

CHAPTER 356

APPROPRIATIONS

HOUSE BILL 02-1368

BY REPRESENTATIVE(S) Young, Berry, Saliman, Cloer, Groff, Harvey, Sanchez, and Williams S. ;
also SENATOR(S) Reeves, Tate, and Owen.

AN ACT

CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF EDUCATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Part III of section 2 of chapter 363, Session Laws of Colorado 2001,
is amended to read:

Section 2. **Appropriation.**

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
PART III						
DEPARTMENT OF EDUCATION						
(1) MANAGEMENT AND ADMINISTRATION						
General Department and Program Administration	7,663,581 7,488,917	6,460,335 6,286,159 (82.0 FTE)		81,464^a 157,790 ^a	1,121,782(T)^b 1,044,968(T) ^b (15.5 FTE)	
Office of Professional Services	1,780,010 1,881,227			1,780,010^c 1,881,227 ^c (16.0 FTE)		
Salary Survey	609,711	529,213		38,351^a 41,675 ^a	42,147(T)^d 38,823(T) ^d	
Anniversary Increases	247,109	214,167		15,318^e 16,798 ^b	17,624(T)^e 16,144(T) ^e	
Shift Differential	75,546	75,546				
Sick and Annual Payouts	99,930				99,930(T) ^f	
Emeritus Retirement	125,000 110,000	125,000 110,000				

ADMINISTRATIVE LAW				
JUDGE SERVICES FOR				
642 HOURS	68,128		14,307 ^c	53,821(T) ⁱ
Capitol Complex Leased				
Space	368,326	147,332	25,783^c	195,211
	382,828	153,133	26,797 ^c	202,898
Information Technology				
Asset Maintenance	91,705	91,705		
	90,788	90,788		
Disaster Recovery	27,186	27,186		
	26,914	26,914		
Colorado Student				
Assessment Program	15,854,196	15,854,196		
	15,354,196	15,354,196		
School Report Card and				
State Data Reporting				
System	2,083,675	2,083,675		
	1,805,053	1,805,053		
		(3.0 FTE)		
	<u>29,025,975</u>			
	28,240,347			

^a Of this amount, ~~\$36,984~~ \$36,496 shall be from the Educator Licensure Cash Fund created in Section 22-60.5-112, C.R.S., \$76,814(T) SHALL BE FROM THE DEPARTMENT OF NATURAL RESOURCES, DIVISION OF WILDLIFE, \$35,480 shall be from the Public School Income Fund pursuant to Section 22-2-112 (1) (i), C.R.S., and \$9,000 shall be from general education development program fees.

^b Of this amount, \$793,867 shall be from indirect cost recoveries, \$166,363 shall be from Public School Transportation, AND \$84,738 shall be from the State Share of Districts' Total Program Funding, and ~~\$76,814~~ shall be from the Department of Natural Resources, Division of Wildlife. FUNDING.

^c These amounts shall be from the Educator Licensure Cash Fund created in Section 22-60.5-112, C.R.S.

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ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

^d Of this amount, \$28,885 shall be from indirect cost recoveries, \$6,360 shall be from Public School Transportation, AND \$3,578 shall be from the State Share of Districts' Total Program Funding, and ~~\$3,324 shall be from the Department of Natural Resources, Division of Wildlife.~~ FUNDING.

^e Of this amount, \$11,545 shall be from indirect cost recoveries, \$3,007 shall be from Public School Transportation, AND \$1,592 shall be from the State Share of Districts' Total Program Funding, and ~~\$1,480 shall be from the Department of Natural Resources, Division of Wildlife.~~ FUNDING.

^f This amount shall be from indirect cost recoveries.

^g OF THIS AMOUNT, \$38,351 SHALL BE FROM THE EDUCATOR LICENSURE CASH FUND CREATED IN SECTION 22-60.5-112, C.R.S., AND \$3,324(T) SHALL BE FROM THE DEPARTMENT OF NATURAL RESOURCES, DIVISION OF WILDLIFE.

^h OF THIS AMOUNT, \$15,318 SHALL BE FROM THE EDUCATOR LICENSURE CASH FUND CREATED IN SECTION 22-60.5-112, C.R.S., AND \$1,480(T) SHALL BE FROM THE DEPARTMENT OF NATURAL RESOURCES, DIVISION OF WILDLIFE.

ⁱ THIS AMOUNT SHALL BE FROM SPECIAL EDUCATION - CHILDREN WITH DISABILITIES.

(2) ASSISTANCE TO PUBLIC SCHOOLS

(A) Public School Finance

State Share of Districts'

Total Program

Funding ^{19, 20}	2,207,454,661	2,081,423,310		11,000,000^a	115,031,351^b
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	2,215,611,114	2,065,696,689		9,877,183 ^a	140,037,242 ^b
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Additional State Aid

Related to Locally

Negotiated Business

Incentive Agreements	1,856,928	1,856,928			
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	<u>1,856,928</u>				
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	2,209,311,589				
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	2,217,468,042				
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^a This amount shall be from rental income earned on public school lands.

^b Of this amount, ~~\$64,639,512~~ \$89,726,005 shall be from the State Education Fund created in Section 17 (4) of Article IX of the State Constitution, AND \$50,311,237 SHALL BE FROM THE STATE PUBLIC SCHOOL FUND CREATED IN SECTION 22-54-114, C.R.S. OF THE AMOUNT FROM THE STATE PUBLIC SCHOOL FUND, ~~\$25,417,000 shall~~ \$26,300,000 IS ESTIMATED TO be from federal mineral leasing revenues transferred to the State Public School Fund pursuant to Section 22-54-114 (1), ~~\$12,989,094 shall~~ \$3,274,700 IS ESTIMATED TO be from reserves in the State Public School Fund created in Section 22-54-114, C.R.S., RESERVES, ~~\$8,985,745 shall~~ \$17,736,537 IS ESTIMATED TO be from interest earned on moneys in the Public School Fund AND transferred to the State Public School Fund pursuant to Section 22-41-106, C.R.S., and \$3,000,000 ~~shall~~ IS ESTIMATED TO be from audit recoveries deposited in the State Public School Fund pursuant to Section 22-54-114 (4), C.R.S.

(B) Categorical Programs²¹

(I) District Programs Required by Statute

Special Education -

Children with

Disabilities	147,620,805	71,510,773	4,592,860^a	71,517,172
	147,674,173	71,572,347	4,584,654 ^a	
			(0.6 FTE)	(44.9 FTE)

English Language

Proficiency Program	5,511,372	3,101,598	546,884 ^b	1,862,890
			(1.0 FTE)	(1.6 FTE)

(II) Other Categorical Programs

Public School

Transportation	38,554,366	36,922,227	1,632,139 ^c	
Transfer to the Department of Higher Education for Distribution of State Assistance for Vocational Education	18,504,564	17,792,850	711,714 ^d	

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ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM					
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS	
\$	\$	\$	\$	\$	\$	\$	
Special Education - Gifted and Talented Children	5,802,500	5,500,000				302,500 ^d	
Expelled and At-risk Student Services Grant Program	5,290,850	5,290,850					
Grant Program for In-school or In-home Suspension Programs	497,957	497,957					
Small Attendance Center Aid	841,013 787,645		841,013 787,645				
Comprehensive Health Education	<u>600,000</u>					600,000 ^e	
	<u>223,223,427</u>						

^a Of this amount, ~~\$4,527,860~~ \$4,519,654 shall be from the State Education Fund created in Section 17 (4) of article IX of the State Constitution, and \$65,000(T) shall be from federal funds appropriated in the Department of Human Services.

^b Of this amount, \$350,500(T) shall be from federal funds appropriated in the Department of Human Services, and \$196,384 shall be from the State Education Fund created in Section 17 (4) of article IX of the State Constitution.

^c Of this amount, \$1,476,889 shall be from the State Education Fund created in Section 17 (4) of article IX of the State Constitution and \$155,250(L) shall be from local funds. The latter amount represents an estimate of categorical program support funds to be replaced with local property tax revenue pursuant to Section 22-54-107, C.R.S.

^d These amounts shall be from the State Education Fund created in Section 17 (4) of article IX of the State Constitution.

^e This amount shall be from reserves in the Colorado Comprehensive Health Education Fund created in Section 22-25-109, C.R.S.

(C) Grant Programs and Other Distributions

Read-to-Achieve Cash Fund	16,439,397 16,329,017		16,439,397 ^a 16,329,017 ^a
Read-to-Achieve Grant Program	17,579,872 17,469,492		17,579,872 ^b 17,469,492 ^b
Teacher Development Fund	2,000,000	2,000,000	
Teacher Development Grant Program	2,000,000		2,000,000 ^c
School Awards Program Fund	1,500,000 1,315,000	1,500,000 1,315,000	
Colorado School Awards Program	1,500,000 1,315,000		1,500,000 ^d 1,315,000 ^d
S.B. 97-101 Public School Health Services	8,818,562		8,818,562(T) ^e (1.3 FTE)
State Public School Fund, Contingency Reserve ^{22, 23}	1,800,000 1,966,353	1,800,000 1,656,353	310,000 ⁱ

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	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
State Public School Fund, School Capital Construction Expenditure Reserve	20,000,000		10,000,000 ^f			10,000,000 ^g (1.0 FTE)	
Boards of Cooperative Services	170,000		170,000				
Funding for National Academic Award Winners	50,000					50,000 ^h	
	<u>71,857,834</u>						
	71,433,424						

^a This amount shall be from the Tobacco Litigation Settlement Cash Fund created in Section 24-22-115, C.R.S., pursuant to Section 24-75-1104 (1) (e), C.R.S.

^b This amount shall be from the Read-to-Achieve Cash Fund created in Section 22-7-506, C.R.S.

^c This amount shall be from the Teacher Development Fund created in Section 22-7-708, C.R.S.

^d This amount shall be from the School Awards Program Fund created in Section 22-11-304, C.R.S.

^e This amount shall be from federal Medicaid funds appropriated to the Department of Health Care Policy and Financing. Of this amount, \$91,399 shall be for administrative costs.

^f Of this amount, \$5,000,000 shall not be subject to the limitation on General Fund appropriations pursuant to Section 24-75-201.1 (4) (b) (II), C.R.S.

^g This amount shall be from the State Public School Fund, School Capital Construction Expenditure Reserve established in Section 22-54-117 (1.5), C.R.S.

^h This amount shall be from reserves in the State Public School Fund created in Section 22-54-114, C.R.S.

¹ THIS AMOUNT SHALL BE FROM SCHOOL DISTRICT REIMBURSEMENTS THAT ARE CREDITED TO THE STATE PUBLIC SCHOOL FUND, CONTINGENCY RESERVE, PURSUANT TO SECTION 22-54-117 (5) (b), C.R.S.

(D) Appropriated Sponsored Programs

Sponsored Programs	200,698,115	575,000 ^a	2,715,391 ^b	197,407,724
			(6.1 FTE)	(82.2 FTE)

^a This amount shall be from fees and charges for workshops, conferences, training programs, and seminars.

^b Of this amount, \$2,066,311(T) shall be from the Department of Human Services, \$60,955(T) shall be from the Office of the Governor, and \$588,125 shall be from various grants and donations.

~~2,705,090,962~~

2,712,823,008

(3) LIBRARY PROGRAMS

Regional Systems	2,449,893	2,449,893		
	2,425,394	2,425,394		
Colorado Resource Center ²⁴	2,191,796	2,191,796		
	2,169,878	2,169,878		
State Grants to Publicly-Supported Libraries Fund	2,000,000	2,000,000		
	1,980,000	1,980,000		
State Grants to Publicly-Supported Libraries Program	2,000,000		2,000,000*	

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ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
	1,980,000				1,980,000 ^a	
					(0.5 FTE)	
Interlibrary Loan	162,006		162,006			
	160,386		160,386			
County Equalization	134,114		134,114			
Colorado Virtual Library	394,788		374,788		20,000 ^b	
	391,040		371,040			
Library Materials for the Talking Book Library and State Institutional Libraries	101,899		101,899			
	100,880		100,880			
Talking Book Library, Maintenance and Utilities Expenses	45,869		45,869			
	45,410		45,410			
Reading Services for the Blind	<u>93,800</u>				93,800 ^c	
	<u>9,574,165</u>					
	9,480,902					

^a This amount shall be from the State Grants to Publicly-Supported Libraries Fund created in Section 24-90-407, C.R.S.

^b This amount shall be from grants and donations.

^c This amount shall be from the Reading Services for the Blind Cash Fund created in Section 24-90-105.5, C.R.S.

(4) SCHOOL FOR THE DEAF AND THE BLIND

(A) School Operations²⁵

Personal Services	7,516,828		
	(148.2 FTE)		
Operating Expenses	472,320		
Utilities	236,388		
	331,536		
	<u>8,225,536</u>	7,194,587	1,030,949(T) ^a
	8,320,684	7,289,735	

^a Of this amount, \$970,949 shall be from the State Share of District's Total Program Funding, and \$60,000 shall be from federal Child Nutrition Act funds appropriated in the Appropriated Sponsored Programs subsection.

(B) Special Purpose

Fees and Conferences	75,000		
Aides for Extended			
Diagnostic Enrollment	82,500		
	(2.8 FTE)		
Summer Olympics			
Housing	10,000		
Grants	985,000		
	(9.1 FTE)		
	<u>1,152,500</u>	85,000 ^a	1,067,500 ^b

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ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
	9,378,036					
	9,473,184					
TOTALS PART III (EDUCATION)^{4,5}	\$2,753,069,138	\$2,280,470,813^a		\$13,600,926	\$188,014,402^b	\$270,982,997
	<u>\$2,760,017,441</u>	<u>\$2,263,482,450^a</u>		<u>\$12,675,777^b</u>	<u>\$212,868,530^b</u>	<u>\$270,990,684</u>

^a Of this amount, \$75,000 shall be from fees and charges for workshops and conferences, and \$10,000 shall be from housing reimbursements.

^b Of this amount, \$985,000(T) shall be from various federal funds transferred from the Appropriated Sponsored Programs subsection, and \$82,500 shall be from federal funds transferred from school districts.

^a Of this amount, \$5,000,000 shall not be subject to the limitation on General Fund appropriations pursuant to Section 24-75-201.1 (4) (b) (II), C.R.S.

^b Of this amount, ~~\$14,658,760~~ THESE AMOUNTS, \$14,712,581 contains a (T) notation, and \$155,250 contains an (L) notation.

FOOTNOTES -- The following statements are referenced to the numbered footnotes throughout section 2.

4 (Governor lined through this provision. See L. 2001, p. 2345.)

5 All Departments, Totals -- The General Assembly requests that copies of all reports requested in other footnotes contained in this act be delivered to the Joint Budget Committee and the majority and minority leadership in each house of the General Assembly. Each principal department of the state shall produce its rules in an electronic format that is suitable for public access through electronic means. Such rules in such format shall be submitted to the Office

of Legislative Legal Services for publishing on the Internet. It is the intent of the General Assembly that this be done within existing resources.

- 19 Department of Education, Assistance to Public Schools, Public School Finance, State Share of Districts' Total Program Funding -- The minimum state aid for fiscal year 2001-02 is established at \$84.31 per student.
- 20 Department of Education, Assistance to Public Schools, Public School Finance, State Share of Districts' Total Program Funding -- The Department is requested to include in its annual budget request information concerning the Colorado preschool program. The information provided should include, but not be limited to: (a) A list of participating districts; (b) the funded pupil count (FTE) allocated to each participating district and a description regarding how such allocation was determined; (c) data indicating what percent of each district's students are being served through the preschool program; (d) the state and local shares of each district's total program funding that is attributable to the preschool program; and (e) whether or not each district contracts for preschool services with community providers.
- 21 Department of Education, Assistance to Public Schools, Categorical Programs -- The Department is requested to include in its annual budget request information concerning each of the programs funded in this section. For grant programs, such information should include, but not be limited to: (a) The total number and dollar amount of requests received; (b) the amount awarded or distributed to each district, board of cooperative services, or administrative unit; and (c) a description of the criteria utilized to evaluate requests and to determine grant awards. For other programs, such information should include, but not be limited to: (a) The total amount distributed to each district, board of cooperative services, or administrative unit; (b) the total amount that each entity would be eligible to receive pursuant to state law and/or State Board of Education rule; and (c) a description of the method or formula used to determine the amount for which entities are eligible and to distribute funds.
- 22 Department of Education, Assistance to Public Schools, Grant Programs and Other Distributions, State Public School Fund, Contingency Reserve -- The Department is requested to notify the Joint Budget Committee whenever the State Board of Education approves a payment from the Contingency Reserve. Such notification should include the amount of the payment, the name of the district receiving funds, the proposed use of such funds, and the applicable circumstance listed in Section 22-54-117, C.R.S.

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APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM					
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS	
	\$	\$	\$	\$	\$	\$	\$	
23								(Governor lined through this provision. See L. 2001, p. 2347.).
24								Department of Education, Library Programs, Colorado Resource Center -- The Department is requested to review its method of compensating the Denver Public Library for administration of the Colorado Resource Center and to provide to the Joint Budget Committee, on or before November 1, 2001, a report concerning such review. Such report should include, but not be limited to, the following: (a) An analysis of the services that the Denver Public Library is required to provide pursuant to the Colorado Resource Center contract and whether such services continue to meet the State Librarian's statutory obligation to contract for the furnishing of library resources to ensure equal access to information for all Coloradans; (b) an evaluation of the current method used by Denver Public Library to estimate the costs incurred in providing such services; (c) an evaluation of the adequacy of the current appropriation in covering the costs incurred by the Denver Public Library in administering the Colorado Resource Center; and, (d) any recommendations for changes to the method used to compensate the Denver Public Library for administration of the Colorado Resource Center.
25								Department of Education, School for the Deaf and the Blind, School Operations -- This appropriation is based on an estimated enrollment of 232 students at the Colorado School for the Deaf and Blind. It is the intent of the General Assembly that enrollment at the school not significantly exceed 232 students. The Department is requested to report annually to the Joint Budget Committee on any variance from this enrollment count.

SECTION 2. Section 2 of chapter 175, Session Laws of Colorado 2001, is amended to read:

Section 2. **Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state education fund, created pursuant to section 17 of article IX of the state constitution, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2001, the sum of ~~fourteen million ninety-five thousand three hundred forty dollars (\$14,095,340)~~; FOURTEEN MILLION ONE HUNDRED FORTY-FOUR THOUSAND SIXTY-SIX DOLLARS (\$14,144,066), or so much thereof as may be necessary, for the implementation of this act.

SECTION 3. Section 38 (1) (a), (1) (b), and (1) (c) of chapter 127, Session Laws of Colorado 2001, are amended to read:

Section 38. **Appropriation - adjustments to the 2001 long bill.** (1) (a) In addition to any other appropriation, there is hereby appropriated, to the department of education, for the fiscal year beginning July 1, 2001, the sum of ~~two million nine hundred thousand dollars (\$2,900,000)~~; TWO MILLION SIX HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$2,675,000), or so much thereof as may be necessary, for the implementation of section 22-7-609.5, Colorado Revised Statutes. Said sum shall be from the state education fund created in section 17 (4) of article IX of the state constitution.

(b) In addition to any other appropriation, there is hereby appropriated, to the department of education, for the fiscal year beginning July 1, 2001, the sum of ~~five million three hundred eight thousand nine hundred sixty-one dollars (\$5,308,961)~~; SIX MILLION FOUR HUNDRED SEVENTY-ONE THOUSAND FIFTY-TWO DOLLARS (\$6,471,052), or so much thereof as may be necessary, for the implementation of section 22-54-124, Colorado Revised Statutes. Said sum shall be from the state education fund created in section 17 (4) of article IX of the state constitution.

(c) In addition to any other appropriation, there is hereby appropriated, to the department of education, for the fiscal year beginning July 1, 2001, from the state education fund created in section 17 (4) of article IX of the state constitution, to the state public school fund created in section 22-54-114, Colorado Revised Statutes, for allocation to the school capital construction expenditures reserve created in section 22-54-117, Colorado Revised Statutes, the sum of ~~five million three hundred eight thousand nine hundred sixty-one dollars (\$5,308,961)~~; SIX MILLION FOUR HUNDRED SEVENTY-ONE THOUSAND FIFTY-TWO DOLLARS (\$6,471,052), and such sum, or so much thereof as may be necessary, is further appropriated to the department of education for the implementation of section 22-54-117, Colorado Revised Statutes.

SECTION 4. Effective date. This act shall take effect upon passage; except that this act shall only take effect if the following bills are enacted at the Second Regular Session of the Sixty-third General Assembly and become law: House Bill 02-1366; House Bill 02-1367; House Bill 02-1369; House Bill 02-1370; House Bill 02-1371; House Bill 02-1372; House Bill 02-1373; House Bill 02-1374; House Bill 02-1375; House Bill 02-1376; House Bill 02-1377; House Bill 02-1378; House Bill 02-1379; House Bill 02-1380; House Bill 02-1381; House Bill 02-1382; House Bill 02-1383; House Bill 02-1384; House Bill 02-1385; House Bill 02-1386; House Bill 02-1387; House Bill 02-1388; House Bill 02-1389; House Bill 02-1390; House Bill 02-1391; House Bill 02-1392; House Bill 02-1393; and House Bill 02-1394.

SECTION 5. 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.

Approved: March 27, 2002

Editor's note: Section 4 of this act provided that this act is effective upon passage only if House Bills 02-1366 through 02-1394 are enacted and become law. Said bills were signed March 27, 2002.