

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

Fifty-second Legislative Day

Friday, March 2, 2001

Prayer By the chaplain, Rabbi Jeffrey Kaye, Director, Chaplaincy Services, Rose Medical Center.

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

Roll Call Present--Total, 32.
Absent/Excused--Andrews, Perlmutter, Thiebaut--Total 3.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator May, reading of the Journal of Thursday, March 1, 2001, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly printed: SB01-205, SJR01-011.

INTRODUCTION OF RESOLUTIONS

SJR01-015 By Senator Matsunaka; also Representative Fritz--Concerning Colorado's Children's Day.
Laid over one day under Senate Rule 30(b).

Committee of the Whole On motion of Senator Tate, the Senate resolved itself into Committee of the Whole for consideration of General Orders--Second Reading of Bills. Senator Tate was called to the Chair to act as Chairman.

GENERAL ORDERS--SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB01-1013 by Representatives Stengel and Larson; also Senators Chlouber and Dyer (Durango)--Concerning the wildlife commission's authority to decrease license fees.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

HB01-1069 by Representative Lawrence; also Senator Gordon--Concerning cruelty to animals.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

HB01-1196 by Representatives Cloer, Borodkin, Daniel, Fritz, Grossman, Hefley, Hodge, Jahn, King, Larson, Mitchell, Nunez, Rhodes, Romanoff and Stafford; also Senator Hanna--Concerning the writing portion of the Colorado student assessment program statewide assessments.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

HB01-1250 by Representatives Williams T., Hoppe, Johnson, Webster and Young; also Senator Hagedorn--Concerning interference with the flow of water in a ditch.

Amendment No. 1, Agriculture and Natural Resources Committee Amendment.
(Printed in Senate Journal, February 21, 2001, page 381.)

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

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- HB01-1136** by Representative Witwer; also Senator Evans--Concerning the creation of a statewide fire fighting resource database. 1
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Amendment No. 1, Agriculture and Natural Resources Committee Amendment. 4
(Printed in Senate Journal, February 21, 2001, page 381.) 5
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Amendment No. 2, Senator Evans. 7
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Amend reengrossed bill, page 3, line 13, after "INDIVIDUAL.", add "THE 9
DATABASE IS NOT INTENDED TO BE USED IN PLACE OF THE EXISTING 10
INTERAGENCY WILD LAND FIRE DISPATCH SYSTEM."; 11
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As amended, ordered revised and placed on the calendar for Third Reading and Final 13
Passage. 14
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- HB01-1063** by Representative Webster; also Senator Owen--Concerning the authorization of 16
governmental entities to establish drainage authorities by intergovernmental agreement for 17
the purpose of developing drainage facilities. 18
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 20
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- HB01-1138** by Representative Cadman; also Senator Phillips--Concerning state information 22
technology governance. 23
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Amendment No. 1, Business, Labor and Finance Committee Amendment. 25
(Printed in Senate Journal, February 22, 2001, page 385.) 26
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As amended, ordered revised and placed on the calendar for Third Reading and Final 28
Passage. 29
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- HB01-1154** by Representatives Spence, Crane, Sinclair, Weddig, Cadman, Daniel and Jahn; also 31
Senators Phillips and Epps--Concerning the use of electronic bingo devices. 32
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Amendment No. 1, Agriculture and Natural Resources Committee Amendment. 34
(Printed in Senate Journal, February 22, 2001, page 386-388.) 35
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As amended, ordered revised and placed on the calendar for Third Reading and Final 37
Passage. 38
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- HB01-1171** by Representatives Romanoff, Berry, Johnson, Stafford, Tochtrop, Witwer and Young; 40
also Senators Owen and Hernandez--Concerning recoveries by the medical assistance 41
program from third parties. 42
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Laid over until Monday, March 5, 2001, retaining its place on the calendar. 44
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- HB01-1085** by Representative Sinclair; also Senators Takis and Nichol--Concerning the selection 46
process for employment in the state personnel system. 47
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 49
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- HB01-1186** by Representative Tapia; also Senator Evans--Concerning the maintenance of public 51
employee retirement benefits for retirees who are hired by a school district during a 52
critical shortage of employees. 53
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 55
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- HB01-1004** by Representatives Hefley, Lawrence and Tochtrop; also Senators Epps, Evans, Hagedorn, 57
and Linkhart--Concerning earned income disregards for the Colorado works program. 58
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Amendment No. 1, Health, Environment, Children and Families Committee Amendment. 60
(Printed in Senate Journal, February 26, 2001, page 401.) 61
62
As amended, ordered revised and placed on the calendar for Third Reading and Final 63
Passage. 64
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- HB01-1040** by Representatives Young and Miller; also Senator Reeves, Anderson, Lamborn, Linkhart, 66
Taylor and Windels--Concerning penalties for false medicaid claims. 67
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Amendment No. 1, Judiciary Committee Amendment. 69
(Printed in Senate Journal, February 21, 2001, page 381.) 70
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- HB01-1040** Amendment No. 2, by Senator Gordon. 1
 Amend reengrossed bill, page 3, line 6, strike "KNOWINGLY" and 2
 substitute "INTENTIONALLY"; 3
 line 9, strike "KNOWINGLY" and substitute "INTENTIONALLY"; 4
 line 12, strike "KNOWINGLY" and substitute "INTENTIONALLY"; 5
 line 17, strike "KNOWINGLY" and substitute "INTENTIONALLY"; 6
 line 21, strike "KNOWINGLY" and substitute "INTENTIONALLY". 7
 Page 5, line 1, "SECTION," and substitute "PART 11,;" 8
 strike lines 3 through 11 and substitute the following: 9
 "(a) "INTENTIONALLY" MEANS THAT, WITH RESPECT TO INFORMATION, THE 10
 PERSON HAS ACTUAL KNOWLEDGE OF THE FALSITY OF THE INFORMATION 11
 AND ACTS WITH SPECIFIC INTENT TO DEFRAUD. 12
 (b) "RECKLESS DISREGARD" MEANS THAT THE PERSON ACTS WITH 13
 CONSCIOUS INDIFFERENCE TO THE TRUTH OR THE FALSITY OF THE 14
 INFORMATION. "RECKLESS DISREGARD" DOES NOT REQUIRE PROOF OF 15
 SPECIFIC INTENT TO DEFRAUD.;" 16
 line 18, strike "KNOWINGLY" and substitute "INTENTIONALLY". 17
 As amended, ordered revised and placed on the calendar for Third Reading and Final 18
 Passage. 19
- HB01-1035** by Representatives Spence and Larson; also Senator Tupa--Concerning appointments to 20
 higher education boards and commissions. 21
Amendment No. 1, Education Committee Amendment. 22
 (Printed in Senate Journal, February 28, 2001, page 437-438.) 23
 As amended, ordered revised and placed on the calendar for Third Reading and Final 24
 Passage. 25
- HB01-1146** by Representatives Larson, Dean, King and Spence; also Senator Pascoe--Concerning the 26
 performance evaluation of the superintendent of a school district by a school district board 27
 of education. 28
 Ordered revised and placed on the calendar for Third Reading and Final Passage. 29
- HB01-1041** by Representatives Young and Miller; also Senators Anderson, Lamborn, Linkhart, 30
 Reeves, Taylor and Windels--Concerning the duties of the Colorado department of 31
 education in providing oversight of the Colorado preschool program. 32
 Ordered revised and placed on the calendar for Third Reading and Final Passage. 33
- HB01-1168** by Representative Lawrence; also Senator Anderson--Concerning substantive changes for 34
 the strengthening of the juvenile laws. 35
Amendment No. 1, Judiciary Committee Amendment. 36
 (Printed in Senate Journal, February 27, 2001, page 425.) 37
 As amended, ordered revised and placed on the calendar for Third Reading and Final 38
 Passage. 39
- HB01-1117** by Representative Witwer; also Senator Evans--Concerning the prerequisite that public 40
 entities obtain the advice of the sex offender management board prior to taking certain 41
 actions related to the provisions of treatment for juvenile sex offenders. 42
 Ordered revised and placed on the calendar for Third Reading and Final Passage. 43
 On motion of Senator Phillips, and with a majority of those elected to the Senate having 44
 voted in the affirmative, the balance of the General Orders--Second Reading of Bills 45
 calendar (**HB01-1164, HB01-1187, HB01-1011, HB01-1027**) of Friday, March 2, 2001, 46
 was laid over until Monday, March 5, 2001, retaining its place on the calendar. 47
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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Tate, the Report of the Committee of the Whole was adopted and, a majority of all members elected having voted in the affirmative, the following action was taken:

Passed on Second Reading: **HB01-1013, HB01-1069, HB01-1196, HB01-1250** as amended, **HB01-1136** as amended, **HB01-1063, HB01-1138** as amended, **HB01-1154** as amended, **HB01-1085, HB01-1186, HB01-1004** as amended, **HB01-1040** as amended, **HB01-1035** as amended, **HB01-1146, HB01-1041, HB01-1168** as amended, **HB01-1117**.

Laid over till Monday, March 5, 2001: **HB01-1171, HB01-1164, HB01-1187, HB01-1011, HB01-1027**.

On motion of Senator Phillips, and with a majority of those elected to the Senate having voted in the affirmative, the Consideration of Resolutions Calendar (**HJR01-1014, SJR01-014**) of Friday, March 2, 2001, was laid over until Monday, March 5, 2001, retaining its place on the Calendar.

COMMITTEE OF REFERENCE REPORTS

The committees recommend the following:

Judiciary

After consideration on the merits, the committee recommends that **HB01-1210** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 7, strike "PART BY" and substitute "PART, IN REAL TIME, BY";

line 18, after "CONDUCTED", insert "IN REAL TIME,".

Page 3, line 3, strike "42-2-126 (8) (e) (II)" and substitute "42-2-126 (8) (e) (II), (8) (f),";

line 19, after "APPEAR", insert "IN REAL TIME";

after line 19, insert the following:

"(f) If a hearing is held pursuant to this subsection (8), the department shall review the matter and make a final determination on the basis of the documents and affidavit submitted to the department pursuant to subsections (2) and (3) of this section. Except as provided in paragraph (e) of this subsection (8), the law enforcement officer who submitted the affidavit required by subsection (3) of this section need not be present at the hearing. The department shall consider all other relevant evidence at the hearing, including the testimony of law enforcement officers and the reports of such officers which are submitted to the department. The reports of law enforcement officers shall not be required to be made under oath, but such reports shall identify the officers making the reports. The department may consider evidence contained in affidavits from persons other than the respondent, so long as such affidavits include the affiant's home or work address and phone number and are dated, signed, and sworn to by the affiant under penalty of perjury. The affidavit need not be notarized or sworn to before any other person. ~~The respondent must present evidence in person.~~";

line 23, after "CONDUCTED", insert "IN REAL TIME,".

Page 4, line 12, after "CONDUCTED", insert "IN REAL TIME,";

line 23, after "CONDUCTED", insert "IN REAL TIME,".

Page 5, line 11, after "CONDUCTED", insert "IN REAL TIME,".

Education

After consideration on the merits, the committee recommends that **SB01-137** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation:

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Amend printed bill, page 3, strike lines 12 through 18.

Renumber succeeding sections accordingly.

Page 4, line 19, after "BE", insert "THE GREATER OF: THE DISTRICT'S COST OF LIVING FACTOR FOR THE PRIOR BUDGET YEAR OR";

strike line 27.

Page 5, strike lines 1 through 14.

Renumber succeeding sections accordingly.

Page 5, after line 14, insert the following:

"SECTION 3. The introductory portion to 22-54-106 (2) (a), Colorado Revised Statutes, is amended, and the said 22-54-106 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

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

(2) (a) Except as provided in paragraph (c) of this subsection (2), for reorganized districts AND IN PARAGRAPH (a.5) OF THIS SUBSECTION (2), for the 1994 property tax year and property tax years thereafter, each district shall levy the lesser of:

(a.5) FOR THE 2001 PROPERTY TAX YEAR, EACH DISTRICT THAT HAS RECEIVED VOTER APPROVAL TO RETAIN AND EXPEND PROPERTY TAX REVENUES IN EXCESS OF THE DISTRICT'S PROPERTY TAX REVENUE LIMITATION IMPOSED ON THE DISTRICT BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SHALL LEVY THE LESSER OF:

(I) THE NUMBER OF MILLS LEVIED BY THE DISTRICT FOR THE IMMEDIATELY PRECEDING PROPERTY TAX YEAR;

(II) THE NUMBER OF MILLS THAT MAY BE LEVIED BY THE DISTRICT UNDER THE PROPERTY TAX REVENUE LIMITATION IMPOSED ON THE DISTRICT BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION PLUS THE NUMBER OF MILLS THAT WILL GENERATE PROPERTY TAX REVENUE IN AN AMOUNT EQUAL TO THE DIFFERENCE BETWEEN THE DISTRICT'S TOTAL PROGRAM FOR THE APPLICABLE BUDGET YEAR AND WHAT WOULD BE THE DISTRICT'S TOTAL PROGRAM FOR THE APPLICABLE BUDGET YEAR IF CALCULATED USING THE DISTRICT'S COST OF LIVING FACTOR FOR THE PRIOR BUDGET YEAR; OR

(III) THE NUMBER OF MILLS THAT MAY BE LEVIED BY THE DISTRICT UNDER THE PROPERTY TAX REVENUE LIMITATION IMPOSED ON THE DISTRICT BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION PLUS THE NUMBER OF MILLS THAT WILL GENERATE PROPERTY TAX REVENUE IN AN AMOUNT EQUAL TO THE MAXIMUM AMOUNT APPROVED BY THE VOTERS TO BE RETAINED AND SPENT BY THE DISTRICT IN EXCESS OF THE DISTRICT'S PROPERTY TAX REVENUE LIMITATION IMPOSED ON THE DISTRICT BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

SECTION 4. 22-54-108 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-54-108. Authorization of additional local revenues.

(3) (h) IN APPLYING THE LIMITATION OF THIS SUBSECTION (3), THE AMOUNT OF TAX REVENUE RECEIVED FROM ANOTHER LOCAL GOVERNMENT IN ACCORDANCE WITH SECTION 22-54-108.5 (1) (b), IF ANY, SHALL BE COUNTED TOWARD SUCH LIMITATION."

Renumber succeeding sections accordingly.

Page 5, line 18, after "(1)", insert "(a)";

line 19, after "IN", insert "PARAGRAPH (b) OF";

line 22, strike "NOTHING IN";

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strike lines 23 through 26 and substitute the following:

"(b) ANY DISTRICT MAY ACCEPT ANY TAX REVENUE FROM ANOTHER LOCAL GOVERNMENT FOR THE DISTRICT'S GENERAL FUND IN EXCESS OF THE DISTRICT'S TOTAL PROGRAM, AS DETERMINED IN ACCORDANCE WITH SECTION 22-54-104, IN AN AMOUNT THAT DOES NOT EXCEED THE DIFFERENCE BETWEEN THE TOTAL DOLLAR AMOUNT OF ADDITIONAL LOCAL PROPERTY TAX REVENUES THAT THE DISTRICT MAY RAISE AND EXPEND AS DETERMINED PURSUANT TO SECTION 22-54-108 (3) (b) AND THE SUM OF THE DISTRICT'S ADDITIONAL LOCAL PROPERTY TAX REVENUES ALREADY AUTHORIZED, THE SPECIFIC OWNERSHIP TAX REVENUE, IF ANY, AND THE AMOUNTS SET FORTH IN SECTION 22-54-108 (3) (e) OR (3) (f) THAT ARE COUNTED TOWARDS THE DISTRICT'S LIMITATION PURSUANT TO SECTION 22-54-108."

Page 7, strike lines 20 through 27.

Page 8, strike lines 1 through 12.

Renumber succeeding section accordingly.

Education

After consideration on the merits, the committee recommends that **SB01-129** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 5, strike "\$188.30" and substitute "\$200.30";

after line 6, insert the following:

"SECTION 2. 22-28-104 (2) (d), Colorado Revised Statutes, is amended, and the said 22-28-104 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

22-28-104. Establishment of public preschool programs. (2) In recognition of the fact that there are thousands of children in Colorado not presently being served who would benefit from the state preschool program, the number of children that may participate in the state preschool program shall be increased:

(d) (I) To not more than 8,850 in the 1998-99 budget year and to not more than 9,050 in the 1999-2000 ~~budget year and budget years thereafter~~ AND 2000-01 BUDGET YEARS.

(II) For the 1998-99 budget year through the 2000-01 budget year, the department shall allow school districts to apply to the department for authorization to serve no more than five hundred eligible children through a full-day kindergarten component of the district's preschool program. The department, using established criteria, shall select school districts to participate in such full-day kindergarten programs until the total number of full-day kindergarten positions applied for has been filled or the limitation of five hundred children has been reached, whichever event occurs first.

(III) FOR THE 2001-02 BUDGET YEAR AND BUDGET YEARS THEREAFTER, THE DEPARTMENT SHALL ALLOW SCHOOL DISTRICTS TO APPLY TO THE DEPARTMENT FOR AUTHORIZATION TO SERVE ELIGIBLE CHILDREN THROUGH A FULL-DAY KINDERGARTEN COMPONENT OF THE DISTRICT'S PRESCHOOL PROGRAM. EACH SCHOOL DISTRICT SHALL SPECIFY IN ITS APPLICATION THE NUMBER OF FULL-DAY KINDERGARTEN POSITIONS FOR WHICH THE DISTRICT IS APPLYING. THE DEPARTMENT, USING ESTABLISHED CRITERIA, SHALL SELECT SCHOOL DISTRICTS TO PARTICIPATE IN SUCH FULL-DAY KINDERGARTEN PROGRAMS.

(e) TO NOT MORE THAN:

(I) 10,050 IN THE 2001-02 BUDGET YEAR;

(II) 11,050 IN THE 2002-03 BUDGET YEAR;

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(III) 12,050 IN THE 2003-04 BUDGET YEAR;

(IV) 13,050 IN THE 2004-05 BUDGET YEAR; AND

(V) 14,050 IN THE 2005-06 BUDGET YEAR AND BUDGET YEARS THEREAFTER.

SECTION 3. Article 54 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-54-123. National school lunch act - appropriation of state matching funds. FOR THE 2001-02 BUDGET YEAR AND BUDGET YEARS THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE BY SEPARATE LINE ITEM AN AMOUNT TO COMPLY WITH THE REQUIREMENTS FOR STATE MATCHING FUNDS UNDER THE "NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. §1751 ET SEQ. THE DEPARTMENT SHALL DEVELOP PROCEDURES TO ALLOCATE AND DISBURSE THE FUNDS AMONG PARTICIPATING SCHOOL DISTRICTS EACH YEAR IN AN EQUITABLE MANNER AS TO COMPLY WITH THE REQUIREMENTS OF SAID ACT.

SECTION 4. 22-54-103 (1) and (5.5), Colorado Revised Statutes, are amended, and the said 22-54-103 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

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

(1) "AT-RISK FUNDED PUPIL COUNT" MEANS THE GREATER OF:

(a) ~~"At-risk pupils" means:~~ THE NUMBER OF THE DISTRICT'S AT-RISK PUPILS FOR THE APPLICABLE BUDGET YEAR; OR

~~(I) For the 1994-95 budget year, the greater of:~~

~~(A) The number of district pupils eligible for free lunch; or~~

~~(B) The number of pupils calculated in accordance with the following formula:~~

~~District pupils eligible for free lunch + 25% x ((District percentage of pupils eligible for free lunch x District pupil enrollment) - District pupils eligible for free lunch)~~

~~(II) For the 1995-96 budget year and budget years thereafter, the greater of:~~

~~(A) The number of district pupils eligible for free lunch; or~~

~~(B) The number of pupils calculated in accordance with the following formula:~~

~~District percentage of pupils eligible for free lunch x District pupil enrollment~~

(b) For purposes of this subsection (1): THE AVERAGE OF THE NUMBER OF THE DISTRICT'S AT-RISK PUPILS FOR THE APPLICABLE BUDGET YEAR AND THE NUMBER OF THE DISTRICT'S AT-RISK PUPILS FOR THE IMMEDIATELY PRECEDING BUDGET YEAR; OR

~~(I) "District percentage of pupils eligible for free lunch" means the district pupils eligible for free lunch in grades one through eight divided by the district pupil enrollment in grades one through eight.~~

~~(II) "District pupil enrollment" means the pupil enrollment of the district, as determined in accordance with subsection (10) of this section, minus the number of pupils enrolled in district preschool programs pursuant to article 28 of this title and the number of three- or four-year-old pupils with disabilities receiving educational programs pursuant to article 20 of this title.~~

~~(III) "District pupils eligible for free lunch" means the number of~~

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~~pupils included in the district pupil enrollment who are eligible for free lunch pursuant to the provisions of the federal "National School Lunch Act".~~

~~(c) For purposes of this subsection (1), at-risk pupils shall be counted in the same manner as pupils are counted pursuant to subsection (10) of this section~~ THE AVERAGE OF THE NUMBER OF THE DISTRICT'S AT-RISK PUPILS FOR THE APPLICABLE BUDGET YEAR AND THE NUMBER OF THE DISTRICT'S AT-RISK PUPILS FOR THE TWO IMMEDIATELY PRECEDING BUDGET YEARS.

(1.5) (a) "AT-RISK PUPILS" MEANS:

(I) FOR THE 1994-95 BUDGET YEAR, THE GREATER OF:

(A) THE NUMBER OF DISTRICT PUPILS ELIGIBLE FOR FREE LUNCH;
OR

(B) THE NUMBER OF PUPILS CALCULATED IN ACCORDANCE WITH THE FOLLOWING FORMULA:

DISTRICT PUPILS ELIGIBLE FOR FREE LUNCH + 25% X ((DISTRICT PERCENTAGE OF PUPILS ELIGIBLE FOR FREE LUNCH X DISTRICT PUPIL ENROLLMENT) - DISTRICT PUPILS ELIGIBLE FOR FREE LUNCH)

(II) FOR THE 1995-96 BUDGET YEAR AND BUDGET YEARS THEREAFTER, THE GREATER OF:

(A) THE NUMBER OF DISTRICT PUPILS ELIGIBLE FOR FREE LUNCH;
OR

(B) THE NUMBER OF PUPILS CALCULATED IN ACCORDANCE WITH THE FOLLOWING FORMULA:

DISTRICT PERCENTAGE OF PUPILS ELIGIBLE FOR FREE LUNCH X DISTRICT PUPIL ENROLLMENT

(b) FOR PURPOSES OF THIS SUBSECTION (1.5):

(I) "DISTRICT PERCENTAGE OF PUPILS ELIGIBLE FOR FREE LUNCH" MEANS THE DISTRICT PUPILS ELIGIBLE FOR FREE LUNCH IN GRADES ONE THROUGH EIGHT DIVIDED BY THE DISTRICT PUPIL ENROLLMENT IN GRADES ONE THROUGH EIGHT.

(II) "DISTRICT PUPIL ENROLLMENT" MEANS THE PUPIL ENROLLMENT OF THE DISTRICT, AS DETERMINED IN ACCORDANCE WITH SUBSECTION (10) OF THIS SECTION, MINUS THE NUMBER OF PUPILS ENROLLED IN DISTRICT PRESCHOOL PROGRAMS PURSUANT TO ARTICLE 28 OF THIS TITLE AND THE NUMBER OF THREE- OR FOUR-YEAR-OLD PUPILS WITH DISABILITIES RECEIVING EDUCATIONAL PROGRAMS PURSUANT TO ARTICLE 20 OF THIS TITLE.

(III) "DISTRICT PUPILS ELIGIBLE FOR FREE LUNCH" MEANS THE NUMBER OF PUPILS INCLUDED IN THE DISTRICT PUPIL ENROLLMENT WHO ARE ELIGIBLE FOR FREE LUNCH PURSUANT TO THE PROVISIONS OF THE FEDERAL "NATIONAL SCHOOL LUNCH ACT".

(c) FOR PURPOSES OF THIS SUBSECTION (1.5), AT-RISK PUPILS SHALL BE COUNTED IN THE SAME MANNER AS PUPILS ARE COUNTED PURSUANT TO SUBSECTION (10) OF THIS SECTION.

(5.5) "District percentage of at-risk pupils" means the number of at-risk pupils in the district, as determined in accordance with ~~subsection (1.5)~~ SUBSECTION (1.5) of this section, divided by the pupil enrollment of the district, as determined in accordance with subsection (10) of this section; except that pupil enrollment shall not include the number of pupils enrolled in district preschool programs pursuant to article 28 of this title and the number of three- or four-year-old pupils with disabilities receiving educational programs pursuant to article 20 of this title.

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SECTION 5. The introductory portion to 22-54-104 (2) (a) (III.5) and 22-54-104 (2) (a) (III.6), (4), and (5) (f) (II), Colorado Revised Statutes, are amended, and the said 22-54-104 (2) (a) is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBPARAGRAPHS, to read:

22-54-104. District total program - repeal.
(2) (a) (III.5) Except as otherwise provided in this subsection (2), subsection (6) of this section, or section 22-54-104.3, a district's total program for the 1999-2000 budget year and AND 2000-01 budget years thereafter shall be the greater of the following:

(III.6) For the 2000-01 budget year, and budget years thereafter the dollar amount set forth in sub-subparagraph (B) of subparagraph (III.5) of this paragraph (a) shall be increased by the percentage by which the statewide base per pupil funding for the budget year is increased over the statewide base per pupil funding set forth for the 1999-2000 budget year. Such amount shall be rounded to the nearest dollar.

(III.7) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (2), SUBSECTION (6) OF THIS SECTION, OR SECTION 22-54-104.3, A DISTRICT'S TOTAL PROGRAM FOR THE 2001-02 BUDGET YEAR AND BUDGET YEARS THEREAFTER SHALL BE THE GREATER OF THE FOLLOWING:

(A) (DISTRICT PER PUPIL FUNDING X DISTRICT FUNDED PUPIL COUNT) + DISTRICT AT-RISK FUNDING; OR

(B) \$5,100 X DISTRICT FUNDED PUPIL COUNT.

(III.8) FOR THE 2002-03 BUDGET YEAR AND BUDGET YEARS THEREAFTER, THE DOLLAR AMOUNT SET FORTH IN SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III.7) OF THIS PARAGRAPH (a) SHALL BE INCREASED BY THE PERCENTAGE BY WHICH THE STATEWIDE BASE PER PUPIL FUNDING FOR THE BUDGET YEAR IS INCREASED OVER THE STATEWIDE BASE PER PUPIL FUNDING SET FORTH FOR THE 2001-02 BUDGET YEAR. SUCH AMOUNT SHALL BE ROUNDED TO THE NEAREST DOLLAR.

(4) A district's at-risk funding shall be determined in accordance with one of the following formulas:

(a) If the district percentage of at-risk pupils is equal to or less than the statewide average percentage of at-risk pupils or the district's funded pupil count is equal to or less than four hundred fifty-nine, the formula shall be:

(District per pupil funding x 11.5%) x District at-risk pupils FUNDED PUPIL COUNT

(b) If the district percentage of at-risk pupils is greater than the statewide average percentage of at-risk pupils and the district's funded pupil count is greater than four hundred fifty-nine, the formula shall be:

((District per pupil funding x 11.5%) x (Statewide average percentage of at-risk pupils x District pupil enrollment)) + ((District per pupil funding x District at-risk factor) x (District at-risk pupils FUNDED PUPIL COUNT - (Statewide average percentage of at-risk pupils x District pupil enrollment))).

(5) For purposes of the formulas used in this section:

(f) (II) If the district percentage of at-risk pupils is greater than the statewide average percentage of at-risk pupils and the district's funded pupil count is greater than fifty thousand, the district's at-risk factor shall be 11.5% plus a ~~0.34 percentage~~ 0.36 PERCENTAGE point for each percentage point that the district percentage of at-risk pupils exceeds the statewide average percentage of at-risk pupils; except that no district's at-risk factor shall exceed 30%.

SECTION 6. 22-51-102 (3), Colorado Revised Statutes, is amended, and the said 22-51-102 is further amended BY THE

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ADDITION OF A NEW SUBSECTION, to read:

22-51-102. Definitions. As used in this article, unless the context otherwise requires:

(2.5) "EXTRACURRICULAR OR INTERSCHOLASTIC ACTIVITY" SHALL HAVE THE SAME MEANING AS "ACTIVITY" AS SET FORTH IN SECTION 22-32-116.5 (10) (a).

(3) "Pupil transportation" means the transportation of pupils regularly enrolled in the public schools through grade twelve to and from their places of residence and the public schools in which enrolled, including any site attended for special education or vocational education, and to and from one school of attendance and another in vehicles owned or rented and operated by a school district or under contract with a school district, AND TO AND FROM THE PUBLIC SCHOOLS IN WHICH ENROLLED IN VEHICLES OWNED OR RENTED AND OPERATED BY A SCHOOL DISTRICT OR UNDER CONTRACT WITH A SCHOOL DISTRICT FOR THE PURPOSE OF ALLOWING SUCH PUPILS TO PARTICIPATE IN ANY EXTRACURRICULAR OR INTERSCHOLASTIC ACTIVITY.

SECTION 7. Article 7 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 8
SUMMER SCHOOL GRANT PROGRAM

22-7-801. Definitions. AS USED IN THE PART 8, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 24-1-115, C.R.S.

(2) "ELIGIBLE STUDENT" MEANS A STUDENT WHO HAS:

(a) COMPLETED THE THIRD GRADE AND IS PREPARING TO ENTER THE FOURTH GRADE AND HAS SCORED AS PARTIALLY PROFICIENT OR LOWER ON THE THIRD GRADE COLORADO STATE ASSESSMENT PROGRAM READING ASSESSMENT ADMINISTERED PURSUANT TO SECTION 22-7-409; OR

(b) COMPLETED THE FOURTH GRADE AND IS PREPARING TO ENTER THE FIFTH GRADE AND HAS SCORED AS PARTIALLY PROFICIENT OR LOWER ON THE FOURTH GRADE COLORADO STATE ASSESSMENT PROGRAM READING ASSESSMENT ADMINISTERED PURSUANT TO SECTION 22-7-409.

(3) "GRANT PROGRAM" MEANS THE SUMMER SCHOOL GRANT PROGRAM CREATED PURSUANT TO SECTION 22-7-802.

(4) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION CREATED PURSUANT TO SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

22-7-802. Summer school grant program - created - application - rules. (1) THERE IS HEREBY CREATED IN THE DEPARTMENT OF EDUCATION THE SUMMER SCHOOL GRANT PROGRAM TO PROVIDE FUNDING TO SCHOOL DISTRICTS FOR THE OPERATION OF SUMMER SCHOOL READING PROGRAMS. THE SUMMER SCHOOL READING PROGRAMS SHALL BE DESIGNED TO PROVIDE INTENSIVE LITERACY AND READING COMPREHENSION EDUCATION SERVICES TO ELIGIBLE STUDENTS DURING THE SUMMER PRIOR TO BEGINNING FOURTH GRADE AND DURING THE SUMMER PRIOR TO BEGINNING FIFTH GRADE.

(2) TO PARTICIPATE IN THE PROGRAM, A SCHOOL DISTRICT SHALL FILE WITH THE DEPARTMENT AN APPLICATION IN A FORM SPECIFIED BY RULE OF THE STATE BOARD AN APPLICATION THAT DESCRIBES THE CURRICULUM THAT THE SCHOOL DISTRICT EXPECTS TO USE IN THE SUMMER SCHOOL READING PROGRAM AND THE NUMBER OF ELIGIBLE STUDENTS THAT THE SCHOOL DISTRICT ANTICIPATES WILL PARTICIPATE IN THE SUMMER SCHOOL READING PROGRAM.

(3) EACH SCHOOL DISTRICT THAT SUBMITS AN APPLICATION

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PURSUANT TO THIS SECTION SHALL RECEIVE A GRANT IN THE AMOUNT OF ONE HUNDRED DOLLARS FOR EACH ELIGIBLE STUDENT WHO IS ENROLLED IN THE SUMMER SCHOOL READING PROGRAM FOR EACH ACADEMIC YEAR. GRANTS SHALL BE PAID FROM THE SUMMER SCHOOL GRANT PROGRAM FUND CREATED IN SECTION 22-7-803.

(4) ON OR BEFORE SEPTEMBER 1, 2001, THE STATE BOARD SHALL PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., TO IMPLEMENT THE GRANT PROGRAM, INCLUDING BUT NOT LIMITED TO RULES SPECIFYING THE TIME FRAMES FOR SUBMITTING GRANT PROGRAM APPLICATIONS, THE FORM OF THE GRANT PROGRAM APPLICATION, AND THE TIME FRAMES FOR DISTRIBUTION OF THE GRANT MONEYS.

22-7-803. Summer school grant program fund - created.

(1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE SUMMER SCHOOL GRANT PROGRAM FUND, WHICH FUND SHALL BE MADE UP OF MONEYS APPROPRIATED THERETO FROM THE STATE GENERAL FUND OR FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, AS WELL AS ANY MONEYS RECEIVED BY THE DEPARTMENT PURSUANT TO SUBSECTION (2) OF THIS SECTION. THE MONEYS IN SAID FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS OF IMPLEMENTING AND ADMINISTERING THE GRANT PROGRAM.

(2) ANY BEQUESTS, GIFTS, AND GRANTS RECEIVED BY THE DEPARTMENT TO BE USED FOR THE GRANT PROGRAM SHALL BE CREDITED TO THE SUMMER SCHOOL GRANT PROGRAM FUND.

22-7-804. Reporting requirements. (1) EACH SCHOOL DISTRICT THAT PARTICIPATES IN THE GRANT PROGRAM SHALL SUBMIT AN ANNUAL REPORT TO THE DEPARTMENT AFTER COMPLETION OF EACH ACADEMIC YEAR IN WHICH THE SCHOOL DISTRICT PARTICIPATES IN THE GRANT PROGRAM. EACH SCHOOL DISTRICT SHALL SUBMIT THE REPORT ON OR BEFORE OCTOBER 1 FOLLOWING THE COMPLETION OF AN ACADEMIC YEAR AND SHALL INCLUDE THE FOLLOWING INFORMATION:

(a) THE NUMBER OF ELIGIBLE STUDENTS ENROLLED IN THE SCHOOL DISTRICT DURING THE MOST RECENTLY COMPLETED ACADEMIC YEAR AND THE NUMBER OF ELIGIBLE STUDENTS WHO ENROLLED IN THE SUMMER SCHOOL READING PROGRAM;

(b) THE SUBSEQUENT PERFORMANCE LEVELS FOR READING AND WRITING, AS MEASURED BY ASSESSMENTS ADMINISTERED PURSUANT TO THE COLORADO STUDENT ASSESSMENT PROGRAM ESTABLISHED PURSUANT TO SECTION 22-7-409, OF ELIGIBLE STUDENTS WHO ENROLLED IN THE SUMMER SCHOOL READING PROGRAM; AND

(c) SUCH OTHER INFORMATION AS THE STATE BOARD MAY BY RULE REQUIRE TO ASSESS THE EFFECTIVENESS OF THE SUMMER SCHOOL READING PROGRAMS IMPLEMENTED BY THE SCHOOL DISTRICT AND THE GRANT PROGRAM.

SECTION 8. 22-54-117 (1) (e), Colorado Revised Statutes, is amended to read:

22-54-117. Contingency reserve - capital construction expenditures reserve.

(1) An amount to be determined by the general assembly shall be appropriated annually to the state public school fund as a contingency reserve. In deciding the amount to be appropriated to the contingency reserve, the general assembly may take into consideration any recommendations made by the department of education, but nothing in this section shall be construed to obligate the general assembly to provide supplemental assistance to all districts determined to be in need or fully fund the total amount of such need. The state board is authorized to approve and order payments from such contingency reserve for supplemental assistance to districts determined to be in need as the result of any or all of the following circumstances:

(e) Unusual financial burden caused by instruction of children who moved into the district following the pupil enrollment count date. Such supplemental assistance shall not exceed the additional cost

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incurred by the district due to the increase in pupil enrollment. The provisions of this paragraph (e) shall only be available to districts with a funded pupil count of two EIGHT thousand or less.

SECTION 9. Part 1 of article 44 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-44-118. School district emergency reserve. (1) IN ACCORDANCE WITH SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, EACH DISTRICT SHALL MAINTAIN AN EMERGENCY RESERVE IN AN AMOUNT OF THREE PERCENT OR MORE OF THE DISTRICT'S FISCAL YEAR SPENDING MINUS ANNUAL BONDED DEBT SERVICE. A PORTION OF THE DISTRICT EMERGENCY RESERVE SHALL CONSIST OF MONEYS MAINTAINED FOR THE DISTRICT THROUGH ITS ACCOUNT IN THE STATE EMERGENCY RESERVE FOR SCHOOL DISTRICTS ESTABLISHED PURSUANT TO SECTION 24-75-217, C.R.S. IF THE AMOUNT REQUIRED TO BE MAINTAINED IN THE DISTRICT EMERGENCY RESERVE IS GREATER THAN THE AMOUNT AVAILABLE TO THE DISTRICT THROUGH THE STATE EMERGENCY RESERVE FOR SCHOOL DISTRICTS, THE DIFFERENCE SHALL BE PROVIDED FROM MONEYS DESIGNATED THERETO BY THE BOARD OF EDUCATION OF THE DISTRICT.

(2) IF A DISTRICT DECLARES AN EMERGENCY THAT REQUIRES THE EXPENDITURE OF MONEYS FROM THE DISTRICT EMERGENCY RESERVE THAT ARE MAINTAINED FOR THE DISTRICT THROUGH ITS ACCOUNT IN THE STATE EMERGENCY RESERVE FOR SCHOOL DISTRICTS, THE DISTRICT SHALL NOTIFY THE DEPARTMENT OF EDUCATION, AND THE DEPARTMENT MAY AUTHORIZE A WITHDRAWAL FROM THE DISTRICT'S ACCOUNT IN THE STATE EMERGENCY RESERVE FOR SCHOOL DISTRICTS. ANY AMOUNT WITHDRAWN FROM THE DISTRICT'S ACCOUNT IN THE STATE EMERGENCY RESERVE FOR SCHOOL DISTRICTS SHALL BE REPAYED TO SUCH ACCOUNT NO LATER THAN THE FIRST DAY OF THE FISCAL YEAR THAT FOLLOWS THE WITHDRAWAL. NO AMOUNT MAY BE WITHDRAWN FROM THE DISTRICT'S ACCOUNT UNTIL THE DISTRICT HAS DEPLETED MONEYS DESIGNATED TO THE DISTRICT EMERGENCY RESERVE BY THE DISTRICT.

(3) (a) IF A DISTRICT, PRIOR TO JULY 1, 2003, HAS ESTABLISHED A DISTRICT EMERGENCY RESERVE, THE MONEYS IN SUCH RESERVE THAT ARE REPLACED BY MONEYS AVAILABLE TO THE DISTRICT THROUGH ITS ACCOUNT IN THE STATE EMERGENCY RESERVE FOR SCHOOL DISTRICTS MAY:

(I) BE TRANSFERRED TO AND EXPENDED FROM THE DISTRICT'S CAPITAL RESERVE FUND IN ACCORDANCE WITH SECTION 22-45-103 (1)(c); OR

(II) BE EXPENDED TO PURCHASE AND INSTALL EDUCATIONAL TECHNOLOGY EQUIPMENT OR SOFTWARE AND FOR TRAINING.

(b) NONE OF THE SCHOOL DISTRICT MONEYS THAT ARE REPLACED BY MONEYS AVAILABLE TO THE DISTRICT THROUGH ITS ACCOUNT IN THE STATE EMERGENCY RESERVE FOR SCHOOL DISTRICTS MAY BE EXPENDED FOR SALARIES AND BENEFITS FOR SCHOOL DISTRICT EMPLOYEES OR TO RETIRE DEBT OR MULTIPLE FISCAL YEAR OBLIGATIONS.

SECTION 10. Part 2 of article 75 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-75-217. State emergency reserve for school districts. (1) FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, AND FISCAL YEARS THEREAFTER, OUT OF ANY GENERAL FUND REVENUES IN EXCESS OF GENERAL FUND APPROPRIATIONS, AND AFTER RETENTION OF THE RESERVE AS REQUIRED IN SECTION 24-75-201.1 AND THE EMERGENCY RESERVE AS REQUIRED BY SECTION 24-77-104, AN AMOUNT EQUAL TO THREE PERCENT OF THE TOTAL AMOUNT DERIVED BY ADDING THE TOTAL PROGRAM FOR ALL SCHOOL DISTRICTS UNDER THE "PUBLIC SCHOOL FINANCE ACT OF 1994", AS CALCULATED PURSUANT TO ARTICLE 54 OF TITLE 22, C.R.S., FOR THE APPLICABLE FISCAL YEAR TO THE AMOUNT APPROPRIATED BY THE STATE PURSUANT TO THE "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT",

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ARTICLE 20 OF TITLE 22, C.R.S., FOR THE APPLICABLE FISCAL YEAR, THE AMOUNT APPROPRIATED BY THE STATE FOR TRANSPORTATION AID PURSUANT TO ARTICLE 51 OF TITLE 22, C.R.S., FOR THE APPLICABLE FISCAL YEAR, AND THE AMOUNT APPROPRIATED BY THE STATE FOR VOCATIONAL EDUCATION AID PURSUANT TO ARTICLE 8 OF TITLE 23, C.R.S., FOR THE APPLICABLE FISCAL YEAR SHALL BE MAINTAINED IN AN EMERGENCY RESERVE FOR SCHOOL DISTRICTS.

(2) EACH OF THE ONE HUNDRED SEVENTY-SIX SCHOOL DISTRICTS SHALL HAVE AN ACCOUNT IN THE EMERGENCY RESERVE FOR SCHOOL DISTRICTS EQUAL TO THREE PERCENT OF THE TOTAL AMOUNT DERIVED BY ADDING THE DISTRICT'S TOTAL PROGRAM UNDER THE "PUBLIC SCHOOL FINANCE ACT OF 1994", AS CALCULATED PURSUANT TO ARTICLE 54 OF TITLE 22, C.R.S., FOR THE APPLICABLE FISCAL YEAR TO ANY AMOUNT RECEIVED BY THE DISTRICT PURSUANT TO THE "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF TITLE 22, C.R.S., FOR THE APPLICABLE FISCAL YEAR, ANY AMOUNT RECEIVED BY THE DISTRICT AS TRANSPORTATION AID PURSUANT TO ARTICLE 51 OF TITLE 22, C.R.S., FOR THE APPLICABLE FISCAL YEAR, AND ANY AMOUNT RECEIVED BY THE DISTRICT AS VOCATIONAL EDUCATION AID PURSUANT TO ARTICLE 8 OF TITLE 23, C.R.S., FOR THE APPLICABLE FISCAL YEAR.

(3) MONEYS IN THE EMERGENCY RESERVE FOR SCHOOL DISTRICTS SHALL REMAIN AS A SEPARATE RESERVE WITH THE INTEREST EARNED ON THE MONEYS RETAINED IN THE RESERVE IN ORDER TO MAINTAIN THE REQUIRED THREE PERCENT LEVEL FROM YEAR TO YEAR.

(4) MONEYS IN THE EMERGENCY RESERVE FOR SCHOOL DISTRICTS SHALL BE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT OF EDUCATION AND AVAILABLE FOR WITHDRAWAL BY SCHOOL DISTRICTS THAT DECLARE EMERGENCIES IN ACCORDANCE WITH SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION. IF A DISTRICT DECLARES AN EMERGENCY THAT REQUIRES THE EXPENDITURE OF MONEYS FROM THE DISTRICT EMERGENCY RESERVE THAT ARE MAINTAINED FOR THE DISTRICT THROUGH ITS ACCOUNT IN THE STATE EMERGENCY RESERVE FOR SCHOOL DISTRICTS, THE DISTRICT SHALL NOTIFY THE DEPARTMENT, AND THE DEPARTMENT MAY AUTHORIZE A WITHDRAWAL FROM THE DISTRICT'S ACCOUNT IN THE STATE EMERGENCY RESERVE FOR SCHOOL DISTRICTS. ANY AMOUNT WITHDRAWN FROM THE DISTRICT'S ACCOUNT IN THE STATE EMERGENCY RESERVE FOR SCHOOL DISTRICTS SHALL BE REPAID TO SUCH ACCOUNT NO LATER THAN THE FIRST DAY OF THE FISCAL YEAR THAT FOLLOWS THE WITHDRAWAL. NO AMOUNT MAY BE WITHDRAWN FROM THE DISTRICT'S ACCOUNT UNTIL THE DISTRICT HAS DEPLETED MONEYS DESIGNATED TO THE DISTRICT EMERGENCY RESERVE BY THE DISTRICT.

SECTION 11. 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;~~

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(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 12. 22-42-102 (2) (a) (V) and (2) (a) (VI), Colorado Revised Statutes, are amended, and the said 22-42-102 (2) (a) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

22-42-102. Bonded indebtedness - elections. (2) (a) The board of education of any school district, at any regular biennial school election or at a special election called for the purpose, shall submit to the eligible electors of the district the question of contracting a bonded indebtedness for one or more of the following purposes:

(V) For improving school grounds; ~~or~~

(VI) For funding floating indebtedness; OR

(VII) FOR CONSTRUCTING, IMPROVING, ACQUIRING, OR PURCHASING BUILDINGS TO PROVIDE HOUSING FOR TEACHERS OR OTHER SCHOOL DISTRICT EMPLOYEES."

Renumber succeeding section accordingly.

Health,
Environment,
Children
and Families

After consideration on the merits, the committee recommends that **HB01-1265** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 7, line 9, strike "BENEFITS TO" and substitute "BENEFITS.";

strike line 10;

line 22, strike "AT-RISK" and substitute "CHILDREN AND".

Health,
Environment,
Children
and Families

After consideration on the merits, the committee recommends that **HB01-1076** be referred favorably to the Committee of the Whole.

Health,
Environment,
Children
and Families

After consideration on the merits, the committee recommends that **HB01-1074** be referred favorably to the Committee on Appropriations.

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Health,
Environment,
Children
and Families

After consideration on the merits, the committee recommends that **HB01-1152** be referred favorably to the Committee of the Whole.

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Health,
Environment,
Children
and Families

After consideration on the merits, the committee recommends that **HB01-1023** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation:

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Amend reengrossed bill, page 3, line 16, after "LICENSEE.", insert "THE IMMUNITY PROVIDED IN THIS SUBSECTION (6) SHALL APPLY ONLY TO THE LICENSEE AND SHALL NOT AFFECT THE LIABILITY OF ANY OTHER INDIVIDUAL OR ENTITY.".

TRIBUTES--A POINT OF INTEREST

Memorializing Roy E. Klein by Senator Thiebaut

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Honoring Devon Nielson-Eagle Scout by Senator Phillips

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Honoring Eric Nelson-Eagle Scout by Senator Phillips

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Honoring Ken Parnell-Eagle Scout by Senator Phillips

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Honoring Kenny Langley-Eagle Scout by Senator Phillips

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On motion of Senator Phillips, the Senate adjourned until 10:00 a.m., Monday, March 5, 2001.

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Approved:

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Stan Matsunaka
President of the Senate

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Attest:

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Karen Goldman
Secretary of the Senate

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