

SENATE JOURNAL
Sixty-third General Assembly
STATE OF COLORADO
First Regular Session

Thirty-seventh Legislative Day Thursday, February 15, 2001

Prayer By the chaplain, Reverend Phil Campbell, Park Hill Congregational Church.

Call to Order By the President at 9:00 a.m.

Roll Call Present--Total, 35.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Hagedorn, reading of the Journal of Wednesday, February 14, 2001, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly reengrossed SB01-179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199.

COMMITTEE OF REFERENCE REPORTS

The committees recommend the following:

Health, Environment, Children and Families After consideration on the merits, the committee recommends that **SB01-169** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

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

"**SECTION 1.** 23-1-105 (1), Colorado Revised Statutes, is amended to read:

23-1-105. Duties and powers of the commission with respect to appropriations. (1) The commission shall prescribe uniform financial reporting policies, including policies for counting and classifying full-time equivalent students, for the institutions and governing boards within the state-supported system of higher education. SUCH POLICIES SHALL ENSURE THAT WORK FORCE EDUCATION AND TRAINING PROGRAMS PROVIDED BY COMMUNITY COLLEGES FOR BUSINESS AND INDUSTRY SHALL BE ELIGIBLE FOR FULL STATE REIMBURSEMENT ON THE SAME BASIS AS OTHER ENROLLMENTS. THE COMMISSION SHALL ALSO ENSURE THAT SUCH WORK FORCE EDUCATION AND TRAINING PROGRAMS ARE NOT LIMITED TO MEMBERS OF A SPECIFIC BUSINESS OR INDUSTRY AND ARE AVAILABLE ON AN EQUAL BASIS TO MEMBERS OF THE PUBLIC.

SECTION 2. 23-60-306 (3) (1), Colorado Revised Statutes, is amended to read:

23-60-306. Colorado customized training program - creation - policy - functions of the state board for community colleges and occupational education. (3) (1) Moneys available for the Colorado customized training program shall be expended for the alleviation of unemployment, underemployment, economic distress, low productivity, or employment dislocation through the initiation of economic development and advanced technology training programs. AT THE DISCRETION OF THE BOARD, UP TO FIFTY PERCENT OF ALL MONEYS AVAILABLE FOR THE COLORADO CUSTOMIZED TRAINING PROGRAM MAY BE TRANSFERRED TO THE COLORADO EXISTING INDUSTRY TRAINING PROGRAM CREATED BY SECTION 23-60-307, FOR THE PURPOSE OF PROVIDING FUNDING TO MEET ANY EXISTING DEMAND FOR TRAINING AND EDUCATION PROGRAMS WITHIN EXISTING INDUSTRIES. THE BOARD SHALL CONSIDER THE RETENTION AND EXPANSION OF EXISTING BUSINESS AND INDUSTRY AS A HIGH PRIORITY WHEN MAKING FUNDING DECISIONS.

SB01-169

SECTION 3. Part 7 of article 2 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-2-713.5. Educational programs. THE STATE DEPARTMENT SHALL WORK IN COOPERATION WITH THE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF LABOR AND EMPLOYMENT, THE COLORADO COMMISSION ON HIGHER EDUCATION, AND THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION TO ASSIST COUNTIES IN PROVIDING EDUCATION AND TRAINING FOR WORKS PROGRAM PARTICIPANTS. THESE ENTITIES SHALL ESTABLISH A GOAL TO AID WORKS PROGRAM PARTICIPANTS IN OBTAINING LONG-TERM EMPLOYMENT, HIGHER WAGES, AND EMPLOYMENT BENEFITS. ANY PROGRESS MADE TOWARD SUCH GOAL SHALL BE REFLECTED IN PROGRESS REPORTS MADE BY THE STATE AUDITOR'S OFFICE PURSUANT TO SECTION 26-2-723.

SECTION 4. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor."

Health,
Environment,
Children
and Families

After consideration on the merits, the committee recommends that **SB01-153** be postponed indefinitely.

Health,
Environment,
Children
and Families

After consideration on the merits, the committee recommends that **SB01-052** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 3, line 21, strike "THE ENROLLEE SHALL BE GIVEN AN OPTION";

strikes lines 22 and 23;

line 24, strike "BY THE BOARD."

Page 5, line 13, strike "(3)," and substitute "(3) and (4)," and strike "is" and substitute "are";

after line 19, insert the following:

"(4) Nothing in this article or any rules promulgated pursuant to the plan shall be interpreted to create a legal entitlement in any person to coverage under the plan. Enrollment in the plan shall be limited based upon annual appropriations made out of the trust by the general assembly as described in section 26-19-105 and any grants and donations. The general assembly shall annually establish maximum enrollment figures for subsidized children. Such enrollment caps shall not be exceeded by the department regardless of whether the funding comes from annual appropriations or grants and donations. When enrollment in the plan must be limited pursuant to this subsection (4), the department shall give priority to children who would qualify for medicaid as if there were no asset testing and to children with family incomes under one hundred thirty-three percent of the federal poverty level. COMMENCING WITH FISCAL YEAR 2001-02, ELIGIBILITY FOR THE PLAN SHALL BE INCREASED FROM ONE HUNDRED EIGHTY-FIVE PERCENT OF THE FEDERAL POVERTY LEVEL TO TWO HUNDRED PERCENT OF THE FEDERAL POVERTY LEVEL CONTINGENT UPON THE DEPARTMENT MAKING A DETERMINATION THAT THERE ARE SUFFICIENT FUNDS IN THE TRUST TO IMPLEMENT SUCH CHANGE. THE DEPARTMENT SHALL REPORT ANNUALLY TO THE JOINT BUDGET COMMITTEE ABOUT THE SOLVENCY OF THE TRUST FUND AND WHETHER THE

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TRUST FUND HAS SUFFICIENT FUNDS TO MAINTAIN ELIGIBILITY AT SUCH LEVEL. IF THE TRUST FUND DOES NOT HAVE SUFFICIENT FUNDS TO SUPPORT ELIGIBILITY AT TWO HUNDRED PERCENT OF THE FEDERAL POVERTY LEVEL, THE DEPARTMENT SHALL REVISE ELIGIBILITY FOR THE PLAN AS PROVIDED IN THIS SUBSECTION (4)".

Page 6, strike lines 16 through 27 and substitute the following:

~~"(1) The general assembly finds that the children's basic health plan is a program under which the private sector has a great deal of experience in making various health care plans available to the private sector and serving as the liaison between large employers and health care providers, including but not limited to health maintenance organizations. The general assembly therefore determines that the children's basic health plan involves duties similar to duties currently or previously performed by state employees but is different in scope and policy objectives from the state medical assistance program."~~

Page 7, strike lines 1 through 14 and substitute the following:

~~"(2) (a) Pursuant to section 24-50-504 (2) (a), C.R.S., The department shall MAY:~~

~~(I) PURSUANT TO SECTION 24-50-504 (2) (a), C.R.S., enter into personal services contracts that create an independent contractor relationship for the administration of the children's basic health plan, including outreach, marketing, eligibility determination, and enrollment. The department may enter into additional personal services contracts for other administrative functions required by this article. ANY CONTRACTS ESTABLISHED PURSUANT TO THIS SECTION SHALL CONTAIN PERFORMANCE MEASURES THAT SHALL BE MONITORED BY THE DEPARTMENT.~~

~~(II) USE COUNTY DEPARTMENTS OF SOCIAL SERVICES TO PERFORM FUNCTIONS RELATING TO THE ADMINISTRATION OF THE CHILDREN'S BASIC HEALTH PLAN;~~

~~(III) PERFORM ADMINISTRATIVE FUNCTIONS AT THE DEPARTMENT, INCLUDING CONSOLIDATION OF FUNCTIONS WITH OTHER ADMINISTRATIVE FUNCTIONS HANDLED BY THE DEPARTMENT.~~

~~(b) IN DECIDING HOW TO ALLOCATE FUNCTIONS RELATING TO THE ADMINISTRATION OF THE CHILDREN'S BASIC HEALTH PLAN AS ALLOWED UNDER PARAGRAPH (a) OF THIS SUBSECTION (2), THE DEPARTMENT SHALL DETERMINE AND BASE ITS DECISIONS UPON WHAT IS THE MOST COST-EFFECTIVE METHOD TO HANDLE THE PARTICULAR FUNCTION AND TO DELIVER THE SERVICES."~~

line 15, after "implementation", insert "OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (2) OF".

Health,
Environment,
Children
and Families

After consideration on the merits, the committee recommends that **SB01-164** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 6, after line 18, insert the following:

"(7) THE DEPARTMENT SHALL REPORT TO THE HEALTH, ENVIRONMENT, WELFARE AND INSTITUTIONS COMMITTEE OF THE HOUSE AND THE HEALTH, ENVIRONMENT, CHILDREN AND FAMILIES COMMITTEE OF THE SENATE ON THE STATUS OF THE PROGRAM NOT LATER THAN OCTOBER 1, 2004. SUCH REPORT SHALL ADDRESS THE SUCCESS OF THIS PROGRAM INCLUDING, THE NUMBER OF DENTAL PROFESSIONALS PARTICIPATING IN THE PROGRAM, THE COST-EFFECTIVENESS OF THE PROGRAM, THE APPROPRIATENESS OF THE FUNDING SOURCE, AND THE IMPACT OF THE PROGRAM ON THE AVAILABILITY OF DENTAL CARE TO UNDERSERVED POPULATIONS.

Page 7, line 8, after the period add "FOR FISCAL YEAR 2001-02 ONLY,

SB01-164	ADMINISTRATIVE COSTS SHALL NOT EXCEED THIRTY-SIX THOUSAND DOLLARS (\$36,000) AND MAY BE PAID FROM THE STATE DENTAL LOAN REPAYMENT FUND."	1 2 3 4 5 6 7
Agriculture and Natural Resources	The committee has had under consideration and has had a hearing of the following appointments and recommends that the appointments be confirmed and be placed on the consent calendar.	8 9 10 11
	MEMBERS OF THE BOARD OF PARKS AND OUTDOOR RECREATION	12 13 14
	for a term expiring June 30, 2002:	15 16
	Wade A Haerle of Grand Junction, Colorado, to fill the vacancy occasioned by the resignation of Douglas S. Cole and to serve as an At Large member and as a Democrat, appointed;	17 18 19 20
	for terms expiring June 30, 2004:	21 22
	Tom W. Ready of Pueblo, Colorado, to serve as a representative of the Southern Region and as a Republican, appointed;	23 24 25
	Douglas S. Cole of Superior, Colorado, to serve as a representative of the Metro Region and as a Republican, appointed;	26 27 28
	The Honorable Thomas R.H. Glass of Frisco, Colorado, to serve as a representative of the Northern Region and as a Democrat, appointed.	29 30 31 32 33
Agriculture and Natural Resources	The committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed, and further recommends that the confirmations be placed on the consent calendar.	34 35 36 37
	MEMBERS OF THE COAL MINE BOARD OF EXAMINERS	38 39 40
	for terms expiring July 1, 2004:	41 42
	Frank A. Self of Craig, Colorado, to serve as a Colorado coal mine owner, operator, or manager engaged in surface mining industry, reappointed;	43 44 45
	Trent A. Peterson of Marvel, Colorado, to serve as an engineer experienced in coal mining, reappointed.	46 47 48
	Kathleen G. Welt of Hotchkiss, Colorado, to serve as a Colorado coal mine owner, operator, or manager engaged in underground mining, appointed;	49 50 51
	Crecencio Orlando Salazar of Hayden, Colorado, to serve as a coal miner of known experience and practice in underground coal mining, appointed.	52 53 54 55 56
Business, Labor, and Finance	After consideration on the merits, the committee recommends that SB01-030 be postponed indefinitely.	57 58 59 60 61 62
Business, Labor, and Finance	After consideration on the merits, the committee recommends that SB01-154 be referred favorably to the Committee on Appropriations.	63 64 65 66 67 68
Public Policy and Planning	After consideration on the merits, the committee recommends that SB01-106 be postponed indefinitely.	69 70 71 72

Public Policy and Planning	After consideration on the merits, the committee recommends that SB01-170 be postponed indefinitely.	1
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Public Policy and Planning	After consideration on the merits, the committee recommends that SB01-097 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation. Amend printed bill, page 4, line 22, strike "STATE." and substitute "STATE, PURSUANT TO SECTION 30-28-106." Page 5, strike lines 4 through 6 and substitute the following: "(II) REQUIRES URBAN SERVICES AS DEFINED IN SUBSECTION (10) OF THIS SECTION." line 14, strike "DOMESTIC" and substitute "CENTRALIZED"; line 15, after "SERVICES;", insert "PUBLIC TRANSPORTATION;"; strike lines 19 through 22 and substitute the following: "(1) (a) NO LATER THAN JULY 1, 2003, THE COMMISSION FORMED FOR THE REGION COMPRISED OF THE MUNICIPALITIES AND COUNTIES THAT WERE MEMBERS OF THE DENVER REGIONAL COUNCIL OF GOVERNMENTS ON JANUARY 1, 2001, SHALL EITHER PREPARE A REGIONAL PLAN IN ACCORDANCE WITH THE REQUIREMENTS OF THIS PART 5 OR ENSURE THAN A PLAN IN EFFECT AS OF THAT DATE COMPLIES WITH THE REQUIREMENTS OF THIS PART 5. (b) (I) REGIONAL PLANS SUBJECT TO THIS PART 5 MAY BE CREATED IN ANY OTHER REGION COMPRISED OF COUNTIES AND MUNICIPALITIES THAT ARE MEMBERS OF: (A) A REGIONAL COUNCIL OF GOVERNMENTS OR COMMISSION; OR (B) A METROPOLITAN PLANNING ORGANIZATION, AS DEFINED PURSUANT TO SECTION 43-1-1102 (4), C.R.S., AND 23 U.S.C. SEC. 134. (II) THE DECISION TO CREATE A REGIONAL PLAN PURSUANT TO THIS PARAGRAPH (b) SHALL ONLY BE EFFECTIVE UPON A UNANIMOUS VOTE OF ALL OF THE COUNTIES AND MUNICIPALITIES COMPRISING THE PARTICULAR REGION." Page 6, strike lines 15 through 24 and substitute the following: "(A) AN IDENTIFICATION BY THE COMMISSION OF THE EXTENT OF URBAN DEVELOPMENT, WHICH IDENTIFICATION SHALL BE NO GREATER THAN THE AMOUNT OF LAND NEEDED FOR DEVELOPMENT WITHIN THE REGION GIVEN POPULATION PROJECTIONS AND PROJECTED DENSITY; (B) AN ALLOCATION BY THE COMMISSION OF A PORTION OF THE EXTENT OF DEVELOPMENT TO BE ASSIGNED TO EACH LOCAL GOVERNMENT WITHIN THE REGION. THE ALLOCATION REQUIRED BY THIS SUB-SUBPARAGRAPH (B) SHALL BE ADOPTED BY THE COMMISSION AS PART OF THE REGIONAL PLAN." Reletter succeeding sub-subparagraphs accordingly. Page 7, line 10, strike "LOCATION; AND" and substitute "LOCATION. THE HOUSING ELEMENT SHALL PROVIDE A RANGE OF HOUSING CHOICES SUFFICIENT TO MEET THE NEEDS OF PERSONS OF VARIOUS INCOME LEVELS AND AGE GROUPS, INCLUDING PERSONS NEWLY EMPLOYED IN THE REGION; AND"; line 12, after the first "FOR", insert "PERSONS WITH"; line 14, strike "A NATURAL RESOURCES" and substitute "AN ENVIRONMENTAL QUALITY"; strike line 18 and substitute the following:	6
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"(4) CONTEMPORANEOUSLY WITH THE DEVELOPMENT OF GOALS TO BE PURSUED BY THE REGION AS".

Page 8, line 9, after "SECTION.", add "NO ADOPTION OF A REGIONAL PLAN SHALL BE EFFECTIVE UNLESS APPROVED BY TWO-THIRDS OF THE MEMBERS OF THE COMMISSION REPRESENTING AT LEAST TWO-THIRDS OF THE POPULATION OF THE REGION.";

line 16, strike "years." and substitute "YEARS; EXCEPT THAT, A REGIONAL PLAN MAY BE AMENDED AT ANY TIME TO ADDRESS AN EMERGENCY THREATENING THE HEALTH, SAFETY, OR WELFARE OF THE RESIDENTS OF THE REGION. NO AMENDMENT TO A REGIONAL PLAN SHALL BE EFFECTIVE UNLESS APPROVED BY TWO-THIRDS OF THE MEMBERS OF THE COMMISSION REPRESENTING AT LEAST TWO-THIRDS OF THE POPULATION OF THE REGION. ANY UPDATE OR AMENDMENT TO A REGIONAL PLAN SHALL FOLLOW THE SAME PROCESS REQUIRED UNDER THIS SECTION FOR THE ADOPTION OF THE REGIONAL PLAN.".

Page 9, line 12, strike "POLICIES" and substitute "GOALS";

after line 16, insert the following:

"(d) SPECIFY THE ALLOCATION OF RESPONSIBILITY TO BE ASSUMED BY THE LOCAL GOVERNMENT IN ACHIEVING THE GOALS REQUIRED TO BE DEVELOPED UNDER PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION AND IN SATISFYING THE ELEMENTS REQUIRED BY PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION;

(e) DESIGNATE AN URBAN GROWTH BOUNDARY OR URBAN GROWTH AREA CONSISTENT WITH THE ALLOCATION SET FORTH IN THE REGIONAL PLAN PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION, WHICH DESIGNATION SHALL BE SUBMITTED TO THE COMMISSION; AND

(f) INCORPORATE THE URBAN GROWTH BOUNDARY OR URBAN GROWTH AREA REQUIRED TO BE DESIGNATED PURSUANT TO PARAGRAPH (e) OF THIS SUBSECTION (9) INTO THE LAND USE ELEMENT OF THE LOCAL COMPREHENSIVE OR MASTER PLAN.

(10) IN ANY REGIONAL PLAN ADOPTED IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 30-28-503 (1) (a), NO LATER THAN JULY 1, 2003, THE COMMISSION SHALL ESTABLISH A PROCESS TO DETERMINE WHETHER THE COMPREHENSIVE OR MASTER PLAN OF A LOCAL GOVERNMENT IS CONSISTENT WITH THE REGIONAL PLAN.".

Renumber succeeding subsection accordingly.

Page 11, line 8, strike "MAY ELECT TO" and substitute "SHALL";

strike line 16;

line 17, strike "OR IF", and substitute the following:

"(c) IF";

line 18, strike "SHALL" and substitute "MAY".

Public
Policy and
Planning

After consideration on the merits, the committee recommends that **SB01-148** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 8, line 8, strike "KNOW" and substitute "KNOWN".

Page 9, line 2, after "SCHOOLS," , insert "ELECTRIC AND NATURAL GAS,".

Page 10, line 21, strike "PRINCIPLES" and substitute "STANDARDS".

Page 11, after line 15, insert the following:

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"(6) IN CONNECTION WITH PUBLIC UTILITIES, NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS ENHANCING OR DIMINISHING:

(a) THE POWER AND AUTHORITY OF THE PUBLIC UTILITIES COMMISSION. THE PUBLIC UTILITIES COMMISSION AND PUBLIC UTILITIES SHALL TAKE INTO CONSIDERATION AND, WHEN FEASIBLE, FOSTER COMPLIANCE WITH THE MASTER PLANS OF LOCAL PLANNING JURISDICTIONS ADOPTED UNDER THIS ARTICLE.

(b) THE RIGHTS AND PROCEDURES WITH RESPECT TO THE POWER OF A PUBLIC UTILITY TO ACQUIRE PROPERTY AND RIGHT-OF-WAY BY EMINENT DOMAIN TO SERVE PUBLIC NEED IN THE MOST ECONOMICAL AND EXPEDIENT MANNER.

(7) THE PROVISIONS OF THIS ARTICLE SUPPLEMENT, BUT DO NOT REPLACE, THE PROVISIONS OF ARTICLE 20 OF TITLE 29, C.R.S.; PART 1 OF ARTICLE 28 OF TITLE 30, C.R.S.; PART 2 OF ARTICLE 23 OF TITLE 31, C.R.S.; AND ANY OTHER STATUTES GRANTING PLANNING AND REGULATORY POWERS TO REGIONS OR LOCAL GOVERNMENTS. IN THE EVENT OF A CONFLICT BETWEEN THE PROVISIONS OF ANY SUCH LAW AND THIS ARTICLE, THE PROVISIONS OF THIS ARTICLE SHALL GOVERN; EXCEPT THAT THESE PROVISIONS SHALL NOT APPLY TO THE LAWFUL EXERCISE OF AUTHORITY UNDER ARTICLE 65.1 OF THIS TITLE.";

after line 22, insert the following:

"(a.5) "CONSERVATION AND OPEN SPACE LAND" MEANS LAND THAT:

(I) IS WITHIN A CRITICAL AND SENSITIVE AREA;

(II) MAY BE SUBJECT TO NATURAL HAZARDS IDENTIFIED IN REGULATIONS ADOPTED BY THE PLANNING JURISDICTION PURSUANT TO ARTICLE 65.1 OF THIS TITLE; OR

(III) A PLANNING JURISDICTION HAS DETERMINED SHOULD BE PRESERVED IN ITS NATURAL OR UNDEVELOPED CONDITION FOR PARK, OPEN SPACE, OR BUFFER PURPOSES.";

strike lines 23 through 27 and substitute the following:

"(b) "CRITICAL AND SENSITIVE AREA" MEANS AN AREA OF ENVIRONMENTAL SIGNIFICANCE, INCLUDING WITHOUT LIMITATION, WETLANDS, RIPARIAN AREAS, AQUATIC ECOSYSTEMS, AND OTHER LANDS OR WATER BODIES THAT PROVIDE PROTECTION TO OR HABITAT FOR WILDLIFE, PLANT LIFE, AND OTHER NATURAL RESOURCES, OR ARE THEMSELVES NATURAL RESOURCES REQUIRING IDENTIFICATION AND PROTECTION FROM, OR MITIGATION OF, INAPPROPRIATE OR EXCESSIVE DEVELOPMENT, ALL AS DETERMINED BY THE LOCAL PLANNING JURISDICTION OR REGIONAL PLANNING COMMISSION WHERE APPLICABLE.".

Page 14, line 2, after "MUNICIPALITY.", add "FOR PURPOSES OF THIS ARTICLE, "COUNTY" INCLUDES A HOME RULE COUNTY.";

after line 12, insert the following:

"(t) "NATURALLY PRODUCTIVE LAND" MEANS LAND NATURALLY PRODUCTIVE FOR AGRICULTURAL, FORESTRY, MINING, OR MINERAL PURPOSES.".

Reletter succeeding paragraphs accordingly.

Page 14, line 18 strike "PLAN; OR" and substitute "PLAN;";

line 20, strike "AREA." and substitute "AREA; OR";

after line 20, insert the following:

"(III) ANY LOCAL PLANNING JURISDICTION THAT HAS DESIGNATED AN URBAN SERVICE AREA WITHIN THREE MILES OF AN URBAN SERVICE AREA OF ANOTHER LOCAL PLANNING JURISDICTION.";

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line 23, strike "DISTRICT" and substitute "DISTRICT, POWER AUTHORITY,".
Page 15, after line 15, insert the following:
"(cc) "URBAN DESIGN STANDARDS" MEANS CONSISTENT AND
COMMONLY DEFINED DESIGN ELEMENTS THAT PROMOTE MIXED USE AND
COMPACT DEVELOPMENT INTEGRATED WITH PEDESTRIAN AND ALTERNATE
TRANSIT SYSTEMS AND PURPOSEFUL OPEN SPACE."
Reletter succeeding paragraphs accordingly.
Page 15, line 17, after "DEVELOPMENT", insert "SERVED BY CENTRAL
WATER AND SEWER".
Page 16, line 1, strike "MAY INCLUDE," and substitute "INCLUDES";
line 4, strike "ELECTRICAL" and substitute "ELECTRIC AND NATURAL GAS
FACILITIES".
Page 18, line 3, strike "JANUARY 1, 2001;" and substitute "JANUARY 1,
2001, OR THAT MAY BECOME MEMBERS OF THE DENVER REGIONAL
COUNCIL OF GOVERNMENTS AT ANY TIME THEREAFTER;";
line 7, strike "C.R.S.; OR" and substitute "C.R.S., AND IN WHICH THE
POPULATION OF THE REGION, AS DETERMINED BY THE DEPARTMENT,
EXCEEDS ONE MILLION PERSONS; OR";
line 10, strike "POPULATION," and substitute "POPULATION OF THE AREA
WITHIN THE JURISDICTION OF THE ORGANIZATION,";
line 17, strike "C.R.S.; OR" and substitute "C.R.S., AND IN WHICH THE
POPULATION OF THE REGION, AS DETERMINED BY THE DEPARTMENT, IS ONE
MILLION PERSONS OR LESS; OR";
line 19, strike "134, IN" and substitute "134.";
strike lines 20 and 21.
Page 20, line 1, strike "2001." and substitute "2001, AND ALSO INCLUDING
ANY MUNICIPALITIES OR COUNTIES THAT MAY BECOME MEMBERS OF THE
DENVER REGIONAL COUNCIL OF GOVERNMENTS AT ANY TIME
THEREAFTER.";
strike lines 19 through 23.
Reletter succeeding paragraph accordingly.
Page 21, line 2, strike "A MAJORITY" and substitute "TWO-THIRDS";
line 3, strike "A MAJORITY" and substitute "TWO-THIRDS";
strike lines 16 and 17 and substitute "NEIGHBORING COMMUNITY".
Page 22, strike lines 25 through 27 and substitute the following:
"REGION SHALL ACHIEVE THE IDENTIFIED GOALS. EACH ELEMENT AND
STRATEGY SHALL HAVE PLANNING HORIZONS OF SIX YEARS AND TWENTY
YEARS AND SHALL IDENTIFY APPROPRIATE PLANS TO BE IMPLEMENTED FOR
EACH HORIZON."
Page 23, strike line 1;
line 14, strike "WILL" and substitute "SHALL";
line 15, after "PROVIDED", insert "AND HOW ELECTRIC AND NATURAL GAS
FACILITIES SHALL BE PROVIDED";
strike lines 18 through 27.
Page 24, strike lines 1 through 21.

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Renumber succeeding subparagraphs accordingly.

Page 26, after line 2, insert the following:

"(V) THE REGIONAL PLAN SHALL ALSO INCLUDE ELEMENTS ADDRESSING TRANSPORTATION, OPEN SPACE AND AGRICULTURAL LANDS, WATER AND WASTE WATER, AND ENVIRONMENTAL QUALITY. SUCH ELEMENTS SHALL CONFORM TO THE CORRESPONDING ELEMENTS OF LOCAL MASTER PLANS AS SET FORTH IN SECTION 24-63-303 (2) (b), (2) (e), (2) (g), AND (2) (h), BUT SHALL ADDRESS THOSE ELEMENTS FROM A REGIONAL PERSPECTIVE."

Page 27, line 1, strike "TWO" and substitute "FIVE";

strike lines 20 and 21 and substitute the following:

"TRANSPORTATION PROJECTS UNTIL A PLAN COMPLYING WITH THIS PART 2 HAS BEEN".

Page 28, line 4, strike "PROJECTS," and substitute "PROJECTS";

strike lines 5 and 6 and substitute the following:

"OR MONEYS DISBURSED BY THE REGIONAL PLANNING COMMISSION."

Page 30, line 23, after "SHALL", insert "REVIEW, AND IF NECESSARY,";

line 27, after "JURISDICTION", insert "THAT IS A COUNTY".

Page 31, line 4, after "JURISDICTION", insert "THAT IS A COUNTY";

line 9, after "JURISDICTION", insert "THAT IS A COUNTY";

after line 12, insert the following:

"(IV) EACH LOCAL PLANNING JURISDICTION THAT IS A MUNICIPALITY SHALL ADOPT ITS MASTER PLAN BY THE DATE SPECIFIED IN THIS PARAGRAPH (a) FOR THE COUNTY IN WHICH IT IS LOCATED.

(V) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A MUNICIPALITY THAT HAD A POPULATION OF ONE THOUSAND OR LESS AS OF JANUARY 1, 2001, SHALL ADOPT A MASTER PLAN NOT LATER THAN JULY 1, 2006; EXCEPT THAT, AFTER JULY 1, 2004, ANY SUCH MUNICIPALITY SHALL ADOPT A MASTER PLAN PRIOR TO APPROVING ANY DEVELOPMENT THAT IS PROJECTED BY THE DEPARTMENT TO CAUSE THE POPULATION IN THE JURISDICTION TO EXCEED ONE THOUSAND."

Page 35, line 9, after "MADE.", add "EACH PLANNING JURISDICTION SHALL ENSURE THAT ITS CAPITAL BUDGET IS COMPATIBLE WITH ITS MASTER PLAN.";

line 11, after "NOT", insert "ITSELF";

line 22, strike "PLAN," and substitute "PLAN BASED ON URBAN DESIGN STANDARDS,".

Page 36, strike lines 21 through 25 and substitute the following:

"SHALL HAVE PLANNING HORIZONS OF SIX YEARS AND TWENTY YEARS AND SHALL IDENTIFY APPROPRIATE PLANS TO BE IMPLEMENTED FOR EACH HORIZON.";

line 26, strike "(1).".

Page 37, line 5, strike "AGRICULTURAL," and substitute "NATURALLY PRODUCTIVE, CONSERVATION AND OPEN SPACE,";

line 9, after "WATER", insert "AND WASTE WATER";

line 11, strike "COMMISSION SHALL" and substitute "JURISDICTION SHALL DETERMINE HOW AN ADEQUATE AND SUITABLE SUPPLY OF WATER SHALL

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BE PROVIDED TO MEET THE JURISDICTION'S NEEDS AND HOW WASTE WATER FROM THE JURISDICTION SHALL BE EFFECTIVELY HANDLED. THE LOCAL PLANNING COMMISSION SHALL";

line 16, strike "JURISDICTION." and substitute "JURISDICTION AND IDENTIFY POLICIES AND STRATEGIES TO ENSURE AN EFFICIENT USE OF WATER WITHIN THE JURISDICTION.".

Page 38, line 11, after "The", insert "COMMISSION SHALL ALSO IDENTIFY OBJECTIVES, POLICIES, AND STRATEGIES TO ENCOURAGE A RANGE OF HOUSING TYPES, PRICES, AND RENT LEVELS TO MEET THE NEEDS OF PERSONS OF DIFFERENT AGES AND INCOMES, INCLUDING LOW AND MODERATE INCOMES. THE";

line 15, after "EMPLOYMENT.", add "SUCH POLICIES MAY INCLUDE, WITHOUT LIMITATION, AN EXPEDITED PERMITTING PROCESS, REDUCTION OR WAIVER OF LOCAL DEVELOPMENT FEES, DEDICATION OF FINANCIAL RESOURCES, INCENTIVES FOR EMPLOYER ASSISTED HOUSING, INCLUSIONARY ZONING, AND ANY OTHER INCENTIVE DEEMED APPROPRIATE BY THE LOCAL PLANNING JURISDICTION.".

Page 39, strike lines 6 through 9;

strike lines 13 through 17 and substitute the following:

"CHANNELS, ROUTES, AND TERMINALS FOR TRANSPORTATION FACILITIES IN THE JURISDICTION. THE COMMISSION SHALL CONSIDER THE EXISTING TRANSPORTATION NETWORK AND THE EXISTING AND FUTURE NEEDS OF CURRENT AND ANTICIPATED RESIDENTS, BUSINESSES, AND OTHER ENTITIES IN THE JURISDICTION, INCLUDING THE NEED FOR MULTI-MODAL, BALANCED TRANSPORTATION OPTIONS.".

Page 40, after line 11, insert the following:

"(II) IN ORDER TO ELIMINATE CONFLICTS AND INCONSISTENCIES AMONG THE URBAN SERVICE AREAS OF LOCAL PLANNING JURISDICTIONS, AND UNLESS ALREADY ADDRESSED IN A REGIONAL PLAN CREATED PURSUANT TO THIS ARTICLE, EACH URBAN SERVICE AREA OF ANY LOCAL PLANNING JURISDICTION DESIGNATED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS ARTICLE SHALL BE COORDINATED WITH THE URBAN SERVICE AREA OF ANY OTHER LOCAL PLANNING JURISDICTION THAT IS WITHIN THREE MILES OR LESS OF ITS OWN URBAN SERVICE AREA.";

strike lines 12 through 19.

strike lines 22 and 23 and substitute the following:

"APPROPRIATE STRATEGY FOR THE PROTECTION OF NATURALLY PRODUCTIVE AND CONSERVATION AND OPEN SPACE LAND WITHIN THE LOCAL PLANNING JURISDICTION. THE";

line 24, strike "AGRICULTURAL" and substitute "NATURALLY PRODUCTIVE";

line 26, strike "OPEN SPACES" and substitute "CONSERVATION AND OPEN SPACE".

Page 41, line 13, after "GOVERNMENT.", add "NOTHING IN THIS PARAGRAPH (h) SHALL BE CONSTRUED TO DUPLICATE, EXPAND, OR SUPERSEDE ANY EXISTING FEDERAL OR STATE REQUIREMENT PERTAINING TO ENVIRONMENTAL PROTECTION.".

Page 44, line 15, after "areas.", insert "(1)";

after line 17, insert the following:

"(2) EACH URBAN SERVICE AREA DESIGNATED BY A LOCAL PLANNING JURISDICTION PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE FURTHER DIVIDED INTO THE FOLLOWING SUBCATEGORIES:

(a) URBANIZED LAND THAT SHALL INCLUDE THOSE LAND AREAS

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THAT ARE ALREADY CHARACTERIZED BY URBAN GROWTH AND THAT
GENERALLY HAVE ADEQUATE EXISTING URBAN SERVICES; AND

(b) URBANIZING LAND THAT SHALL INCLUDE ANY LAND AREAS
WITHIN AN URBAN SERVICE AREA THAT ARE NOT URBANIZED LAND.

(3) A LOCAL PLANNING JURISDICTION MAY DESIGNATE LAND
WITHIN ITS URBAN SERVICE AREA AS NATURALLY PRODUCTIVE OR
CONSERVATION AND OPEN SPACE LAND. LAND WITHIN AN URBAN SERVICE
AREA DESIGNATED AS NATURALLY PRODUCTIVE LAND OR AS
CONSERVATION AND OPEN SPACE LAND SHALL BE SUBJECT TO THE
REQUIREMENTS SPECIFIED IN SECTION 24-63-403 (1), (2), (6), (7), AND (8).

(4) AFTER DESIGNATING ITS URBAN SERVICE AREAS AND LAND
WITHIN ITS URBAN SERVICE AREAS IN ACCORDANCE WITH THE
REQUIREMENTS OF THIS SECTION, EACH LOCAL PLANNING JURISDICTION
SHALL DELINEATE SUCH DESIGNATED AREAS ON A MAP.";

line 23, strike "AND" and substitute "OR".

Page 45, line 10, strike "AT LEAST";

strike lines 16 through 27 and substitute the following:

**"24-63-403. Rural lands - naturally productive land -
conservation and open space land - definitions.** (1) ALL LANDS WITHIN
THE JURISDICTION OF A LOCAL PLANNING JURISDICTION THAT ARE NOT
WITHIN THE JURISDICTION'S DESIGNATED URBAN SERVICE AREA SHALL BE
DESIGNATED AS RURAL LANDS. RURAL LANDS SHALL BE CHARACTERIZED
BY:

(a) (I) SIGNIFICANT OPEN SPACE OR NATURALLY PRODUCTIVE LAND
USES; OR

(II) NATURAL LANDSCAPE OR VEGETATION; AND

(b) NO UTILIZATION OF A CENTRAL WATER OR SEWER SYSTEM. FOR
PURPOSES OF THIS ARTICLE, "CENTRAL SEWER SYSTEM" MEANS SANITARY
SEWERS AND THE COLLECTION AND TREATMENT OF SEWAGE AND
"CENTRAL WATER SYSTEM" MEANS THE PROVISION OF WATER LINES AND
THE PUMPING AND TREATMENT OF WATER.

(2) (a) THE DEVELOPMENT AND SUBDIVISION OF RURAL LANDS
SHALL BE LIMITED TO A MINIMUM LOT SIZE OF THIRTY-FIVE ACRES OR TO
CLUSTERED DEVELOPMENT AS SPECIFIED IN SECTION 30-28-403, C.R.S.;
EXCEPT THAT A LOCAL PLANNING JURISDICTION MAY ALLOW OR APPROVE,
IN ACCORDANCE WITH ITS LAND USE REGULATIONS:

(I) DEVELOPMENT NECESSARY TO ALLOW FOR NATURALLY
PRODUCTIVE USES, INCLUDING COMMERCIAL FACILITIES DIRECTLY
RELATED TO SUCH USES;

(II) PUBLICLY OWNED FACILITIES NECESSARY FOR THE PUBLIC
HEALTH, SAFETY, AND WELFARE, INCLUDING, WITHOUT LIMITATION,
SCHOOLS AND OTHER EDUCATIONAL FACILITIES; AND

(III) THE USE OF RURAL LANDS AS SPECIFIED IN SUBSECTION (3) OF
THIS SECTION.

(b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
A LOCAL PLANNING JURISDICTION SHALL NOT APPROVE ANY DEVELOPMENT
APPLICATION FOR URBAN GROWTH UNDER ITS LAND DEVELOPMENT
REGULATIONS WITH RESPECT TO ANY LAND IT HAS DESIGNATED AS RURAL
LANDS.

(3) A LOCAL PLANNING JURISDICTION MAY DESIGNATE UP TO TEN
PERCENT OF THE LANDS IT HAS DESIGNATED AS RURAL LANDS AS RURAL
DEVELOPMENT AREAS SO LONG AS THE DESIGNATION OF THESE AREAS
SHALL NOT RESULT IN THE DEVELOPMENT OF CRITICAL AND SENSITIVE
AREAS OR CRITICAL WILDLIFE HABITATS IN ACCORDANCE WITH
APPLICABLE FEDERAL, STATE, OR LOCAL LAW. A LOCAL PLANNING

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JURISDICTION MAY PERMIT LIMITED DEVELOPMENT IN ITS RURAL DEVELOPMENT AREA IF THE PROPOSED DEVELOPMENT IS COMPATIBLE WITH THE LAND USE DESIGNATED FOR THAT AREA IN THE JURISDICTION'S MASTER PLAN, IF THE DEVELOPMENT WILL NOT RESULT IN URBAN GROWTH, AND IF THE PROPOSED DEVELOPMENT IS:

(a) A RESIDENTIAL DEVELOPMENT WITH AN AVERAGE DENSITY OF UP TO ONE RESIDENTIAL UNIT PER TEN ACRES WHERE DEVELOPMENT IS CLUSTERED PURSUANT TO SECTION 30-28-403, C.R.S., AND AT LEAST SEVENTY-FIVE PERCENT OF THE LAND IS PRESERVED AS CONSERVATION AND OPEN SPACE LAND IN FURTHERANCE OF ENVIRONMENTAL GOALS;

(b) A COMMERCIAL DEVELOPMENT OF LESS THAN TEN THOUSAND SQUARE FEET; OR

(c) A PUBLIC FACILITY NECESSARY FOR THE PUBLIC HEALTH, SAFETY, OR WELFARE, INCLUDING, WITHOUT LIMITATION, SCHOOLS AND OTHER EDUCATIONAL FACILITIES.

(4) THE LOCAL PLANNING JURISDICTION SHALL ESTABLISH LOCAL DEVELOPMENT REGULATIONS RELATING TO ANY LAND IT HAS DESIGNATED AS RURAL LANDS TO ENSURE THAT:

(a) SUCH LAND IS NOT CONVERTED INTO SPRAWLING LOW-DENSITY DEVELOPMENT; AND

(b) SUCH LAND FOSTERS TRADITIONAL RURAL LIFESTYLES, RURAL-BASED ECONOMIES, AND OPPORTUNITIES TO BOTH LIVE AND WORK IN RURAL AREAS.

(5) WITHIN LANDS IT HAS DESIGNATED AS RURAL LANDS IN ACCORDANCE WITH THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION, A LOCAL PLANNING JURISDICTION MAY DESIGNATE LANDS AS NATURALLY PRODUCTIVE OR CONSERVATION AND OPEN SPACE LAND.

(6) IF A LOCAL PLANNING JURISDICTION DESIGNATES LAND AS NATURALLY PRODUCTIVE OR CONSERVATION AND OPEN SPACE LAND, IT SHALL:

(a) ADOPT LAND DEVELOPMENT REGULATIONS THAT ALLOW THE USE OF SUCH LAND FOR THE PURPOSES CONSISTENT WITH THE DESIGNATION, INCLUDING, WITHOUT LIMITATION, MEASURES TO ENSURE THAT A LANDOWNER MAY ENGAGE IN ALL NECESSARY OR CUSTOMARY AGRICULTURAL, FORESTRY, MINING, OR MINERAL PRACTICES AND CONSTRUCTION OF FACILITIES IN SUPPORT OF SUCH PRACTICES, AS MAY BE APPLICABLE, UPON SUCH LANDS; AND

(b) ADVISE THE COUNTY ASSESSOR OF SUCH DESIGNATION.

(7) IF A LOCAL PLANNING JURISDICTION DESIGNATES LAND AS NATURALLY PRODUCTIVE OR CONSERVATION AND OPEN SPACE LAND, IT MAY:

(a) ACCEPT GIFTS AND GRANTS FROM PUBLIC OR PRIVATE SOURCES FOR THE PURPOSES OF ACQUIRING OR PURCHASING A CONSERVATION EASEMENT ON SUCH LANDS IN THE INTERESTS OF PRESERVING OPEN SPACE AND OTHERWISE COOPERATE WITH PUBLIC AND PRIVATE ENTITIES TO ACHIEVE SUCH PURPOSES; OR

(b) BY AGREEMENT WITH THE LANDOWNER, UTILIZE OTHER LAND PRESERVATION TECHNIQUES CONSISTENT WITH THIS ARTICLE.

(8) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A LOCAL PLANNING JURISDICTION SHALL NOT APPROVE ANY DEVELOPMENT APPLICATION FOR DEVELOPMENT UNDER ITS LAND DEVELOPMENT REGULATIONS WITH RESPECT TO ANY LAND IT HAS DESIGNATED AS CONSERVATION AND OPEN SPACE LAND. NOTHING IN THIS SUBSECTION (8) SHALL BE CONSTRUED AS PROHIBITING THE CONSTRUCTION OF LIMITED FACILITIES IN SUPPORT OF USES CONSISTENT WITH THE DESIGNATION."

Strike pages 46 through 49.

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Page 50, strike lines 1 through 21.

Renumber succeeding C.R.S. sections accordingly.

Page 50, strike lines 25 through 27 and substitute the following:

"(a) THE URBAN SERVICE AREA SHALL BE NO GREATER THAN AN AMOUNT OF LAND NEEDED FOR RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL DEVELOPMENT GIVEN PROJECTIONS OF POPULATION AND JOB GROWTH, PROJECTED DENSITY, AND THE LOCAL PLANNING JURISDICTION'S FINANCIAL ABILITY TO PROVIDE AND MAINTAIN AN ADEQUATE LEVEL OF SERVICES FOR THE SUCCEEDING TWENTY YEAR PERIOD."

Page 51, strike lines 1 and 2 and substitute the following:

"SUCH URBAN SERVICE";

line 18, strike "AREAS." and substitute "AREAS SERVED BY A CENTRAL WATER AND SEWER SYSTEM; EXCEPT THAT, IF THE EXISTING URBANIZED AREAS IN THE LOCAL PLANNING JURISDICTION ARE NOT SERVED BY A CENTRAL WATER AND SEWER SYSTEM, THE AVERAGE DENSITY SHALL BE THAT OF THE EXISTING URBANIZED AREAS.";

line 23, strike "24-67-602" and substitute "24-63-602";

strike lines 26 and 27 and substitute the following:

"OF ENSURING THAT A LEVEL OF SERVICE IN THE SIX-YEAR DESIGNATED AREA WILL BE PROVIDED THAT".

Page 53, after line 10, insert the following:

"(6) WITH RESPECT TO LAND WITHIN ITS URBAN SERVICE AREA THAT IT HAS DESIGNATED AS NATURALLY PRODUCTIVE OR CONSERVATION AND OPEN SPACE LAND, THE LOCAL PLANNING JURISDICTION MAY ESTABLISH A PROGRAM OF TRANSFERABLE DEVELOPMENT RIGHTS THAT PROVIDE VALUE TO THE LANDOWNER IN EXCHANGE FOR HIS OR HER AGREEMENT TO, WITHOUT LIMITATION:

(a) PRESERVE LAND EITHER FOR ITS NATURALLY PRODUCTIVE USE OR FOR CONSERVATION AND OPEN SPACE LAND, AS APPROPRIATE;

(b) PROVIDE AFFORDABLE HOUSING;

(c) LOCATE DEVELOPMENT NEAR TRANSIT STATIONS; OR

(d) DESIGN AND LANDSCAPE DEVELOPMENT TO CONSERVE WATER AND ENERGY.";

strike lines 11 through 27.

Strike page 54.

Page 55, strike lines 1 through 9.

Renumber succeeding C.R.S. section accordingly.

Page 59, strike lines 6 through 8 and substitute the following:

"RESPECT TO LAND LOCATED WITHIN THE LOCAL PLANNING JURISDICTION'S SIX-YEAR AREA DESIGNATED PURSUANT TO SECTION 24-63-602 SHALL BE PROCESSED IN AN EXPEDITED MANNER.";

strike lines 9 through 27.

Page 60, strike lines 1 through 7;

strike lines 9 and 10 and substitute the following:

"SPECIFIED IN ITS REGULATIONS, EACH LOCAL PLANNING JURISDICTION IN ITS LAND DEVELOPMENT";

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strike lines 18 through 21.

Reletter succeeding paragraphs accordingly.

Page 61, line 9, after "(5)", insert "(a)";

after line 13, insert the following:

"(b) IF THE LOCAL PLANNING JURISDICTION CONDITIONALLY APPROVES OR DENIES THE APPLICATION, THE PLANNING JURISDICTION SHALL PROVIDE TO THE APPLICANT AN EXPLANATION OF THE CONDITION OR DENIAL THAT SPECIFICALLY IDENTIFIES ANY PROVISION IN THE JURISDICTION'S MASTER PLAN OR DEVELOPMENT REGULATIONS UPON WHICH SUCH CONDITION OR DENIAL IS BASED. IF THE APPLICANT REQUESTS AN OPPORTUNITY TO CURE THE APPLICATION'S DEFICIENCY, THE JURISDICTION SHALL PROVIDE THE APPLICANT WITH A REASONABLE OPPORTUNITY TO CURE THE DEFICIENCY.

(c) EACH LOCAL PLANNING JURISDICTION SHALL SET FORTH IN ITS LAND DEVELOPMENT REGULATIONS THE AMOUNT OF TIME IN WHICH AN APPLICANT MAY ATTEMPT TO CURE ITS APPLICATION AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (5) AND THE AMOUNT OF TIME IN WHICH THE JURISDICTION SHALL RESPOND TO THE ATTEMPT TO CURE.

(6) THE TIME PERIODS SPECIFIED IN THIS SECTION SHALL NOT APPLY TO ANY APPLICATION OF A PUBLIC UTILITY PROVIDING ELECTRIC OR NATURAL GAS SERVICE THAT RELATES TO THE LOCATION, CONSTRUCTION, OR IMPROVEMENT OF MAJOR ELECTRIC OR NATURAL GAS FACILITIES GOVERNED BY SECTION 29-20-108, C.R.S.";

strike lines 16 through 19 and substitute the following:

"CRITERIA TO EVALUATE DEVELOPMENT APPLICATIONS WITHIN THE SIX-YEAR DESIGNATED AREAS. SUCH CRITERIA SHALL INCLUDE, WITHOUT LIMITATION, CRITERIA DESIGNED WITH REFERENCE TO THE PURPOSES OF AN URBAN SERVICE AREA SET FORTH IN SECTION 24-63-402 AND BE CONSISTENT WITH THE LOCAL PLANNING JURISDICTION'S MASTER PLAN AND LAND USE AND DEVELOPMENT REGULATIONS ADOPTED PURSUANT TO SECTION 24-63-302 (8).".

Page 62, line 19, strike "ELECTRICAL LINES, AND TELECOMMUNICATION LINES." and substitute "ELECTRIC AND NATURAL GAS FACILITIES, TELECOMMUNICATION LINES, AND PUBLIC SCHOOLS.";

strike lines 23 and 24 and substitute the following:

"PROVIDE THEM.".

Page 63, line 4, strike "WITHIN AN URBANIZED AREA, A" and substitute "A LOCAL";

line 8, strike "OWNED AND";

strike lines 10 through 22 and substitute the following:

"IS OBLIGATED TO PROVIDE CONSISTENT WITH EXISTING LAW; EXCEPT THAT, NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A LOCAL PLANNING JURISDICTION THAT IS A COUNTY SHALL HAVE THE SAME AUTHORITY TO CONDITION SUCH APPROVALS ON SITE SPECIFIC PAYMENTS OR DEDICATION REQUIREMENTS AS MUNICIPALITIES HAVE UNDER EXISTING LAW. IN ADDITION, NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A LOCAL PLANNING JURISDICTION MAY CONDITION APPROVAL OF A LAND DEVELOPMENT APPLICATION UPON PAYMENT OF AN IMPACT FEE OR OTHER DEVELOPMENT CHARGE FOR THE SOLE PURPOSE OF FINANCING THE COSTS OF PUBLIC SCHOOL CAPITAL PROJECTS WHEN THE SCHOOL DISTRICT HAS REACHED ITS LIMIT OF BONDED INDEBTEDNESS PURSUANT TO SECTION 22-42-104, C.R.S.".

Page 64, line 20, strike "ONLY";

line 22, after "MONTHS", insert "ONLY";

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line 25, strike "REGULATIONS;" and substitute "REGULATIONS OR PLAN;".

Page 65, strike lines 25 through 27 and substitute the following:

"PURSUANT TO THIS ARTICLE, ADDRESSING WITHOUT LIMITATION, THE ESTABLISHMENT OF DEADLINES FOR THE VARIOUS STAGES OF MEDIATION, AN APPROPRIATE LEVEL OF COMPENSATION FOR THE MEDIATORS, AND THE ALLOCATION OF COSTS AMONG THE PARTIES. IN NO EVENT SHALL THE RULES PERMIT A MEDIATION BROUGHT UNDER THIS ARTICLE TO CONTINUE FOR MORE THAN NINETY DAYS EXCEPT WITH THE CONSENT OF ALL PARTIES."

Page 66, strike lines 1 through 12.

Page 69, line 17, strike "24-63-407," and substitute "24-63-404,";

strike line 27 and substitute the following:

"SECTION 4. 22-54-102 (3), Colorado Revised Statutes, is amended to read:

22-54-102. Legislative declaration - statewide applicability - intergovernmental agreements. (3) (a) Nothing in this article shall be construed to prohibit local governments from cooperating with school districts through intergovernmental agreements to fund, construct, maintain, or manage capital construction projects or other facilities as set forth in section 22-45-103 (1) (c) (I) (A) or (1) (c) (I) (D), including, but not limited to, swimming pools, playgrounds, or ball fields, as long as funding for such projects is provided solely from a source of local government revenue that is otherwise authorized by law. ~~except impact fees or other similar development charges or fees.~~

(b) Notwithstanding any provision of paragraph (a) of this subsection (3) to the contrary, nothing in this subsection (3) shall be construed to:

(I) Limit or restrict a county's power to require the reservation or dedication of sites and land areas for schools or the payment of moneys in lieu thereof pursuant to section 30-28-133 (4) (a), C.R.S., or to limit a local government's ability to accept and expend impact fees or other similar development charges or fees ~~contributed voluntarily on or before December 31, 1997, to fund the capital projects of school districts; according to the terms of agreements voluntarily entered into on or before June 4, 1996, between all affected parties;~~

(II) ~~Affect any agreements entered into before May 1, 1996, that were the subject of litigation pending before the Colorado supreme court on May 1, 1996. If a supreme court decision affirms the right to impose impact fees or other similar development charges or fees, a local government that had imposed such fees or charges prior to May 1, 1996, may impose and collect such fees and charges until July 1, 1997. If a decision of the supreme court rejects the right to impose such fees or charges, such local government may impose and collect such fees and charges in connection with or as required by a voluntary agreement entered into before July 1, 1996, for the term of the agreement. In either event, all such impact fees or other similar development charges or fees shall be appropriated on or before December 31, 1997.~~

(III) Grant authority to local governments to require the reservation or dedication of sites and land areas for schools or the payment of moneys in lieu thereof. ~~however, the prohibition on impact fees or other similar development charges or fees contained in this subsection (3) shall not be construed to restrict the authority of any local government to require the reservation or dedication of sites and land areas for schools or the payment of moneys in lieu thereof if such local government otherwise has such authority granted by law.~~

SECTION 5. Article 60 of title 34, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

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CONSERVATION OF OIL AND GAS CORRIDORS

34-60-201. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) SIGNIFICANT LAND AREAS IN THE STATE CONTAIN OIL AND GAS RESERVES;

(b) THESE NATURAL RESOURCES ARE USUALLY FOUND IN RURAL AREAS, OPEN SPACE, OR OTHER AREAS OF THE LAND THAT SHOULD REMAIN IN AN UNDEVELOPED STATE;

(c) OWNERS OF LAND CONTAINING OIL OR GAS RESERVES OFTEN FACE ECONOMIC INCENTIVES TO SELL SUCH LAND, WHICH MAY RESULT IN THE LOSS OF RURAL LANDS OR OPEN SPACE AS WELL AS A LOSS IN LAND THAT MAY BE AVAILABLE FOR OIL OR GAS OPERATIONS.

(2) BY ENACTING THIS PART 2, IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE STATE PROVIDE OWNERS OF LAND CONTAINING OIL OR GAS RESERVES SUFFICIENT INCENTIVES TO MAINTAIN SUCH LAND AS SUITABLE FOR OIL AND GAS PRODUCTION AND IN AN UNDEVELOPED CONDITION FOR THE BENEFIT OF FUTURE GENERATIONS.

34-60-202. Definitions. AS USED IN THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "DIRECTOR" MEANS THE DIRECTOR OF THE COMMISSION APPOINTED PURSUANT TO SECTION 34-60-104.5.

(2) "FUND" MEANS THE OIL AND GAS CORRIDORS CONSERVATION FUND ESTABLISHED IN SECTION 34-60-205.

(3) "LANDOWNER" MEANS ANY PERSON OWNING THE SURFACE OF ANY DISCRETE PARCEL OF LAND THAT IS THIRTY-FIVE ACRES OR MORE IN SIZE AND THAT COMPRISES, WHOLLY OR IN PART, AN OIL AND GAS CORRIDOR.

(4) "OIL AND GAS CORRIDOR" MEANS LAND THAT:

(a) HAS HISTORICALLY SUPPORTED OIL AND GAS OPERATIONS; AND

(b) AS OF JULY 1, 2001, CONTAINS A POOL OF OIL OR GAS, AS IDENTIFIED BY THE COMMISSION, IN ACCORDANCE WITH THE REQUIREMENTS OF THIS PART 2.

(5) "PURCHASER" MEANS A PERSON INTERESTED IN ACQUIRING DEVELOPMENT RIGHTS TO THE LAND OWNED BY A LANDOWNER, WHETHER BY MEANS OF THE ACQUISITION OF AN OWNERSHIP INTEREST IN SUCH PROPERTY, ACQUISITION OF A CONSERVATION EASEMENT ON THE PROPERTY, OR OTHERWISE.

34-60-203. Identification of oil and gas corridors. NO LATER THAN JULY 1, 2002, THE COMMISSION, IN CONSULTATION WITH THE DEPARTMENT OF NATURAL RESOURCES AND THE DEPARTMENT OF LOCAL AFFAIRS, SHALL IDENTIFY EACH OIL AND GAS CORRIDOR WITHIN THE STATE.

34-60-204. Grants for the acquisition of development rights.

(1) ON OR AFTER JULY 1, 2002, AND SUBJECT TO THE REQUIREMENTS OF THIS PART 2, A PURCHASER MAY APPLY TO THE DIRECTOR FOR A GRANT OUT OF THE FUND IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

(2) GRANTS SHALL BE AWARDED OUT OF THE FUND TO COMPENSATE THE PURCHASER FOR THE COSTS OF ACQUIRING OUTRIGHT TITLE TO LAND LOCATED IN AN OIL AND GAS CORRIDOR, THE COSTS OF ACQUIRING DEVELOPMENT RIGHTS IN AND TO THE LAND, THE COSTS OF ACQUIRING A CONSERVATION EASEMENT ON THE LAND, OR FOR COSTS INCURRED IN CONNECTION WITH ANY OTHER LAND PRESERVATION METHOD CONSISTENT WITH THIS PART 2 ON THE EXPRESS CONDITION THAT THE PURCHASER AGREE TO PRESERVE THE LAND AS SUITABLE FOR OIL AND GAS

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OPERATIONS AND IN AN UNDEVELOPED STATE ON A LONG-TERM BASIS. TO THE EXTENT GRANT MONEYS AWARDED UNDER THIS PART 2 ARE USED TO ENABLE THE LANDOWNER TO GRANT THE PURCHASER A CONSERVATION EASEMENT ON THE LAND, THE PARTIES SHALL FOLLOW THE REQUIREMENTS CONCERNING SUCH EASEMENTS SPECIFIED IN ARTICLE 30.5 OF TITLE 38, C.R.S., AS APPLICABLE.

(3) IN ORDER TO OBTAIN GRANT MONEYS UNDER THIS PART 2 AND AS A CONDITION OF THE RECEIPT OF MONEYS UNDER THIS PART, THE PURCHASER SHALL AGREE TO:

(a) USE ANY GRANT MONEYS IN ACCORDANCE WITH CRITERIA PUBLICIZED BY THE DIRECTOR PURSUANT TO SECTION 34-60-104.5 (2) (d.1); AND

(b) PERFORM SUCH OTHER REQUIREMENTS AS THE DIRECTOR DEEMS APPROPRIATE IN THE EXERCISE OF HIS OR HER DISCRETION TO FURTHER THE PURPOSES OF THIS PART 2.

(4) THE PURCHASER SHALL APPLY FOR GRANTS MADE AVAILABLE PURSUANT TO THIS PART 2 ON OFFICIAL APPLICATION FORMS PROVIDED BY THE COMMISSION. IN CONNECTION WITH THE APPLICATION, A PURCHASER SHALL PROVIDE SUCH INFORMATION AS THE DIRECTOR MAY REQUIRE IN FURTHERANCE OF THE PURPOSES OF THIS PART 2.

34-60-205. Oil and gas corridors conservation fund. (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE OIL AND GAS CORRIDORS CONSERVATION FUND, WHICH FUND SHALL BE ADMINISTERED BY THE DIRECTOR AND WHICH SHALL CONSIST OF ALL MONEYS APPROPRIATED TO SAID FUND BY THE GENERAL ASSEMBLY AND ALL OTHER MONEYS COLLECTED BY THE OFFICE FOR THE FUND FROM FEDERAL GRANTS OR OTHER CONTRIBUTIONS, GRANTS, GIFTS, BEQUESTS, OR DONATIONS RECEIVED FROM OTHER AGENCIES OF STATE GOVERNMENT, INDIVIDUALS, PRIVATE ORGANIZATIONS, OR FOUNDATIONS. SUCH MONEYS SHALL BE TRANSMITTED TO THE STATE TREASURER TO BE CREDITED TO THE FUND.

(2) ANY MONEYS IN THE FUND NOT EXPENDED OR ENCUMBERED FROM ANY APPROPRIATION AT THE END OF ANY FISCAL YEAR SHALL REMAIN AVAILABLE FOR EXPENDITURE IN THE NEXT FISCAL YEAR WITHOUT FURTHER APPROPRIATION.

(3) ALL MONEYS, INCLUDING INTEREST EARNED ON THE INVESTMENT OR DEPOSIT OF MONEYS IN THE FUND, SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND OF THE STATE AT THE END OF ANY FISCAL YEAR.

34-60-206. Additional sources of funding. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 2, GRANTS TO BE MADE TO PURCHASERS IN ACCORDANCE WITH THIS PART 2 MAY BE MADE FROM ANY COMBINATION OF MONEYS IN THE OIL AND GAS CORRIDORS CONSERVATION FUND CREATED IN SECTION 34-60-205 AND ANY OTHER MONEYS COLLECTED BY THE DIRECTOR FOR SUCH PURPOSES CONSISTENT WITH THE INTENT OF THIS PART 2.

(2) ANY PURCHASER MAY PURSUE ADDITIONAL SOURCES OF FUNDING FOR PURPOSES CONSISTENT WITH THE INTENT OF THIS PART 2, INCLUDING, WITHOUT LIMITATION, GRANTS, DONATIONS, OR CONTRIBUTIONS FROM ANY OTHER PUBLIC OR PRIVATE SOURCES.

SECTION 6. 34-60-104.5 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

34-60-104.5. Director of commission - duties. (2) The director of the commission shall:

(d.1) IN CONSULTATION WITH THE COMMISSION, ADOPT AND PUBLICIZE CRITERIA REGARDING GRANTS MADE AVAILABLE BY THE DIRECTOR OUT OF MONEYS IN THE OIL AND GAS CORRIDORS CONSERVATION FUND CREATED IN SECTION 34-60-205;

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(d.2) IN CONSULTATION WITH THE COMMISSION, REVIEW AND APPROVE APPLICATIONS FOR GRANTS OUT OF MONEYS IN THE OIL AND GAS CORRIDORS CONSERVATION FUND IN ACCORDANCE WITH THE REQUIREMENTS OF PART 2 OF THIS ARTICLE AND DETERMINE THE AMOUNT OF MONEYS TO BE AWARDED UNDER EACH SUCH GRANT; AND

SECTION 7. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the operational account of the severance tax trust fund created in section 39-29-109, Colorado Revised Statutes, not otherwise appropriated, to the oil and gas corridors conservation fund created in section 34-60-205, Colorado Revised Statutes, for the fiscal year beginning July 1, 2001, the sum of _____ dollars (\$) and _____ FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the oil and gas corridors conservation fund created in section 24-60-205, Colorado Revised Statutes, not otherwise appropriated, to the department of natural resources for allocation to oil and gas conservation commission, for the fiscal year beginning July 1, 2001, the sum of _____ dollars (\$) and _____ FTE, or so much thereof as may be necessary, for the implementation of this act."

Page 70, strike lines 1 through 5.

Renumber succeeding sections accordingly.

EducationAfter consideration on the merits, the committee recommends that **SB01-176** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 5, line 19, after the period, add "If THE NEGOTIATED CHANGES TO A MILLENNIUM INSTITUTION'S ROLE AND MISSION REQUIRE A STATUTORY CHANGE, THE CHANGE TO ROLE AND MISSION SHALL NOT TAKE EFFECT PRIOR TO THE EFFECTIVE DATE OF THE REQUIRED STATUTORY CHANGE."

Page 6, line 10, after the period, add "THE FINAL TERMS OF THE PERFORMANCE AGREEMENT SHALL BE SUBJECT TO APPROVAL BY THE GENERAL ASSEMBLY AS PROVIDED IN SUBSECTION (5) OF THIS SECTION."

Page 7, strike lines 3 through 10.

Reletter succeeding paragraphs accordingly.

Page 7, strike lines 25 and 26 and substitute the following:

"MISSION, WHICH SHALL INCLUDE GOALS ADDRESSING THE".

Page 8, after line 23, insert the following:

"(5) THE PERFORMANCE AGREEMENT FOR A MILLENNIUM INSTITUTION SHALL NOT TAKE EFFECT UNTIL THE PERFORMANCE AGREEMENT IS APPROVED BY A JOINT RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY. AS SOON AS POSSIBLE UPON COMPLETION OF THE PERFORMANCE AGREEMENT, THE COMMISSION SHALL PRESENT THE PERFORMANCE AGREEMENT AT A JOINT SESSION OF THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES. THE MEMBERS OF THE EDUCATION COMMITTEE MAY RECOMMEND CHANGES TO THE TERMS OF THE PERFORMANCE AGREEMENT AND RENEGOTIATION OF THE PERFORMANCE AGREEMENT. IF A MAJORITY OF THE MEMBERS OF THE EDUCATION COMMITTEES APPROVE THE TERMS OF THE PERFORMANCE AGREEMENT, THE CHAIRMEN OF THE EDUCATION COMMITTEES SHALL SPONSOR A JOINT RESOLUTION TO RECOGNIZE AND APPROVE THE PERFORMANCE AGREEMENT."

Page 9, line 2, after "OF", insert "RESIDENT".

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Page 10, strike lines 5 and 6 and substitute the following:

"CAPITAL CONSTRUCTION PROJECTS THAT ARE NOT FUNDED WITH MONEYS APPROPRIATED TO THE MILLENNIUM INSTITUTION BY THE GENERAL ASSEMBLY.";

line 15, after "(2)", insert "(a)";

strike lines 18 through 21 and substitute the following:

"AGREEMENT, THE COMMISSION MAY PLACE THE MILLENNIUM INSTITUTION ON PROBATION. IF THE INSTITUTION WAS DESIGNATED A MILLENNIUM INSTITUTION BY THE COMMISSION, THE COMMISSION, FOLLOWING COMPLETION OF THE PROBATIONARY PERIOD, MAY EITHER RESTORE THE INSTITUTION TO FULL MILLENNIUM STATUS OR REVOKE THE INSTITUTION'S STATUS AS A MILLENNIUM INSTITUTION. IF THE INSTITUTION WAS DESIGNATED A MILLENNIUM INSTITUTION BY STATUTE, THE COMMISSION, FOLLOWING COMPLETION OF THE PROBATIONARY PERIOD, MAY EITHER RESTORE THE INSTITUTION TO FULL MILLENNIUM STATUS OR RECOMMEND TO THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES THAT THE GENERAL ASSEMBLY ADOPT LEGISLATION REPEALING THE INSTITUTION'S DESIGNATION AS A MILLENNIUM INSTITUTION. IF THE GENERAL ASSEMBLY DOES NOT ADOPT SUCH LEGISLATION, THE INSTITUTION MAY REMAIN ON PROBATION UNTIL SUCH TIME AS THE COMMISSION DETERMINES THE INSTITUTION IS IN SUBSTANTIAL COMPLIANCE WITH THE TERMS OF THE PERFORMANCE AGREEMENT.

(b) UPON REVOCATION OR REPEAL OF AN INSTITUTION'S DESIGNATION AS A MILLENNIUM INSTITUTION, THE INSTITUTION SHALL NO LONGER OPERATE UNDER THE";

line 26, strike everything after the period;

strike line 27.

Page 11, strike lines 1 through 3.

Page 13, line 5, after the period, add "THE PERFORMANCE AGREEMENT NEGOTIATED BY THE BOARD OF TRUSTEES AND THE COLORADO COMMISSION ON HIGHER EDUCATION PURSUANT TO SECTION 23-14-106 SHALL BE SUBJECT TO APPROVAL BY THE GENERAL ASSEMBLY AS PROVIDED IN SECTION 23-14-106 (5) DURING THE SECOND REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY."

Education

After consideration on the merits, the committee recommends that **SB01-081** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

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

"**SECTION 1.** 30-20-503 (3), Colorado Revised Statutes, is amended to read:

30-20-503. Definitions. As used in this part 5, unless the context otherwise requires:

(3) "Improvement district", referred to in this part 5 as a "district", means a taxing unit that may be created by any county in this state for the purpose of constructing, installing, acquiring, operating, or maintaining any public improvement or for the purpose of providing any service so long as the county that forms the district is authorized to perform such service or provide such improvement under the county's home rule charter, if any, or the laws of this state OR, WITH THE CONSENT OF A SCHOOL DISTRICT THAT INCLUDES PROPERTY IN THE DISTRICT, FOR THE PURPOSE OF CONSTRUCTING, INSTALLING, ACQUIRING, OR FINANCING ANY PROJECT DESCRIBED IN SECTION 22-42-102 (2) (a), C.R.S. "Public improvement" or "service" shall not include any facility identified in

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section 30-20-101 (8) or (9), nor shall the terms include services identified in section 30-15-401 (4) to (7.7) unless the district provides such services consistent with part 4 of article 15 of this title. No such district shall provide the same improvement or service as an existing special district within the territory of such existing special district unless the existing special district consents. A district may consist of noncontiguous tracts or parcels and may be organized wholly or partially within an existing special district if it is not providing the same service as the special district.

SECTION 2. 31-25-602 (1), Colorado Revised Statutes, is amended to read:

31-25-602. Definitions. As used in this part 6, unless the context otherwise requires:

(1) "District" means an improvement district that is a taxing unit and that may be created by any municipality in this state for the purpose of acquiring, constructing, installing, operating, or maintaining any public improvement or for the purpose of providing any service so long as the municipality that forms the district is authorized to perform such service or provide such improvement under the municipality's home rule charter, if any, or the laws of this state OR, WITH THE CONSENT OF A SCHOOL DISTRICT THAT INCLUDES PROPERTY IN THE DISTRICT, FOR THE PURPOSE OF CONSTRUCTING, INSTALLING, ACQUIRING, OR FINANCING ANY PROJECT DESCRIBED IN SECTION 22-42-102 (2) (a), C.R.S. "Public improvement" or "service" shall not include any facility identified in section 30-20-101 (8) or (9), C.R.S., nor shall the terms include services identified in section 30-15-401 (4) to (7.7), C.R.S., unless the district provides such services consistent with part 4 of article 15 of title 30, C.R.S. No such improvement or facility shall duplicate or interfere with any municipal improvement already constructed or planned to be constructed within the limits of such district. A DISTRICT MAY CONSIST OF NONCONTIGUOUS TRACTS OR PARCELS.

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

Education

After consideration on the merits, the committee recommends that **SB01-162** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 3, line 19, strike "FUND," and substitute "FUND";
line 20, strike "FUNCTION,".
Page 4, line 4, strike "FUND, FUNCTION, AND" and substitute "FUND AND";
line 16, before "BUDGET", insert "ITS" and strike "DATA";
line 17, strike "22" and substitute "30";
line 21, strike "OCTOBER 15" and substitute "DECEMBER 31";
line 25, strike "IF THE COMMISSIONER GRANTS AN EXTENSION";
strike lines 26 and 27.

Page 5, strike lines 1 through 6.
Page 7, strike lines 9 and 10.

Reletter succeeding paragraphs accordingly.

Page 7, line 14, strike "**website - implementation**";
strike lines 15 through 18 and substitute the following:
"(1) EACH SCHOOL DISTRICT SHALL PROVIDE THE PUBLIC ACCESS,

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THROUGH ELECTRONIC FORMAT VIA A DISTRICT WEBSITE OR THROUGH
PRINTED FORMAT, TO THE FOLLOWING CURRENT INFORMATION:";

Strike lines 21 and 22.

Reletter succeeding paragraphs accordingly.

Page 7, strike lines 25 and 26 and substitute the following:

"(c) THE NAME OF THE SCHOOL DISTRICT SUPERINTENDENT;".

Page 8, strike lines 5 through 27.

Page 9, strike lines 1 through 7.

Reletter succeeding paragraphs accordingly.

Page 9, line 27, after "CONTENT;", add "AND".

Page 10, line 3, strike "RATING;" and substitute "RATING.";
strike lines 4 through 27.

Page 11, strike lines 1 through 7;
strike lines 8 through 12 and substitute the following:

"(2) EACH SCHOOL DISTRICT THAT PROVIDES THE INFORMATION
CONTAINED IN SUBSECTION (1) OF THIS SECTION THROUGH PRINTED
FORMAT SHALL PROVIDE SUCH INFORMATION IN A RESPONSIVE, TIMELY,
AND EFFICIENT MANNER.";

strike lines 13 through 27.

Page 12, strike lines 1 through 24.

Page 13, line 5, strike "FUNCTION,";
strike lines 7 through 25.

Renumber succeeding section accordingly.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having
voted in the affirmative, the balance of the calendar of Thursday, February 15, 2001, was
laid over until Friday, February 16, 2001, retaining its place on the calendar.

Senate in Recess--Senate Reconvened.

COMMITTEE OF REFERENCE REPORTS

The committees recommend the following:

Judiciary

After consideration on the merits, the committee recommends that **SB01-140** be amended
as follows and, as so amended be referred to the Committee of the Whole with favorable
recommendation.

Amend printed bill, page 6, line 3, strike "court." and substitute "court,
EXCEPT AS PERMITTED BY SUPREME COURT RULE.";

strike lines 25 through 27.

Strike page 7.

Page 8, strike lines 1 through 6;
line 7, strike "(e)" and substitute "(6)";
strike lines 10 through 13.

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Judiciary	<p>After consideration on the merits, the committee recommends that SB01-158 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.</p> <p>Amend printed bill, page 3, line 5, strike "ADJUSTED";</p> <p>line 11, strike "ADJUSTED";</p> <p>line 16, strike "ADJUSTED".</p> <p>Page 5, strike line 10 and substitute the following:</p> <p>"(IV) (A) FOR PURPOSES OF THIS SECTION, "INCOME" SHALL";</p> <p>after line 12, insert the following:</p> <p>"(B) FOR PURPOSES OF CALCULATING THE FORMULA SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (2), "MONTHLY ADJUSTED GROSS INCOME" MEANS GROSS INCOME LESS PREEXISTING MAINTENANCE OR ALIMONY OBLIGATIONS ACTUALLY PAID BY A PARTY AS DESCRIBED IN SUBPARAGRAPH (II) OF PARAGRAPH (b) OF THIS SUBSECTION (2) AND LESS THE AMOUNT OF CHILD SUPPORT PAID BY A PARTY, AS DESCRIBED IN SUBPARAGRAPH (III) OF PARAGRAPH (b) OF THIS SUBSECTION (2).".</p> <p>Page 6, line 11, strike "ADJUSTED";</p> <p>line 23, strike "ADJUSTED".</p>	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29
Judiciary	After consideration on the merits, the committee recommends that SB01-177 be postponed indefinitely.	30 31 32 33 34
Judiciary	After consideration on the merits, the committee recommends that SB01-087 be postponed indefinitely.	35 36 37 38 39
Judiciary	<p>After consideration on the merits, the committee recommends that SB01-100 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.</p> <p>Amend printed bill, strike everything below the enacting clause, and substitute the following:</p> <p>"SECTION 1. The introductory portion to 6-16-103 (7), Colorado Revised Statutes, is amended, and the said 6-16-103 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:</p> <p>6-16-103. Definitions. As used in this article, unless the context otherwise requires:</p> <p>(7) "Paid solicitor" or "professional fund-raiser" means a person who, for monetary compensation, performs any service in which contributions will be solicited in this state by such compensated person or by any compensated person he OR SHE employs, procures, or engages, directly or indirectly, to solicit for contributions. The following persons are not "paid solicitors": or "professional fund-raisers".</p> <p>(9.3) "PROFESSIONAL FUNDRAISING CONSULTANT" MEANS ANY PERSON, OTHER THAN A BONA FIDE OFFICER OR REGULAR EMPLOYEE OF A CHARITABLE ORGANIZATION, WHO IS RETAINED BY A CHARITABLE ORGANIZATION FOR A FIXED FEE OR RATE UNDER A WRITTEN AGREEMENT TO PLAN, MANAGE, ADVISE, CONSULT, OR PREPARE MATERIAL FOR OR WITH RESPECT TO THE SOLICITATION IN THIS STATE OF CONTRIBUTIONS FOR A CHARITABLE ORGANIZATION BUT WHO DOES NOT SOLICIT CONTRIBUTIONS OR EMPLOY, PROCURE, OR ENGAGE ANY COMPENSATED PERSON TO SOLICIT CONTRIBUTIONS. NO LAWYER, INVESTMENT COUNSELOR, OR BANKER WHO ADVISES A PERSON TO MAKE A CONTRIBUTION SHALL BE DEEMED, AS A</p>	40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72

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RESULT OF SUCH ADVICE, TO BE A "PROFESSIONAL FUNDRAISING CONSULTANT."

(9.6) "PUBLIC SAFETY ORGANIZATION" MEANS:

(a) ANY GROUP, ORGANIZATION, ASSOCIATION, UNION, OR CONFERENCE OF CURRENT OR FORMER LAW ENFORCEMENT OFFICERS, FIREFIGHTERS, CORRECTIONAL OFFICERS, OR EMPLOYEES THEREOF THAT MEETS BOTH OF THE FOLLOWING CRITERIA:

(I) AT LEAST SEVENTY-FIVE PERCENT OF THE VOTING MEMBERSHIP ARE CURRENT OR FORMER LAW ENFORCEMENT OFFICERS, FIREFIGHTERS, OR CORRECTIONAL OFFICERS; AND

(II) THE VOTING MEMBERSHIP CONSISTS OF AT LEAST TWENTY-FIVE PERCENT OF ALL THE INDIVIDUALS THE ORGANIZATION CLAIMS TO REPRESENT; AND

(b) ANY ENTITY, WHETHER OR NOT IT MEETS THE CRITERIA SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (9.6), THAT REPRESENTS ITSELF TO BE AFFILIATED OR ASSOCIATED WITH AN ENTITY THAT MEETS THE CRITERIA SET FORTH IN SAID PARAGRAPH (a).

SECTION 2. 6-16-104, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

6-16-104. Charitable organizations - initial registration - annual filing - fees. (1) (a) EVERY CHARITABLE ORGANIZATION, EXCEPT THOSE EXEMPTED UNDER SUBSECTION (6) OF THIS SECTION, THAT INTENDS TO SOLICIT CONTRIBUTIONS IN THIS STATE BY ANY MEANS OR TO HAVE CONTRIBUTIONS SOLICITED IN THIS STATE ON ITS BEHALF BY ANY OTHER PERSON OR ENTITY OR THAT PARTICIPATES IN A CHARITABLE SALES PROMOTION SHALL, PRIOR TO ENGAGING IN ANY OF THESE ACTIVITIES, FILE A REGISTRATION STATEMENT WITH THE SECRETARY OF STATE UPON A FORM PRESCRIBED BY THE SECRETARY OF STATE. EACH CHAPTER, BRANCH, OR AFFILIATE OF A CHARITABLE ORGANIZATION THAT IS REQUIRED TO FILE A REGISTRATION STATEMENT UNDER THIS SECTION EITHER SHALL FILE A SEPARATE REGISTRATION STATEMENT OR SHALL REPORT THE NECESSARY INFORMATION TO ITS PARENT CHARITABLE ORGANIZATION, WHICH THEN SHALL FILE A CONSOLIDATED REGISTRATION STATEMENT.

(b) COMPLIANCE WITH THIS SECTION SHALL BE VOLUNTARY FOR A PERIOD OF ONE YEAR FOLLOWING THE EFFECTIVE DATE OF SENATE BILL 01-100, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY, AND SHALL BE MANDATORY THEREAFTER.

(2) THE REGISTRATION STATEMENT SHALL BE SIGNED AND SWORN TO UNDER OATH BY AT LEAST TWO AUTHORIZED OFFICERS OF THE CHARITABLE ORGANIZATION, INCLUDING ITS CHIEF FISCAL OFFICER, AND SHALL CONTAIN THE FOLLOWING INFORMATION:

(a) THE NAME OF THE CHARITABLE ORGANIZATION, THE PURPOSE FOR WHICH IT IS ORGANIZED, AND THE NAME OR NAMES UNDER WHICH IT INTENDS TO SOLICIT CONTRIBUTIONS;

(b) THE ADDRESS AND TELEPHONE NUMBER OF THE PRINCIPAL PLACE OF BUSINESS OF THE CHARITABLE ORGANIZATION AND THE ADDRESS AND TELEPHONE NUMBER OF ANY OFFICES IN THIS STATE, OR, IF THE CHARITABLE ORGANIZATION DOES NOT MAINTAIN AN OFFICE IN THIS STATE, THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PERSON THAT HAS CUSTODY OF ITS FINANCIAL RECORDS;

(c) THE NAMES AND ADDRESSES OF THE OFFICERS, DIRECTORS, TRUSTEES, AND EXECUTIVE PERSONNEL OF THE CHARITABLE ORGANIZATION;

(d) THE LAST DAY OF THE FISCAL YEAR OF THE CHARITABLE ORGANIZATION;

(e) THE PLACE AND DATE WHEN THE CHARITABLE ORGANIZATION WAS LEGALLY ESTABLISHED, THE FORM OF ITS ORGANIZATION, AND ITS

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TAX-EXEMPT STATUS;

(f) A COPY OF THE ORGANIZATION’S FEDERAL OR STATE TAX EXEMPTION DETERMINATION LETTER, OR, IF SUCH LETTER HAS ALREADY BEEN FILED WITH THE STATE FOR ANOTHER PURPOSE, A STATEMENT OF WHEN AND WHERE SUCH LETTER WAS FILED;

(g) A COPY OF THE ORGANIZATION’S ARTICLES OF INCORPORATION, BYLAWS, AND OTHER ORGANIZATIONAL INSTRUMENTS, OR, IF SUCH DOCUMENTS HAVE ALREADY BEEN FILED WITH THE STATE FOR ANOTHER PURPOSE, A STATEMENT OF WHEN AND WHERE SUCH DOCUMENTS WERE FILED; AND

(h) A COPY OF THE CHARITABLE ORGANIZATION’S FEDERAL FORM 990, 990EZ, OR SIMILAR FINANCIAL REPORT FOR THE MOST RECENT FISCAL YEAR.

(3) A CHARITABLE ORGANIZATION REGISTERED IN ANOTHER STATE MAY FILE, IN LIEU OF THE REGISTRATION STATEMENT REQUIRED BY SUBSECTION (2) OF THIS SECTION, A FORM ACCEPTED BY ANOTHER STATE CONTAINING SUBSTANTIALLY SIMILAR INFORMATION AS REQUIRED BY SAID SUBSECTION (2).

(4) THE REGISTRATION OF A CHARITABLE ORGANIZATION SHALL BE AMENDED ANNUALLY, ON FORMS PRESCRIBED BY THE SECRETARY OF STATE, TO REFLECT ANY CHANGES OF NAME, ADDRESS, PRINCIPALS, CORPORATE FORMS, TAX STATUS, AND ANY OTHER CHANGES THAT MATERIALLY AFFECT THE IDENTITY OR BUSINESS OF THE CHARITABLE ORGANIZATION.

(5) EVERY CHARITABLE ORGANIZATION REQUIRED TO REGISTER UNDER THIS SECTION SHALL ANNUALLY FILE WITH THE SECRETARY OF STATE A COPY OF ITS MOST RECENT FORM 990 OR 990EZ FILED WITH THE UNITED STATES INTERNAL REVENUE SERVICE, WITH SCHEDULES, ON OR BEFORE THE FIFTEENTH DAY OF THE FIFTH CALENDAR MONTH AFTER THE CLOSE OF EACH FISCAL YEAR IN WHICH THE CHARITABLE ORGANIZATION SOLICITED IN THIS STATE. ORGANIZATIONS THAT ARE NOT REQUIRED TO FILE FORM 990 OR 990EZ WITH THE UNITED STATES INTERNAL REVENUE SERVICE SHALL FILE AN ANNUAL FINANCIAL REPORT CONTAINING SUBSTANTIALLY SIMILAR INFORMATION ON A FORM PRESCRIBED BY THE SECRETARY OF STATE.

(6) THE FOLLOWING SHALL NOT BE REQUIRED TO FILE A REGISTRATION STATEMENT:

(a) PERSONS THAT ARE EXEMPT FROM FILING A FEDERAL ANNUAL INFORMATION RETURN PURSUANT TO 26 U.S.C. SEC. 6033(a) (2) (A) (i), (a) (2) (A) (iii), OR (a) (2) (C) (i);

(b) POLITICAL PARTIES, CANDIDATES FOR FEDERAL OR STATE OFFICE, AND POLITICAL ACTION COMMITTEES REQUIRED TO FILE FINANCIAL INFORMATION WITH FEDERAL OR STATE ELECTIONS COMMISSIONS; AND

(c) CHARITABLE ORGANIZATIONS THAT DO NOT INTEND TO OR DO NOT ACTUALLY RAISE OR RECEIVE GROSS REVENUE, EXCLUDING GRANTS, IN EXCESS OF TWENTY-FIVE THOUSAND DOLLARS DURING A FISCAL YEAR OR DO NOT RECEIVE CONTRIBUTIONS FROM MORE THAN TEN PERSONS DURING A FISCAL YEAR.

(7) FILING FEES FOR THE ANNUAL REGISTRATION OF A CHARITABLE ORGANIZATION AND FOR AMENDMENTS THERETO SHALL BE ESTABLISHED BY THE SECRETARY OF STATE IN AN AMOUNT THAT REFLECTS THE COSTS OF THE SECRETARY OF STATE IN ADMINISTERING THE PROVISIONS OF THIS ARTICLE. ALL SUCH FEES COLLECTED SHALL BE DEPOSITED IN THE DEPARTMENT OF STATE CASH FUND CREATED IN SECTION 24-21-104(3) (b), C.R.S.

(8) THE SECRETARY OF STATE SHALL EXAMINE EACH REGISTRATION TO DETERMINE WHETHER THE APPLICABLE REQUIREMENTS OF THIS SECTION ARE SATISFIED. THE SECRETARY OF STATE SHALL NOTIFY THE CHARITABLE ORGANIZATION WITHIN TEN DAYS AFTER RECEIPT OF ITS APPLICATION OF

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ANY DEFICIENCIES THEREIN, OTHERWISE THE REGISTRATION SHALL BE DEEMED APPROVED AS FILED. THE SECRETARY OF STATE SHALL ISSUE EACH APPROVED APPLICANT A REGISTRATION NUMBER.

(9) NO CHARITABLE ORGANIZATION THAT IS REQUIRED TO REGISTER UNDER THIS CHAPTER SHALL, PRIOR TO REGISTRATION, SOLICIT CONTRIBUTIONS IN THIS STATE BY ANY MEANS, HAVE CONTRIBUTIONS SOLICITED IN THIS STATE ON ITS BEHALF BY ANY OTHER PERSON OR ENTITY, OR PARTICIPATE IN A CHARITABLE SALES PROMOTION.

(10) ALL INFORMATION FILED PURSUANT TO THIS SECTION, EXCEPT FOR RESIDENTIAL ADDRESSES AND TELEPHONE NUMBERS OF INDIVIDUALS AND SCHEDULES OF CONTRIBUTORS LISTED ON THE FEDERAL FORM 990 OR ITS EQUIVALENT, SHALL BE CONSIDERED PUBLIC RECORDS FOR PURPOSES OF THE PUBLIC RECORDS LAW, PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S.

SECTION 3. Article 16 of title 6, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

6-16-104.3. Professional fundraising consultants - annual registration - fees. (1) NO PERSON SHALL ACT AS A PROFESSIONAL FUNDRAISING CONSULTANT WITHOUT FIRST REGISTERING WITH THE SECRETARY OF STATE IN ACCORDANCE WITH THIS SECTION. IN ADDITION, A PROFESSIONAL FUNDRAISING CONSULTANT WHO AT ANY TIME HAS CUSTODY OR CONTROL OF CONTRIBUTIONS FROM A SOLICITATION, WHETHER OR NOT THE CONTRIBUTIONS WERE MADE IN THE COURSE OF A SOLICITATION WITH RESPECT TO WHICH THE PROFESSIONAL FUNDRAISING CONSULTANT HAD ENTERED INTO A CONTRACT, SHALL REGISTER IN ACCORDANCE WITH THIS SECTION BEFORE PERFORMING ANY MATERIAL SERVICES ON BEHALF OF A CHARITABLE ORGANIZATION.

(2) EVERY CONTRACT BETWEEN A PROFESSIONAL FUNDRAISING CONSULTANT AND A CHARITABLE ORGANIZATION OR SPONSOR SHALL BE IN WRITING, SIGNED BY AT LEAST TWO AUTHORIZED OFFICIALS OF THE CHARITABLE ORGANIZATION OR SPONSOR, AND FILED BY THE PROFESSIONAL FUNDRAISING CONSULTANT WITH THE SECRETARY OF STATE AT LEAST FIVE DAYS BEFORE THE PERFORMANCE OF ANY MATERIAL SERVICE BY THE PROFESSIONAL FUNDRAISING CONSULTANT PURSUANT TO SUCH CONTRACT. THE CONTRACT SHALL CONTAIN ALL OF THE FOLLOWING PROVISIONS:

(a) A STATEMENT OF THE CHARITABLE PURPOSE FOR WHICH THE SOLICITATION CAMPAIGN IS BEING CONDUCTED;

(b) A STATEMENT OF THE RESPECTIVE OBLIGATIONS OF THE PROFESSIONAL FUNDRAISING CONSULTANT AND THE CHARITABLE ORGANIZATION;

(c) WHETHER THE PROFESSIONAL FUNDRAISING CONSULTANT WILL AT ANY TIME HAVE CUSTODY OR CONTROL OF CONTRIBUTIONS;

(d) A CLEAR STATEMENT OF THE FEES THAT WILL BE PAID TO THE PROFESSIONAL FUNDRAISING CONSULTANT OR, IF THE FEES ARE TO BE CALCULATED BASED ON A PERCENTAGE OF CONTRIBUTIONS OR OTHER FORMULA, A CLEAR STATEMENT OF THE PERCENTAGE OR OTHER FORMULA; AND

(e) THE EFFECTIVE AND TERMINATION DATES OF THE CONTRACT.

(3) APPLICATIONS FOR REGISTRATION OR RENEWAL OF REGISTRATION SHALL BE SUBMITTED ON A FORM PRESCRIBED BY THE SECRETARY OF STATE, SHALL BE SIGNED UNDER OATH, AND SHALL INCLUDE THE FOLLOWING INFORMATION:

(a) THE ADDRESS AND TELEPHONE NUMBER OF THE PRINCIPAL PLACE OF BUSINESS OF THE APPLICANT AND THE ADDRESS AND TELEPHONE NUMBER OF ANY OFFICE LOCATED IN THIS STATE IF THE PRINCIPAL PLACE OF BUSINESS IS LOCATED OUTSIDE THE STATE;

(b) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PERSON

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THAT HAS CUSTODY OF THE APPLICANT'S FINANCIAL RECORDS;

(c) THE NAMES AND ADDRESSES OF THE OWNERS, OFFICERS, AND EXECUTIVE PERSONNEL OF THE APPLICANT;

(d) WHETHER THE APPLICANT OR ANY OF ITS OWNERS, OFFICERS, DIRECTORS, TRUSTEES, OR EMPLOYEES HAVE, WITHIN THE IMMEDIATELY PRECEDING FIVE YEARS, BEEN CONVICTED OF, FOUND GUILTY OF, PLED GUILTY OR NOLO CONTENDERE TO, BEEN ADJUDICATED A JUVENILE VIOLATOR OF, OR BEEN INCARCERATED FOR ANY CRIME INVOLVING FRAUD, THEFT, LARCENY, EMBEZZLEMENT, FRAUDULENT CONVERSION, OR MISAPPROPRIATION OF PROPERTY OR ANY CRIME ARISING FROM THE CONDUCT OF A SOLICITATION FOR A CHARITABLE ORGANIZATION OR SPONSOR, UNDER THE LAWS OF THIS OR ANY OTHER STATE OR OF THE UNITED STATES, AND IF SO, THE NAME OF SUCH PERSON, THE NATURE OF THE OFFENSE, THE DATE OF THE OFFENSE, THE COURT HAVING JURISDICTION IN THE CASE, THE DATE OF CONVICTION OR OTHER DISPOSITION, AND THE DISPOSITION OF THE OFFENSE;

(e) WHETHER THE APPLICANT OR ANY OF ITS OWNERS, OFFICERS, DIRECTORS, TRUSTEES, OR EMPLOYEES HAVE BEEN ENJOINED FROM VIOLATING ANY LAW RELATING TO A CHARITABLE SOLICITATION OR FROM ENGAGING IN CHARITABLE SOLICITATION AND, IF SO, THE NAME OF SUCH PERSON, THE DATE OF THE INJUNCTION, AND THE COURT ISSUING THE INJUNCTION;

(f) WHETHER THE APPLICANT IS REGISTERED WITH OR OTHERWISE AUTHORIZED BY ANY OTHER STATE TO ACT AS A PROFESSIONAL FUNDRAISING CONSULTANT; AND

(g) WHETHER THE APPLICANT HAS HAD SUCH REGISTRATION OR AUTHORITY DENIED, SUSPENDED, REVOKED, OR ENJOINED BY ANY COURT OR OTHER GOVERNMENTAL AUTHORITY IN THIS STATE OR ANOTHER STATE.

(4) THE APPLICATION FOR REGISTRATION OR FOR RENEWAL SHALL BE ACCOMPANIED BY THE FEE ESTABLISHED PURSUANT TO SUBSECTION (11) OF THIS SECTION. A PROFESSIONAL FUNDRAISING CONSULTANT THAT IS A PARTNERSHIP OR CORPORATION MAY REGISTER FOR AND PAY A SINGLE FEE ON BEHALF OF ALL ITS PARTNERS, MEMBERS, OFFICERS, DIRECTORS, AGENTS, AND EMPLOYEES. IN SUCH CASE, THE NAMES AND STREET ADDRESSES OF ALL THE PARTNERS, MEMBERS, OFFICERS, DIRECTORS, EMPLOYEES, AND AGENTS OF THE FUNDRAISING CONSULTANT AND ALL OTHER PERSONS WITH WHOM THE FUNDRAISING CONSULTANT HAS CONTRACTED TO WORK UNDER ITS DIRECTION SHALL BE LISTED IN THE APPLICATION OR FURNISHED TO THE SECRETARY OF STATE WITHIN FIVE DAYS AFTER THE DATE OF EMPLOYMENT OR CONTRACTUAL ARRANGEMENT.

(5) EACH REGISTRATION IS VALID FOR A PERIOD OF ONE YEAR AND MAY BE RENEWED, ON OR BEFORE THE ANNIVERSARY DATE, FOR AN ADDITIONAL ONE-YEAR PERIOD UPON APPLICATION TO THE SECRETARY OF STATE AND PAYMENT OF THE REGISTRATION FEE. ANY MATERIAL CHANGES TO THE INFORMATION CONTAINED IN THE APPLICATION FOR REGISTRATION SHALL BE REPORTED IN WRITING TO THE SECRETARY OF STATE WITHIN THIRTY DAYS.

(6) THE SECRETARY OF STATE SHALL EXAMINE EACH REGISTRATION TO DETERMINE WHETHER THE APPLICABLE REQUIREMENTS OF THIS SECTION ARE SATISFIED. THE SECRETARY OF STATE SHALL NOTIFY THE APPLICANT WITHIN TEN DAYS AFTER RECEIPT OF ITS APPLICATION OF ANY DEFICIENCIES THEREIN, OTHERWISE THE APPLICATION SHALL BE DEEMED APPROVED AS FILED. THE SECRETARY OF STATE SHALL ISSUE EACH APPROVED APPLICANT A REGISTRATION NUMBER.

(7) IF A PROFESSIONAL FUNDRAISING CONSULTANT WILL HAVE CUSTODY OF ANY CONTRIBUTION RECEIVED DURING A SOLICITATION CAMPAIGN, EACH SUCH CONTRIBUTION SHALL BE DEPOSITED WITHIN TWO BUSINESS DAYS AFTER ITS RECEIPT IN AN ACCOUNT AT A BANK OR OTHER FEDERALLY INSURED FINANCIAL INSTITUTION. THE ACCOUNT SHALL BE IN THE NAME OF THE CHARITABLE ORGANIZATION WITH WHOM THE PROFESSIONAL FUNDRAISING CONSULTANT HAS CONTRACTED, AND THE CHARITABLE ORGANIZATION SHALL HAVE SOLE CONTROL OVER ALL

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WITHDRAWALS FROM THE ACCOUNT.

(8) WITHIN NINETY DAYS AFTER A SOLICITATION CAMPAIGN HAS BEEN CONCLUDED, AND ON THE ANNIVERSARY OF THE COMMENCEMENT OF A SOLICITATION CAMPAIGN LASTING MORE THAN ONE YEAR, THE PROFESSIONAL FUNDRAISING CONSULTANT SHALL PROVIDE TO THE CHARITABLE ORGANIZATION AND FILE WITH THE SECRETARY OF STATE A FINANCIAL REPORT OF THE CAMPAIGN, INCLUDING GROSS PROCEEDS AND AN ITEMIZATION OF ALL EXPENSES OR DISBURSEMENTS FOR ANY PURPOSE. THE REPORT SHALL BE ON A FORM PRESCRIBED BY THE SECRETARY OF STATE AND SIGNED BY THE PROFESSIONAL FUNDRAISING CONSULTANT OR, IF THE PROFESSIONAL FUNDRAISING CONSULTANT IS NOT AN INDIVIDUAL, BY AN AUTHORIZED OFFICER OR AGENT OF THE PROFESSIONAL FUNDRAISING CONSULTANT, WHO SHALL CERTIFY THAT THE FINANCIAL REPORT IS TRUE AND COMPLETE TO THE BEST OF HIS OR HER KNOWLEDGE.

(9) NO PERSON MAY ACT AS A PROFESSIONAL FUNDRAISING CONSULTANT AND NO PROFESSIONAL FUNDRAISING CONSULTANT REQUIRED TO BE REGISTERED UNDER THIS SECTION SHALL KNOWINGLY EMPLOY ANY PERSON AS AN OFFICER, TRUSTEE, DIRECTOR, OR EMPLOYEE IF SUCH PERSON, WITHIN THE IMMEDIATELY PRECEDING FIVE YEARS, HAS BEEN CONVICTED OF, FOUND GUILTY OF, PLED GUILTY OR NOLO CONTENDERE TO, BEEN ADJUDICATED A JUVENILE VIOLATOR OF, OR BEEN INCARCERATED FOR ANY CRIME INVOLVING FRAUD, THEFT, LARCENY, EMBEZZLEMENT, FRAUDULENT CONVERSION, OR MISAPPROPRIATION OF PROPERTY OR ANY CRIME ARISING FROM THE CONDUCT OF A SOLICITATION FOR A CHARITABLE ORGANIZATION OR SPONSOR, UNDER THE LAWS OF THIS OR ANY OTHER STATE OR OF THE UNITED STATES, OR HAS BEEN ENJOINED FROM VIOLATING ANY LAW RELATING TO A CHARITABLE SOLICITATION.

(10) ALL INFORMATION FILED PURSUANT TO THIS SECTION, EXCEPT FOR RESIDENTIAL ADDRESSES AND TELEPHONE NUMBERS OF INDIVIDUALS, SHALL BE CONSIDERED PUBLIC RECORDS FOR PURPOSES OF THE PUBLIC RECORDS LAW, PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S.

(11) FILING FEES FOR THE ANNUAL REGISTRATION OF A PROFESSIONAL FUNDRAISING CONSULTANT AND FOR AMENDMENTS THERETO SHALL BE ESTABLISHED BY THE SECRETARY OF STATE IN AN AMOUNT THAT REFLECTS THE COSTS OF THE SECRETARY OF STATE IN ADMINISTERING THE PROVISIONS OF THIS ARTICLE. ALL SUCH FEES COLLECTED SHALL BE DEPOSITED IN THE DEPARTMENT OF STATE CASH FUND CREATED IN SECTION 24-21-104 (3) (b), C.R.S.

6-16-104.6. Paid solicitors - annual registration - filing of contracts - fees. (1) NO PERSON SHALL ACT AS A PAID SOLICITOR WITHOUT FIRST REGISTERING WITH THE SECRETARY OF STATE AND OTHERWISE COMPLYING WITH THE PROVISIONS OF THIS SECTION. IN ADDITION, A PAID SOLICITOR WHO AT ANY TIME HAS CUSTODY OR CONTROL OF CONTRIBUTIONS FROM A SOLICITATION, WHETHER OR NOT THE CONTRIBUTIONS WERE MADE IN THE COURSE OF A SOLICITATION WITH RESPECT TO WHICH THE PAID SOLICITOR HAD ENTERED INTO A CONTRACT, SHALL REGISTER IN ACCORDANCE WITH THIS SECTION BEFORE PERFORMING ANY MATERIAL SERVICES ON BEHALF OF A CHARITABLE ORGANIZATION.

(2) EVERY CONTRACT BETWEEN A PAID SOLICITOR AND A CHARITABLE ORGANIZATION OR SPONSOR FOR EACH SOLICITATION CAMPAIGN SHALL BE IN WRITING AND SHALL BE SIGNED BY AT LEAST TWO AUTHORIZED OFFICIALS OF THE CHARITABLE ORGANIZATION OR SPONSOR, ONE OF WHOM SHALL BE A MEMBER OF THE ORGANIZATION'S GOVERNING BODY, AND BY THE PAID SOLICITOR IF THE PAID SOLICITOR IS AN INDIVIDUAL OR BY THE AUTHORIZED CONTRACTING OFFICER FOR THE PAID SOLICITOR IF THE PAID SOLICITOR IS NOT AN INDIVIDUAL. THE CONTRACT SHALL CONTAIN ALL OF THE FOLLOWING PROVISIONS:

(a) A STATEMENT OF THE CHARITABLE PURPOSE FOR WHICH THE SOLICITATION CAMPAIGN IS BEING CONDUCTED;

(b) A STATEMENT OF THE RESPECTIVE OBLIGATIONS OF THE PAID SOLICITOR AND THE CHARITABLE ORGANIZATION;

(c) A STATEMENT OF THE SPECIFIED MINIMUM PERCENTAGE, IF ANY, OF THE GROSS RECEIPTS FROM CONTRIBUTIONS THAT WILL BE

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REMITTED TO THE CHARITABLE ORGANIZATION, OR, IF THE SOLICITATION INVOLVES THE SALE OF GOODS, SERVICES, OR TICKETS TO A FUNDRAISING EVENT, THE SPECIFIED MINIMUM PERCENTAGE, IF ANY, OF THE PURCHASE PRICE THAT WILL BE REMITTED TO THE CHARITABLE ORGANIZATION. ANY STATED PERCENTAGE SHALL EXCLUDE ANY AMOUNT PAYABLE BY THE CHARITABLE ORGANIZATION AS FUNDRAISING COSTS.

(d) A STATEMENT OF THE SPECIFIED PERCENTAGE, IF ANY, OF GROSS REVENUE THAT CONSTITUTES THE PAID SOLICITOR'S COMPENSATION. IF THE PAID SOLICITOR'S COMPENSATION IS NOT CONTINGENT UPON THE NUMBER OF CONTRIBUTIONS OR THE AMOUNT RECEIVED, THE PAID SOLICITOR'S COMPENSATION SHALL BE EXPRESSED AS A REASONABLE ESTIMATE OF THE PERCENTAGE OF GROSS REVENUE, AND THE CONTRACT SHALL CLEARLY DISCLOSE THE ASSUMPTIONS UPON WHICH SUCH ESTIMATE IS BASED. THE STATED ASSUMPTIONS SHALL BE BASED UPON ALL THE RELEVANT FACTS KNOWN TO THE PAID SOLICITOR REGARDING THE SOLICITATION TO BE CONDUCTED.

(e) THE EFFECTIVE AND TERMINATION DATES OF THE CONTRACT.

(3) APPLICATIONS FOR REGISTRATION OR RENEWAL OF REGISTRATION SHALL BE SUBMITTED ON A FORM PRESCRIBED BY THE SECRETARY OF STATE, SHALL BE SIGNED UNDER OATH, AND SHALL INCLUDE THE FOLLOWING INFORMATION:

(a) THE ADDRESS AND TELEPHONE NUMBER OF THE PRINCIPAL PLACE OF BUSINESS OF THE APPLICANT AND THE ADDRESS AND TELEPHONE NUMBER OF ANY OFFICE LOCATED IN THIS STATE IF THE PRINCIPAL PLACE OF BUSINESS IS LOCATED OUTSIDE THE STATE;

(b) THE FORM OF THE APPLICANT'S BUSINESS AND, IF THE APPLICANT IS NOT AN INDIVIDUAL, THE PLACE AND DATE WHEN THE APPLICANT WAS INCORPORATED OR OTHERWISE LEGALLY ESTABLISHED;

(c) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PERSON THAT HAS CUSTODY OF THE APPLICANT'S FINANCIAL RECORDS;

(d) IF THE APPLICANT IS NOT AN INDIVIDUAL, THE NAMES AND ADDRESSES OF THE OWNERS, OFFICERS, AND EXECUTIVE PERSONNEL OF THE APPLICANT;

(e) THE NAMES OF ALL PERSONS IN CHARGE OF ANY SOLICITATION ACTIVITY CONDUCTED IN THIS STATE BY THE APPLICANT OR ON THE APPLICANT'S BEHALF;

(f) WHETHER THE APPLICANT, ANY PERSON WITH A CONTROLLING INTEREST IN THE APPLICANT, OR ANY OF THE APPLICANT'S OWNERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, OR AGENTS HAS, WITHIN THE IMMEDIATELY PRECEDING FIVE YEARS, BEEN CONVICTED OF, FOUND GUILTY OF, PLED GUILTY OR NOLO CONTENDERE TO, BEEN ADJUDICATED A JUVENILE VIOLATOR OF, OR BEEN INCARCERATED FOR ANY CRIME INVOLVING FRAUD, THEFT, LARCENY, EMBEZZLEMENT, FRAUDULENT CONVERSION, OR MISAPPROPRIATION OF PROPERTY OR ANY CRIME ARISING FROM THE CONDUCT OF A SOLICITATION FOR A CHARITABLE ORGANIZATION OR SPONSOR, UNDER THE LAWS OF THIS OR ANY OTHER STATE OR OF THE UNITED STATES, AND IF SO, THE NAME OF SUCH PERSON, THE NATURE OF THE OFFENSE, THE DATE OF THE OFFENSE, THE COURT HAVING JURISDICTION IN THE CASE, THE DATE OF CONVICTION OR OTHER DISPOSITION, AND THE DISPOSITION OF THE OFFENSE;

(g) WHETHER THE APPLICANT OR ANY OF ITS OWNERS, OFFICERS, DIRECTORS, TRUSTEES, OR EMPLOYEES HAVE BEEN ENJOINED FROM VIOLATING ANY LAW RELATING TO A CHARITABLE SOLICITATION AND, IF SO, THE NAME OF SUCH PERSON, THE DATE OF THE INJUNCTION, AND THE COURT ISSUING THE INJUNCTION;

(h) WHETHER THE APPLICANT IS REGISTERED WITH OR OTHERWISE AUTHORIZED BY ANY OTHER STATE TO ACT AS A PAID SOLICITOR; AND

(i) WHETHER THE APPLICANT HAS HAD SUCH REGISTRATION OR AUTHORITY DENIED, SUSPENDED, REVOKED, OR ENJOINED BY ANY COURT

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OR OTHER GOVERNMENTAL AUTHORITY IN THIS STATE OR ANOTHER STATE.

(4) THE APPLICATION FOR REGISTRATION OR FOR RENEWAL SHALL BE ACCOMPANIED BY THE FEE ESTABLISHED PURSUANT TO SUBSECTION (12) OF THIS SECTION. A PAID SOLICITOR THAT IS A PARTNERSHIP OR CORPORATION MAY REGISTER FOR AND PAY A SINGLE FEE ON BEHALF OF ALL ITS PARTNERS, MEMBERS, OFFICERS, DIRECTORS, AGENTS, AND EMPLOYEES. IN SUCH CASE, THE NAMES AND STREET ADDRESSES OF ALL THE PARTNERS, MEMBERS, OFFICERS, DIRECTORS, EMPLOYEES, AND AGENTS OF THE PAID SOLICITOR AND ALL OTHER PERSONS WITH WHOM THE PAID SOLICITOR HAS CONTRACTED TO WORK UNDER ITS DIRECTION SHALL BE LISTED IN THE APPLICATION OR FURNISHED TO THE SECRETARY OF STATE WITHIN FIVE DAYS AFTER THE DATE OF EMPLOYMENT OR CONTRACTUAL ARRANGEMENT.

(5) EACH REGISTRATION IS VALID FOR A PERIOD OF ONE YEAR AND MAY BE RENEWED, ON OR BEFORE THE ANNIVERSARY DATE, FOR AN ADDITIONAL ONE-YEAR PERIOD UPON APPLICATION TO THE SECRETARY OF STATE AND PAYMENT OF THE REGISTRATION FEE. ANY MATERIAL CHANGES TO THE INFORMATION CONTAINED IN THE APPLICATION FOR REGISTRATION SHALL BE REPORTED IN WRITING TO THE SECRETARY OF STATE WITHIN THIRTY DAYS.

(6) THE SECRETARY OF STATE SHALL EXAMINE EACH REGISTRATION TO DETERMINE WHETHER THE APPLICABLE REQUIREMENTS OF THIS SECTION ARE SATISFIED. THE SECRETARY OF STATE SHALL NOTIFY THE APPLICANT WITHIN TEN DAYS AFTER RECEIPT OF ITS APPLICATION OF ANY DEFICIENCIES THEREIN, OTHERWISE THE APPLICATION SHALL BE DEEMED APPROVED AS FILED. THE SECRETARY OF STATE SHALL ISSUE EACH APPROVED APPLICANT A REGISTRATION NUMBER.

(7) NO LATER THAN FIFTEEN DAYS BEFORE THE COMMENCEMENT OF A SOLICITATION CAMPAIGN, THE PAID SOLICITOR SHALL FILE WITH THE SECRETARY OF STATE A COMPLETED SOLICITATION NOTICE, ON FORMS PRESCRIBED BY THE SECRETARY OF STATE, CONTAINING THE FOLLOWING INFORMATION:

(a) A COPY OF THE GOVERNING CONTRACT, AS SPECIFIED IN SUBSECTION (2) OF THIS SECTION;

(b) THE FULL LEGAL NAME AND ADDRESS OF THE PAID SOLICITOR WHO WILL BE CONDUCTING THE SOLICITATION CAMPAIGN AND THE FULL LEGAL NAME AND ADDRESS OF EACH PERSON RESPONSIBLE FOR DIRECTING AND SUPERVISING THE CONDUCT OF THE CAMPAIGN;

(c) A STATEMENT, IN ACCORDANCE WITH SECTION 6-16-111 (1) (f) AND (1) (g), OF THE NATURE OF THE INTENDED SOLICITATION CAMPAIGN, INCLUDING THE MEANS OF COMMUNICATION TO BE USED IN THE CAMPAIGN, THE PROJECTED COMMENCEMENT AND CONCLUSION DATES OF THE CAMPAIGN, AND A DESCRIPTION OF ANY EVENT THE CAMPAIGN WILL LEAD UP TO;

(d) A FULL AND FAIR STATEMENT, IN ACCORDANCE WITH SECTION 6-16-111 (1) (f) AND (1) (g), OF THE CHARITABLE PURPOSE FOR WHICH THE SOLICITATION CAMPAIGN IS BEING CARRIED OUT;

(e) EACH LOCATION AND TELEPHONE NUMBER, IF APPLICABLE, FROM WHICH THE SOLICITATION IS TO BE CONDUCTED;

(f) A STATEMENT AS TO WHETHER THE PAID SOLICITOR WILL AT ANY TIME HAVE CUSTODY OF CONTRIBUTIONS;

(g) THE ACCOUNT NUMBER AND LOCATION OF EACH BANK ACCOUNT WHERE RECEIPTS FROM THE CAMPAIGN ARE TO BE DEPOSITED;

(h) THE ADDRESS WHERE RECORDS AND ACCOUNTING CONCERNING THE SOLICITATION CAMPAIGN ARE BEING KEPT; AND

(i) A CERTIFICATION STATEMENT, SIGNED BY AN OFFICER OF THE CHARITABLE ORGANIZATION ON THE BEHALF OF WHOM THE SOLICITATION CAMPAIGN IS TO OCCUR, STATING THAT THE SOLICITATION NOTICE AND

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ACCOMPANYING MATERIAL ARE TRUE AND COMPLETE TO THE BEST OF HIS OR HER KNOWLEDGE.

(8) IF A PAID SOLICITOR WILL HAVE CUSTODY OF ANY CONTRIBUTION RECEIVED DURING A SOLICITATION CAMPAIGN, EACH SUCH CONTRIBUTION SHALL BE DEPOSITED WITHIN TWO BUSINESS DAYS AFTER ITS RECEIPT IN AN ACCOUNT AT A BANK OR OTHER FEDERALLY INSURED FINANCIAL INSTITUTION. THE ACCOUNT SHALL BE IN THE NAME OF THE CHARITABLE ORGANIZATION WITH WHOM THE PAID SOLICITOR HAS CONTRACTED, AND THE CHARITABLE ORGANIZATION SHALL HAVE SOLE CONTROL OVER ALL WITHDRAWALS FROM THE ACCOUNT.

(9) WITHIN NINETY DAYS AFTER A SOLICITATION CAMPAIGN HAS BEEN CONCLUDED, AND ON THE ANNIVERSARY OF THE COMMENCEMENT OF A SOLICITATION CAMPAIGN LASTING MORE THAN ONE YEAR, THE PAID SOLICITOR SHALL PROVIDE TO THE CHARITABLE ORGANIZATION AND FILE WITH THE SECRETARY OF STATE A FINANCIAL REPORT OF THE CAMPAIGN, INCLUDING GROSS PROCEEDS AND AN ITEMIZATION OF ALL EXPENSES OR DISBURSEMENTS FOR ANY PURPOSE. THE REPORT SHALL BE ON A FORM PRESCRIBED BY THE SECRETARY OF STATE AND SHALL BE SIGNED BY THE PAID SOLICITOR, OR, IF THE PAID SOLICITOR IS NOT AN INDIVIDUAL, BY AN AUTHORIZED OFFICIAL OF THE PAID SOLICITOR, AND BY AN AUTHORIZED OFFICIAL OF THE CHARITABLE ORGANIZATION. THE PERSONS SIGNING THE REPORT SHALL CERTIFY THAT THE FINANCIAL REPORT IS TRUE AND COMPLETE TO THE BEST OF THEIR KNOWLEDGE.

(10) NO PERSON MAY ACT AS A PAID SOLICITOR AND NO PAID SOLICITOR REQUIRED TO BE REGISTERED UNDER THIS SECTION SHALL KNOWINGLY EMPLOY ANY PERSON AS AN OFFICER, TRUSTEE, DIRECTOR, OR EMPLOYEE IF SUCH PERSON, WITHIN THE IMMEDIATELY PRECEDING FIVE YEARS, HAS BEEN CONVICTED OF, FOUND GUILTY OF, PLED GUILTY OR NOLO CONTENDERE TO, BEEN ADJUDICATED A JUVENILE VIOLATOR OF, OR BEEN INCARCERATED FOR ANY CRIME INVOLVING FRAUD, THEFT, LARCENY, EMBEZZLEMENT, FRAUDULENT CONVERSION, OR MISAPPROPRIATION OF PROPERTY OR ANY CRIME ARISING FROM THE CONDUCT OF A SOLICITATION FOR A CHARITABLE ORGANIZATION OR SPONSOR, UNDER THE LAWS OF THIS OR ANY OTHER STATE OR OF THE UNITED STATES, OR HAS BEEN ENJOINED FROM VIOLATING ANY LAW RELATING TO A CHARITABLE SOLICITATION.

(11) ALL INFORMATION FILED PURSUANT TO THIS SECTION, EXCEPT FOR RESIDENTIAL ADDRESSES AND TELEPHONE NUMBERS OF INDIVIDUALS, SHALL BE CONSIDERED PUBLIC RECORDS FOR PURPOSES OF THE PUBLIC RECORDS LAW, PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S.

(12) FILING FEES FOR THE ANNUAL REGISTRATION OF A PAID SOLICITOR, AMENDMENTS THERETO, SOLICITATION NOTICES, AND FINANCIAL REPORTS SHALL BE ESTABLISHED BY THE SECRETARY OF STATE IN AMOUNTS THAT REFLECTS THE COSTS OF THE SECRETARY OF STATE IN ADMINISTERING THE PROVISIONS OF THIS ARTICLE. ALL SUCH FEES COLLECTED SHALL BE DEPOSITED IN THE DEPARTMENT OF STATE CASH FUND CREATED IN SECTION 24-21-104 (3) (b), C.R.S.

6-16-110.5. Secretary of state - dissemination of information - cooperation with other agencies. (1) THE SECRETARY OF STATE SHALL TAKE STEPS TO:

(a) PUBLICIZE THE REQUIREMENTS OF THIS ARTICLE AND OTHERWISE ASSIST CHARITABLE ORGANIZATIONS, PROFESSIONAL FUNDRAISING CONSULTANTS, AND PAID SOLICITORS IN COMPLYING WITH THIS ARTICLE;

(b) COMPILE AND PUBLISH, ON AN ANNUAL BASIS, THE INFORMATION PROVIDED BY CHARITABLE ORGANIZATIONS, PROFESSIONAL FUNDRAISING CONSULTANTS, AND PAID SOLICITORS UNDER THIS ARTICLE TO ASSIST THE PUBLIC IN MAKING INFORMED DECISIONS ABOUT CHARITABLE SOLICITATION AND TO ASSIST CHARITABLE ORGANIZATIONS IN MAKING INFORMED DECISIONS ABOUT CONTRACTING WITH PAID SOLICITORS.

(2) THE SECRETARY OF STATE MAY EXCHANGE WITH APPROPRIATE AUTHORITIES OF THIS STATE, ANY OTHER STATE, AND THE UNITED STATES

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INFORMATION WITH RESPECT TO CHARITABLE ORGANIZATIONS,
PROFESSIONAL FUNDRAISING CONSULTANTS, COMMERCIAL COVENTURERS,
AND PAID SOLICITORS.

(3) THE SECRETARY OF STATE SHALL PROMULGATE RULES AS
NECESSARY TO PROVIDE FOR THE ONLINE AVAILABILITY OF FORMS
REQUIRED TO BE FILED UNDER THIS ACT AND FOR ELECTRONIC FILING OF
REQUIRED FORMS, INCLUDING THE ACCEPTANCE OF DIGITIZED SIGNATURES
WHERE APPROPRIATE.

SECTION 4. The introductory portion to 6-16-105 (1) and
6-16-105 (1) (a), (1) (b), (1) (c), (1) (d), and (1) (e), Colorado Revised
Statutes, are amended, and the said 6-16-105 (1) is further amended BY
THE ADDITION OF A NEW PARAGRAPH, to read:

6-16-105. Written confirmation of contribution - disclosures.
(1) A paid solicitor who makes an oral solicitation by telephone,
door-to-door, or otherwise shall furnish to each contributor, prior to
collecting or attempting to collect any contribution, a written
confirmation of the expected contribution, which CONFIRMATION shall
contain the following information clearly and conspicuously:

(a) The full legal name, address, ~~and~~ telephone number, AND
REGISTRATION NUMBER of the employer of the individual paid solicitor
who directly communicated with the contributor;

(b) A disclosure that the contribution is not tax-deductible, if such
disclosure is applicable, OR, IF THE SOLICITOR MAINTAINS THAT THE
CONTRIBUTION IS TAX-DEDUCTIBLE IN WHOLE OR IN PART, THE PORTION OF
THE CONTRIBUTION THAT THE SOLICITOR MAINTAINS IS TAX-DEDUCTIBLE;

(c) A disclosure in capital letters of no less than ten-point,
bold-faced type identifying the paid solicitor as a paid solicitor ~~or~~
~~professional fund-raiser~~ AND CONTAINING THE STATEMENT:
"REGISTRATION BY THE SECRETARY OF STATE IS NOT AN ENDORSEMENT OF
EITHER THE PAID SOLICITOR OR THE ORGANIZATION OR CAUSE THE
SOLICITOR REPRESENTS.";

(d) The address and telephone number of the telephone room or
other location from which the solicitation has been or is being conducted
if such information is different than that which is provided pursuant to
paragraph (a) of this subsection (1); except that this information is not
required to be provided if telephone solicitations are being conducted
from more than one location and from the residences of the individual
paid solicitor; ~~or professional fund-raiser;~~

(e) The name, address, ~~and~~ telephone number, AND REGISTRATION
NUMBER of any charitable organization connected with the solicitation or
any organization the name or symbol of which has been used in aid of or
in the course of such solicitation;

(h) A STATEMENT THAT COLORADO RESIDENTS MAY OBTAIN A
SUMMARY OF REGISTRATION AND FINANCIAL DOCUMENTS FROM THE
OFFICE OF THE SECRETARY OF STATE, WITH A CURRENT TELEPHONE
NUMBER FOR OBTAINING SUCH INFORMATION FROM THE SECRETARY OF
STATE.

SECTION 5. 6-16-105.3 (1) (d), Colorado Revised Statutes, is
amended, and the said 6-16-105.3 (1) is further amended BY THE
ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

6-16-105.3. Solicitations by telephone. (1) In addition to any
other disclosure required for solicitations by telephone under section
6-16-105, a paid solicitor as defined in section 6-16-103 (7) who makes
an oral solicitation to any person by a telephone call received in Colorado
regarding a charitable contribution shall make the following oral
disclosures as part of the telephone solicitation:

(d) ~~A statement that the person to whom the solicitation is made
shall have the right to rescind any agreement or pledge to make a
charitable contribution within the time period specified in section~~

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~~6-16-106;~~

(g) A DESCRIPTION OF THE CHARITABLE PURPOSE FOR WHICH THE FUNDS ARE BEING SOLICITED; AND

(h) UPON REQUEST BY A PERSON FROM WHOM A CHARITABLE CONTRIBUTION IS SOUGHT, THE REGISTRATION NUMBERS OF THE CHARITABLE ORGANIZATION AND THE PAID SOLICITOR.

SECTION 6. Repeal. 6-16-109 (3), Colorado Revised Statutes, is repealed as follows:

6-16-109. Records - accounts. (3) ~~Each monetary contribution in the custody of a paid solicitor shall be deposited in an account at a bank or other federally insured financial institution in its entirety and within ten days after its receipt.~~

SECTION 7. The introductory portion to 6-16-111 (1), Colorado Revised Statutes, is amended, and the said 6-16-111 (1) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

6-16-111. Violations. (1) A person commits charitable fraud if he OR SHE:

(h) REPRESENTS THAT CONTRIBUTIONS ARE TAX-DEDUCTIBLE UNLESS THEY SO QUALIFY UNDER THE FEDERAL INTERNAL REVENUE CODE;

(i) REPRESENTS THAT CONTRIBUTIONS ARE FOR A PURPOSE THAT IS DIFFERENT FROM THE ACTUAL PURPOSE FOR WHICH THE CONTRIBUTIONS WILL BE USED;

(j) REPRESENTS THAT A GREATER PORTION OF THE CONTRIBUTION WILL GO TO A CHARITABLE ORGANIZATION THAN THE ACTUAL PORTION THAT WILL GO TO SUCH ORGANIZATION;

(k) REPRESENTS THAT THE SOLICITOR IS LOCATED IN A GEOGRAPHIC AREA THAT IS DIFFERENT FROM THE GEOGRAPHIC AREA IN WHICH THE SOLICITOR IS ACTUALLY LOCATED;

(l) REPRESENTS THAT THE SOLICITOR HAS A SPONSORSHIP, APPROVAL, STATUS, AFFILIATION, OR CONNECTION WITH AN ORGANIZATION OR PURPOSE THAT THE SOLICITOR DOES NOT ACTUALLY HAVE;

(m) REPRESENTS THAT THE PERSON TO WHOM A SOLICITATION IS MADE IS UNDER AN OBLIGATION TO MAKE A CONTRIBUTION;

(n) REPRESENTS THAT FAILURE TO MAKE A CONTRIBUTION WILL ADVERSELY AFFECT THE PERSON’S CREDIT RATING;

(o) REPRESENTS THAT THE PERSON HAS PREVIOUSLY APPROVED OR AGREED TO MAKE A CONTRIBUTION WHEN IN FACT THE PERSON HAS NOT GIVEN SUCH APPROVAL OR AGREEMENT; OR

(p) REPRESENTS THAT THE PERSON HAS PREVIOUSLY CONTRIBUTED TO THE SAME ORGANIZATION OR FOR THE SAME PURPOSE WHEN IN FACT THE PERSON HAS NOT SO CONTRIBUTED.

SECTION 8. 6-16-111 (3), Colorado Revised Statutes, is amended, and the said 6-16-111 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

6-16-111. Violations. (1.5) A PERSON SOLICITING ON BEHALF OF A PUBLIC SAFETY ORGANIZATION COMMITS CHARITABLE FRAUD IF HE OR SHE:

(a) VIOLATES ANY OF THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION;

(b) MISREPRESENTS TO, MISLEADS, MAKES FALSE STATEMENTS TO, OR USES A NAME OTHER THAN THE SOLICITOR’S LEGAL NAME IN

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COMMUNICATING WITH, A PERSON IN ANY MANNER THAT WOULD LEAD A REASONABLE PERSON TO BELIEVE THAT:

(I) IF THE PERSON MAKES A CONTRIBUTION, HE OR SHE WILL RECEIVE SPECIAL BENEFITS OR TREATMENT FROM A PUBLIC SAFETY ORGANIZATION; OR

(II) IF THE PERSON FAILS TO MAKE A CONTRIBUTION, HE OR SHE WILL RECEIVE UNFAVORABLE TREATMENT FROM A PUBLIC SAFETY ORGANIZATION; OR

(c) USES OR REFERENCES THE TERM "POLICE", "LAW ENFORCEMENT", "TROOPER", "FIREMAN", OR "FIREFIGHTER" UNLESS THE PERSON MAKING USE OF OR REFERENCE TO SUCH TERM IS:

(I) EMPLOYED BY A BONA FIDE POLICE OR LAW ENFORCEMENT AGENCY OR FIRE DEPARTMENT AND IS AUTHORIZED BY SUCH ENTITY TO ENGAGE IN CHARITABLE SOLICITATION; OR

(II) A MEMBER OF OR AUTHORIZED TO ACT ON BEHALF OF A BONA FIDE PUBLIC SAFETY ORGANIZATION AND SUCH ENTITY HAS GIVEN ITS WRITTEN AUTHORIZATION FOR THE USE OF OR REFERENCE TO SUCH TERM FOR THE PURPOSE OF CHARITABLE SOLICITATION.

(3) Any person who commits charitable fraud in violation of paragraph (a), ~~or~~ (e), OR (h) TO (p) of subsection (1) of this section, OR OF PARAGRAPH (b) OR (c) OF SUBSECTION (1.5) OF THIS SECTION, is guilty of a class 2 misdemeanor and, upon conviction thereof, shall be punished in accordance with section 18-1-106, C.R.S.; except that a person who commits a violation of ~~either~~ ANY ONE OR MORE of said paragraphs ~~which occurs~~ with respect to solicitations involving three separate contributors in any one solicitation campaign is guilty of a class 5 felony, and upon conviction thereof, shall be punished in accordance with section 18-1-105, C.R.S.

(6) IN ADDITION TO ANY OTHER APPLICABLE PENALTY, THE SECRETARY OF STATE MAY SUSPEND OR REVOKE THE REGISTRATION OF ANY CHARITABLE ORGANIZATION, PROFESSIONAL FUNDRAISING CONSULTANT, OR PAID SOLICITOR THAT MAKES A FALSE STATEMENT OR OMITTS MATERIAL INFORMATION IN ANY REGISTRATION STATEMENT, ANNUAL REPORT, OR OTHER INFORMATION REQUIRED TO BE FILED BY THIS ARTICLE OR THAT ACTS OR FAILS TO ACT IN SUCH A MANNER AS OTHERWISE TO VIOLATE ANY PROVISION OF THIS ARTICLE. THE SECRETARY OF STATE ALSO MAY DENY, SUSPEND, OR REVOKE THE REGISTRATION OF ANY PERSON WHO IS NOT, OR, UPON INITIAL APPLICATION, WOULD NOT BE, QUALIFIED TO REGISTER UNDER THIS ARTICLE. PROCEEDINGS FOR ANY SUCH SUSPENSION OR REVOCATION SHALL BE GOVERNED BY THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S.

SECTION 9. 6-1-302 (1) (d), Colorado Revised Statutes, is amended to read:

6-1-302. Definitions. As used in this part 3, unless the context otherwise requires:

(1) "Commercial telephone seller" or "seller" means a person who, in the course of such person's business, vocation, or occupation, on the person's own behalf or on behalf of another person, causes or attempts to cause a commercial telephone solicitation to be made; except that "commercial telephone seller" or "seller" does not include the following:

(d) A paid solicitor or charitable organization ~~which~~ THAT is required to and ~~which~~ has complied with the REGISTRATION, notice, and ~~reporting~~ FILING requirements of ~~section~~ SECTIONS 6-16-104.6 AND 6-16-104, RESPECTIVELY, or a person who is excluded from such notice and reporting requirements by section 6-16-103 (7);

SECTION 10. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V,

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section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to acts and offenses committed on or after the applicable effective date of this act."

Education After consideration on the merits, the committee recommends that **HB01-1129** be referred favorably to the Committee of the Whole.

Education After consideration on the merits, the committee recommends that **SB01-062** be postponed indefinitely.

Agriculture and Natural Resources After consideration on the merits, the committee recommends that **SB01-161** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 8, strike "DEMANDS." and substitute "DEMANDS, INCLUDING WATER BANKING."

Page 4, line 23, strike "PROJECTS;" and substitute "PROJECTS AND WATER BANKING;"

line 27, strike "AGREEMENTS" and substitute "AGREEMENTS, WATER BANKING,".

Page 5, line 15, after "PLANS" insert "AND WATER BANKING";

line 22, after "PLANS" insert "AND WATER BANKING".

Page 6, line 26, after "PLANS" insert "AND WATER BANKING".

Page 7, strike lines 2 through 27.

strike pages 8 through 20.

Renumber succeeding sections accordingly.

Page 1, strike line 105, and substitute the following:

"DEMANDS."

Agriculture and Natural Resources After consideration on the merits, the committee recommends that **HB01-1032** be referred favorably to the Committee of the Whole.

Agriculture and Natural Resources After consideration on the merits, the committee recommends that **HB01-1013** be referred favorably to the Committee of the Whole.

Agriculture and Natural Resources The committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed and be placed on the consent calendar.

for terms expiring October 1, 2004:

Sara Duncan of Denver, Colorado, to serve as a member from the City and County of Denver familiar with its water problems and as a member experienced in water law and as a Democrat, reappointed;

Louis Rinaldo of Sterling, Colorado, to serve as a member from the South Platte Drainage Basin outside the City and County of Denver and as a member experienced in water project financing and as a Democrat, appointed.

Agriculture
and Natural
Resources

The committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed and be placed on the consent calendar.

MEMBERS OF THE
GROUND WATER COMMISSION

for terms expiring May 1, 2004:

Dennis W. Coryell of Burlington, Colorado, to serve as a resident agriculturist of the Northern High Plains ground water basin, reappointed;

Larry William Clever of Grand Junction, Colorado, to serve as a representative of municipal and industrial water users and as a member residing west of the continental divide, appointed.

On motion of Senator Windels, the Senate adjourned until 9:00 a.m., Friday, February 16, 2001.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate