly.
24

25 Amendment No. 3, by Representative Vigil.
26

27 Amend reengrossed bill, page 6, after line 7, insert the following:
28

29 **"SECTION 8.** 22-30.5-112, Colorado Revised Statutes, is
30 amended BY THE ADDITION OF A NEW SUBSECTION to read:
31

32 **22-30.5-112. Charter schools - financing - guidelines.** (7) A
33 CHARTER SCHOOL SHALL COMPLY WITH ALL OF THE STATE FINANCIAL AND
34 BUDGET RULES, REGULATIONS, AND FINANCIAL REPORTING REQUIREMENTS
35 WITH WHICH THE CHARTERING SCHOOL DISTRICT IS REQUIRED TO
36 COMPLY."
37

38 Renumber succeeding sections accordingly.
39

40 As amended, laid over until March 31, retaining place on Calendar.
41
42

43 **SB03-042** by Senator(s) Takis; also Representative(s) McCluskey--
44 Concerning the one dollar surcharge on filings received by
45 a county clerk and recorder as an authorized agent for the
46 executive director of the department of revenue.
47

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

51
52 **SB03-158** by Senator(s) Tupa, Phillips; also Representative(s)
53 Pommer, Madden, Plant, Weissmann--Concerning the sale
54 of property of a school district.
55

1 Amendment No. 1, Education Report, dated March 3, 2003, and placed
2 in member's bill file; Report also printed in House Journal, March 4,
3 page 1030.

4
5 Amendment No. 2, Finance Report, dated March 21, 2003, and placed in
6 member's bill file; Report also printed in House Journal, March 24,
7 pages 1235.

8
9 As amended, ordered revised and placed on the Calendar for Third
10 Reading and Final Passage.

11
12
13 **SB03-021** by Senator(s) Isgar; also Representative(s) Williams S.--
14 Concerning modifications to the direct care provider
15 career path pilot program.

16
17 Ordered revised and placed on the Calendar for Third Reading and Final
18 Passage.

19
20
21 **SB03-079** by Senator(s) Reeves; also Representative(s) Smith--
22 Concerning support obligations.

23
24 Amendment No. 1, Information & Technology Report, dated March 24,
25 2003, and placed in member's bill file; Report also printed in House
26 Journal, March 25, pages 1258-1262.

27
28 As amended, ordered revised and placed on the Calendar for Third
29 Reading and Final Passage.

30
31
32 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**

33
34 Representatives Romanoff and Veiga moved to amend the Report of the
35 Committee of the Whole to show that SB03-149, as amended, did pass.

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

	YES	27	NO	30	EXCUSED	07	ABSENT	01
40	Berry	N	Fritz	E	May	N	Sinclair	N
41	Borodkin	Y	Garcia	Y	McCluskey	N	Smith	N
42	Boyd	Y	Hall	N	McFadyen	Y	Spence	N
43	Briggs	N	Harvey	N	Merrifield	Y	Stafford	N
44	Brophy	N	Hefley	N	Miller	Y	Stengel	N
45	Butcher	Y	Hodge	Y	Mitchell	N	Tochtrop	Y
46	Cadman	E	Hoppe	N	Paccione	Y	Veiga	Y
47	Carroll	-	Jahn	Y	Plant	Y	Vigil	Y
48	Cerbo	Y	Johnson	N	Pommer	Y	Weddig	Y
49	Clapp	N	Judd	Y	Ragsdale	Y	Weissmann	Y
50	Cloer	N	King	N	Rhodes	N	White	E
51	Coleman	Y	Larson	N	Rippy	E	Wiens	N
52	Crane	E	Lee	N	Romanoff	Y	Williams S.	Y
53	Decker	N	Lundberg	N	Rose	N	Williams T.	N
54	Fairbank	E	Madden	Y	Salazar	Y	Witwer	N
55	Frangas	Y	Marshall	Y	Schultheis	E	Young	N
56							Speaker	N

1 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

2
3 Passed Second Reading: **SB03-042, 158 amended, 021, 079 amended.**

4
5 Laid over until date indicated retaining place on Calendar:
6 **SB03-015, 113, SB03-149 amended, 233--**March 31, 2003.

7
8 The Chairman moved the adoption of the Committee of the Whole
9 Report. As shown by the following roll call vote, a majority of those
10 elected to the House voted in the affirmative, and the Report was
11 **adopted.**

YES	58	NO	00	EXCUSED	07	ABSENT	00
Berry	Y	Fritz	E	May	Y	Sinclair	Y
Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
Cadman	E	Hoppe	Y	Paccione	Y	Veiga	Y
Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
Cloer	Y	King	Y	Rhodes	Y	White	E
Coleman	Y	Larson	Y	Rippy	E	Wiens	Y
Crane	E	Lee	Y	Romanoff	Y	Williams S.	Y
Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
Fairbank	E	Madden	Y	Salazar	Y	Witwer	Y
Frangas	Y	Marshall	Y	Schultheis	E	Young	Y
						Speaker	Y

32
33
34 **REPORT OF COMMITTEE OF REFERENCE**

35
36 **BUSINESS AFFAIRS & LABOR**

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

39
40 **SB03-231** be referred to the Committee of the Whole with favorable
41 recommendation.

42
43
44
45
46 **FINANCE**

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

49
50 **HB03-1274** be amended as follows, and as so amended, be referred to
51 the Committee of the Whole with favorable
52 recommendation:

53
54 Amend printed bill, strike everything below the enacting clause and
55 substitute the following:

56

1 **"SECTION 1.** 29-15-112, Colorado Revised Statutes, is
2 RECREATED AND REENACTED, WITH AMENDMENTS, to read:

3
4 **29-15-112. State treasurer may issue tax and revenue**
5 **anticipation notes for school districts.** (1) THE STATE TREASURER IS
6 HEREBY AUTHORIZED TO ISSUE TAX AND REVENUE ANTICIPATION NOTES
7 FOR SCHOOL DISTRICTS IN ACCORDANCE WITH THE PROVISIONS OF THIS
8 SECTION FOR THE PURPOSE OF ALLEVIATING TEMPORARY CASH FLOW
9 DEFICITS OF SUCH SCHOOL DISTRICTS BY MAKING INTEREST-FREE LOANS
10 PURSUANT TO SECTION 22-54-110, C.R.S.

11
12 (2) IN ADDITION TO POWERS OTHERWISE GRANTED TO THE STATE
13 TREASURER BY LAW, THE STATE TREASURER SHALL HAVE THE FOLLOWING
14 POWERS IN CONNECTION WITH THE ISSUANCE OF TAX AND REVENUE
15 ANTICIPATION NOTES PURSUANT TO THE PROVISIONS OF THIS SECTION:

16
17 (a) TO USE THE SEAL OF THE STATE TREASURER;

18
19 (b) TO ADOPT RESOLUTIONS OR ENTER INTO INDENTURES OF TRUST
20 OR OTHER INSTRUMENTS TO PROVIDE FOR THE ISSUANCE OF THE TAX AND
21 REVENUE ANTICIPATION NOTES;

22
23 (c) TO ENGAGE THE SERVICES OF CONSULTANTS, FINANCIAL
24 ADVISORS, UNDERWRITERS, ATTORNEYS, TRUSTEES, PAYING AGENTS,
25 REGISTRARS, REMARKETING AGENTS, INDEXING AGENTS, DEPOSITARIES,
26 AND OTHER AGENTS WHOSE SERVICES MAY BE REQUIRED IN CONNECTION
27 WITH THE ISSUANCE OF THE TAX AND REVENUE ANTICIPATION NOTES;

28
29 (d) TO ENTER INTO CONTRACTS, AGREEMENTS, AND OTHER
30 INSTRUMENTS IN CONNECTION WITH THE ISSUANCE OF THE TAX AND
31 REVENUE ANTICIPATION NOTES, INCLUDING BUT NOT LIMITED TO
32 CONTRACTS WITH PERSONS SPECIFIED IN PARAGRAPH (c) OF THIS
33 SUBSECTION (2), CONTRACTS PROVIDING FOR THE PURCHASE OR
34 REPURCHASE OF THE TAX AND REVENUE ANTICIPATION NOTES,
35 AGREEMENTS WITH SCHOOL DISTRICTS REGARDING THE PAYMENT OF
36 LOANS AND OTHER MATTERS RELATING TO THE ISSUANCE OF THE TAX AND
37 REVENUE ANTICIPATION NOTES, AND INDENTURES OF TRUST OR OTHER
38 INSTRUMENTS PROVIDING FOR THE ISSUANCE OF THE TAX AND REVENUE
39 ANTICIPATION NOTES;

40
41 (e) TO PROVIDE CREDIT ENHANCEMENT FOR THE TAX AND REVENUE
42 ANTICIPATION NOTES BY:

43
44 (I) ENTERING INTO SUCH AGREEMENTS AS MAY BE NECESSARY TO
45 OBTAIN A CREDIT FACILITY WITH RESPECT TO ANY ISSUE OF NOTES; AND

46
47 (II) PLEDGING TOWARD THE PAYMENT OF INTEREST ON THE TAX
48 AND REVENUE ANTICIPATION NOTES MONEYS FROM THE STATE GENERAL
49 FUND IN AN AMOUNT NOT EXCEEDING THE AMOUNT OF INTEREST ON SUCH
50 NOTES. THE PROVISIONS OF SECTION 24-75-907 (2) AND (3), C.R.S., THAT
51 RELATE TO THE CREATION OF A RESTRICTED ACCOUNT AND TO LIENS SHALL
52 APPLY TO THE PLEDGE OF SUCH MONEYS; EXCEPT THAT THE RESTRICTED
53 ACCOUNT SHALL NOT EXCEED THE AMOUNT OF INTEREST ON THE TAX AND
54 REVENUE ANTICIPATION NOTES.

55
56 (f) TO ASSIST A SCHOOL DISTRICT IN DETERMINING WHETHER IT

1 WILL HAVE A CASH FLOW DEFICIT THAT WILL REQUIRE A LOAN PURSUANT
2 TO SECTION 22-54-110, C.R.S., AND TO DETERMINE THE TOTAL AMOUNT
3 OF TAX AND REVENUE ANTICIPATION NOTES THAT SHOULD BE ISSUED ON
4 BEHALF OF THE DISTRICT; AND

5
6 (g) TO DO ALL OTHER THINGS NECESSARY AND CONVENIENT IN
7 CONNECTION WITH THE ISSUANCE OF TAX AND REVENUE ANTICIPATION
8 NOTES PURSUANT TO THE PROVISIONS OF THIS SECTION AND WITH THE
9 ESTABLISHMENT OF SCHOOL DISTRICT RESPONSIBILITIES RELATING TO THE
10 TAX AND REVENUE ANTICIPATION NOTES AND COMPLIANCE WITH FEDERAL
11 TAX LAWS AND REGULATIONS.

12
13 (3) (a) THE PROCEEDS OF THE TAX AND REVENUE ANTICIPATION
14 NOTES MAY BE USED FOR THE FOLLOWING PURPOSES:

15
16 (I) TO MAKE INTEREST-FREE LOANS TO SCHOOL DISTRICTS
17 PURSUANT TO SECTION 22-54-110, C.R.S., TO ALLEVIATE CASH FLOW
18 DEFICITS;

19
20 (II) TO PAY THE COSTS OF ISSUING THE TAX AND REVENUE
21 ANTICIPATION NOTES, INCLUDING THE COST OF OBTAINING A CREDIT
22 FACILITY;

23
24 (III) TO PAY THE PRINCIPAL, PREMIUM, AND INTEREST RELATED TO
25 THE TAX AND REVENUE ANTICIPATION NOTES; AND

26
27 (IV) TO PAY ANY OTHER EXPENSE OR CHARGE INCURRED IN
28 CONNECTION WITH ACTIONS OF THE STATE TREASURER AUTHORIZED BY
29 THE PROVISIONS OF THIS SECTION OR SECTION 22-54-110, C.R.S.

30
31 (b) PENDING USE OF THE PROCEEDS OF THE TAX AND REVENUE
32 ANTICIPATION NOTES IN ACCORDANCE WITH PARAGRAPH (a) OF THIS
33 SUBSECTION (3), SUCH PROCEEDS MAY BE INVESTED BY THE STATE
34 TREASURER IN ANY INVESTMENTS THAT ARE LEGAL INVESTMENTS FOR
35 REVENUES OF THE STATE OR MAY BE DEPOSITED IN ANY ELIGIBLE PUBLIC
36 DEPOSITORY. THE INCOME FROM ANY SUCH INVESTMENT OR DEPOSIT MAY
37 BE USED FOR THE FOLLOWING PURPOSES:

38
39 (I) TO PAY THE COSTS OF ISSUING THE TAX AND REVENUE
40 ANTICIPATION NOTES, INCLUDING THE COST OF OBTAINING A CREDIT
41 FACILITY; AND

42
43 (II) TO PAY THE INTEREST ON THE TAX AND REVENUE
44 ANTICIPATION NOTES.

45
46 (4) (a) (I) TAX AND REVENUE ANTICIPATION NOTES ISSUED
47 PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL BE PAYABLE FROM:

48
49 (A) ONE OR MORE PAYMENTS BY THE SCHOOL DISTRICT RECEIVING
50 A LOAN FROM THE PROCEEDS FROM SUCH NOTES, WHICH PAYMENT OR
51 PAYMENTS BY THE SCHOOL DISTRICT SHALL BE, IN THE AGGREGATE,
52 SUFFICIENT TO PAY THE PRINCIPAL ON THE TAX AND REVENUE
53 ANTICIPATION NOTES ISSUED TO FUND SUCH LOAN; AND

54
55 (B) ANY MONEYS FROM THE STATE GENERAL FUND THAT ARE
56 PLEDGED PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (e) OF

1 SUBSECTION (2) OF THIS SECTION.
2

3 (II) THE AMOUNT PAID PURSUANT TO SUB-SUBPARAGRAPH (B) OF
4 SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) SHALL BE THE DIFFERENCE
5 BETWEEN THE AMOUNT OF INTEREST ON THE TAX AND REVENUE
6 ANTICIPATION NOTES AND THE INCOME EARNED FROM ANY INVESTMENT OR
7 DEPOSIT PURSUANT TO PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION
8 AND PARAGRAPH (b) OF THIS SUBSECTION (4).
9

10 (b) THERE IS HEREBY CREATED IN THE GENERAL FUND AN ACCOUNT
11 THAT SHALL BE KNOWN AS THE SCHOOL DISTRICT TAX AND REVENUE
12 ANTICIPATION NOTES REPAYMENT ACCOUNT. ALL PAYMENTS RECEIVED
13 FROM SCHOOL DISTRICTS PURSUANT TO PARAGRAPH (a) OF THIS
14 SUBSECTION (4) SHALL BE DEPOSITED BY THE STATE TREASURER IN THE
15 SCHOOL DISTRICT TAX AND REVENUE ANTICIPATION NOTES REPAYMENT
16 ACCOUNT AND MAY BE INVESTED BY THE STATE TREASURER IN ANY
17 INVESTMENTS THAT ARE LEGAL INSTRUMENTS FOR REVENUES OF THE
18 STATE OR MAY BE DEPOSITED IN ANY ELIGIBLE PUBLIC DEPOSITORY. ALL
19 MONEYS IN THE ACCOUNT THAT ARE NOT IN EXCESS OF THE AMOUNT
20 REQUIRED TO PAY THE PRINCIPAL, PREMIUM, AND INTEREST RELATED TO
21 THE TAX AND REVENUE ANTICIPATION NOTES SHALL BE USED FOR THE
22 PURPOSE OF PAYING THE PRINCIPAL, PREMIUM, AND INTEREST RELATED TO
23 THE TAX AND REVENUE ANTICIPATION NOTES AND FOR NO OTHER PURPOSE.
24

25 (5) (a) TAX AND REVENUE ANTICIPATION NOTES ISSUED BY THE
26 STATE TREASURER PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL
27 BE ISSUED PURSUANT TO A RESOLUTION OR OTHER AUTHORIZING
28 INSTRUMENT OF THE STATE TREASURER. NOTWITHSTANDING ANY OTHER
29 PROVISION OF THIS ARTICLE TO THE CONTRARY, SUCH NOTES MAY BE
30 ISSUED IN SUCH AGGREGATE PRINCIPAL AMOUNT, MAY BE ISSUED IN ONE
31 OR MORE SERIES, MAY BEAR SUCH DATES, MAY BE IN SUCH DENOMINATION,
32 MAY MATURE IN SUCH AMOUNT, MAY BEAR INTEREST AT SUCH RATE, MAY
33 BE IN SUCH FORM, MAY BE PAYABLE AT SUCH PLACE, AND MAY BE SUBJECT
34 TO SUCH TERMS OF REDEMPTION WITH OR WITHOUT A PREMIUM AS THE
35 STATE TREASURER BY RESOLUTION OR OTHER AUTHORIZING INSTRUMENT
36 MAY PROVIDE. THE RATE OF INTEREST BORNE BY THE TAX AND REVENUE
37 ANTICIPATION NOTES MAY BE FIXED, ADJUSTABLE, OR VARIABLE OR ANY
38 COMBINATION THEREOF. IF ANY RATE IS ADJUSTABLE OR VARIABLE, THE
39 STANDARD, INDEX, METHOD, OR FORMULA PURSUANT TO WHICH SUCH
40 RATE IS TO BE FROM TIME TO TIME DETERMINED SHALL BE SET FORTH IN
41 THE RESOLUTION OR OTHER AUTHORIZING INSTRUMENT OF THE STATE
42 TREASURER. SUCH RESOLUTION OR OTHER AUTHORIZING INSTRUMENT
43 MAY ALSO INCLUDE A DELEGATION OF AUTHORITY TO AN AGENT ACTING
44 FOR AND ON BEHALF OF THE STATE TREASURER TO DETERMINE A RATE
45 WITHIN PARAMETERS, INCLUDING A MAXIMUM INTEREST RATE, PRESCRIBED
46 BY THE STATE TREASURER. TAX AND REVENUE ANTICIPATION NOTES
47 ISSUED PURSUANT TO THE PROVISIONS OF THIS SECTION MAY BE SOLD AT
48 PUBLIC OR PRIVATE SALE AND MAY BE SOLD AT, ABOVE, OR BELOW THE
49 PRINCIPAL AMOUNTS THEREOF.
50

51 (b) THE TAX AND REVENUE ANTICIPATION NOTES SHALL MATURE
52 ON ANY DATE OR DATES OCCURRING ON OR BEFORE AUGUST 31 OF THE
53 FISCAL YEAR IMMEDIATELY FOLLOWING THE FISCAL YEAR IN WHICH THE
54 NOTES ARE ISSUED.
55

56 (6) (a) TAX AND REVENUE ANTICIPATION NOTES ISSUED PURSUANT

1 TO THE PROVISIONS OF THIS SECTION SHALL BE SIGNED BY THE STATE
2 TREASURER AND COUNTERSIGNED BY THE DEPUTY STATE TREASURER, AND
3 THE SEAL OF THE STATE TREASURER SHALL BE AFFIXED THERETO.
4

5 (b) PURSUANT TO ARTICLE 55 OF TITLE 11, C.R.S., ANY SIGNATURE
6 REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (6) MAY BE A FACSIMILE
7 SIGNATURE IMPRINTED, ENGRAVED, STAMPED, OR OTHERWISE PLACED ON
8 THE TAX AND REVENUE ANTICIPATION NOTES. IF ALL SIGNATURES OF
9 PUBLIC OFFICIALS ON THE TAX AND REVENUE ANTICIPATION NOTES ARE
10 FACSIMILE SIGNATURES, PROVISIONS SHALL BE MADE FOR A MANUAL
11 AUTHENTICATING SIGNATURE ON THE TAX AND REVENUE ANTICIPATION
12 NOTES BY OR ON BEHALF OF A DESIGNATED AUTHENTICATING AGENT. IF
13 AN OFFICIAL CEASES TO HOLD OFFICE BEFORE DELIVERY OF THE TAX AND
14 REVENUE ANTICIPATION NOTES SIGNED BY SUCH OFFICIAL, THE SIGNATURE
15 OR FACSIMILE SIGNATURE OF THE OFFICIAL IS NEVERTHELESS VALID AND
16 SUFFICIENT FOR ALL PURPOSES. A FACSIMILE OF THE SEAL OF THE STATE
17 TREASURER MAY BE IMPRINTED, ENGRAVED, STAMPED, OR OTHERWISE
18 PLACED ON THE NOTES.
19

20 (7) TAX AND REVENUE ANTICIPATION NOTES ISSUED PURSUANT TO
21 THE PROVISIONS OF THIS SECTION SHALL BE PAYABLE SOLELY FROM THE
22 REVENUES PLEDGED THERETO, AND THE OWNERS OR HOLDERS OF THE
23 NOTES MAY NOT LOOK TO ANY OTHER SOURCE FOR REPAYMENT OF THE
24 PRINCIPAL OF OR INTEREST ON THE NOTES. SUCH TAX AND REVENUE
25 ANTICIPATION NOTES SHALL NOT CONSTITUTE A DEBT OR AN
26 INDEBTEDNESS OF THE STATE OR ANY SCHOOL DISTRICT WITHIN THE
27 MEANING OF ANY APPLICABLE PROVISION OF THE STATE CONSTITUTION OR
28 STATE STATUTES.
29

30 (8) ANY TAX AND REVENUE ANTICIPATION NOTES ISSUED
31 PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL CONSTITUTE A
32 CONTRACT BETWEEN THE STATE TREASURER AND THE OWNER OR HOLDER
33 THEREOF, AND NEITHER THE STATE NOR ANY OF ITS POLITICAL
34 SUBDIVISIONS SHALL TAKE ANY ACTION IMPAIRING SUCH CONTRACT.
35

36 (9) THE TAX AND REVENUE ANTICIPATION NOTES ISSUED PURSUANT
37 TO THE PROVISIONS OF THIS SECTION SHALL BE EXEMPT FROM ALL STATE,
38 COUNTY, MUNICIPAL, SCHOOL, AND OTHER TAXES IMPOSED BY ANY TAXING
39 AUTHORITY OF THE STATE OF COLORADO.
40

41 **SECTION 2.** 22-54-110 (1) (a), (2) (a), and (3), Colorado
42 Revised Statutes, are amended, and the said 22-54-110 (1) is further
43 amended BY THE ADDITION OF THE FOLLOWING NEW
44 PARAGRAPHS, to read:
45

46 **22-54-110. Loans to alleviate cash flow deficits.** (1) (a) Upon
47 approval by the state treasurer of the application of a district, to
48 participate in an interest-free OR LOW-INTEREST loan program, the state
49 treasurer shall make available to such district in any month of the budget
50 year an interest-free OR LOW-INTEREST loan from the state general fund
51 OR THE PROCEEDS OF THE TAX AND REVENUE ANTICIPATION NOTES ISSUED
52 PURSUANT TO SECTION 29-15-112, C.R.S., in an amount for the month as
53 certified by the chief financial officer and the superintendent of the
54 district.
55

56 (a.5) The state treasurer shall determine the methodology for the

1 calculation of cash deficits and establish reporting mechanisms necessary
2 to ensure consistent and accurate reporting of cash deficits. No loan shall
3 be made in any month unless the district has demonstrated, ~~to the~~
4 ~~satisfaction of the state treasurer~~ THROUGH THE SUBMISSION OF ANY
5 ACTUAL OR PROJECTED FINANCIAL OR BUDGETARY STATEMENTS REQUIRED
6 BY THE STATE TREASURER that a general fund cash deficit will exist for
7 that month, AND THAT THE DISTRICT HAS THE CAPACITY TO REPAY THE
8 LOAN BY JUNE 25TH OF THE STATE FISCAL YEAR IN WHICH THE LOAN SHALL
9 BE MADE. THIS PARAGRAPH (a.5) SHALL APPLY TO A LOAN MADE FROM THE
10 STATE GENERAL FUND OR THE PROCEEDS OF THE TAX AND REVENUE
11 ANTICIPATION NOTES ISSUED PURSUANT TO SECTION 29-15-112, C.R.S.

12
13 (c) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (d) OF THIS
14 SUBSECTION (1), ALL LOANS TO A DISTRICT SHALL BE MADE FROM THE
15 PROCEEDS OF THE TAX AND REVENUE ANTICIPATION NOTES ISSUED
16 PURSUANT TO SECTION 29-15-112, C.R.S.

17
18 (d) IF THE AMOUNT OF THE TAX AND REVENUE ANTICIPATION
19 NOTES, IF ANY, ISSUED ON BEHALF OF A DISTRICT AS DETERMINED BY THE
20 STATE TREASURER PURSUANT TO SECTION 29-15-112 (2) (f), C.R.S., IS NOT
21 SUFFICIENT TO COVER A DISTRICT'S CASH DEFICIT, THEN THE STATE
22 TREASURER MAY, IN HIS OR HER DISCRETION, MAKE AVAILABLE TO SUCH
23 DISTRICT AN EMERGENCY LOAN FROM THE STATE GENERAL FUND. THE
24 EMERGENCY LOAN SHALL ACCRUE INTEREST AT THE SAME RATE AS THE
25 RATE OF INTEREST PAID BY THE STATE TREASURER ON NOTES ISSUED BY
26 THE STATE PURSUANT TO PART 9 OF ARTICLE 75 OF TITLE 24, C.R.S.

27
28 (2) (a) For the months of March, April, and May of each budget
29 year, any district receiving a loan under the provisions of PARAGRAPH (d)
30 OF SUBSECTION (1) OF this section shall begin to repay such loan if the
31 district's available resources, as of the last day of the month, increased by
32 the next month's revenues exceed the next month's expenditures plus a
33 cash reserve. The excess resources must be remitted to the state treasurer
34 by the close of business on the fifteenth day, or the first business day
35 following the fifteenth day, of the following month. All loans shall be
36 repaid by June 25 of the state fiscal year in which the loan was made or
37 on ~~an~~ A LATER alternative date as determined by the state treasurer.

38
39 ~~(3) The state treasurer shall consult with the department of~~
40 ~~education concerning the administration of the loan program under this~~
41 ~~section in order to assure that it is implemented in a manner which will~~
42 ~~minimize the loss of interest to the general fund caused by the loan of~~
43 ~~moneys to districts in order to alleviate cash flow management problems.~~

44
45 **SECTION 3.** 22-54-110 (2), Colorado Revised Statutes, is
46 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

47
48 **22-54-110. Loans to alleviate cash flow deficits.** (2) (a.5) FOR
49 THE MONTHS OF MARCH, APRIL, AND MAY OF EACH BUDGET YEAR, ANY
50 DISTRICT RECEIVING A LOAN UNDER THE PROVISIONS OF PARAGRAPH (c) OF
51 SUBSECTION (1) OF THIS SECTION SHALL BEGIN TO REPAY SUCH LOAN AS
52 ESTABLISHED BY THE DISTRICT'S AGREEMENT WITH THE STATE TREASURER.
53 ALL LOANS SHALL BE REPAYED BY JUNE 25 OF THE STATE FISCAL YEAR IN
54 WHICH THE LOAN WAS MADE OR ON A LATER ALTERNATIVE DATE AS
55 DETERMINED BY THE STATE TREASURER.

56

1 **SECTION 4. Effective date.** This act shall take effect July 1,
2 2003.

3
4 **SECTION 5. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, and safety."

7
8
9
10
11 **STATE, VETERANS, & MILITARY AFFAIRS**

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

14
15 **HB03-1217** be postponed indefinitely.

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18
19 **PRINTING REPORT**

20
21 The Chief Clerk reports the following bills have been correctly printed:
22 **HB03-1344; HCR03-1004.**

23
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25
26 **INTRODUCTION OF RESOLUTION**

27
28 The following resolution was read by title and laid over one day under the
29 rules:

30
31 **HJR03-1041** by Representative(s) Fritz, Lee, Brophy, Cadman, Crane,
32 Jahn, McFadyen, Miller, Rippy, Salazar, Sinclair, White;
33 also Senator(s) Taylor, May R.--Concerning support of the
34 United States Armed Forces in Operation Iraqi Freedom.

35
36 WHEREAS, The United States Armed Forces, a total force
37 comprised of active, National Guard, and Reserve personnel, are now
38 undertaking courageous and determined operations against the forces of
39 Saddam Hussein's regime; and

40
41 WHEREAS, The General Assembly and the people of Colorado
42 are proud of the members of the Armed Forces and strongly support
43 them; and

44
45 WHEREAS, The Iraq Liberation Act of 1998 stated that it should
46 be the policy of the United States to support efforts to remove Saddam
47 Hussein's regime from power in Iraq and to promote the emergence of a
48 democratic government to replace the regime; and

49
50 WHEREAS, On October 16, 2002, President Bush signed the
51 Authorization for Use of Military Force Against Iraq Resolution of 2002,
52 which provided congressional authorization for the use of military force
53 against Iraq; and

54
55 WHEREAS, The United Nations Security Council unanimously
56 adopted Security Council Resolution 1441 on November 8, 2002, which

1 stated that Iraq would "face serious consequences" if it continued
2 violations of its obligations to disarm; and

3

4 WHEREAS, Iraq remains in material breach of Security Council
5 Resolution 1441 and other relevant resolutions; and

6

7 WHEREAS, The United States assembled and deployed an allied
8 military coalition to apply pressure on Saddam Hussein to comply with
9 the relevant United Nations resolutions; and

10

11 WHEREAS, On the evening of March 17, 2003, President George
12 W. Bush issued a final ultimatum for Saddam Hussein and his sons to
13 leave Iraq within 48 hours or face United States military intervention; and

14

15 WHEREAS, When Saddam Hussein failed to comply, President
16 George W. Bush ordered the Armed Forces to commence Operation Iraqi
17 Freedom in order to liberate Iraq, remove Saddam Hussein from power,
18 and neutralize Iraq's weapons of mass destruction; and

19

20 WHEREAS, The Armed Forces and allied forces are performing
21 their missions with great courage and distinction in carrying out air, land,
22 and sea attacks against Iraqi military targets; and

23

24 WHEREAS, The Armed Forces and allied forces have already
25 made significant progress in their efforts in Iraq, but have also faced
26 casualties and resistance; and

27

28 WHEREAS, The ability of the Armed Forces to successfully
29 perform their mission requires the support of their nation, communities,
30 and families; now, therefore,

31

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

35

36 (1) That the General Assembly and the people of the state of
37 Colorado commend and express gratitude and support to all members of
38 the United States Armed Forces who are carrying out their mission with
39 patriotism and bravery.

40

41 (2) That the General Assembly recognizes the sacrifices of the
42 families of the men and women serving in the Armed Forces and
43 expresses appreciation and support to them.

44

45 (3) That the General Assembly commends and supports the efforts
46 and leadership of President George W. Bush in the conduct of military
47 operations in Iraq.

48

49 (4) That the General Assembly expresses sincere gratitude to
50 British Prime Minister Tony Blair and his government for their
51 courageous and steadfast support, as well as gratitude to other allied
52 nations for their military support, logistical support, and other assistance
53 in the campaign against Saddam Hussein's regime.

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LAY OVER OF CALENDAR ITEMS

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On motion of Representative King, the following items on the Calendar were laid over until March 31, retaining place on Calendar:

Consideration of Special Orders--**SB03-036, 235, 107, 126, 237, 243, 007, 058.**

Consideration of Third Reading--**HB03-1164, SB03-016, 091, 023, 038, 088, 119, 034, 044, 056, 102, 106.**

Consideration of General Orders--**HB03-1311, 1252, 1132, 1085, 1173, SB03-120, HB03-1330, 1327, 1319, 1333, 1209, 1337.**

Consideration of Resolutions--**HJR03-1020, 1029, 1022, 1033, 1035, 1036, 1037, 1038, 1039, 1040.**

Consideration of Senate Amendments--**HB03-1304, 1240, 1221, 1255, 1061, 1172, 1108, 1218, 1211, 1297, 1186, 1219, 1228, 1298, 1290, 1232, 1241, 1313, 1267.**

On motion of Representative King, the House adjourned until 10:00 a.m., March 31, 2003.

Approved:

LOLA SPRADLEY,
Speaker

Attest:

JUDITH RODRIGUE,
Chief Clerk