

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

Eighty-sixth Legislative Day

Thursday, April 3, 2003

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

2

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

4

5 Pledge of Allegiance led by Representative Cadman.

6

7 The roll was called with the following result:

8

9 Present--62.

10 Excused--Representatives Cloer, Crane, Lee--3.

11 Present after Roll Call--Representative Cloer--1.

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative Merrifield, the reading of the journal of
17 April 2, 2003, was declared dispensed with and approved as corrected by
18 the Chief Clerk.

19

20

21

22

MESSAGE FROM THE SENATE

23

24 Madam Speaker:

25

26 The Senate has adopted and transmits herewith: SJR03-031.

27

28

29 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

30

31 **SJR03-031** by Senator(s) Phillips; also Representative(s) Weissmann--
32 Concerning honoring the 2002 Monarch High School
33 football team for winning the state 4A championship.

34

35 On motion of Representative King, the rules were suspended and the
36 resolution given immediate consideration.

37

38 On motion of Representative Weissmann the resolution was read at
39 length and **adopted** by **viva voce** vote.

40

41 Co-sponsors added: Representatives Berry, Borodkin, Boyd, Briggs, Brophy,
42 Butcher, Cadman, Carroll, Cerbo, Clapp, Coleman, Decker, Frangas, Fritz,
43 Garcia, Hall, Harvey, Hefley, Hodge, Hoppe, Jahn, Johnson, Judd, King,

1 Larson, Lundberg, Madden, Marshall, May, McCluskey, McFadyen, Merrifield,
 2 Miller, Mitchell, Paccione, Plant, Pommer, Ragsdale, Rhodes, Romanoff, Rose,
 3 Salazar, Schultheis, Sinclair, Stafford, Stengel, Tochtrop, Veiga, Vigil, Weddig,
 4 Wiens, Williams S., Williams T., Witwer, Speaker.

5
 6
 7 **THIRD READING OF BILLS--FINAL PASSAGE**

8
 9 The following bills were considered on Third Reading. The titles were
 10 publicly read. Reading of the bill at length was dispensed with by
 11 unanimous consent.

12
 13 **HB03-1252** by Representative(s) Boyd; also Senator(s) Chlouber--
 14 Concerning the availability of emergency contraception to
 15 a survivor of a sexual assault.

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

21

22	YES	53	NO	09	EXCUSED	03	ABSENT	00
23	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
24	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
25	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
26	Briggs	Y	Harvey	N	Merrifield	Y	Stafford	Y
27	Brophy	N	Hefley	Y	Miller	Y	Stengel	Y
28	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
29	Cadman	N	Hoppe	Y	Paccione	Y	Veiga	Y
30	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
31	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
32	Clapp	N	Judd	Y	Ragsdale	Y	Weissmann	Y
33	Cloer	E	King	N	Rhodes	Y	White	Y
34	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
35	Crane	E	Lee	E	Romanoff	Y	Williams S.	Y
36	Decker	N	Lundberg	N	Rose	N	Williams T.	Y
37	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
38	Frangas	Y	Marshall	Y	Schultheis	N	Young	Y
39							Speaker	Y

40 Co-sponsors added: Representatives Carroll, Coleman, Frangas, Garcia, Hodge,
 41 Johnson, Larson, Madden, Marshall, Merrifield, Paccione, Plant, Ragsdale,
 42 Romanoff, Tochtrop, Veiga, Weissmann, Williams S.

43
 44 **HB03-1085** by Representative(s) Rippy; also Senator(s) Teck--
 45 Concerning the duration of the validity of certain forms of
 46 identification issued by the department of revenue.

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

52

53	YES	55	NO	07	EXCUSED	03	ABSENT	00
54	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
55	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
56	Boyd	Y	Hall	Y	McFadyen	N	Spence	Y

1	Briggs	Y	Harvey	N	Merrifield	Y	Stafford	Y
2	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
3	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
4	Cadman	N	Hoppe	Y	Paccione	Y	Veiga	Y
5	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
6	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
7	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
8	Cloer	E	King	Y	Rhodes	Y	White	Y
9	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
10	Crane	E	Lee	E	Romanoff	Y	Williams S.	Y
11	Decker	N	Lundberg	N	Rose	Y	Williams T.	Y
12	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
13	Frangas	Y	Marshall	Y	Schultheis	N	Young	Y
14							Speaker	N

15 Co-sponsors added: Representatives Coleman, Hefley, Miller, Spence, Weddig,
16 Williams S.

17
18 **HB03-1173** by Representative(s) Coleman, Boyd, Butcher, Groff,
19 Jahn, Judd, Marshall, McFadyen, Ragsdale, Romanoff,
20 Tochtrop; also Senator(s) Tapia, Windels--Concerning the
21 funding of Colorado family literacy programs.

22
23 The question being "Shall the bill pass?".

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

27	YES	55	NO	07	EXCUSED	03	ABSENT	00
28								
29	Berry	Y	Fritz	Y	May	N	Sinclair	Y
30	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
31	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
32	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
33	Brophy	N	Hefley	Y	Miller	Y	Stengel	Y
34	Butcher	Y	Hodge	Y	Mitchell	N	Tochtrop	Y
35	Cadman	N	Hoppe	Y	Paccione	Y	Veiga	Y
36	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
37	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
38	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
39	Cloer	E	King	Y	Rhodes	Y	White	Y
40	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
41	Crane	E	Lee	E	Romanoff	Y	Williams S.	Y
42	Decker	Y	Lundberg	N	Rose	N	Williams T.	Y
43	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
44	Frangas	Y	Marshall	Y	Schultheis	N	Young	Y
45							Speaker	Y

46 Co-sponsors added: Representatives Carroll, Frangas, Garcia, Hefley, Hodge,
47 Madden, Merrifield, Miller, Paccione, Plant, Rippy, Veiga.

48
49 **SB03-120** by Senator(s) Johnson S.; also Representative(s) Clapp--
50 Concerning the continuation of the regulatory functions of
51 the state board of dental examiners, and making an
52 appropriation therefor.

53
54 As shown by the following roll call vote, a majority of all members
55 elected to the House voted in the affirmative, and Representative Clapp
56 was given permission to offer a Third Reading amendment:

	YES	62	NO	00	EXCUSED	03	ABSENT	00
1								
2	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
3	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
4	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
5	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
6	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
7	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
8	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
9	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
10	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
11	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
12	Cloer	E	King	Y	Rhodes	Y	White	Y
13	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
14	Crane	E	Lee	E	Romanoff	Y	Williams S.	Y
15	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
16	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
17	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
18							Speaker	Y
19								

20 **Third Reading amendment No. 1**, by Representative Clapp.

21
22 Amend revised bill, page 36, line 6, strike "TERRITORY, PROVINCE, OR
23 COUNTRY" and substitute "TERRITORY, OR PROVINCE".

24
25 The amendment was declared **passed** by the following roll call vote:

	YES	62	NO	00	EXCUSED	03	ABSENT	00
27								
28	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
29	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
30	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
31	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
32	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
33	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
34	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
35	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
36	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
37	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
38	Cloer	E	King	Y	Rhodes	Y	White	Y
39	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
40	Crane	E	Lee	E	Romanoff	Y	Williams S.	Y
41	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
42	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
43	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
44							Speaker	Y
45								

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

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

	YES	60	NO	02	EXCUSED	03	ABSENT	00
51								
52	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
53	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	N
54	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
55	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
56	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y

1	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
2	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
3	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
4	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
5	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
6	Cloer	E	King	Y	Rhodes	Y	White	Y
7	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
8	Crane	E	Lee	E	Romanoff	Y	Williams S.	Y
9	Decker	Y	Lundberg	N	Rose	Y	Williams T.	Y
10	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
11	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
12							Speaker	Y

13 Co-sponsors added: Representatives Boyd, Coleman, Frangas, Spence, Stafford,
14 Tochtrop.

15
16 **HB03-1330** by Representative(s) Stengel; also Senator(s) Dyer--
17 Concerning measures to ensure compliance with existing
18 statutory provisions that govern tobacco escrow funds.

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

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

24	YES	48	NO	13	EXCUSED	03	ABSENT	01
25								
26	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
27	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	-
28	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
29	Briggs	Y	Harvey	N	Merrifield	Y	Stafford	Y
30	Brophy	N	Hefley	Y	Miller	Y	Stengel	Y
31	Butcher	Y	Hodge	Y	Mitchell	N	Tochtrop	Y
32	Cadman	N	Hoppe	N	Paccione	Y	Veiga	Y
33	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
34	Cerbo	Y	Johnson	N	Pommer	Y	Weddig	Y
35	Clapp	N	Judd	Y	Ragsdale	Y	Weissmann	Y
36	Cloer	E	King	Y	Rhodes	N	White	Y
37	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
38	Crane	E	Lee	E	Romanoff	Y	Williams S.	Y
39	Decker	Y	Lundberg	N	Rose	Y	Williams T.	N
40	Fairbank	N	Madden	Y	Salazar	Y	Witwer	Y
41	Frangas	Y	Marshall	Y	Schultheis	N	Young	N
42							Speaker	Y

43 Co-sponsors added: Representatives Coleman, Larson, Miller, Vigil.

44
45 **HB03-1327** by Representative(s) Butcher, McFadyen, Tochtrop; also
46 Senator(s) Tapia--Concerning an extension of the time in
47 which retirees of the public employees' retirement
48 association may be employed to work as nonlicensed
49 employees for schools without reducing the retirement
50 benefits of the retirees.

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

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

56

	YES	54	NO	08	EXCUSED	03	ABSENT	00
1								
2	Berry	Y	Fritz	Y	May	Y	Sinclair	N
3	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
4	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
5	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
6	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
7	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
8	Cadman	N	Hoppe	Y	Paccione	Y	Veiga	Y
9	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
10	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
11	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
12	Cloer	E	King	N	Rhodes	Y	White	N
13	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
14	Crane	E	Lee	E	Romanoff	Y	Williams S.	Y
15	Decker	N	Lundberg	Y	Rose	N	Williams T.	N
16	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
17	Frangas	Y	Marshall	Y	Schultheis	N	Young	Y
18							Speaker	Y

19 Co-sponsors added: Representatives Borodkin, Brophy, Frangas, Madden,
20 Merrifield, Miller, Paccione, Pommer, Romanoff, Veiga, Vigil.

21
22
23
24 On motion of Representative King, **HB03-1190, 1319, 1333, 1209, 1337,**
25 **1332, 1274, 1073, 1191, 1289, SB03-241, HB03-1223, 1339** were made
26 Special Orders on Thursday, April 3, 2003, at 10:04 a.m.

27
28
29 The hour of 10:04 a.m., having arrived, on motion of Representative
30 May, the House resolved itself into Committee of the Whole for
31 consideration of Special Orders and he was called to the Chair to act as
32 Chairman.

33 34 35 **SPECIAL ORDERS--SECOND READING OF BILLS**

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

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

44
45 **HB03-1319** by Representative(s) Fritz, Briggs, Brophy, Cadman, Hall,
46 Harvey, McFadyen, Plant, Rippy, Salazar, Stengel,
47 Tochtrop, White; also Senator(s) Dyer, Hagedorn, Teck--
48 Concerning the augmentation of law enforcement tools
49 used to gain compliance with laws regulating the
50 recreational use of Colorado's natural resources.

51
52 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
53 dated March 12, 2003, and placed in member's bill file; Report also
54 printed in House Journal, March 13, pages 1122-1123.

55

1 Amendment No. 2, Judiciary Report, dated March 18, 2003, and placed
2 in member's bill file; Report also printed in House Journal, March 20,
3 pages 1188-1190.

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

7
8 **HB03-1333** by Representative(s) Larson, Lee, King, Rose, White; also
9 Senator(s) Arnold--Concerning the authority of a school
10 district to impose sanctions on students for failure to
11 return library resources.

12
13 Ordered engrossed and placed on the Calendar for Third Reading and
14 Final Passage.

15
16 **HB03-1190** by Representative(s) Spence; also Senator(s) Entz--
17 Concerning the authority of the department of revenue to
18 issue a temporary special event license plate.

19
20 Laid over until April 7, retaining place on Calendar.

21
22 **HB03-1337** by Representative(s) Fairbank; also Senator(s) Chlouber--
23 Concerning tavern licenses.

24
25 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
26 March 25, 2003, and placed in member's bill file; Report also printed in
27 House Journal, March 26, pages 1270-1271.

28
29 Amendment No. 2, by Representative Fairbank.

30
31 Amend printed bill, page 2, after line 15, insert the following:

32
33 "SECTION 2. 12-47-411 (13) (b), Colorado Revised Statutes, is
34 amended to read:

35
36 **12-47-411. Hotel and restaurant license.**
37 (13) (b) Notwithstanding paragraph (a) of this subsection (13), an owner,
38 part owner, shareholder, or person interested directly or indirectly in a
39 hotel and restaurant license may conduct, own in whole or in part, or be
40 directly or indirectly interested in part in another hotel and restaurant,
41 brew pub license or establishment, TAVERNLICENSE, an arts license or an
42 airline public transportation system license granted under this article, or
43 in a financial institution referred to in section 12-47-308 (4).".

44
45 Renumber succeeding section accordingly.

46
47 As amended, ordered engrossed and placed on the Calendar for Third
48 Reading and Final Passage.

49
50 **HB03-1332** by Representative(s) May M.--Concerning the adjustment
51 of the ratio of valuation for assessment for residential real
52 property.

53
54 Ordered engrossed and placed on the Calendar for Third Reading and
55 Final Passage.

56

1 **HB03-1209** by Representative(s) Harvey, May M., Fairbank,
2 Schultheis, Briggs, Clapp, Cloer, Crane, Decker, Hall,
3 Hoppe, Larson, Lundberg, Mitchell, Rhodes, Sinclair,
4 White, Wiens; also Senator(s) May R.--Concerning the
5 prohibition of discrimination against employees based
6 upon labor union participation.

7
8 Laid over until April 4, retaining place on Calendar.
9

10 **HB03-1274** by Representative(s) Mitchell; also Senator(s) Arnold--
11 Concerning modifications to the program under which the
12 state treasurer makes loans to school districts with general
13 fund cash deficits.
14

15 Amendment No. 1, Finance Report, dated March 27, 2003, and placed in
16 member's bill file; Report also printed in House Journal, March 28,
17 pages 1318-1324.
18

19 As amended, ordered engrossed and placed on the Calendar for Third
20 Reading and Final Passage.
21

22 **HB03-1073** by Representative(s) Smith; also Senator(s) Entz--
23 Concerning clarification of the types of aircraft that are
24 exempt from the excise tax imposed on gasoline in
25 Colorado.
26

27 Amendment No. 1, Finance Report, dated February 20, 2003, and placed
28 in member's bill file; Report also printed in House Journal, February 20,
29 pages 854-856.
30

31 Amendment No. 2, by Representative Smith.
32

33 Amend the Finance Committee report, dated February 20, 2003, page 1,
34 strike line 17 and substitute the following:
35

36 "TRANSPORTATION. A DIRECT AIR CARRIER THAT PROVIDES AIR
37 TRANSPORTATION SERVICES TO A PUBLIC CHARTER OPERATOR AS DEFINED
38 IN SUBSECTION (24) OF THIS SECTION HAVE A BINDING COMMITMENT TO
39 FURNISH AIR TRANSPORTATION TO THE PUBLIC CHARTER OPERATOR VIA A
40 CHARTER CONTRACT PURSUANT TO 14 CFR 380.29 AND SHALL ACTIVELY
41 PROVIDE SUCH AIR TRANSPORTATION SERVICES TO THE PUBLIC CHARTER
42 OPERATOR."."
43

44 Page 2, after line 2, insert the following:
45

46 "Page 5, after line 3, insert the following:
47

48 "(16) "INDIRECT AIR CARRIER" MEANS ANY PERSON WHO ENGAGES
49 DIRECTLY IN AIR TRANSPORTATION OPERATIONS AND WHO USES THE
50 SERVICES OF A DIRECT AIR CARRIER FOR SUCH TRANSPORTATION
51 SERVICES."
52

53 Renumber succeeding subsections accordingly."
54

55 line 15, strike ""(20)" and substitute ""(21)".
56

1 Page 3, line 1, strike ""(22)" and substitute ""(23)";

2

3 line 3, after "THAT IS", insert "ARRANGED AND";

4

5 line 4, strike "14 CFR 380." and substitute "14 CFR 380.

6

7 (24) "PUBLIC CHARTER OPERATOR" MEANS A UNITED STATES OR
8 FOREIGN INDIRECT AIR CARRIER AS DEFINED IN SUBSECTION (16) OF THIS
9 SECTION THAT IS AUTHORIZED TO ENGAGE IN THE FORMATION OF GROUPS
10 FOR TRANSPORTATION ON PUBLIC CHARTERS IN ACCORDANCE WITH 14
11 CFR 380."";

12

13 line 8, strike "(18)"" and substitute "(19)"";

14

15 line 9, strike "(19)";" and substitute "(20)";";

16

17 line 18, strike "(18),"." and substitute "(19),".";

18

19 line 20, strike "(19)," and substitute "(20),".

20

21 Page 4, line 2, strike ""(27),"." and substitute ""(29),".";

22

23 line 3, strike ""(27),";" and substitute ""(29),";".

24

25 As amended, ordered engrossed and placed on the Calendar for Third
26 Reading and Final Passage.

27

28

29 A motion by Representative King that the Committee rise, report progress
30 and beg leave to sit again at 1:30 p.m., was adopted by unanimous
31 consent.

32

33

34

House reconvened.

35

36

The Committee of the Whole reported it had risen, reported progress and
37 would sit again at 1:30 p.m.

38

39

40

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REPORTS OF COMMITTEES OF REFERENCE

42

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EDUCATION

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"SECTION 1. Title 23, Colorado Revised Statutes, is amended
BY THE ADDITION OF A NEW ARTICLE to read:

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ARTICLE 18
Public Higher Education Financing Act of 2003

PART 1
GENERAL PROVISIONS

23-18-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "PUBLIC HIGHER EDUCATION FINANCING ACT OF 2003".

23-18-102. Legislative findings and declarations. (1) THE GENERAL ASSEMBLY FINDS THAT:

(a) IN AUGUST OF 2001, THE GOVERNOR CREATED A BLUE RIBBON PANEL OF PROMINENT COLORADO CITIZENS TO:

(I) REVIEW THE STATE'S HIGHER EDUCATION FUNDING SYSTEM;

(II) CONSIDER MEANS BY WHICH COLLEGE PARTICIPATION IN COLORADO MAY BE INCREASED; AND

(III) RECOMMEND ANY NEW INITIATIVES TO ENSURE THE AVAILABILITY OF RESOURCES AND AUTHORITY NEEDED FOR THE ENHANCEMENT OF THE QUALITY AND NATURE OF THE COLORADO HIGHER EDUCATION SYSTEM.

(b) THE BLUE RIBBON PANEL FOUND THAT:

(I) COLORADO IS A PARADOX IN TERMS OF ITS CITIZENS' OVERALL EDUCATIONAL ATTAINMENT LEVEL AND THE PARTICIPATION OF ITS HIGH SCHOOL STUDENTS IN HIGHER EDUCATION IMMEDIATELY FOLLOWING HIGH SCHOOL;

(II) DURING THE PAST TWO DECADES, COLORADO HAS BEEN AT THE TOP OR NEAR THE TOP OF ALL STATES FOR THE HIGHEST PERCENTAGE OF ITS ADULT POPULATION HOLDING AT LEAST A BACHELOR'S DEGREE; AND

(III) ACCORDING TO A NATIONAL REPORT, COLORADO RANKED TIED FOR TWENTY-SEVENTH AMONG ALL STATES WITH ONLY THIRTY-NINE PERCENT OF ITS HIGH SCHOOL FRESHMEN GOING ON WITHIN FOUR YEARS TO ATTEND A POSTSECONDARY INSTITUTION.

(c) THE BLUE RIBBON PANEL ALSO FOUND THAT:

(I) A SUBSTANTIAL NUMBER OF COLORADANS ARE NOT PARTICIPATING IN HIGHER EDUCATION, AND, AS A RESULT, ITS CITIZENS ARE NOT BENEFITTING FROM THE CURRENT SYSTEM OR THE CURRENT FUNDING OF HIGHER EDUCATION;

(II) ALTHOUGH COLORADO'S POPULATION GREW BY OVER THIRTY PERCENT DURING THE 1990'S, RESIDENT FULL-TIME EQUIVALENT ENROLLMENT AT UNDERGRADUATE INSTITUTIONS ROSE BY ONLY NINE AND SIX-TENTHS PERCENT DURING THOSE YEARS; AND

(III) BETWEEN 1990 AND 2000, THE PERCENTAGE OF NON-HISPANIC WHITE AND HISPANIC MALES EIGHTEEN TO TWENTY-FOUR YEARS OF AGE ATTENDING A COLORADO PUBLIC INSTITUTION OF HIGHER

1 EDUCATION DECLINED.

2

3 (d) FINALLY, THE BLUE RIBBON PANEL FOUND THAT:

4

5 (I) WHILE ACTUAL DOLLARS INCREASED, HIGHER EDUCATION'S
6 SHARE OF THE STATE'S GENERAL FUND DECLINED FROM NINETEEN PERCENT
7 IN 1991 TO LESS THAN FOURTEEN PERCENT IN 2001;

8

9 (II) NONETHELESS, THE STATE HAS INCREASED TOTAL FINANCIAL
10 AID BY TWENTY-SEVEN PERCENT BETWEEN 1999 AND 2003, AND
11 NEED-BASED AID, INCLUDING THE NEW GOVERNOR'S OPPORTUNITY
12 SCHOLARSHIP PROGRAM, HAS INCREASED BY FORTY PERCENT DURING THAT
13 PERIOD; AND

14

15 (III) THE TOTAL TUITION AND FEES AT THE UNIVERSITY OF
16 COLORADO AT BOULDER WAS NEXT TO THE LOWEST AMONG PEER STATES'
17 FLAGSHIP UNIVERSITIES, BUT TUITION AND FEES AT COLORADO
18 COMMUNITY COLLEGES EXCEEDED THE NATIONAL AVERAGE.

19

20 (e) BASED ON THESE FINDINGS, THE BLUE RIBBON PANEL SET AS ITS
21 GOAL INCREASED ACCESS AND OPPORTUNITIES FOR COLORADANS BY:

22

23 (I) INCREASING, AT EVERY COLORADO PUBLIC INSTITUTION OF
24 HIGHER EDUCATION, PARTICIPATION, RETENTION, AND GRADUATION RATES,
25 PARTICULARLY FOR STUDENTS IN THE BOTTOM INCOME QUARTILE;

26

27 (II) ENCOURAGING PARTICIPATION OF CURRENTLY
28 UNDER-REPRESENTED GROUPS AT EVERY COLORADO PUBLIC INSTITUTION
29 OF HIGHER EDUCATION; AND

30

31 (III) INCREASING PARTICIPATION OF RECENT HIGH SCHOOL
32 GRADUATES AT EVERY COLORADO PUBLIC INSTITUTION OF HIGHER
33 EDUCATION.

34

35 (2) THE GENERAL ASSEMBLY FURTHER FINDS THAT:

36

37 (a) FOR THE FUTURE OF THE STATE OF COLORADO AND ITS
38 CITIZENS, IT IS IMPERATIVE THAT AN INCREASED NUMBER OF COLORADANS
39 PURSUE EDUCATION BEYOND HIGH SCHOOL;

40

41 (b) IN PARTICULAR, IT IS CRITICAL THAT THE RATE OF
42 POSTSECONDARY PARTICIPATION BY LOW-INCOME AND MODERATE-INCOME
43 COLORADANS, MALES, AND MINORITIES BE INCREASED AT EVERY
44 COLORADO PUBLIC INSTITUTION OF HIGHER EDUCATION;

45

46 (c) IT IS APPROPRIATE TO SUPPORT PROGRAMS DESIGNED TO
47 ENCOURAGE PARTICIPATION IN POSTSECONDARY EDUCATION, SUCH AS THE
48 MENTOR PROGRAM UNDER WHICH A STUDENT ENTERING HIGH SCHOOL WHO
49 IS AT RISK OF NOT GOING ON TO POSTSECONDARY EDUCATION IS TEAMED
50 WITH A SUCCESSFUL MENTOR WHO CAN ENCOURAGE THE STUDENT TO
51 CONTINUE HIS OR HER EDUCATION;

52

53 (d) IN ORDER TO INCREASE PARTICIPATION, RESIDENT TUITION AT
54 COLORADO'S COMMUNITY COLLEGES SHALL BE REDUCED BY TWENTY-FIVE
55 PERCENT TO BRING IT IN LINE WITH THE TUITION AT COMMUNITY COLLEGES
56 IN SURROUNDING STATES;

1 (e) BY REDUCING TUITION AT COMMUNITY COLLEGES, LESS
2 FINANCIAL AID WILL BE NEEDED FOR STUDENTS AT COMMUNITY COLLEGES,
3 INCREASING THE AMOUNT OF FINANCIAL AID AVAILABLE FOR STUDENTS AT
4 FOUR-YEAR INSTITUTIONS;

5
6 (f) THIS REALLOCATION OF FINANCIAL AID WILL INCREASE THE
7 OPPORTUNITY FOR UNDER-REPRESENTED GROUPS TO ATTEND FOUR-YEAR
8 INSTITUTIONS; AND

9
10 (g) IT IS IMPORTANT TO INFORM CURRENT AND FUTURE STUDENTS
11 OF THE PROCESS FOR APPLYING FOR OPPORTUNITY STIPENDS AND OF THE
12 LIMITS ON THE NUMBER OF CREDIT HOURS TO WHICH THE STIPENDS APPLY.

13
14 (3) IT IS THE INTENT OF THE GENERAL ASSEMBLY IN ENACTING THIS
15 ARTICLE TO FUNDAMENTALLY CHANGE THE PROCESS BY WHICH
16 POSTSECONDARY EDUCATION IS FINANCED FROM FUNDING INSTITUTIONS
17 TO FUNDING INDIVIDUALS.

18
19 (4) IT IS NOT THE INTENT OF THE GENERAL ASSEMBLY IN ENACTING
20 THIS ARTICLE TO CAUSE THE CLOSURE OF ANY INSTITUTION OF HIGHER
21 EDUCATION NOR TO DIRECT ANY CLASS OF STUDENTS TO ATTEND
22 COMMUNITY COLLEGES.

23
24 **23-18-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
25 CONTEXT OTHERWISE REQUIRES:

26
27 (1) "CASH FUNDS" MEANS FUNDS RECEIVED FROM TUITION INCOME,
28 FEES, INDIRECT COST RECOVERIES, AND OTHER SOURCES OF FUNDS THAT
29 CAN BE APPROPRIATED AS CASH FUNDS FOR STATE-SUPPORTED
30 INSTITUTIONS OF HIGHER EDUCATION; EXCEPT THAT "CASH FUNDS" SHALL
31 NOT INCLUDE FUNDS DERIVED FROM GIFTS, FEDERAL FUNDS, OR OTHER
32 SOURCES FROM WHICH AN EXPENDITURE OR RESERVE INCREASE IS NOT
33 SUBJECT TO THE PROVISIONS OF SECTION 20 OF ARTICLE X OF THE STATE
34 CONSTITUTION.

35
36 (2) "COMMISSION" MEANS THE COMMISSION ON HIGHER
37 EDUCATION ESTABLISHED PURSUANT TO SECTION 23-1-102.

38
39 (3) "ELIGIBLE GRADUATE STUDENT" MEANS A STUDENT ENROLLED
40 IN A GRADUATE PROGRAM IN A STATE-SUPPORTED INSTITUTION OF HIGHER
41 EDUCATION WHO IS CLASSIFIED AS AN IN-STATE STUDENT PURSUANT TO
42 ARTICLE 7 OF THIS TITLE; EXCEPT THAT AN "ELIGIBLE GRADUATE STUDENT"
43 SHALL NOT INCLUDE A STUDENT ENROLLED AT:

44
45 (a) THE UNIVERSITY OF COLORADO HEALTH SCIENCES CENTER;

46
47 (b) THE UNIVERSITY OF COLORADO LAW SCHOOL;

48
49 (c) THE UNIVERSITY OF COLORADO SCHOOL OF ARCHITECTURE AND
50 PLANNING;

51
52 (d) THE COLORADO STATE UNIVERSITY VETERINARY SCHOOL;

53
54 (e) THE COLORADO STATE UNIVERSITY COOPERATIVE EXTENSION
55 SERVICE; OR

56

1 (f) AN INSTITUTION SUPPORTED BY A ROLE AND MISSION GRANT
2 APPROPRIATED TO THE INSTITUTION'S GOVERNING BOARD FOR THE
3 PURPOSE OF FUNDING A GRADUATE EDUCATION PROGRAM NOT COVERED
4 BY THE GRADUATE OPPORTUNITY FUND CREATED PURSUANT TO PART 2 OF
5 THIS ARTICLE.

6
7 (4) "ELIGIBLE UNDERGRADUATE STUDENT" MEANS A STUDENT
8 ENROLLED AT A STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION
9 WHO IS CLASSIFIED AS AN IN-STATE STUDENT PURSUANT TO SECTIONS
10 23-7-101 TO 23-7-103; EXCEPT THAT "ELIGIBLE UNDERGRADUATE
11 STUDENT" SHALL NOT MEAN A STUDENT ENROLLED IN AN OFF-CAMPUS,
12 EXTENDED CAMPUS, OR CONTINUING EDUCATION CLASS THAT IS NOT
13 SUPPORTED BY STATE MONEYS.

14
15 (5) "EXEMPT CASH FUNDS" MEANS FUNDS DERIVED FROM GIFTS,
16 FEDERAL FUNDS, OR OTHER SOURCES FROM WHICH AN EXPENDITURE OR
17 RESERVE INCREASE IS NOT SUBJECT TO THE PROVISIONS OF SECTION 20 OF
18 ARTICLE X OF THE STATE CONSTITUTION.

19
20 (6) "GOVERNING BOARD" MEANS THE GOVERNING BODY OF A
21 STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION.

22
23 (7) (a) "STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION"
24 MEANS A PUBLIC POSTSECONDARY INSTITUTION THAT IS GOVERNED BY:

25
26 (I) THE BOARD OF GOVERNORS OF THE COLORADO STATE
27 UNIVERSITY SYSTEM;

28
29 (II) THE BOARD OF REGENTS OF THE UNIVERSITY OF COLORADO;

30
31 (III) THE BOARD OF TRUSTEES OF THE COLORADO SCHOOL OF
32 MINES;

33
34 (IV) THE BOARD OF TRUSTEES OF THE UNIVERSITY OF NORTHERN
35 COLORADO;

36
37 (V) THE TRUSTEES OF THE STATE COLLEGES IN COLORADO OR ITS
38 SUCCESSOR OR SUCCESSORS;

39
40 (VI) THE BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE;

41
42 (VII) THE BOARD OF TRUSTEES FOR METROPOLITAN STATE
43 COLLEGE OF DENVER;

44
45 (VIII) THE STATE BOARD FOR COMMUNITY COLLEGES AND
46 OCCUPATIONAL EDUCATION; OR

47
48 (IX) THE BOARD OF TRUSTEES FOR AIMS COMMUNITY COLLEGE.

49
50 (b) "STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION" ALSO
51 MEANS A STATE-SUPPORTED, PUBLIC AREA VOCATIONAL SCHOOL,
52 INCLUDING BUT NOT LIMITED TO:

53
54 (I) EMILY GRIFFITH OPPORTUNITY SCHOOL;

55
56 (II) DELTA-MONTROSE AREA VOCATIONAL SCHOOL;

1 (III) SAN JUAN BASIN AREA VOCATIONAL SCHOOL; AND

2
3 (IV) AURORA TECH CENTER.

4
5 (8) "STUDENT'S SHARE OF IN-STATE TUITION" MEANS THE TOTAL
6 IN-STATE TUITION LESS ANY AMOUNT PAID ON BEHALF OF THE STUDENT AS
7 A STIPEND AWARDED PURSUANT TO PART 2 OF THIS ARTICLE.

8
9 (9) "TOTAL IN-STATE TUITION" MEANS THE TOTAL AMOUNT,
10 ESTABLISHED BY THE COMMISSION PURSUANT TO SECTION 23-18-305 (2)
11 (b), THAT IS PAID TO A STATE-SUPPORTED INSTITUTION OF HIGHER
12 EDUCATION BY OR ON BEHALF OF A STUDENT WHO IS ELIGIBLE TO PAY
13 IN-STATE TUITION, INCLUDING BUT NOT LIMITED TO THE AMOUNT PAID ON
14 BEHALF OF THE STUDENT FROM A STIPEND AWARDED PURSUANT TO PART
15 2 OF THIS ARTICLE.

16
17 (10) "TUITION" MEANS THE TOTAL AMOUNT OF MONEY PAID TO A
18 STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION BY OR ON BEHALF
19 OF A STUDENT, INCLUDING BUT NOT LIMITED TO THE AMOUNT PAID ON
20 BEHALF OF THE STUDENT FROM A STIPEND AWARDED PURSUANT TO PART
21 2 OF THIS ARTICLE.

22
23 PART 2
24 COLLEGE AND GRADUATE
25 OPPORTUNITY SAVINGS ACCOUNTS
26

27 **23-18-201. College opportunity savings accounts - created -**
28 **eligibility - reciprocal agreements.** (1) THERE IS HEREBY CREATED IN
29 THE DEPARTMENT OF HIGHER EDUCATION THE COLLEGE OPPORTUNITY
30 SAVINGS ACCOUNT PROGRAM, REFERRED TO IN THIS SECTION AS THE
31 "COLLEGE OPPORTUNITY SAVINGS ACCOUNT". THE COLLEGE OPPORTUNITY
32 SAVINGS ACCOUNT SHALL CONSIST OF A COLLEGE SAVINGS ACCOUNT FOR
33 EACH ELIGIBLE UNDERGRADUATE STUDENT OF COLORADO WHO IS
34 ADMITTED AND REGISTERS TO ATTEND A STATE-SUPPORTED INSTITUTION
35 OF HIGHER EDUCATION, WHICH ACCOUNT MAY BE TRANSFERRED AT THE
36 ELIGIBLE UNDERGRADUATE STUDENT'S REQUEST AT A FIXED RATE PER
37 CREDIT HOUR FOR UNDERGRADUATE COURSES TAKEN AT A
38 STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION.

39
40 (2) (a) EACH ELIGIBLE UNDERGRADUATE STUDENT MAY REQUEST
41 THAT A PAYMENT BE MADE TO A STATE-SUPPORTED INSTITUTION OF HIGHER
42 EDUCATION OF THE STUDENT'S CHOICE IN AN AMOUNT SPECIFIED IN
43 PARAGRAPH (b) OF THIS SUBSECTION (2) AND APPLIED AGAINST THE
44 STUDENT'S TOTAL IN-STATE TUITION FOR EACH CREDIT HOUR FOR WHICH
45 THE ELIGIBLE UNDERGRADUATE STUDENT REGISTERS.

46
47 (b) (I) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2004,
48 THE SPECIFIED AMOUNT OF STIPEND PER CREDIT HOUR SHALL BE THE
49 LESSER OF THE STUDENT'S TOTAL IN-STATE TUITION OR ____ DOLLARS, FOR
50 A TOTAL LIFETIME STIPEND AMOUNT OF UP TO ____ DOLLARS.

51
52 (II) FOR STATE FISCAL YEARS COMMENCING ON OR AFTER JULY 1,
53 2005, THE COMMISSION SHALL RECOMMEND TO THE GOVERNOR AND THE
54 GENERAL ASSEMBLY A SPECIFIED UNDERGRADUATE STIPEND AMOUNT PER
55 CREDIT HOUR. THIS RECOMMENDATION SHALL BE CALCULATED FIRST ON
56 THE SPECIFIED AMOUNT OF THE UNDERGRADUATE STIPEND FOR THE

1 IMMEDIATELY PRECEDING STATE FISCAL YEAR PLUS THE PERCENTAGE
2 INCREASE OR DECREASE IN PER CAPITA INCOME FOR THE STATE OF
3 COLORADO FOR THE PRIOR YEAR AS CALCULATED BY THE UNITED STATES
4 BUREAU OF ECONOMIC ANALYSIS, BUT MAY ALSO INCLUDE CONSIDERATION
5 OF:

6
7 (A) VARIATIONS IN THE NUMBER OF STUDENT STIPENDS RELATED
8 TO ENROLLMENT CHANGES;

9
10 (B) INFLATIONARY ADJUSTMENTS TO THE AMOUNT OF STUDENT
11 STIPENDS AND ROLE AND MISSION GRANTS;

12
13 (C) THE STATE'S FISCAL AND BUDGETARY STATUS; AND

14
15 (D) OTHER ADJUSTMENTS, INCLUDING DECISION ITEM REQUESTS OR
16 GENERAL FUND RESCISSIONS.

17
18 (III) FOR STATE FISCAL YEARS COMMENCING ON OR AFTER JULY 1,
19 2005, THE GENERAL ASSEMBLY SHALL ANNUALLY DETERMINE THE
20 SPECIFIED STIPEND AMOUNT PER CREDIT HOUR FOR AN ELIGIBLE
21 UNDERGRADUATE STUDENT.

22
23 (c) (I) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF
24 THIS SUBSECTION (2), AN ELIGIBLE UNDERGRADUATE STUDENT SHALL NOT
25 RECEIVE A STIPEND FROM THE COLLEGE OPPORTUNITY SAVINGS ACCOUNT
26 FOR:

27
28 (A) MORE THAN ONE HUNDRED FORTY CREDIT HOURS DURING THE
29 STUDENT'S LIFETIME; EXCEPT THAT IF A STUDENT HAS RECEIVED PAYMENT
30 FOR A STIPEND FOR ONE HUNDRED FORTY CREDIT HOURS AND THE STUDENT
31 HAS RECEIVED A BACHELOR'S DEGREE, ON AND AFTER THE SIXTH YEAR
32 FOLLOWING RECEIPT OF THE BACHELOR'S DEGREE, THE STUDENT IS
33 ELIGIBLE TO RECEIVE STIPEND PAYMENTS FOR AN ADDITIONAL THIRTY
34 UNDERGRADUATE CREDIT HOURS;

35
36 (B) BASIC SKILLS COURSES, AS DEFINED IN SECTION 23-1-113 (1)
37 (b) (II) (A.7);

38
39 (C) COURSES TAKEN PURSUANT TO THE "POSTSECONDARY
40 ENROLLMENT OPTIONS ACT", ARTICLE 35 OF TITLE 22, C.R.S.;

41
42 (D) HIGH SCHOOL FAST-TRACK COURSES TAKEN PURSUANT TO
43 SECTION 22-34-101, C.R.S.;

44
45 (E) INTERNATIONAL BACCALAUREATE COURSES; OR

46
47 (F) ADVANCED PLACEMENT COURSES.

48
49 (II) CREDITS EARNED IN BASIC SKILLS, POSTSECONDARY OPTION,
50 FAST-TRACK, INTERNATIONAL BACCALAUREATE, OR ADVANCED
51 PLACEMENT COURSES SHALL NOT COUNT AGAINST THE LIFETIME CREDIT
52 HOUR LIMITATION ESTABLISHED PURSUANT TO SUBPARAGRAPH (I) OF
53 PARAGRAPH (b) OF THIS SUBSECTION (2).

54
55 (d) (I) NOTWITHSTANDING THE LIFETIME CREDIT HOUR LIMITATION
56 ESTABLISHED PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (2), AN

1 ELIGIBLE UNDERGRADUATE STUDENT MAY APPLY TO THE COMMISSION FOR
2 A WAIVER OF THE LIMITATION. THE COMMISSION MAY GRANT A WAIVER
3 OF THE LIFETIME CREDIT HOUR LIMITATION IF IT FINDS:

4
5 (A) THAT EXTENUATING CIRCUMSTANCES EXIST RELATED TO THE
6 STUDENT'S HEALTH OR PHYSICAL ABILITY TO COMPLETE THE DEGREE
7 PROGRAM WITHIN THE LIMIT;

8
9 (B) THAT THE DEGREE PROGRAM, AS APPROVED BY THE
10 COMMISSION, REQUIRED MORE THAN ONE HUNDRED TWENTY HOURS TO
11 COMPLETE;

12
13 (C) THAT THERE WAS AN ALTERATION OF DEGREE REQUIREMENTS
14 OR STANDARDS FOR A SPECIFIC DEGREE THAT WAS APPROVED BY THE
15 COMMISSION; OR

16
17 (D) THAT REQUIRING THE ELIGIBLE UNDERGRADUATE STUDENT TO
18 PAY THE FULL AMOUNT OF TOTAL IN-STATE TUITION FOR CREDIT HOURS
19 THAT EXCEED THE LIMITATION WOULD CAUSE A SUBSTANTIAL ECONOMIC
20 HARDSHIP ON THE STUDENT AND THE STUDENT'S FAMILY.

21
22 (II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF
23 THIS PARAGRAPH (d), NO GOVERNING BOARD MAY GRANT WAIVERS OF THE
24 CREDIT HOUR LIMITATION FOR MORE THAN FIVE PERCENT OF THE ELIGIBLE
25 UNDERGRADUATE STUDENTS WITH NINETY OR MORE CREDIT HOURS
26 ENROLLED IN INSTITUTIONS UNDER THE GOVERNING BOARD UNLESS THE
27 COMMISSION AUTHORIZES THE GOVERNING BOARD TO GRANT ADDITIONAL
28 WAIVERS.

29
30 (3) IF AN ELIGIBLE UNDERGRADUATE STUDENT ENROLLS IN A CLASS
31 FOR WHICH THE STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION
32 RECEIVES A PAYMENT PURSUANT TO SUBSECTION (2) OF THIS SECTION AND
33 THE ELIGIBLE UNDERGRADUATE STUDENT SUBSEQUENTLY WITHDRAWS
34 FROM THE CLASS ON OR PRIOR TO THE FINAL DATE ON WHICH THE
35 INSTITUTION PERMITS A STUDENT TO WITHDRAW WITHOUT THE PAYMENT
36 OF TUITION, THE INSTITUTION SHALL REIMBURSE THE COLLEGE
37 OPPORTUNITY SAVINGS ACCOUNT FOR THE FULL AMOUNT OF THE MONEYS
38 RECEIVED FROM THE ACCOUNT AND THE STIPEND AMOUNT SHALL NOT
39 COUNT AGAINST THE ELIGIBLE UNDERGRADUATE STUDENT'S TOTAL
40 LIFETIME STIPEND LIMITATION ESTABLISHED PURSUANT TO PARAGRAPH (b)
41 OF SUBSECTION (2) OF THIS SECTION.

42
43 (4) EXCEPT AS OTHERWISE PROVIDED IN SECTION 23-18-202 (4),
44 THE COMMISSION SHALL IDENTIFY THOSE CIRCUMSTANCES UNDER WHICH
45 THE AWARDING OF A STIPEND UNDER THIS SECTION TO RESIDENTS OF
46 ANOTHER STATE, ON A RECIPROCAL BASIS WITH OTHER STATES, WOULD
47 ENHANCE EDUCATIONAL OPPORTUNITIES FOR COLORADO RESIDENTS.
48 RELATIVE TO SUCH IDENTIFIED CIRCUMSTANCES, THE COMMISSION SHALL
49 NEGOTIATE WITH THE OTHER STATES INVOLVED WITH THE OBJECTIVE OF
50 ESTABLISHING RECIPROCAL AGREEMENTS FOR THE WAIVING OF THE
51 NONRESIDENTIAL DIFFERENTIAL FOR COLORADO RESIDENTS ATTENDING
52 STATE INSTITUTIONS OF HIGHER EDUCATION IN OTHER STATES IN
53 EXCHANGE FOR AWARDING A STIPEND UNDER THIS SECTION TO RESIDENTS
54 OF THE OTHER STATES. AGREEMENTS NEGOTIATED BETWEEN COLORADO
55 AND OTHER STATES SHALL PROVIDE FOR AN EQUAL NUMBER OF RESIDENT
56 AND NONRESIDENT STUDENTS TO BE EXCHANGED BETWEEN THE STATES.

1 UPON SUCCESSFUL COMPLETION OF THE NEGOTIATIONS, THE COMMISSION
2 MAY IDENTIFY THE NUMBERS OF COLORADO RESIDENTS BY GRADE LEVEL
3 WHOSE EDUCATIONAL OPPORTUNITIES WOULD BE ENHANCED AND THE
4 NUMBERS OF NONRESIDENT STUDENTS BY GRADE LEVEL FOR WHOM THE
5 STIPEND UNDER THIS SECTION MAY BE AWARDED. THE COMMISSION SHALL
6 ESTABLISH REGULATIONS FOR THE ADMINISTRATION OF THIS SECTION,
7 BASED ON THE APPLICATION OF THE CLOSEST COLLEGE CONCEPT, AND FOR
8 THE REPORTING TO THE GENERAL ASSEMBLY OF THE NUMBERS OF
9 STUDENTS TO WHOM THE WAIVERS OR STIPENDS ARE GIVEN.

10

11 **23-18-202. Graduate opportunity savings accounts - created -**
12 **eligibility - reciprocal agreements.** (1) THERE IS HEREBY CREATED IN
13 THE DEPARTMENT OF HIGHER EDUCATION THE GRADUATE OPPORTUNITY
14 SAVINGS ACCOUNT PROGRAM, REFERRED TO IN THIS SECTION AS THE
15 "GRADUATE OPPORTUNITY SAVINGS ACCOUNT". THE GRADUATE
16 OPPORTUNITY SAVINGS ACCOUNT SHALL CONSIST OF A GRADUATE SAVINGS
17 ACCOUNT FOR EACH ELIGIBLE GRADUATE STUDENT OF COLORADO WHO IS
18 ADMITTED AND REGISTERS TO ATTEND A STATE-SUPPORTED INSTITUTION
19 OF HIGHER EDUCATION THAT MAY BE TRANSFERRED AT THE ELIGIBLE
20 GRADUATE STUDENT'S REQUEST AT A FIXED RATE PER CREDIT HOUR FOR
21 GRADUATE COURSES TAKEN AT A STATE-SUPPORTED INSTITUTION OF
22 HIGHER EDUCATION.

23

24 (2) (a) EACH ELIGIBLE GRADUATE STUDENT MAY REQUEST THAT A
25 PAYMENT BE MADE TO A STATE-SUPPORTED INSTITUTION OF HIGHER
26 EDUCATION OF THE STUDENT'S CHOICE IN AN AMOUNT SPECIFIED IN
27 PARAGRAPH (b) OF THIS SUBSECTION (2) AND APPLIED AGAINST THE
28 STUDENT'S TOTAL IN-STATE TUITION FOR EACH POSTGRADUATE CREDIT
29 HOUR FOR WHICH THE ELIGIBLE GRADUATE STUDENT REGISTERS.

30

31 (b) (I) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2004,
32 THE SPECIFIED AMOUNT OF THE GRADUATE STIPEND PER CREDIT HOUR
33 SHALL BE THE LESSER OF THE TOTAL IN-STATE TUITION OR ____ DOLLARS
34 FOR A TOTAL LIFETIME GRADUATE STIPEND AMOUNT OF UP TO ____
35 DOLLARS.

36

37 (II) FOR STATE FISCAL YEARS COMMENCING ON OR AFTER JULY 1,
38 2005, THE COMMISSION SHALL RECOMMEND TO THE GOVERNOR AND THE
39 GENERAL ASSEMBLY A SPECIFIED GRADUATE STIPEND AMOUNT PER CREDIT
40 HOUR. THIS RECOMMENDATION SHALL BE CALCULATED FIRST ON THE
41 SPECIFIED AMOUNT OF THE GRADUATE STIPEND FOR THE IMMEDIATELY
42 PRECEDING STATE FISCAL YEAR PLUS THE PERCENTAGE INCREASE OR
43 DECREASE IN PER CAPITA INCOME FOR THE STATE OF COLORADO FOR THE
44 PRIOR YEAR AS CALCULATED BY THE UNITED STATES BUREAU OF
45 ECONOMIC ANALYSIS, BUT MAY ALSO INCLUDE CONSIDERATION OF:

46

47 (A) VARIATIONS IN THE NUMBER OF STUDENT STIPENDS RELATED
48 TO ENROLLMENT CHANGES;

49

50 (B) INFLATIONARY ADJUSTMENTS TO THE AMOUNT OF STUDENT
51 STIPENDS AND ROLE AND MISSION GRANTS;

52

53 (C) THE STATE'S FISCAL AND BUDGETARY STATUS; AND

54

55 (D) OTHER ADJUSTMENTS, INCLUDING DECISION ITEM REQUESTS OR
56 GENERAL FUND RESCISSIONS.

1 (III) FOR STATE FISCAL YEARS COMMENCING ON OR AFTER JULY 1,
2 2005, THE GENERAL ASSEMBLY SHALL ANNUALLY DETERMINE THE
3 SPECIFIED GRADUATE STIPEND AMOUNT PER CREDIT HOUR FOR AN ELIGIBLE
4 GRADUATE STUDENT.

5
6 (c) AN ELIGIBLE GRADUATE STUDENT SHALL NOT RECEIVE
7 PAYMENT FROM THE ACCOUNT FOR MORE THAN SIXTY GRADUATE CREDIT
8 HOURS DURING THE STUDENT'S LIFETIME.

9
10 (d) (I) NOTWITHSTANDING THE LIFETIME GRADUATE CREDIT HOUR
11 LIMITATION ESTABLISHED PURSUANT TO PARAGRAPH (c) OF THIS
12 SUBSECTION (2), AN ELIGIBLE GRADUATE STUDENT MAY APPLY TO THE
13 COMMISSION FOR A WAIVER OF THE LIMITATION. THE COMMISSION MAY
14 GRANT A WAIVER OF THE LIFETIME GRADUATE CREDIT HOUR LIMITATION
15 IF IT FINDS THAT REQUIRING THE ELIGIBLE GRADUATE STUDENT TO PAY THE
16 FULL AMOUNT OF TOTAL IN-STATE TUITION FOR GRADUATE CREDIT HOURS
17 THAT EXCEED THE LIMIT WOULD CAUSE A SUBSTANTIAL ECONOMIC
18 HARDSHIP ON THE STUDENT OR THE STUDENT'S FAMILY.

19
20 (II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF
21 THIS PARAGRAPH (d), NO GOVERNING BOARD MAY GRANT WAIVERS OF THE
22 CREDIT HOUR LIMITATION FOR MORE THAN FIVE PERCENT OF THE ELIGIBLE
23 GRADUATE STUDENTS ENROLLED IN INSTITUTIONS UNDER THE GOVERNING
24 BOARD UNLESS THE COMMISSION AUTHORIZES THE GOVERNING BOARD TO
25 GRANT ADDITIONAL WAIVERS.

26
27 (3) IF AN ELIGIBLE GRADUATE STUDENT ENROLLS IN A CLASS FOR
28 WHICH THE STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION
29 RECEIVES A PAYMENT PURSUANT TO SUBSECTION (2) OF THIS SECTION AND
30 THE ELIGIBLE GRADUATE STUDENT SUBSEQUENTLY WITHDRAWS FROM THE
31 CLASS ON OR PRIOR TO THE FINAL DATE ON WHICH THE INSTITUTION
32 PERMITS A STUDENT TO WITHDRAW WITHOUT THE PAYMENT OF TUITION,
33 THE INSTITUTION SHALL REIMBURSE THE GRADUATE OPPORTUNITY
34 SAVINGS ACCOUNT FOR THE FULL AMOUNT OF THE MONEYS RECEIVED
35 FROM THE GRADUATE OPPORTUNITY SAVINGS ACCOUNT AND THE STIPEND
36 AMOUNT SHALL NOT COUNT AGAINST THE ELIGIBLE GRADUATE STUDENT'S
37 TOTAL LIFETIME GRADUATE STIPEND LIMITATION ESTABLISHED PURSUANT
38 TO PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION.

39
40 (4) THE COMMISSION, ON BEHALF OF THE STATE OF COLORADO,
41 MAY ENTER INTO AGREEMENTS WITH ANOTHER STATE OR WITH THE
42 WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION ON BEHALF OF
43 ANOTHER STATE FOR THE AWARDED OF FULL OR PARTIAL STIPENDS UNDER
44 THIS SECTION TO RESIDENTS OF SUCH OTHER STATES WHO ARE
45 POSTGRADUATE OR PROFESSIONAL STUDENTS AT OR ARE ELIGIBLE FOR
46 ADMISSION AS POSTGRADUATE STUDENTS TO ANY OF THE
47 STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION IN COLORADO IF
48 THE AGREEMENT PROVIDES THAT, UNDER SUBSTANTIALLY THE SAME
49 CIRCUMSTANCES, SUCH OTHER STATE WILL GRANT RECIPROCAL WAIVERS
50 TO RESIDENTS OF COLORADO WHO ARE POSTGRADUATE OR PROFESSIONAL
51 STUDENTS OF UNIVERSITIES OR COLLEGES IN SUCH OTHER STATES. THE
52 COMMISSION, IN CONSULTATION WITH THE AFFECTED COLORADO
53 INSTITUTIONS, SHALL ESTABLISH REGULATIONS GOVERNING THE
54 ADMINISTRATION OF AGREEMENTS AND THE AWARDED OF WAIVERS OR
55 STIPENDS. IN 2004 AND IN EACH SUBSEQUENT EVEN-NUMBERED YEAR, THE
56 COMMISSION SHALL REPORT TO THE GOVERNOR AND THE GENERAL

1 ASSEMBLY ON THESE PROGRAMS.

2

3 **23-18-203. Opportunity savings account fund - trust fund.**

4 (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE
5 OPPORTUNITY SAVINGS ACCOUNT FUND, REFERRED TO IN THIS SECTION AS
6 THE "FUND". THE FUND SHALL BE PERPETUAL AND SHALL INCLUDE
7 ANNUAL APPROPRIATIONS BY THE GENERAL ASSEMBLY FOR THE DIRECT
8 COSTS, INCLUDING ANY DIRECT ADMINISTRATIVE COSTS, ASSOCIATED WITH
9 THE IMPLEMENTATION OF THIS PART 2. ANY MONEYS IN THE FUND NOT
10 EXPENDED FOR THE PURPOSE OF THIS PART 2 MAY BE INVESTED BY THE
11 STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME
12 DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND
13 SHALL BE CREDITED TO THE GENERAL FUND. ANY UNEXPENDED AND
14 UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF ANY
15 STATE FISCAL YEAR SHALL BE TRANSFERRED TO THE OPPORTUNITY
16 SAVINGS ACCOUNT TRUST FUND CREATED PURSUANT TO SUBSECTION (2)
17 OF THIS SECTION.

18

19 (2) THERE IS HEREBY CREATED IN THE STATE TREASURY THE
20 OPPORTUNITY SAVINGS ACCOUNT TRUST FUND, REFERRED TO IN THIS
21 SECTION AS THE "TRUST FUND". THE TRUST FUND SHALL CONSIST OF
22 MONEYS TRANSFERRED FROM THE OPPORTUNITY SAVINGS ACCOUNT FUND
23 PURSUANT TO SUBSECTION (1) OF THIS SECTION. MONEYS IN THE TRUST
24 FUND SHALL BE APPROPRIATED AS NEEDED TO OFFSET THE NECESSITY FOR
25 INCREASED APPROPRIATIONS TO THE FUND DUE TO ENROLLMENT
26 FLUCTUATIONS IN FUTURE FISCAL YEARS AND MAY BE APPROPRIATED ONLY
27 TO THE FUND. ANY MONEYS IN THE TRUST FUND NOT APPROPRIATED TO
28 THE FUND MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY
29 LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND
30 DEPOSIT OF MONEYS IN THE TRUST FUND SHALL BE CREDITED TO THE TRUST
31 FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN
32 THE TRUST FUND AT THE END OF ANY STATE FISCAL YEAR SHALL REMAIN
33 IN THE TRUST FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE
34 GENERAL FUND OR ANY OTHER FUND.

35

36 **23-18-204. College and graduate opportunity savings accounts**
37 **- appropriations.**

38 (1) STARTING WITH THE STATE FISCAL YEAR
39 COMMENCING JULY 1, 2004, AND FOR EACH STATE FISCAL YEAR
40 THEREAFTER, THE GENERAL ASSEMBLY SHALL MAKE AN ANNUAL
41 APPROPRIATION TO THE COMMISSION FOR THE COLLEGE AND GRADUATE
42 OPPORTUNITY SAVINGS ACCOUNTS. STARTING WITH THE STATE FISCAL
43 YEAR COMMENCING JULY 1, 2005, PURSUANT TO SECTIONS 23-18-201 (2)
44 (b) (II) AND 23-18-202 (2) (b) (II), THE COMMISSION, IN CONSULTATION
45 WITH THE GOVERNING BOARDS, SHALL REVIEW ANNUALLY THE AMOUNT OF
46 THE STIPENDS ESTABLISHED PURSUANT TO SECTIONS 23-18-201 (2) (b) (I)
47 AND 23-18-202 (2) (b) (I). FOLLOWING THE REVIEW, THE COMMISSION, IN
48 CONSULTATION WITH THE GOVERNING BOARDS, SHALL ANNUALLY MAKE
49 RECOMMENDATIONS REGARDING POSSIBLE ADJUSTMENTS TO THE AMOUNT
50 OF THE STIPENDS TO THE GOVERNOR AND THE JOINT BUDGET COMMITTEE
51 OF THE GENERAL ASSEMBLY FOR CONSIDERATION IN THE ANNUAL GENERAL
52 APPROPRIATIONS ACT.

52

53 (2) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2004, AND
54 FOR EACH STATE FISCAL YEAR THEREAFTER, THE COMMISSION SHALL
55 ANNUALLY ESTIMATE THE NUMBER OF UNDERGRADUATE AND GRADUATE
56 FULL-TIME EQUIVALENT STUDENTS AT EACH STATE-SUPPORTED

1 INSTITUTION OF HIGHER EDUCATION WHO ARE ELIGIBLE FOR STIPENDS
2 UNDER THIS PART 2 AND SHALL REPORT THE NUMBERS TO THE GOVERNOR
3 AND TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY FOR
4 INCLUSION IN THE ANNUAL GENERAL APPROPRIATIONS ACT.

5
6 (3) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2004, AND
7 FOR EACH STATE FISCAL YEAR THEREAFTER, THE GENERAL ASSEMBLY
8 SHALL APPROPRIATE SPENDING AUTHORITY TO THE GOVERNING BOARDS
9 FOR THE CASH FUNDS RECEIVED OR, AS APPROPRIATE, EXEMPT CASH FUNDS
10 RECEIVED, INCLUDING BUT NOT LIMITED TO AN AMOUNT EQUAL TO THE
11 APPLICABLE PER-CREDIT-HOUR STIPEND MULTIPLIED BY THE NUMBER OF
12 UNDERGRADUATE OR GRADUATE STUDENTS ELIGIBLE FOR A STIPEND
13 PURSUANT TO THIS PART 2.

14
15 (4) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE
16 AMOUNT OF ANY STIPEND RECEIVED BY A STATE-SUPPORTED INSTITUTION
17 OF HIGHER EDUCATION PURSUANT TO THIS PART 2 SHALL NOT CONSTITUTE
18 A GRANT FROM THE STATE OF COLORADO PURSUANT TO SECTION 20 (2) (d)
19 OF ARTICLE X OF THE STATE CONSTITUTION. IT IS FURTHER THE INTENT OF
20 THE GENERAL ASSEMBLY THAT THIS ARTICLE SHALL ASSIST INSTITUTIONS
21 OF HIGHER EDUCATION IN QUALIFYING AS ENTERPRISES UNDER SECTION 20
22 (2) (d) OF ARTICLE X OF THE STATE CONSTITUTION.

23
24 **23-18-205. College and graduate opportunity savings account**
25 **- data retention - fund management.** (1) (a) THE COMMISSION SHALL
26 MAINTAIN, AS PART OF THE STUDENT UNIT RECORD DATA SYSTEM, A
27 RECORD OF THE NUMBER OF CREDIT HOURS FOR WHICH EACH STUDENT
28 RECEIVES A STIPEND FROM EITHER THE COLLEGE OR GRADUATE
29 OPPORTUNITY SAVINGS ACCOUNT. THE COMMISSION SHALL ALSO
30 MAINTAIN ANY CONFIDENTIAL INFORMATION CONCERNING STUDENTS
31 PARTICIPATING IN PROGRAMS ESTABLISHED PURSUANT TO THIS PART 2.

32
33 (b) THE COMMISSION SHALL, AT LEAST ANNUALLY, FORWARD TO
34 EACH STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION A REPORT
35 FOR EACH STUDENT ENROLLED IN THE INSTITUTION ON THE NUMBER OF
36 CREDIT HOURS ACCUMULATED BY THE STUDENT AGAINST THE LIFETIME
37 CREDIT HOUR LIMITATIONS ESTABLISHED PURSUANT TO SECTIONS
38 23-18-201 (2) (c) (I) AND 23-18-202 (2) (c). EACH INSTITUTION SHALL
39 MAKE THE INFORMATION ON THE NUMBER OF CREDIT HOURS
40 ACCUMULATED AGAINST THE LIMITATIONS AVAILABLE TO THE STUDENT.

41
42 (2) ON OR BEFORE JANUARY 1, 2004, THE COMMISSION SHALL
43 ISSUE A REQUEST FOR PROPOSALS FOR THE RETENTION OF A THIRD-PARTY
44 ADMINISTRATOR TO HANDLE THE TRANSFER OF MONEYS FROM THE
45 OPPORTUNITY SAVINGS ACCOUNT TO STATE-SUPPORTED INSTITUTIONS OF
46 HIGHER EDUCATION ON BEHALF OF ELIGIBLE STUDENTS AND ELIGIBLE
47 GRADUATE STUDENTS.

48
49 **23-18-206. College and graduate opportunity savings accounts**
50 **- directive.** THE COMMISSION AND THE STATE TREASURER SHALL
51 COOPERATIVELY ESTABLISH A DISBURSEMENT SCHEDULE FOR STIPENDS
52 AWARDED PURSUANT TO THIS PART 2 TO INSURE THE MOST BENEFICIAL
53 CASH FLOW FOR STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION
54 AND TO MINIMIZE THE COST TO AND EFFECTS ON THE STATE GENERAL
55 FUND.

56

1 **23-18-207. College and graduate opportunity savings accounts**
 2 **legislative declaration - commission report.** (1) THE GENERAL
 3 ASSEMBLY FINDS THAT:

4
 5 (a) NO OTHER STATE HAS TRIED TO CHANGE THE FUNDING OF
 6 INSTITUTIONS OF HIGHER EDUCATION FROM THE INSTITUTION TO THE
 7 STUDENT AS PROVIDED FOR IN THIS PART 2;

8
 9 (b) BECAUSE THIS PART 2 CREATES A NEW AND UNTRIED PROGRAM,
 10 IT IS ANTICIPATED THAT DURING THE EARLY YEARS OF ITS
 11 IMPLEMENTATION, THERE MAY BE SOME UNANTICIPATED EFFECTS
 12 REQUIRING ADDITIONAL STATUTORY CHANGES.
 13

14 (2) (a) PRIOR TO JULY 1, 2008, THE COMMISSION SHALL SUBMIT TO
 15 THE EDUCATION COMMITTEES OF THE SENATE AND HOUSE OF
 16 REPRESENTATIVES AND TO THE JOINT BUDGET COMMITTEE ANNUAL
 17 REPORTS ON THE STATUS OF THE PROGRAMS ESTABLISHED PURSUANT TO
 18 THIS PART 2. THE ANNUAL REPORTS MAY INCLUDE, BUT ARE NOT LIMITED
 19 TO, RECOMMENDED STATUTORY CHANGES.
 20

21 (b) ON OR BEFORE JULY 1, 2009, THE COMMISSION SHALL SUBMIT
 22 A FINAL REPORT TO THE EDUCATION COMMITTEES OF THE SENATE AND
 23 HOUSE OF REPRESENTATIVES AND TO THE JOINT BUDGET COMMITTEE ON
 24 THE IMPLEMENTATION OF THE PROGRAMS ESTABLISHED PURSUANT TO THIS
 25 PART 2.
 26

27 PART 3
 28 APPROPRIATIONS TO INSTITUTIONS
 29 OR GOVERNING BOARDS
 30

31 **23-18-301. Role and mission grants.** (1) (a) THE GENERAL
 32 ASSEMBLY RECOGNIZES THE FINANCIAL STRAINS IMPOSED ON HIGHER
 33 EDUCATION THROUGH THE LIMITATIONS ESTABLISHED IN SECTION 20 OF
 34 ARTICLE X OF THE STATE CONSTITUTION, AS WELL AS THE FINANCIAL
 35 IMPACT OF THE ECONOMY ON GENERAL FUND APPROPRIATIONS IN STATE
 36 FISCAL YEARS 2001-02 AND 2002-03. THE GENERAL ASSEMBLY ALSO
 37 RECOGNIZES THAT THE CHANGES IN THE FINANCING OF HIGHER EDUCATION
 38 IMPLEMENTED THROUGH THIS ARTICLE SHALL NOT CAUSE FURTHER
 39 FINANCIAL HARM TO THE INSTITUTIONS, NOTWITHSTANDING ANY
 40 ENROLLMENT CHANGES. THEREFORE, IT IS THE INTENT OF THE GENERAL
 41 ASSEMBLY, AS PART OF THE BUDGETING PROCESS FOR THE STATE FISCAL
 42 YEAR 2004-05 AND EACH STATE FISCAL YEAR THEREAFTER, TO PROVIDE
 43 FUNDING FOR ENROLLMENT CHANGES AND COST CHANGES INCURRED WITH
 44 THE IMPLEMENTATION OF THIS ARTICLE.
 45

46 (b) THE GENERAL ASSEMBLY RECOGNIZES THAT, AS THE METHOD OF
 47 FINANCING POSTSECONDARY EDUCATION CHANGES, STATE-SUPPORTED
 48 INSTITUTIONS OF HIGHER EDUCATION SHOULD BE PROTECTED FROM
 49 FINANCIAL DIFFICULTIES TO INSURE THAT THE INSTITUTIONS CAN MAINTAIN
 50 HIGH QUALITY STANDARDS.
 51

52 (2) (a) THE GENERAL ASSEMBLY SHALL MAKE AN ANNUAL
 53 APPROPRIATION OF GENERAL FUND MONEYS AS A ROLE AND MISSION
 54 GRANT TO ONE OR MORE GOVERNING BOARDS FOR THE OPERATION OF ITS
 55 CAMPUSES THAT TAKES INTO CONSIDERATION THE DIFFERENCES AMONG
 56 INSTITUTIONS THAT AFFECT COST AND THAT ARE CONSISTENT WITH THE

1 HOLD HARMLESS PROVISIONS AND RECOMMENDATIONS DEVELOPED BY THE
2 COMMISSION PURSUANT TO THIS SECTION.

3
4 (b) (I) FOR THE STATE FISCAL YEAR 2004-05 AND EACH STATE
5 FISCAL YEAR THEREAFTER, EACH ROLE AND MISSION GRANT TO A
6 GOVERNING BOARD SHALL AT LEAST EQUAL THE APPROPRIATION FOR THE
7 GOVERNING BOARD FOR THE STATE FISCAL YEAR 2003-04, LESS ANY
8 MONEY RECEIVED BY THE GOVERNING BOARD AS COLLEGE OR GRADUATE
9 OPPORTUNITY SAVINGS STIPENDS AND REFLECTIVE OF ANY ENROLLMENT
10 CHANGES.

11
12 (II) FOR THE STATE FISCAL YEARS AFTER 2004-05, IT IS THE INTENT
13 OF THE GENERAL ASSEMBLY THAT EACH ROLE AND MISSION GRANT BE NOT
14 LESS THAN THE APPROPRIATION FOR THE GOVERNING BOARD FOR THE
15 STATE FISCAL YEAR 2003-04, LESS ANY MONEYS ESTIMATED TO BE
16 RECEIVED BY THE GOVERNING BOARD AS COLLEGE OR GRADUATE
17 OPPORTUNITY SAVINGS STIPENDS.

18
19 (c) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS
20 SECTION, EACH GOVERNING BOARD SHALL ALLOCATE THE APPROPRIATIONS
21 RECEIVED PURSUANT TO THIS SUBSECTION (2) TO THE INSTITUTIONS UNDER
22 ITS CONTROL IN THE MANNER DEEMED MOST APPROPRIATE BY THE
23 GOVERNING BOARD.

24
25 (3) THE COMMISSION, IN CONSULTATION WITH THE GOVERNING
26 BOARDS, SHALL RECOMMEND TO THE GOVERNOR AND TO THE JOINT
27 BUDGET COMMITTEE OF THE GENERAL ASSEMBLY THE AMOUNT OF A ROLE
28 AND MISSION GRANT FOR A STATE-SUPPORTED INSTITUTION OF HIGHER
29 EDUCATION. THE PURPOSE OF THE ROLE AND MISSION GRANT TO AN
30 INSTITUTION SHALL BE TO RECOGNIZE HIGH COSTS ASSOCIATED WITH
31 SMALLER INSTITUTIONS THAT DO NOT HAVE THE BUDGETARY FLEXIBILITY
32 THAT COMES FROM ECONOMIES OF SCALE AND WITH CERTAIN ACADEMIC
33 PROGRAMS, INCLUDING BUT NOT LIMITED TO PROGRAMS DEALING WITH
34 NATURAL AND PHYSICAL SCIENCES, ENGINEERING, NURSING,
35 HEALTH-RELATED FIELDS, LAW, ARCHITECTURE AND PLANNING, DOCTORAL
36 EDUCATION, VETERINARY MEDICINE, BASE FUNDING, AND REGIONAL
37 EDUCATION PROVIDERS WITH A RURAL SERVICE MISSION TO UNDERSERVED
38 AREAS OF THE STATE. THE PURPOSE OF THE ROLE AND MISSION GRANT TO
39 AN INSTITUTION IS ALSO TO RECOGNIZE AND SUPPORT THE COSTS
40 ASSOCIATED WITH THE OFFERING OF BASIC SKILLS COURSES, AS DEFINED
41 IN SECTION 23-1-113 (1) (b) (II) (A.7), AND COSTS ASSOCIATED WITH THE
42 "POSTSECONDARY ENROLLMENT OPTIONS ACT", ARTICLE 35 OF TITLE 22,
43 C.R.S., AND THE HIGH SCHOOL FAST-TRACK PROGRAM PURSUANT TO
44 SECTION 22-34-101, C.R.S., CURRENTLY AVAILABLE TO COLORADO
45 STUDENTS. THESE COURSES AND PROGRAMS SHALL BE FUNDED ON A
46 FULL-TIME-EQUIVALENCY BASIS TO THE INSTITUTION AT THE SAME RATE
47 PER CREDIT HOUR AS THE AMOUNT OF THE STIPENDS ESTABLISHED
48 PURSUANT TO PART 2 OF THIS ARTICLE. THE ROLE AND MISSION GRANTS
49 MAY ALSO BE USED TO FUND AGENCIES HISTORICALLY ASSOCIATED WITH
50 A GOVERNING BOARD SUCH AS THE COLORADO STATE FOREST SERVICE,
51 THE COLORADO COOPERATIVE EXTENSION SERVICE, AND THE
52 AGRICULTURAL EXPERIMENT STATION.

53
54 (4) THE ANNUAL APPROPRIATIONS OF GENERAL FUND MONEYS
55 PURSUANT TO THIS SECTION ARE INTENDED TO BE IN ADDITION TO MONEYS
56 RECEIVED FROM THE COLLEGE AND GRADUATE OPPORTUNITY SAVINGS

1 ACCOUNT PROGRAMS AND ANY ADDITIONAL TUITION RECEIVED BY AN
2 INSTITUTION.

3

4 **23-18-302. Cash appropriations.** (1) THE GENERAL ASSEMBLY
5 SHALL MAKE ANNUAL APPROPRIATIONS OF EXEMPT CASH FUNDS RECEIVED
6 FROM THE COLLEGE AND GRADUATE OPPORTUNITY STIPENDS PURSUANT TO
7 PART 2 OF THIS ARTICLE AND CASH FUNDS AS A SINGLE LINE ITEM TO EACH
8 GOVERNING BOARD FOR THE OPERATION OF ITS CAMPUSES. EACH
9 GOVERNING BOARD SHALL ALLOCATE THE APPROPRIATIONS OF EXEMPT
10 CASH FUNDS RECEIVED FROM THE COLLEGE AND GRADUATE OPPORTUNITY
11 STIPENDS AND CASH FUNDS TO THE INSTITUTIONS UNDER ITS CONTROL IN
12 THE MANNER DEEMED MOST APPROPRIATE BY THE GOVERNING BOARD.

13

14 (2) (a) IN ALLOCATING THE APPROPRIATIONS OF EXEMPT CASH
15 FUNDS RECEIVED FROM THE COLLEGE AND GRADUATE OPPORTUNITY
16 STIPENDS AND CASH FUNDS, EACH GOVERNING BOARD SHALL CONSIDER
17 THE PROGRESS MADE BY THE INSTITUTIONS UNDER ITS CONTROL TOWARD
18 ACHIEVING THE STATEWIDE EXPECTATIONS AND GOALS SPECIFIED IN
19 SECTION 23-13-104, AS MEASURED BY DATA RECEIVED THROUGH THE
20 QUALITY INDICATOR SYSTEM ESTABLISHED PURSUANT TO SECTION
21 23-13-105. THE GOVERNING BOARD SHALL ENSURE THAT ANY AMOUNT
22 REQUIRED TO BE SET ASIDE FOR APPLICATION TO ACHIEVING THE
23 STATEWIDE EXPECTATIONS AND GOALS PURSUANT TO SECTION 23-13-107
24 (1) (a) IS ALLOCATED FOR THAT PURPOSE.

25

26 (b) THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (2)
27 SHALL NOT APPLY TO THE BOARD OF TRUSTEES OF THE COLORADO SCHOOL
28 OF MINES WHO SHALL CONTINUE TO OPERATE UNDER THE PERFORMANCE
29 CONTRACT ESTABLISHED PURSUANT TO SECTION 23-41-104.6.

30

31 (3) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-75-102,
32 C.R.S., THE GOVERNING BOARDS ARE AUTHORIZED TO RETAIN ALL MONEYS
33 APPROPRIATED PURSUANT TO THIS SECTION AND SECTION 23-1-118, OR
34 OTHERWISE GENERATED, FROM STATE FISCAL YEAR TO STATE FISCAL YEAR.

35

36 (4) ALL MONEYS RAISED BY A GOVERNING BOARD SHALL BE
37 AVAILABLE FOR EXPENDITURE ONLY BY THE GOVERNING BOARD AND
38 SHALL NOT BE TRANSFERRED OR OTHERWISE MADE AVAILABLE FOR
39 EXPENDITURE BY ANY OTHER GOVERNING BOARD.

40

41 **23-18-303. Establishment of annual allowable cash fund**
42 **revenues and expenditures by general assembly.** (1) THE GENERAL
43 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

44

45 (a) SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION LIMITS
46 STATE FISCAL YEAR SPENDING;

47

48 (b) SUBJECT TO CERTAIN EXCLUSIONS SPECIFIED IN SECTION 20 OF
49 ARTICLE X OF THE STATE CONSTITUTION, ALL STATE GENERAL FUND
50 EXPENDITURES AND ALL STATE CASH FUND EXPENDITURES, INCLUDING
51 EXPENDITURES OF STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION,
52 ARE INCLUDED IN THE LIMITATION ON STATE FISCAL YEAR SPENDING;

53

54 (c) THE LEGISLATIVE POWERS OF THE GENERAL ASSEMBLY,
55 INCLUDING BUT NOT LIMITED TO ITS PLENARY POWER OF APPROPRIATION,
56 AUTHORIZE AND REQUIRE THE GENERAL ASSEMBLY TO ASSURE

1 COMPLIANCE WITH THE LIMITATION ON STATE FISCAL YEAR SPENDING AND
2 TO MAKE FUNDAMENTAL FISCAL POLICY DECISIONS ESTABLISHING THE
3 LEVEL OF ACTIVITY OF ALL DEPARTMENTS AND AGENCIES OF STATE
4 GOVERNMENT, INCLUDING STATE-SUPPORTED INSTITUTIONS OF HIGHER
5 EDUCATION; AND

6
7 (d) CONSONANT WITH THE EXERCISE OF SUCH LEGISLATIVE
8 POWERS, SUBJECT TO CERTAIN EXCLUSIONS IN SECTION 20 OF ARTICLE X
9 OF THE STATE CONSTITUTION, THE GENERAL ASSEMBLY MUST ESTABLISH
10 LIMITS ON THE AMOUNT OF CASH FUNDS WHICH SHALL BE RAISED, SPENT,
11 OR TRANSFERRED TO RESERVES BY THE GOVERNING BOARDS OF ALL
12 STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION AND EXERCISE
13 ANY OTHER NECESSARY CONTROLS ON CASH FUND REVENUES INCLUDING,
14 BUT NOT LIMITED TO, THE POWER OF APPROPRIATION.

15
16 (2) FOR THE 2004-05 STATE FISCAL YEAR AND STATE FISCAL YEARS
17 THEREAFTER, THE AMOUNT OF CASH FUNDS APPROPRIATED IN THE
18 GENERAL APPROPRIATIONS ACT BY THE GENERAL ASSEMBLY FOR THE
19 GOVERNING BOARDS FOR ALL STATE-SUPPORTED INSTITUTIONS OF HIGHER
20 EDUCATION SHALL EQUAL THE MAXIMUM AMOUNT OF CASH FUNDS THAT
21 SUCH GOVERNING BOARDS SHALL RAISE, SPEND, OR TRANSFER TO
22 RESERVES FOR THAT STATE FISCAL YEAR. THE AMOUNT OF CASH FUNDS
23 APPROPRIATED BY THE GENERAL ASSEMBLY PURSUANT TO THIS
24 SUBSECTION (2) SHALL BE BASED UPON THE DETERMINATION OF THE
25 LIMITATION ON STATE FISCAL YEAR SPENDING UNDER SECTION 20 OF
26 ARTICLE X OF THE STATE CONSTITUTION AND UPON DECISIONS
27 ESTABLISHING THE LEVEL OF ACTIVITY OF ALL DEPARTMENTS AND
28 AGENCIES OF STATE GOVERNMENT INCLUDING STATE-SUPPORTED
29 INSTITUTIONS OF HIGHER EDUCATION. FOR THE PURPOSES OF THIS
30 SECTION, "FISCAL YEAR SPENDING" SHALL NOT INCLUDE TRANSFERS
31 BETWEEN OR EXPENDITURES FROM RESERVES.

32
33 **23-18-304. Duties and powers of the commission with respect**
34 **to reporting policies.** THE COMMISSION SHALL PRESCRIBE UNIFORM
35 FINANCIAL REPORTING POLICIES, INCLUDING POLICIES FOR COUNTING AND
36 CLASSIFYING FULL-TIME EQUIVALENT STUDENTS, FOR THE INSTITUTIONS
37 AND GOVERNING BOARDS WITHIN THE STATE-SUPPORTED SYSTEM OF
38 HIGHER EDUCATION.

39
40 **23-18-305. Tuition - legislative findings - repeal.** (1) (a) THE
41 GENERAL ASSEMBLY FINDS THAT POSTSECONDARY EDUCATION IS A
42 PRIVATE AS WELL AS A PUBLIC GOOD OR BENEFIT. AS SUCH, THE GENERAL
43 ASSEMBLY RECOGNIZES THAT COLORADO RESIDENTS AND STUDENTS FROM
44 OUTSIDE OF COLORADO SHOULD BEAR SOME LEVEL OF FINANCIAL
45 RESPONSIBILITY FOR THE COST OF THEIR POSTSECONDARY EDUCATION.

46
47 (b) IN ORDER TO INCREASE ACCESS TO AND OPPORTUNITIES IN
48 POSTSECONDARY EDUCATION FOR THE CITIZENS OF COLORADO FOR THE
49 STATE FISCAL YEAR COMMENCING JULY 1, 2004, TOTAL IN-STATE TUITION
50 AT COLORADO'S COMMUNITY COLLEGES SHALL BE DECREASED BY
51 TWENTY-FIVE PERCENT FROM THE AMOUNT CHARGED DURING THE FISCAL
52 YEAR PRECEDING THE INITIAL IMPLEMENTATION OF THIS ARTICLE. THIS
53 REDUCTION WILL BRING COLORADO COMMUNITY COLLEGE TUITION IN LINE
54 WITH THE NATIONAL AVERAGE, AT WHICH FULL-TIME RESIDENT STUDENTS
55 PAY APPROXIMATELY TWENTY-FIVE PERCENT OF INSTRUCTIONAL COSTS.
56 IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THIS REDUCTION IN

1 TUITION AT COMMUNITY COLLEGES SHALL NOT AFFECT THE AMOUNT OF
2 APPROPRIATIONS TO STATE-SUPPORTED INSTITUTIONS OF HIGHER
3 EDUCATION.

4
5 (2) (a) (I) STARTING WITH THE STATE FISCAL YEAR COMMENCING
6 JULY 1, 2004, AND FOR EACH STATE FISCAL YEAR THEREAFTER, THE
7 COMMISSION, IN CONSULTATION WITH THE GOVERNING BOARDS, SHALL
8 RECOMMEND TO THE GOVERNOR AND THE GENERAL ASSEMBLY AN
9 INCREASE OR DECREASE, IF ANY, IN TUITION RATES AT STATE-SUPPORTED
10 INSTITUTIONS OF HIGHER EDUCATION FOR BOTH RESIDENT AND
11 NON-RESIDENT STUDENTS. UNLESS AN ADDITIONAL INCREASE IN TUITION
12 IS AUTHORIZED PURSUANT TO SUBSECTION (4) OF THIS SECTION OR UNLESS
13 OTHERWISE AUTHORIZED BY STATUTE, THE INCREASE SHALL NOT EXCEED
14 THE RATE OF GROWTH OF THE PRIOR YEAR'S PER CAPITA PERSONAL INCOME
15 IN THE STATE AS DETERMINED BY THE UNITED STATES BUREAU OF
16 ECONOMIC ANALYSIS.

17
18 (II) (A) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH
19 (I) OF THIS PARAGRAPH (a), FOR THE STATE FISCAL YEAR COMMENCING
20 JULY 1, 2004, THE GOVERNING BOARDS MAY INCREASE THE STUDENT'S
21 SHARE OF TOTAL IN-STATE TUITION RATES FOR IN-STATE STUDENTS BY A
22 RATE OF UP TO FIVE PERCENT.

23
24 (B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1,
25 2005.

26
27 (b) STARTING WITH THE STATE FISCAL YEAR COMMENCING JULY 1,
28 2004, AND FOR EACH STATE FISCAL YEAR THEREAFTER, BASED UPON THE
29 INCREASE AUTHORIZED BY THE GENERAL ASSEMBLY, THE COMMISSION, IN
30 CONSULTATION WITH THE GOVERNING BOARDS, SHALL ESTABLISH THE
31 AMOUNT OF IN-STATE TUITION TO BE CHARGED BY EACH STATE-SUPPORTED
32 INSTITUTION OF HIGHER EDUCATION. THE AMOUNT OF IN-STATE TUITION
33 SHALL NOT EXCEED THE ACTUAL COST TO THE INSTITUTION FOR PROVIDING
34 SERVICES TO THE STUDENT.

35
36 (3) COMMENCING WITH THE 2004-05 STATE FISCAL YEAR AND FOR
37 EACH STATE FISCAL YEAR THEREAFTER, IT IS THE INTENT OF THE GENERAL
38 ASSEMBLY THAT FUTURE CHANGES TO GENERAL FUND APPROPRIATIONS
39 FOR HIGHER EDUCATION SHALL BE LIMITED TO:

40
41 (a) VARIATIONS IN THE NUMBER OF STUDENT STIPENDS RELATED
42 TO ENROLLMENT CHANGES;

43
44 (b) CHANGES IN PER CAPITA INCOME FOR THE STATE OR OTHER
45 INFLATIONARY ADJUSTMENTS TO THE AMOUNT OF STUDENT STIPENDS AND
46 ROLE AND MISSION GRANTS; AND

47
48 (c) OTHER ADJUSTMENTS INCLUDING DECISION ITEM REQUESTS OR
49 GENERAL FUND RESCISSIONS.

50
51 (4) (a) STARTING WITH THE STATE FISCAL YEAR COMMENCING JULY
52 1, 2004, THE COMMISSION, AFTER CONSULTATION WITH THE GOVERNING
53 BOARDS, SHALL MAKE ANNUAL ADDITIONAL TUITION RECOMMENDATIONS
54 FOR STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION AND
55 GOVERNING BOARDS TO THE GENERAL ASSEMBLY AND THE GOVERNOR. IN
56 MAKING ITS RECOMMENDATIONS, THE COMMISSION SHALL CONSIDER EACH

1 GOVERNING BOARD'S AND EACH INSTITUTION'S LEVEL OF ACHIEVEMENT OF
2 THE STATEWIDE EXPECTATIONS AND GOALS SPECIFIED IN SECTION
3 23-13-104, AS MEASURED BY DATA COLLECTED THROUGH THE QUALITY
4 INDICATOR SYSTEM ESTABLISHED IN SECTION 23-13-105.

5
6 (b) THE GENERAL ASSEMBLY MAY ESTABLISH TUITION INCREASES
7 IN ADDITION TO INCREASES PERMITTED BY SUBSECTION (2) OF THIS
8 SECTION. AN ADDITIONAL INCREASE MADE PURSUANT TO THIS SUBSECTION
9 (4) SHALL BE SET FORTH IN A SEPARATE LINE ITEM FOR PURPOSES OF
10 ESTABLISHING SPENDING AUTHORITY.

11
12 (c) A STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION OR
13 GOVERNING BOARD THAT PARTICIPATES IN THE QUALITY INDICATOR
14 SYSTEM AND FAILS TO ADEQUATELY MEET OR EXCEED THE STATEWIDE
15 GOALS AND OBJECTIVES AS MEASURED BY THE QUALITY INDICATOR
16 SYSTEM SHALL NOT INCREASE TUITION OTHER THAN AS PERMITTED IN
17 SUBSECTION (2) OF THIS SECTION.

18
19 **23-18-306. Duties and powers of the commission - residency**
20 **status - funding recommendations.** (1) THE COMMISSION, AFTER
21 CONSULTATION WITH THE GOVERNING BOARDS, SHALL ESTABLISH POLICIES
22 FOR THE PUBLIC SYSTEM OF HIGHER EDUCATION FOR DETERMINING
23 STUDENT RESIDENCY STATUS FOR TUITION CLASSIFICATION PURPOSES
24 WITHIN STATUTORY GUIDELINES ESTABLISHED IN ARTICLE 7 OF THIS TITLE.

25
26 (2) THE FUNDING RECOMMENDATIONS MADE BY THE COMMISSION
27 FOR STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION PURSUANT TO
28 THIS PART 3 SHALL BE MADE TO THE GOVERNOR AND THE GENERAL
29 ASSEMBLY AS A PART OF THE BUDGET REQUEST FOR THE DEPARTMENT OF
30 HIGHER EDUCATION AND SHALL BE SUBMITTED IN ACCORDANCE WITH THE
31 BUDGET PROCEDURES OF PART 3 OF ARTICLE 37 OF TITLE 24, C.R.S., AND
32 IN CONFORMANCE WITH SECTION 24-75-201.1, C.R.S.

33
34 **23-18-307. Advances to alleviate cash flow management**
35 **problems - legislative declaration.** (1) THE GENERAL ASSEMBLY FINDS
36 AND DECLARES THAT BECAUSE OF THE CHANGES IN THE FINANCING OF
37 PUBLIC HIGHER EDUCATION:

38
39 (a) STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION WILL
40 NO LONGER HAVE THE SAME ACCESS TO STATE MONEYS;

41
42 (b) THOSE INSTITUTIONS MAY UNDERGO CASH FLOW MANAGEMENT
43 PROBLEMS, ESPECIALLY EARLY IN THE STATE FISCAL YEAR;

44
45 (c) IT IS APPROPRIATE FOR THE GENERAL ASSEMBLY TO ASSIST
46 THOSE INSTITUTIONS BY MAKING AVAILABLE INTEREST-FREE LOANS TO BE
47 REPAYED BY THE INSTITUTION WHEN THE INSTITUTION RECEIVES TUITION
48 PAYMENTS.

49
50 (2) PURSUANT TO SECTION 24-75-203 (2), C.R.S., THE
51 CONTROLLER MAY AUTHORIZE AND THE TREASURER SHALL MAKE AN
52 ADVANCE WITHOUT INTEREST TO A GOVERNING BOARD TO ASSIST THE
53 GOVERNING BOARD IN MANAGING ITS CASH FLOW. NOTWITHSTANDING
54 THE LIMITATION IN SECTION 24-75-203 (2), C.R.S., THE CONTROLLER MAY
55 AUTHORIZE AN ADVANCE TO A GOVERNING BOARD IN EXCESS OF TWELVE
56 MILLION DOLLARS. ALL ADVANCES MADE PURSUANT TO THIS SECTION

1 SHALL BE REPAID WITHIN THE SAME STATE FISCAL YEAR IN WHICH THE
2 ADVANCE WAS MADE.

3

4 **SECTION 2.** 23-3.3-601 (1), Colorado Revised Statutes, is
5 amended to read:

6

7 **23-3.3-601. Educational exchange program.** (1) The
8 commission is directed to establish an educational exchange program
9 consistent with the national student exchange program. The commission
10 shall identify those circumstances under which the ~~waiving of the~~
11 ~~nonresident differential in tuition rates~~ AWARDING OF A STIPEND
12 PURSUANT TO PART 2 OF ARTICLE 18 OF THIS TITLE, on a reciprocal basis
13 with other states or foreign countries, would enhance the educational
14 experience for Colorado residents enrolled in state institutions. In
15 relation thereto, the commission shall:

16

17 (a) Consult with the governing bodies and departments of state
18 institutions in order to identify those classes and numbers of Colorado
19 residents enrolled in said institutions whose educational experience
20 would be enhanced by participation in said program; and

21

22 (b) Negotiate with the appropriate representatives of other states
23 or foreign countries with the objective of establishing reciprocal
24 agreements for waiving the nonresidential tuition differential for
25 Colorado residents enrolled in state institutions who wish to enroll in the
26 institutions of higher education in other states or foreign countries in
27 exchange for the ~~waiver of the nonresidential tuition differential~~
28 AWARDING OF STIPENDS PURSUANT TO PART 2 OF ARTICLE 18 OF THIS TITLE
29 for residents of said other states or foreign countries wishing to enroll in
30 state institutions. The number of resident students participating in the
31 educational exchange program shall be matched by an equal number of
32 nonresident students enrolling at Colorado institutions of higher
33 education.

34

35 **SECTION 3. Repeal.** 23-1-103.5, 23-1-104, 23-1-105, 23-1-108
36 (10), and 23-1-112, Colorado Revised Statutes, are repealed.

37

38 **SECTION 4. Effective date.** This act shall take effect upon
39 passage; except that sections 2 and 3 of this act shall take effect July 1,
40 2004.

41

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

45

46

47

48

49 **FINANCE**

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

52

53 **HB03-1242** be postponed indefinitely.

54

55

56 **HB03-1334** be referred favorably to the Committee on Appropriations.

1 **HB03-1342** be referred favorably to the Committee on Appropriations.

2

3

4 **SB03-250** be referred favorably to the Committee on Appropriations.

5

6

7

8

9 **TRANSPORTATION & ENERGY**

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

12

13 **HB03-1341** be referred to the Committee of the Whole with favorable
14 recommendation.

15

16

17

18

19 **REPORT FROM THE SENATE AND HOUSE**
20 **COMMITTEES ON DELAYED BILLS**

21

22 Pursuant to Joint Rule 23 (c), the House and Senate Committees on
23 Delayed Bills, acting jointly, extend the following deadline for Senate
24 Bill No. 03-248, Concerning the Financing of Public Schools and Making
25 an Appropriation Therefor:

26

27 The Friday, March 14 deadline (the 66th legislative day) for final
28 passage, including any conference committee report, for any bill
29 prescribing all or a substantial portion of the total funding for public
30 schools pursuant to the "Public School Finance Act of 1994", article 54
31 of title 22, Colorado Revised Statutes, as extended until Friday, March
32 28, 2003 (the 80th legislative day) and subsequently until Friday, April
33 4, 2003 (the 87th legislative day) is further extended until Friday, April
34 18, 2003 (the 101st legislative day).

35

36 This memorandum shall be printed in the journal of each house as is
37 required by said Joint Rule 23 (c).

38

38 (signed)	(signed)
39 Lola Spradley	John Andrews
40 Keith King	Norma Anderson
41 Jennifer Veiga	Joan Fitz-Gerald

42

43

44

45 **PRINTING REPORT**

46

47 The Chief Clerk reports the following bills have been correctly printed:
48 **HB03-1346, 1347, 1348; HCR03-1005.**

49

50

51 **MESSAGE FROM THE GOVERNOR**

52

53 I certify I received the following on the 2nd day of April, 2003, at
54 3:50 p.m. The original is on file in the records of the House of
55 Representatives of the General Assembly.

56

Judith Rodrigue,
Chief Clerk of the House

1 April 2, 2003

2

3 To the Honorable
4 House of Representatives
5 Sixty-fourth General Assembly
6 First Regular Session
7 Denver, CO 80203

8

9 Ladies and Gentlemen:

10

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

13

14 **HB03-1070** Concerning The Clarification Of Existing Statutory
15 Provisions To Specify That The Regional Transportation
16 District May Annex Certain Areas Upon The Affirmative
17 Vote Of A Majority Of The Registered Electors Voting
18 Upon Such Question.

19

20 Approved April 1, 2003 at 4:55 P.M.

21

22 **HB03-1101** Concerning Authorization For The Department Of Public
23 Health And Environment To Recover The Full Amount Of
24 Its Costs In Reviewing Applications Under The
25 "Voluntary Clean-Up And Redevelopment Act".

26

27 Approved April 1, 2003 at 4:57 P.M.

28

29 **HB03-1104** Concerning The Method Of Modifying The Provisions Of
30 An Old Hire Pension Plan Established For Certain Public
31 Safety Employees.

32

33 Approved April 1, 2003 at 5:01 P.M.

34

35 **HB03-1109** Concerning The Creation Of A Definition For A Juvenile
36 "Status Offender" For Purposes Of Compliance With
37 Federal Law.

38

39 Approved April 1, 2003 at 4:59 P.M.

40

41 **HB03-1156** Concerning The Colorado State Board Of Medical
42 Examiners' Ability To Fine A Licensee For Certain
43 Unprofessional Conduct.

44

45 Approved April 1, 2003 at 5:04 P.M.

46

47 **HB03-1165** Concerning Unofficial Copies Of The Colorado Revised
48 Statutes.

49

50 Approved April 1, 2003 at 5:07 P.M.

51

52 **HB03-1194** Concerning Real Property Instruments Filed With A
53 County Clerk And Recorder.

54

55 Approved April 1, 2003 at 5:09 P.M.

56

1 **HB03-1222** Concerning The Electronic Filing Of Documents With The
2 Division Of Workers' Compensation.

3
4 Approved April 1, 2003 at 5:10 P.M.

5
6 **HB03-1273** Concerning Disclosure Of Credit Scoring Information To
7 The Consumer When Used To Underwrite Motor Vehicle
8 Insurance.

9
10 Approved April 1, 2003 at 5:11 P.M.

11
12 **HB03-1281** Concerning The Eligibility Of A Taxpayer Who Is A
13 Person With A Disability To Participate In A Property Tax
14 Work-Off Program.

15
16 Approved April 1, 2003 at 5:14 P.M.

17
18 Sincerely,
19 (signed)
20 Bill Owens
21 Governor

22
23
24
25 **INTRODUCTION OF BILL**
26 **First Reading**

27
28 The following bill was read by title and referred to the committee
29 indicated:

30
31 **HB03-1349** by Representative(s) Larson, Berry, Marshall, May M.;
32 also Senator(s) Taylor--Concerning the repeal of the time
33 line that moneys appropriated from the federal
34 unemployment trust fund may be obligated for
35 administrative purposes.
36 Committee on Business Affairs & Labor

37
38
39 **INTRODUCTION OF CONCURRENT RESOLUTION**

40
41 The following resolution was read by title and referred to the committee
42 indicated:

43
44 **HCR03-1005** by Representative(s) Stengel; also Senator(s) Anderson--
45 Submitting to the registered electors of the state of
46 Colorado an amendment to section 3 (1) (b) of article X of
47 the constitution of the state of Colorado, concerning the
48 ratio of valuation for assessment for taxation of residential
49 real property, and, in connection therewith, setting the
50 ratio at a specified percentage of actual value and
51 eliminating the adjustment of the ratio that insures that the
52 percentage of the total statewide assessed value
53 attributable to residential real property remains the same
54 as in the previous year.

55 Committee on Finance
56

INTRODUCTION OF RESOLUTION

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

HJR03-1045 by Representative(s) Stafford; also Senator(s) Dyer--
Concerning Scottish Tartan Day.

WHEREAS, On April 6, 1320, Scotland's leading nobility and clergy gathered at the Abbey of Arbroath to place their signatures on a document drafted by Bernard de Linton, the Abbot of Arbroath; and

WHEREAS, This Latin language declaration was addressed to Pope John XXII and called on the pontiff to officially recognize the independent Kingdom of Scotland under King Robert Bruce; and

WHEREAS, This event occurred six years after the decisive Scottish victory at the Battle of Bannockburn, which, at least temporarily, concluded the war waged against Scotland by the English King Edward I, known as "The Hammer of Scotland", and his son King Edward II; and

WHEREAS, The Declaration of Arbroath stands as a historical landmark in the struggle for the liberty of mankind; and

WHEREAS, April 6 has a special significance for all Americans, and especially those Americans of Scottish descent, because the Declaration of Arbroath, the Scottish Declaration of Independence, was signed on April 6, 1320, and the American Declaration of Independence was modeled on that inspirational document; and

WHEREAS, In 1997, the Sixty-first General Assembly adopted an official state tartan, known as a "district" tartan, comprised of a pattern and colors that are symbolic of Colorado's splendor and history; and

WHEREAS, The state tartan is comprised of a pattern or sett consisting of primary blocks of forest green and cerulean blue separated by broad dividing bands of black, with the forest green checks containing two pairs of tram tracks consisting of lavender and white and with the cerulean blue checks containing a gold stripe with red guard lines; and

WHEREAS, The crispness of cerulean blue captures the beauty of the clear Colorado skies and the coolness of forest green renders images of pine and spruce that grace the mountains with dignity; and

WHEREAS, The contrasting colors of lavender and white are reflective of the granite mountain peaks and the snow that crowns them in the winter months, inspiring the song "America the Beautiful" and its references to "purple mountain majesties", and are found in the state flower, the white and lavender columbine; and

WHEREAS, The brilliance of the color gold signifies the vast wealth of mineral resources to which the mining industry was attracted and on which the state's early economy was built; and

WHEREAS, The essence of the color red distinguishes the "C" on the state flag and also signifies the red sandstone soil which gave the area

1 its name Colorado, meaning red in Spanish; and
2

3 WHEREAS, On March 20, 1998, the United States Senate
4 unanimously designated April 6 of each year as National Tartan Day; and
5

6 WHEREAS, In 1999, the Sixty-second General Assembly
7 redesignated April 6 of each year as Scottish Tartan Day by adopting
8 House Joint Resolution 99-1022; now, therefore,
9

10 *Be It Resolved by the House of Representatives of the Sixty-fourth*
11 *General Assembly of the State of Colorado, the Senate concurring*
12 *herein:*
13

14 That we, the members of the Colorado General Assembly,
15 recognize that April 6 of each year is designated as Scottish Tartan Day;
16 however, since April 6 falls on a Sunday in 2003, we hereby designate
17 Friday, April 4, 2003, as Scottish Tartan Day.
18

19 *Be It Further Resolved,* That the Colorado General Assembly
20 hereby encourages the citizens of Colorado to join in the celebration of
21 Scottish Tartan Day on April 4, 2003.
22

23 _____
24
25 House in recess. House reconvened.
26
27 _____
28

29 **REPORTS OF COMMITTEES OF REFERENCE**

30 **APPROPRIATIONS**

31 After consideration on the merits, the Committee recommends the
32 following:
33

34 **HB03-1004** be amended as follows, and as so amended, be referred to
35 the Committee of the Whole with favorable
36 recommendation:
37

38 Amend printed bill, page 2, line 21, strike "**03-___.**" and substitute "**03-**
39 **1004.**";
40

41 line 23, strike "H.B. 03-___," and substitute "H.B. 03-1004,";
42

43 line 26, strike "2003," and substitute "2006,".
44

45 Page 3, line 4, strike "_____ DOLLARS (\$)." and substitute "TWO
46 HUNDRED NINETY-ONE THOUSAND SEVEN HUNDRED SIXTY-ONE DOLLARS
47 (\$291,761).";
48

49 line 5, strike "2004," and substitute "2007,";
50

51 line 9, strike "_____ DOLLARS (\$)." and substitute "FOUR HUNDRED
52 SIXTEEN THOUSAND EIGHT HUNDRED TWO DOLLARS (\$416,802).";
53

54 line 10, strike "2004," and substitute "2007,";
55
56

- 1 line 13, strike "_____ DOLLARS (\$)." and substitute "ONE HUNDRED
2 EIGHTEEN THOUSAND FIVE HUNDRED SIXTEEN DOLLARS (\$118,516).";
3
4 strike lines 14 through 27.
5
6 Page 4, strike lines 1 through 13.
7
8 Strike page 5.
9
10 Page 6, strike lines 1 through 6;
11
12 line 10, strike "_____ DOLLARS" and substitute "TWO HUNDRED NINETY-
13 ONE THOUSAND SEVEN HUNDRED SIXTY-ONE DOLLARS" and strike "H.B.
14 03-____," and substitute "H.B. 03-1004,";
15
16 line 12, strike "_____ DOLLARS" and substitute "FOUR HUNDRED
17 SIXTEEN THOUSAND EIGHT HUNDRED TWO DOLLARS";
18
19 line 13, strike "03-____," and substitute "03-1004,".
20
21
22
23 **HB03-1029** be postponed indefinitely.
24
25
26 **HB03-1049** be postponed indefinitely.
27
28
29 **HB03-1123** be amended as follows, and as so amended, be referred to
30 the Committee of the Whole with favorable
31 recommendation:
32
33 Amend the Finance Committee Report, dated February 5, 2003, page 1,
34 strike line 1 and substitute the following:
35
36 "Amend printed bill, page 2, line 2, strike "12-60-701 (1)," and substitute
37 "12-60-701,";
38
39 strike line 3 and substitute the following:
40
41 "amended BY THE";
42
43 line 4, strike the comma;
44
45 strike lines 6 through 15, and substitute the following:
46
47 **"requirement - repeal.** (4) THE COMMISSION SHALL ESTABLISH AND
48 ADJUST ANNUAL FEES".
49
50 Page 4, after line 6, insert the following:"
51
52 Page 2 of the committee report, after line 20, insert the following:
53
54 "Page 4, line 10, strike "for allocation";
55
56 line 11, strike "to the division of racing events,";

1 strike line 12 and substitute the following:

2

3 "the sum of one million nine hundred seventy-seven thousand one
4 hundred sixty-five dollars (\$1,977,165), or so much thereof as";

5

6 strike lines 17 through 19 and substitute the following:

7

8 "(a) The general fund appropriation to the executive director's
9 office is decreased by two hundred sixty-one thousand three hundred two
10 dollars (\$261,302);

11

12 (b) The general fund appropriation to the enforcement business
13 group, for administration, is decreased by sixty-four thousand four
14 hundred seventy-nine dollars (\$64,479); and

15

16 (c) The general fund appropriation to the enforcement business
17 group, for the division of racing events, is decreased by one million six
18 hundred fifty-one thousand three hundred eighty-four dollars
19 (\$1,651,384).".

20

21 Page 2 of the committee report, strike line 21.

22

23

24

25 **HB03-1138** be amended as follows, and as so amended, be referred to
26 the Committee of the Whole with favorable
27 recommendation:

28

29 Amend printed bill, page 4, after line 18, insert the following:

30

31 **"SECTION 6.** Part 1 of article 1 of title 17, Colorado Revised
32 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
33 read:

34

35 **17-1-146. Appropriation to comply with section 2-2-703 - HB**
36 **03-1138.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING
37 STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE
38 NECESSARY, ARE MADE IN ORDER TO IMPLEMENT H.B. 03-1138, ENACTED
39 AT THE FIRST REGULAR SESSION OF THE SIXTY-FOURTH GENERAL
40 ASSEMBLY:

41

42 (a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2005, IN ADDITION
43 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM
44 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
45 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
46 SECTION 17-1-116, THE SUM OF ONE HUNDRED THIRTY-EIGHT THOUSAND
47 NINE HUNDRED THIRTY-FOUR DOLLARS (\$138,934).

48

49 (b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2006, IN ADDITION
50 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM
51 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
52 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
53 SECTION 17-1-116, THE SUM OF ONE HUNDRED TWENTY-FIVE THOUSAND
54 FORTY-ONE DOLLARS (\$125,041).

55

56 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2006, IN ADDITION

1 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
2 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
3 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF FIFTY-SIX THOUSAND
4 FOUR HUNDRED THIRTY-SIX DOLLARS (\$56,436).

5
6 (d) FOR THE FISCAL YEAR BEGINNING JULY 1, 2007, IN ADDITION
7 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
8 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
9 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF ONE HUNDRED SEVEN
10 THOUSAND TWO HUNDRED TWENTY-EIGHT DOLLARS (\$107,228).

11
12 **SECTION 7.** 24-75-302 (2) (r) and (2) (s), Colorado Revised
13 Statutes, are amended to read:

14
15 **24-75-302. Capital construction fund - capital assessment fees**
16 **- calculation.** (2) As of July 1, 1988, and July 1 of each year thereafter
17 through July 1, 2006, a sum as specified in this subsection (2) shall
18 accrue to the capital construction fund. The state treasurer and the
19 controller shall transfer such sum out of the general fund and into the
20 capital construction fund as moneys become available in the general fund
21 during the fiscal year beginning on said July 1. Transfers between funds
22 pursuant to this subsection (2) shall not be deemed to be appropriations
23 subject to the limitations of section 24-75-201.1. The amount which shall
24 accrue pursuant to this subsection (2) shall be as follows:

25
26 (r) On July 1, 2005, one hundred million dollars, plus four
27 hundred forty-nine thousand seven hundred ninety-nine dollars pursuant
28 to S.B. 02-050, enacted at the second regular session of the sixty-third
29 general assembly; PLUS ONE-HUNDRED THIRTY-EIGHT THOUSAND NINE
30 HUNDRED THIRTY-FOUR DOLLARS PURSUANT TO H.B. 03-1138, ENACTED
31 AT THE FIRST REGULAR SESSION OF THE SIXTY-FOURTH GENERAL
32 ASSEMBLY;

33
34 (s) On July 1, 2006, twenty-two thousand nine hundred
35 twenty-four dollars pursuant to section 3 of H.B. 02S-1006, enacted at the
36 third extraordinary session of the sixty-third general assembly; PLUS ONE
37 HUNDRED TWENTY-FIVE THOUSAND FORTY-ONE DOLLARS PURSUANT TO
38 H.B. 03-1138, ENACTED AT THE FIRST REGULAR SESSION OF THE
39 SIXTY-FOURTH GENERAL ASSEMBLY."

40
41 Renumber succeeding sections accordingly.

42
43 Page 1, line 102, strike "CHILDREN." and substitute "CHILDREN, AND
44 MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

45
46
47
48 **HB03-1163** be amended as follows, and as so amended, be referred to
49 the Committee of the Whole with favorable
50 recommendation:

51
52 Amend printed bill, page 7, strike lines 2 through 27.

53
54 Page 8, strike line 1.

55
56 Renumber succeeding sections accordingly.

1 **HB03-1170** be referred to the Committee of the Whole with favorable
2 recommendation.
3

4
5 **HB03-1276** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:
8

9 Amend the Business Affairs and Labor Committee Report, dated
10 February 27, 2003, page 2, line 13, strike "2004." and substitute the
11 following:
12

13 "2004, IN A RURAL AREA OR ENTERPRISE ZONE. THE SMALL EMPLOYER
14 CARRIER SHALL PROVIDE HEALTH BENEFIT COVERAGE PLANS TO SMALL
15 EMPLOYERS IN AN ENTERPRISE ZONE OR RURAL AREA FOR AT LEAST ONE
16 YEAR BEGINNING JANUARY 1, 2004, TO QUALIFY FOR THE PREMIUM TAX
17 DEDUCTION PURSUANT TO THIS SUBPARAGRAPH (IV). THE DIVISION SHALL
18 COLLECT THE PREMIUM TAX AMOUNTS FOR SMALL GROUP HEALTH BENEFIT
19 PLANS ISSUED IN A RURAL AREA OR AN ENTERPRISE ZONE DURING THE 2004
20 FISCAL YEAR BY A SMALL EMPLOYER CARRIER. A PORTION OF SUCH
21 MONEYS COLLECTED DURING THE 2004 FISCAL YEAR SHALL BE USED TO
22 REIMBURSE THE DIVISION FOR ADMINISTRATIVE EXPENSES RELATED TO THE
23 PROVISIONS OF THIS SUBPARAGRAPH (IV).";
24

25 line 14, strike "INSURER" and substitute "CARRIER";
26

27 strike lines 30 through 34.
28

29 Page 3, strike lines 1 through 16.
30

31 Renumber succeeding section accordingly.
32
33
34

35 **HB03-1292** be amended as follows, and as so amended, be referred to
36 the Committee of the Whole with favorable
37 recommendation:
38

39 Amend the Finance Committee Report, dated February 19, 2003, page 1,
40 strike line 1 and substitute the following:
41

42 "Amend printed bill, page 2, line 13, after "IMPROVING", insert "OR
43 MAINTAINING";
44

45 strike line 22 and substitute the following:";
46

47 strike lines 2 through 16 of the committee report and substitute the
48 following:
49

50 ""(II) THE MONEYS COLLECTED IN EACH FISCAL YEAR PURSUANT
51 TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) SHALL BE TRANSMITTED BY
52 THE DEPARTMENT OF HUMAN SERVICES TO THE STATE TREASURER, WHO
53 SHALL CREDIT SAME TO THE SERVICE FEE FUND, WHICH FUND IS HEREBY
54 CREATED AND REFERRED TO IN THIS PARAGRAPH (d) AS THE "FUND". THE
55 MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY
56 THE GENERAL ASSEMBLY TO THE STATE DEPARTMENT TO BE USED TOWARD

1 THE STATE MATCH FOR THE FEDERAL FINANCIAL PARTICIPATION TO
2 REIMBURSE INTERMEDIATE CARE FACILITIES FOR THE MENTALLY
3 RETARDED PURSUANT TO THIS SECTION. ANY UNEXPENDED AND
4 UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF ANY
5 FISCAL YEAR SHALL REMAIN IN THE FUND AND NOT BE CREDITED OR
6 TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.
7

8 **SECTION 2. Adjustments to the 2003 long bill.** For
9 implementation of this act, appropriations made in the annual general
10 appropriation act for the fiscal year beginning July 1, 2003, shall be
11 adjusted as follows:
12

13 (1) The appropriation to the department of human services,
14 services for people with disabilities, developmental disability services,
15 regional centers, is increased by seven hundred twenty-eight thousand
16 dollars (\$728,000). Said sum shall be cash funds exempt transferred from
17 the department of health care policy and financing.
18

19 (2) The general fund appropriation to the department of health
20 care policy and financing, department of human services medicaid-funded
21 programs, services for people with disabilities-medicaid funding, regional
22 centers-medicaid funding, is decreased by three hundred sixty-four
23 thousand dollars (\$364,000).
24

25 (3) The appropriation to the department of health care policy and
26 financing, department of human services medicaid-funded programs,
27 services for people with disabilities-medicaid funding, regional centers -
28 medicaid funding, is increased by the sum of one million ninety-two
29 thousand dollars (\$1,092,000). Of said sum, seven hundred twenty-eight
30 thousand dollars (\$728,000) shall be from the service fee fund, created in
31 section 26-4-410 (1) (d) (II), Colorado Revised Statutes, and three
32 hundred sixty-four thousand dollars (\$364,000) shall be from medicaid
33 federal funds.
34

35 (4) The general fund appropriation to the department of health care
36 policy and financing, medical services premiums, is decreased by thirty-
37 four thousand forty-seven dollars (\$34,047).
38

39 (5) The appropriation to the department of health care policy and
40 financing, medical service premiums, is increased by the sum of one
41 hundred two thousand one hundred forty-one dollars (\$102,141). Of said
42 sum, sixty-eight thousand ninety-four dollars (\$68,094) shall be from the
43 service fee fund, created in section 26-4-410 (1) (d) (II), Colorado
44 Revised Statutes, and thirty-four thousand forty-seven dollars (\$34,047)
45 shall be from medicaid federal funds."
46

47 Renumber succeeding sections accordingly.";

48
49 after line 17 of the committee report, insert the following:

50
51 "Page 1, line 102, strike "RETARDED." and substitute "RETARDED, AND
52 MAKING AN APPROPRIATION THEREFOR."."
53
54
55

1 **HB03-1317** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4

5 Amend printed bill, page 2, line 14, strike "and";
6
7 line 18, strike "methamphetamine." and substitute "methamphetamine;
8 and";
9

10 after line 18, insert the following:
11

12 "(f) Other states have experienced a sixteen percent to sixty-two
13 percent reduction in methamphetamine laboratories as a result of adopting
14 legislation similar to this act."
15

16 Page 3, after line 2, insert the following:
17

18 "(c) The general assembly further declares that this act will have
19 a cost-neutral impact on the department of corrections.";
20

21 strike lines 24 through 27 and substitute the following:
22

23 "**SECTION 4. No appropriation.** This act is intended to be an
24 exception to section 2-2-703, C.R.S., and therefore no appropriation of
25 state moneys is necessary to carry out the purposes of this act."
26

27 Strike pages 4 through 6.
28

29 Page 7, strike lines 1 through 11.
30

31 Renumber succeeding sections accordingly.
32
33
34
35

36 **TRANSPORTATION & ENERGY**

37 After consideration on the merits, the Committee recommends the
38 following:
39

40 **SB03-132** be postponed indefinitely.
41
42
43

44 On motion of Representative May, the House resolved itself into
45 Committee of the Whole for continuation of consideration of Special
46 Orders, and he returned to the Chair to act as Chairman.
47
48

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

50 (Continued from page 1413)
51

52 **HB03-1191** by Representative(s) Clapp; also Senator(s) Jones--
53 Concerning the prohibition of computer dissemination of
54 indecent material to children, and making an appropriation
55 therefor.
56

1 Amendment No. 1, Information & Technology Report, dated
2 February 19, 2003, and placed in member's bill file; Report also printed
3 in House Journal, February 20, pages 828-831.

4
5 Amendment No. 2, Appropriations Report, dated March 28, 2003, and
6 placed in member's bill file; Report also printed in House Journal,
7 March 31, page 1349.

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

11
12 **HB03-1289** by Representative(s) Briggs, Larson, Decker, McCluskey,
13 Merrifield; also Senator(s) Arnold, Kester--Concerning
14 consumer protection for intrastate household moves, and,
15 in connection therewith, changing the registration
16 requirements for a motor carrier of household goods
17 within Colorado, and making an appropriation therefor.

18
19 Amendment No. 1, Transportation & Energy Report, dated March 12,
20 2003, and placed in member's bill file; Report also printed in House
21 Journal, March 13, pages 1130-1131.

22
23 Amendment No. 2, Appropriations Report, dated March 28, 2003, and
24 placed in member's bill file; Report also printed in House Journal,
25 March 31, page 1350.

26
27 Amendment No. 3, by Representative Weissmann.

28
29 Amend printed bill, page 10, line 3, after "ARTICLE.", add "THE
30 REVOCATION OF A REGISTRATION PURSUANT TO THIS SECTION SHALL
31 CONFORM TO THE PROVISIONS AND PROCEDURES SPECIFIED IN ARTICLE 4
32 OF TITLE 24, C.R.S.".

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

36
37 **SB03-241** by Senator(s) May R.; also Representative(s) Rippy--
38 Concerning the continuation of the regulation of certain
39 persons in the business of automotive sales, and, in
40 connection therewith, continuing the regulatory functions
41 of the executive director of the department of revenue
42 related to motor vehicle sales.

43
44 Amendment No. 1, Business Affairs & Labor Report, dated April 1,
45 2003, and placed in member's bill file; Report also printed in House
46 Journal, April 2, page 1403.

47
48 As amended, ordered revised and placed on the Calendar for Third
49 Reading and Final Passage.

50
51
52 **HB03-1223** by Representative(s) Veiga; also Senator(s) Chlouber--
53 Concerning the penalties for failure to maintain financial
54 responsibility for a motor vehicle.

55

1 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
 2 March 4, 2003, and placed in member's bill file; Report also printed in
 3 House Journal, March 6, pages 1059-1060.

4
 5 Amendment No. 2, Appropriations Report, dated March 28, 2003, and
 6 placed in member's bill file; Report also printed in House Journal,
 7 March 31, page 1349.

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

11
 12 **HB03-1339** by Representative(s) Harvey; also Senator(s) McElhany--
 13 Concerning the funding of real estate commission
 14 programs relating to the conduct of real estate licensees.

15
 16 Amendment No. 1, Business Affairs & Labor Report, dated April 1,
 17 2003, and placed in member's bill file; Report also printed in House
 18 Journal, April 2, pages 1403.

19
 20 As amended, referred to the Committee on Finance.

21
 22
 23
 24 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**

25
 26 Representatives Smith, Hefley, and Romanoff moved to amend the
 27 Report of the Committee of the Whole to show that the following
 28 Romanoff amendment, to HB03-1319, as amended by the following
 29 Smith amendment, did pass, and that HB03-1319, as amended, did pass.

30
 31
 32 **Amendment by Representative Romanoff**

33
 34 Amend printed bill, page 17, line 8, strike "(12) (a)" and substitute "(1)
 35 (a) (II), (2) (a), (12) (a),";

36
 37 line 11, strike "(12)" and substitute "(1) (a) It is a misdemeanor for any
 38 person to operate a motorboat or sailboat or be in actual physical control
 39 of a motorboat or sailboat in this state while:

40
 41 (II) The amount of alcohol, as shown by analysis of such person's
 42 blood or breath, in such person's blood is ~~0.10~~ 0.08 or more grams of
 43 alcohol per one hundred milliliters of blood or ~~0.10~~ 0.08 or more grams
 44 of alcohol per two hundred ten liters of breath at the time of the
 45 commission of the alleged offense or within two hours after operating a
 46 motorboat or sailboat if the evidence establishes beyond a reasonable
 47 doubt that such person did not consume any alcohol between the time of
 48 operation and the time of testing;

49
 50 (2) (a) In any prosecution of a violation of paragraph (a) of
 51 subsection (1) of this section, the amount of alcohol in the defendant's
 52 blood or breath at the time of the commission of the alleged offense or
 53 within a reasonable time thereafter, as shown by analysis of the
 54 defendant's blood or breath, shall give rise to the following presumption:
 55 If there was at such time ~~0.10~~ 0.08 or more grams of alcohol per one
 56 hundred milliliters of blood as shown by analysis of such person's blood

1 or ~~0.10~~ 0.08 or more grams of alcohol per two hundred ten liters of breath
 2 as shown by analysis of such person's breath, it shall be presumed that the
 3 defendant was under the influence of alcohol.

4
 5 (12)".

6
 7
 8 **Amendment by Representative Smith**

9
 10 Amend the above Romanoff amendment, as printed in House Journal,
 11 page 1444, strike lines 42 through 48 and substitute the following:

12
 13 "~~blood or breath, in such person's blood is 0.10 or more grams of alcohol~~
 14 ~~per one hundred milliliters of blood or 0.10 or more grams of alcohol per~~
 15 ~~two hundred ten liters of breath at the time of the commission of the~~
 16 ~~alleged offense or within two hours after operating a motorboat or~~
 17 ~~sailboat if the evidence establishes beyond a reasonable doubt that such~~
 18 ~~person did not consume any alcohol between the time of operation and~~
 19 ~~the time of testing~~ EXCEEDS THE STANDARD ESTABLISHED IN SECTION
 20 42-4-1301 (2) (a), C.R.S.;"

21
 22 strike lines 55 and 56.

23
 24 Page 1445, strike lines 1 and 2 and substitute the following:

25
 26 If there was at such time ~~0.10 or more grams of alcohol per one hundred~~
 27 ~~milliliters of blood as shown by analysis of such person's blood or 0.10~~
 28 ~~or more grams of alcohol per two hundred ten liters of breath as shown~~
 29 ~~by analysis of such person's breath~~ A LEVEL OF ALCOHOL THAT EXCEEDS
 30 THE STANDARD ESTABLISHED IN SECTION 42-4-1301 (2) (a), C.R.S., it shall
 31 be presumed that the".

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

34
 35

YES	28	NO	34	EXCUSED	03	ABSENT	00
Berry	Y	Fritz	N	May	N	Sinclair	Y
Borodkin	Y	Garcia	N	McCluskey	N	Smith	Y
Boyd	Y	Hall	N	McFadyen	N	Spence	E
Briggs	Y	Harvey	N	Merrifield	Y	Stafford	N
Brophy	N	Hefley	Y	Miller	N	Stengel	N
Butcher	Y	Hodge	Y	Mitchell	N	Tochtrop	N
Cadman	N	Hoppe	N	Paccione	Y	Veiga	Y
Carroll	Y	Jahn	N	Plant	Y	Vigil	Y
Cerbo	Y	Johnson	N	Pommer	Y	Weddig	Y
Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
Cloer	N	King	N	Rhodes	N	White	N
Coleman	N	Larson	Y	Rippy	N	Wiens	N
Crane	E	Lee	E	Romanoff	Y	Williams S.	Y
Decker	N	Lundberg	N	Rose	N	Williams T.	N
Fairbank	N	Madden	Y	Salazar	N	Witwer	N
Frangas	Y	Marshall	Y	Schultheis	N	Young	N
						Speaker	N

52
 53
 54
 55

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

2
3 Passed Second Reading: **HB03-1319 amended, 1333, 1337 amended,**
4 **1332, 1274 amended, 1073 amended, 1191 amended, 1289 amended,**
5 **SB03-241 amended, HB03-1223 amended.**

6
7 Laid over until date indicated retaining place on Calendar:

8 **HB03-1209**--April 4, 2003.

9 **HB03-1190**--April 7, 2003.

10
11 Referred to Committee indicated:

12 **1339 amended**--Committee on Finance.

13
14 The Chairman moved the adoption of the Committee of the Whole
15 Report. As shown by the following roll call vote, a majority of those
16 elected to the House voted in the affirmative, and the Report was
17 **adopted.**

YES	62	NO	00	EXCUSED	03	ABSENT	00
Berry	Y	Fritz	Y	May	Y	Sinclair	Y
Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
Boyd	Y	Hall	Y	McFadyen	Y	Spence	E
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	Y	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	Y
Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
Crane	E	Lee	E	Romanoff	Y	Williams S.	Y
Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
						Speaker	Y

37
38
39 **MESSAGE FROM THE SENATE**

40 Madam Speaker:

41
42 The Senate has passed on Third Reading and transmitted to the Revisor
43 of Statutes: SB03-262, 285,

44
45 SB03-261, amended as printed in Senate Journal, April 2, 2003,
46 page 851,

47 SB03-273, amended as printed in Senate Journal, April 2, 2003,
48 pages 851-852,

49 SB03-269, amended as printed in Senate Journal, April 2, 2003,
50 page 852,

51 SB03-271, amended as printed in Senate Journal, April 2, 2003,
52 page 852, and on Third Reading, in Senate Journal, April 3,

53 SB03-277, amended as printed in Senate Journal, April 2, 2003,
54 page 852-853,

55 SB03-300, amended as printed in Senate Journal, April 2, 2003,
56 page 853,

- 1 SB03-282, amended as printed in Senate Journal, April 2, 2003,
- 2 page 853-856,
- 3 SB03-267, amended as printed in Senate Journal, April 2, 2003,
- 4 page 856,
- 5 SB03-263, amended as printed in Senate Journal, April 2, 2003,
- 6 page 856, and on Third Reading, in Senate Journal, April 3.

8

9 **MESSAGE FROM THE REVISOR**

10

11 We herewith transmit without comment, SB03-262 and 285.

12 Without comment, as amended, SB03-261, 273, 269, 271, 277, 300, 282,

13 267, and 263.

14

15

16 House in recess. House reconvened.

17

18

19

20 **INTRODUCTION OF BILLS**

21 **First Reading**

22

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

24 indicated:

25

26 **HB03-1350** by Representative(s) Rippy--Concerning the electronic

27 publication of administrative rule-making materials by the

28 secretary of state.

29 Committee on State, Veterans, & Military Affairs

30

31 **SB03-261** by Senator(s) Teck, Owen, Reeves; also Representative(s)

32 Witwer, Plant, Young--Concerning fees assessed for the

33 costs of administering programs in the department of local

34 affairs, and, in connection therewith, increasing certain fees

35 collected by the bond allocations committee, the office of the

36 property tax administrator, and the board of assessment

37 appeals, and making an appropriation.

38 Committee on Finance

39

40 **SB03-262** by Senator(s) Owen, Reeves, Teck; also Representative(s)

41 Witwer, Plant, Young--Concerning transfers of moneys

42 related to capital construction.

43 Committee on Finance

44

45 **SB03-263** by Senator(s) Owen, Reeves, Teck; also Representative(s)

46 Witwer, Plant, Young--Concerning when the annual state

47 contribution to the fire and police pension association to

48 assist in amortizing the unfunded accrued liability of old hire

49 pension plans shall be transferred, and, in connection

50 therewith, eliminating the state contribution to the old hire

51 pension plans for the 2003-04 and 2004-05 state fiscal years,

52 extending the state contribution through the 2011-12 state

53 fiscal year, and changing the date on which the state makes

54 the annual contribution to April 30, and making an

55 appropriation.

56 Committee on State, Veterans, & Military Affairs

- 1 **SB03-267** by Senator(s) Reeves, Owen, Teck; also Representative(s)
2 Young, Plant, Witwer--Concerning the method by which the
3 motor vehicle business group within the department of
4 revenue is annually funded, and making an appropriation
5 therefor.
6 Committee on Transportation & Energy
7
- 8 **SB03-269** by Senator(s) Owen, Reeves, Teck; also Representative(s)
9 Young, Plant, Witwer--Concerning allocation of state
10 moneys to nonpublic higher education institutions for need-
11 based financial aid, and making an appropriation in
12 connection therewith.
13 Committee on Finance
14
- 15 **SB03-271** by Senator(s) Owen, Reeves, Teck; also Representative(s)
16 Young, Plant, Witwer--Concerning the augmentation of the
17 general fund through transfers of certain moneys.
18 Committee on Finance
19
- 20 **SB03-273** by Senator(s) Owen, Reeves, Teck; also Representative(s)
21 Young, Plant, Witwer--Concerning the elimination of salary
22 increases for certain state employees for the 2003-04 fiscal
23 year, and making an appropriation in connection therewith.
24 Committee on Business Affairs & Labor
25
- 26 **SB03-277** by Senator(s) Reeves, Owen, Teck; also Representative(s)
27 Plant, Witwer, Young--Concerning the inclusion of amounts
28 of salary reductions resulting from the furloughing of certain
29 members of the public employees' retirement association
30 when calculating the highest average salary of such members
31 for retirement purposes.
32 Committee on Finance
33
- 34 **SB03-282** by Senator(s) Teck, Owen, Reeves; also Representative(s)
35 Witwer, Plant, Young--Concerning tobacco litigation
36 settlement moneys received by the state, and, in connection
37 therewith, reallocating a portion of the moneys received in
38 the 2002-03 fiscal year for the purpose of augmenting the
39 state general fund, modifying appropriations for the 2002-03
40 fiscal year, and reducing and eliminating funding of specified
41 programs from tobacco litigation settlement moneys in the
42 2003-04 fiscal year.
43 Committee on State, Veterans, & Military Affairs
44
- 45 **SB03-285** by Senator(s) Owen, Reeves, Teck; also Representative(s)
46 Young, Plant, Witwer--Concerning the reduction of the
47 statutorily required general fund reserve for the 2002-03 state
48 fiscal year due to a revenue shortfall.
49 Committee on Finance
50
- 51 **SB03-300** by Senator(s) Teck, Owen, Reeves; also Representative(s)
52 Plant, Witwer, Young--Concerning the imposition of a
53 management fee on certain funds that are invested by the
54 state treasurer.
55 Committee on Finance
56
-

INTRODUCTION OF RESOLUTION1
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The following resolution was read by title and referred to the committee indicated:

HJR03-1046 by Representative(s) Hoppe, Brophy, Larson, Smith, Spradley, Young; also Senator(s) Isgar, Chlouber, Entz, Taylor--Concerning United States Forest Service treatment of water rights on National Forest lands in Colorado.
Committee on Agriculture, Livestock, & Natural Resources

WHEREAS, The United States Department of Agriculture Forest Service recently filed an errata to the 1997 revision of the Arapaho-Roosevelt National Forest Management Plan that for the first time includes direction to impose bypass flows for scenic, aesthetic, and recreational purposes; and

WHEREAS, The Forest Service recently asserted the right to impose a bypass flow requirement upon the owner of an existing water supply facility in the San Juan National Forest; and

WHEREAS, At a May 22, 2001, hearing of the House Resources Subcommittee on Forests and Forest Health exploring the legality and efficacy of federal bypass flows, Randle Phillips, Deputy Chief for Program and Legislation, testified that the Forest Service would follow "the principles of the Madigan letter", a policy that promotes collaboration with state and local water users to protect minimum flows of streams and rivers; and

WHEREAS, The White River National Forest published its Draft Forest Management Plan in 1999 that included a direction to impose bypass flows on existing water infrastructure upon permit renewal; and

WHEREAS, The White River National Forest's Draft Forest Management Plan garnered a record number of comment letters that were prompted in part because of the plan's bypass flow reference; and

WHEREAS, The Federal Water Rights Task Force created pursuant to section 389(d)(3) of P.L. 104-127 concluded Congress did not delegate to the U.S. Forest Service the authority necessary to force water users to relinquish part of their existing water supply to the United States as a condition of permit renewals; and

WHEREAS, Colorado law vests exclusive authority to appropriate instream flows for the protection of the natural environment in the Colorado Water Conservation Board; and

WHEREAS, Colorado law allows the United States Department of Agriculture to cooperate with the Water Conservation Board to protect instream flows; and

WHEREAS, The Forest Service instead has decided to obtain water under disputed permitting authorities; and

WHEREAS, These recent actions by the Forest Service only further inflame a federal-state relationship that has been strained over this

1 issue; and

2

3 WHEREAS, The Forest Service's purported goal in pursuing
4 bypass flows from existing water users can be accomplished through the
5 state program; and

6

7 WHEREAS, A bypass flow permit requirement does not constitute
8 a water right under Colorado water law; and

9

10 WHEREAS, Water bypassed pursuant to a bypass permit
11 condition can be and often is legally diverted by a downstream junior
12 water user before the water even reaches the stretch of stream intended
13 to be benefitted by the bypassed water; and

14

15 WHEREAS, Congress has a long-standing policy of deference to
16 state water allocation systems and Colorado has made an effort to
17 promote state-federal cooperation in the previously contentious water
18 rights arena; and

19

20 WHEREAS, Each western state has developed comprehensive
21 systems for the appropriation, use, and distribution of water tailored to its
22 unique physiologic, hydrologic, and climatic conditions found within that
23 state; now, therefore,

24

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

28

29 (1) That we, the members of the General Assembly, do hereby
30 request that the Forest Service discontinue its practice of imposing bypass
31 flow conditions on existing water infrastructure on National Forest lands.

32

33 (2) That we do hereby request that the Secretary of the
34 Department of Agriculture reinstate the 1992 "Madigan Letter", which
35 was written to then Colorado Senator Hank Brown clarifying that
36 water-related permits on National Forest lands will not be conditioned
37 with bypass flow requirements.

38

39 (3) That the Forest Service seek any desired protection for
40 instream flows through the Colorado Water Conservation Board in
41 conformance with Colorado law for any stream flows that it believes
42 necessary to fulfill the purposes of the forest.

43

44 (4) That the Congress consider amending the Land and Water
45 Conservation Fund to establish grants to states with instream flow
46 programs. Such grants should be used to acquire water rights from
47 willing sellers so that the states, in consultation with the Secretary of
48 Agriculture, may protect instream values on National Forest lands.

49

50 *Be It Further Resolved*, That official copies of this Joint
51 Resolution be transmitted to the Honorable George W. Bush, President
52 of the United States, the Secretary of the United States Department of
53 Agriculture, and the Colorado Congressional Delegation.

54

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LAY OVER OF CALENDAR ITEMS

On motion of Representative King, the following items on the Calendar were laid over until April 4, retaining place on Calendar:

- Consideration of General Orders--**HB03-1311, 1132, 1247.**
- Consideration of Resolutions--**HJR03-1020, 1029, 1022, 1033, 1037, 1038, 1040, 1042, 1043, SJR03-030.**
- Consideration of Senate amendments--**HB03-1219, 1228, 1313, 1253, 1142, 1197.**



On motion of Representative Stengel, the House adjourned until 9:00 a.m., April 4, 2003.

Approved:

LOLA SPRADLEY,
Speaker

Attest:
JUDITH RODRIGUE,
Chief Clerk