

HOUSE JOURNAL
SIXTY-FIFTH GENERAL ASSEMBLY
STATE OF COLORADO
Second Regular Session

Sixty-ninth Legislative Day

Monday, March 20, 2006

1 Prayer by Lieutenant Colonel Jack LaPietra, Army Chaplain.

2

3 The Speaker called the House to order at 10:00 a.m.

4

5 Pledge of Allegiance led by Mario Baleio, Cesar Chavez Academy,
6 Pueblo.

7

8 The roll was called with the following result:

9

10 Present--56.

11 Excused--Representatives Cloer, Hefley, McFadyen, McGihon,
12 Penry, Pommer, Schultheis, Sullivan--8.

13 Absent--Representative Paccione--1.

14 Present after roll call--Representatives Cloer, Hefley, McFadyen,
15 McGihon, Paccione, Pommer, Schultheis, Sullivan.

16

17 The Speaker declared a quorum present.

18

19

20 On motion of Representative Massey, the reading of the journal of
21 March 17, 2006, was declared dispensed with and approved as corrected
22 by the Chief Clerk.

23

24

CONSIDERATION OF MEMORIAL

25

26
27 **HM06-1002** by Representative(s) Hoppe--Memorializing former
28 Representative David A. Hamil.

29

30 (Printed and placed in member's file.)

31

32 Amendment No. 1, moved by Representative Hoppe.

33

34 Amend printed memorial, page 1, line 101, strike "**REPRESENTATIVE**"
35 and substitute "**SPEAKER**".

36

37 The amendment was adopted by **viva voce** vote.

38

39 On motion of Representative Hoppe, the memorial was read at length.

40

41 Representative Hoppe introduced members of the family that were
42 present.

43

1 Pursuant to House Rule 26(f) the House stood in recess to allow the
 2 following former members to speak on behalf of the honorable David
 3 Hamil: Former Representative Don Ament.

4
 5
 6 House reconvened.
 7
 8

9 On motion of Representative Hoppe HM06-1002 as amended, was
 10 **adopted**, by the following roll call vote:

	YES	60	NO	00	EXCUSED	05	ABSENT	00
13	Balmer	Y	Decker	Y	Larson	Y	Pommer	E
14	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
15	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
16	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
17	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
18	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
19	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
20	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
21	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	Y
22	Carroll T	Y	Hodge	Y	McFadyen	E	Sullivan	E
23	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
24	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
25	Cloer	E	Judd	Y	Merrifield	Y	Weissmann	Y
26	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
27	Crane	Y	King	Y	Penry	E	White	Y
28	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
29							Speaker	Y

30 Co-sponsors added: Roll call of the House.

31
 32
 33
 34 **CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILL**

35
 36 **HB06-1159** by Representative(s) Paccione; also Senator(s) Johnson--
 37 Concerning the annexation of enclave areas.

38
 39 (Amended as printed in Senate Journal, March 14, pages 490-491.)

40
 41 Representative Paccione moved that the House **not concur** in Senate
 42 amendments and that a Conference Committee be appointed. The motion
 43 was declared **passed** by the following roll call vote:

	YES	51	NO	10	EXCUSED	04	ABSENT	00
46	Balmer	Y	Decker	N	Larson	Y	Pommer	E
47	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
48	Berens	Y	Gallegos	Y	Liston	N	Riesberg	Y
49	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
50	Boyd	Y	Gardner	N	Madden	Y	Schultheis	Y
51	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
52	Butcher	Y	Hall	Y	Massey	N	Soper	Y
53	Cadman	N	Harvey	Y	May	Y	Stafford	N
54	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	N
55	Carroll T	Y	Hodge	Y	McFadyen	E	Sullivan	E
56	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y

1	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
2	Cloer	N	Judd	Y	Merrifield	Y	Weissmann	Y
3	Coleman	Y	Kerr	N	Paccione	Y	Welker	Y
4	Crane	Y	King	Y	Penry	E	White	Y
5	Curry	Y	Knoedler	N	Plant	Y	Witwer	Y
6							Speaker	Y

7 The Speaker appointed Representatives Paccione, Chairman, McKinley
8 and Harvey as House conferees to the bill.

9

10

11

12 On motion of Representative Coleman, the House resolved itself into
13 Committee of the Whole for consideration of General Orders, and she
14 was called to the Chair to act as Chairman.

15

16

17 GENERAL ORDERS--SECOND READING OF BILLS

18

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

23

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

26

27 **SB06-070** by Senator(s) Shaffer; also Representative(s) Plant--
28 Concerning moneys paid by a lessee of personal property
29 for the payment of personal property tax.

30

31 Ordered revised and placed on the Calendar for Third Reading and Final
32 Passage.

33

34 **SB06-124** by Senator(s) Tapia, Keller, Owen; also Representative(s)
35 Hall, Plant, Buescher--Concerning the transfer to the
36 general fund of the fund balance remaining after the repeal
37 of the electronic benefits transfer service fund.

38

39 Ordered revised and placed on the Calendar for Third Reading and Final
40 Passage.

41

42 **SB06-187** by Senator(s) Shaffer; also Representative(s) Witwer--
43 Concerning title 7 of the Colorado Revised Statutes.

44

45 Amendment No. 1, Business Affairs and Labor Report, dated March 15,
46 2006, and placed in member's bill file; Report also printed in House
47 Journal, March 16, pages 112-113.

48

49 As amended, laid over until March 21, retaining place on Calendar.

50

51

52 **SB06-116** by Senator(s) Takis, Hanna, Spence, Taylor; also
53 Representative(s) Schultheis, Coleman, Vigil, White--
54 Concerning replacement of the requirement that the state
55 auditor perform a program review and evaluation of each
56 tobacco settlement program at least once every three years

1 in accordance with a schedule designed by the legislative
 2 audit committee with a requirement that the state auditor
 3 perform such program reviews and evaluations as deemed
 4 necessary by the legislative audit committee after
 5 consultation with the state auditor.

6
 7 Ordered revised and placed on the Calendar for Third Reading and Final
 8 Passage.

9
 10 **SB06-154** by Senator(s) May R.; also Representative(s) Pommer--
 11 Concerning the creation of a central statutory reference for
 12 statutes that authorize the use of the power of eminent
 13 domain.

14
 15 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
 16 March 14, 2006, and placed in member's bill file; Report also printed in
 17 House Journal, March 16, pages 790-791.

18
 19 As amended, ordered revised and placed on the Calendar for Third
 20 Reading and Final Passage.

21
 22 **SB06-010** by Senator(s) Isgar; also Representative(s) Ragsdale,
 23 Larson, McFadyen, Pommer--Concerning the appearance
 24 of a commercial vehicle's owner in a court hearing
 25 concerning a permit or documentation violation.

26
 27 Ordered revised and placed on the Calendar for Third Reading and Final
 28 Passage.

29
 30 On motion of Representative Garcia, the remainder of the General Orders
 31 Calendar (**HB06-1352, SB06-115, 051, 112, HB06-1096, 1314,**
 32 **HCR06-1001**) was laid over until March 21, retaining place on Calendar.

33
 34
 35
 36 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

37
 38 Passed Second Reading: **SB06-070, 124, 116, 154 amended, 010.**

39
 40 Laid over until date indicated retaining place on Calendar: **HB06-1352,**
 41 **SB06-115, 051, 112, 187 amended, HB06-1096, 1314, HCR06-1001--**
 42 March 21, 2006.

43
 44 The Chairman moved the adoption of the Committee of the Whole
 45 Report. As shown by the following roll call vote, a majority of those
 46 elected to the House voted in the affirmative, and the Report was
 47 **adopted.**

48
 49

YES	62	NO	00	EXCUSED	03	ABSENT	00
Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
Buescher	Y	Green	Y	Marshall	Y	Solano	Y
Butcher	Y	Hall	Y	Massey	Y	Soper	Y

50
 51
 52
 53
 54
 55
 56

1	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
2	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	Y
3	Carroll T	Y	Hodge	Y	McFadyen	E	Sullivan	E
4	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
5	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
6	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
7	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
8	Crane	Y	King	Y	Penry	E	White	Y
9	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
10							Speaker	Y

REPORTS OF COMMITTEE OF REFERENCE

APPROPRIATIONS

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

HB06-1019 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 4, after line 10, insert the following:

"SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado easter seals fund, created in section 39-22-3103 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the information technology division, for the fiscal year beginning July 1, 2006, the sum of three hundred fifty dollars (\$350), or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

Page 1, line 104, strike "FUND." and substitute "FUND, AND MAKING AN APPROPRIATION THEREFOR."

HB06-1065 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 2, strike line 5 and substitute the following:

"22-7-603.1. Pilot statewide data-sharing system - definitions - fund created.";

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

strike line 19 and substitute the following:

"INTEROPERABILITY FRAMEWORK. THE DEPARTMENT SHALL INCREMENTALLY IMPLEMENT THE STATEWIDE DATA-SHARING SYSTEM ON

1 A PILOT BASIS. SCHOOL DISTRICTS MAY VOLUNTEER WITH THE
 2 DEPARTMENT TO PARTICIPATE IN THE PILOT STATEWIDE DATA-SHARING
 3 SYSTEM. BASED ON AVAILABLE APPROPRIATIONS, THE DEPARTMENT
 4 SHALL SELECT THE NUMBER OF VOLUNTEER SCHOOL DISTRICTS THAT WILL
 5 PARTICIPATE IN THE PILOT STATEWIDE DATA-SHARING SYSTEM.

6

7 (b) AFTER THE STATEWIDE DATA-SHARING";

8

9 line 20, strike "IMPLEMENTED," and substitute "IMPLEMENTED
 10 STATEWIDE,".

11

12 Page 3, line 13, before "STATEWIDE", insert "PILOT".

13

14 Page 4, line 5, strike "FULLY OPERABLE" and substitute "OPERABLE ON A
 15 PILOT BASIS WITH THE VOLUNTEER SCHOOL DISTRICTS IDENTIFIED
 16 PURSUANT TO PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION";

17

18 before line 7, insert the following:

19

20 "(6) THERE IS HEREBY CREATED IN THE STATE TREASURY THE
 21 DATA-SHARING SYSTEM FUND, REFERRED TO IN THIS SECTION AS THE
 22 "FUND", THAT SHALL CONSIST OF MONEYS CREDITED TO THE FUND
 23 PURSUANT TO SECTION 22-54-114 (2.5) (c). THE MONEYS IN THE FUND
 24 SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
 25 ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE
 26 IMPLEMENTATION OF THIS SECTION. ANY MONEYS IN THE FUND NOT
 27 EXPENDED FOR THE PURPOSE OF THIS SECTION MAY BE INVESTED BY THE
 28 STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME
 29 DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND
 30 SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND
 31 UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A
 32 FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED
 33 OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

34

35 **SECTION 2.** 22-54-114 (2.5), Colorado Revised Statutes, is
 36 amended to read:

37

38 **22-54-114. State public school fund.** (2.5) (a) The general
 39 assembly finds that implementation of section 22-7-603.5, including
 40 implementation of rules to uniquely identify individual students, has
 41 resulted in more accurate determinations of pupil enrollment and a
 42 savings in the amount required to fund the state's share of total program
 43 funding for school districts and institute charter schools.

44

45 (b) For the 2003-04 budget year and ~~budget years thereafter~~ THE
 46 2004-05 BUDGET YEAR, the department of education shall allocate a
 47 portion of the amount of the in-year cost recovery occurring as a result of
 48 the use of unique student identifiers to fund implementation of section
 49 22-7-604.3, concerning the calculation of academic growth of students for
 50 diagnostic purposes. The amount allocated for the implementation of
 51 section 22-7-604.3 shall not exceed two hundred thousand dollars in any
 52 budget year.

53

54 (c) FOR THE 2005-06 BUDGET YEAR, AND BUDGET YEARS
 55 THEREAFTER, THE DEPARTMENT OF EDUCATION SHALL CREDIT A PORTION
 56 OF THE AMOUNT OF THE IN-YEAR COST RECOVERY OCCURRING AS A

1 RESULT OF THE USE OF UNIQUE STUDENT IDENTIFIERS TO THE
2 DATA-SHARING SYSTEM FUND CREATED IN SECTION 22-7-603.1 (6) FOR
3 IMPLEMENTATION OF THE STATEWIDE DATA-SHARING SYSTEM. THE
4 AMOUNT CREDITED FOR THE IMPLEMENTATION OF SECTION 22-7-603.1
5 SHALL NOT EXCEED TWO HUNDRED THOUSAND DOLLARS IN ANY BUDGET
6 YEAR.

7
8 **SECTION 3. Appropriation.** In addition to any other
9 appropriation, there is hereby appropriated, out of any moneys in the
10 data-sharing system fund created in section 22-7-603.1, Colorado Revised
11 Statutes, not otherwise appropriated, to the department of education, for
12 the fiscal year beginning July 1, 2006, the sum of two hundred thousand
13 dollars (\$200,000) or so much thereof as may be necessary, for the
14 implementation of this act."

15
16 Renumber succeeding section accordingly.

17
18 Page 1, line 101, strike "SYSTEM." and substitute "SYSTEM, AND MAKING
19 AN APPROPRIATION THEREFOR."

20
21
22
23 **HB06-1176** be referred to the Committee of the Whole with favorable
24 recommendation.

25
26
27 **HB06-1252** be rereferred favorably to the Committee on Health &
28 Human Services.

29
30
31 **HB06-1257** be amended as follows, and as so amended, be referred to
32 the Committee of the Whole with favorable
33 recommendation:

34
35 Amend printed bill, page 6, line 8, strike "WASTE TIRE RECYCLING
36 DEVELOPMENT CASH" and substitute "STATE HIGHWAY";

37
38 line 9, strike "25-17-202 (3), C.R.S." and substitute "43-4-205 (6.6),
39 C.R.S."

40
41 Page 8, strike lines 10 through 27.

42
43 Page 9, strike lines 1 through 26, and substitute the following:

44 "SECTION 2. 43-4-205 (6.6), Colorado Revised Statutes, is
45 amended to read:

46
47 **43-4-205. Allocation of fund.** (6.6) The revenues credited to the
48 highway users tax fund pursuant to section 24-75-218 (1) (a), C.R.S.,
49 shall be paid to the state highway fund for allocation to the department of
50 transportation and shall be expended for state highway reconstruction,
51 repair, maintenance, and capital expansion projects; EXCEPT THAT, ON
52 JULY 1, 2006, AND ON JULY 1 OF EACH YEAR THEREAFTER, EIGHT
53 HUNDRED THOUSAND DOLLARS OF THE MONEYS PAID TO THE STATE
54 HIGHWAY FUND PURSUANT TO THIS SUBSECTION (6.6), OR SO MUCH
55 THEREOF AS MAY BE AVAILABLE, SHALL BE TRANSFERRED TO THE NOISE
56 MITIGATION FUND CREATED IN SECTION 43-2-403.

1 **SECTION 3. Appropriation.** In addition to any other
2 appropriation, there is hereby appropriated to the department of law, for
3 the fiscal year beginning July 1, 2006, the sum of three thousand dollars
4 (\$3,000), or so much thereof as may be necessary, for the provision of
5 legal services related to the drafting and review of the transportation
6 commission's proposed rules related to the implementation of this act.
7 Said sum shall be from cash funds exempt received from the department
8 of transportation."
9

10 Renumber succeeding section accordingly.

11
12 Page 1, line 101, strike "**HIGHWAYS.**" and substitute "**HIGHWAYS, AND**
13 **MAKING AN APPROPRIATION THEREFOR.**".
14

15
16

17 **HB06-1294** be referred to the Committee of the Whole with favorable
18 recommendation.
19

20

21 **HB06-1297** be amended as follows, and as so amended, be referred to
22 the Committee of the Whole with favorable
23 recommendation:
24

25

26 Amend printed bill, page 4, after line 22, insert the following:

27

28 **"SECTION 2. Appropriation.** In addition to any other
29 appropriation, there is hereby appropriated, out of any moneys in the
30 multiple sclerosis fund, created in section 39-22-3103 (1), Colorado
31 Revised Statutes, not otherwise appropriated, to the department of
32 revenue, for allocation to the information technology division, for the
33 fiscal year beginning July 1, 2006, the sum of three hundred fifty dollars
34 (\$350), or so much thereof as may be necessary, for the implementation
35 of this act."
36

37

38 Renumber succeeding section accordingly.

39

40 Page 1, line 104, strike "**FUND.**" and substitute "**FUND, AND MAKING AN**
41 **APPROPRIATION THEREFOR.**".
42

43

44 **HB06-1317** be amended as follows, and as so amended, be referred to
45 the Committee of the Whole with favorable
46 recommendation:
47

48

49 Amend printed bill, page 3, line 6, after "education," insert "regents of the
50 university of Colorado";

51

52 line 7, strike "four hundred fifty thousand dollars (\$450,000)," and
53 substitute "three hundred sixteen thousand dollars (\$316,000) and 4.0
54 FTE,".
55

56

57

1 **HB06-1322** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4

5 Amend printed bill, page 5, after line 10, insert the following:
6

7 "(e) FOR THE STATE FISCAL YEAR COMMENCING ON JULY 1, 2005,
8 ONE MILLION DOLLARS SHALL BE APPROPRIATED TO THE UNIVERSITY OF
9 COLORADO FOR THE PURPOSES OF ESTABLISHMENT OF A RESEARCH
10 INSTITUTE FOR RENEWABLE ENERGY AND A REGIONAL ENERGY CENTER IN
11 COLORADO TO DEVELOP AND PROMOTE RENEWABLE ENERGY
12 ALTERNATIVES, EFFICIENT LIGHTING, HEATING AND COOLING, AND
13 BUILDING DESIGN. FUNDS APPROPRIATED SHALL BE USED TO DEVELOP
14 ARCHITECTURAL DRAWINGS, DESIGN AND DEVELOPMENT OF GRANTS FOR
15 THE ESTABLISHMENT OF SUCH A RESEARCH INSTITUTE .
16

17 (f) FOR THE STATE FISCAL YEAR COMMENCING ON JULY 1, 2005,
18 FIVE HUNDRED THOUSAND DOLLARS SHALL BE APPROPRIATED TO MESA
19 STATE COLLEGE FOR THE PURPOSES OF ESTABLISHING AN INSTITUTE TO
20 ADDRESS IMPACTS OF ENERGY DEVELOPMENT AND TO TRAIN AND EQUIP
21 STUDENTS FOR CAREERS IN ENERGY RELATED INDUSTRIES. FUNDS
22 APPROPRIATED SHALL BE USED TO DEVELOP ARCHITECTURAL DRAWINGS,
23 DESIGN AND DEVELOPMENT OF GRANTS FOR THE ESTABLISHMENT OF SUCH
24 A RESEARCH INSTITUTE .";
25

26 after line 23, insert the following:
27

28 **"SECTION 3. Appropriation.** (1) In addition to any other
29 appropriation, there is hereby appropriated, out of any moneys in the
30 clean energy development fund created in section 24-22-118 (1),
31 Colorado Revised Statutes, not otherwise appropriated, to the office of
32 the governor, office of energy management and conservation, for the
33 fiscal year beginning July 1, 2005, the sum of six million dollars
34 (\$6,000,000), or so much thereof as may be necessary, for the
35 implementation of this act. Of said sum, three million dollars
36 (\$3,000,000) shall be for the study, engineering, and development of an
37 integrated gasification combined-cycle electric generation facility
38 authorized by section 24-22-118 (2) (a), Colorado Revised Statutes, and
39 three million dollars (\$3,000,000) shall be for grants pursuant to section
40 24-22-118 (3), Colorado Revised Statutes.
41

42 (2) In addition to any other appropriation, there is hereby
43 appropriated to the department of higher education, governing boards,
44 regents of the university of Colorado, for the fiscal year beginning July
45 1, 2005, the sum of one million dollars (\$1,000,000). Said sum shall be
46 from cash funds exempt received out of the appropriation made in
47 subsection (1) of this section pursuant to section 24-22-118 (3) (e),
48 Colorado Revised Statutes.
49

50 (3) In addition to any other appropriation, there is hereby
51 appropriated to the department of higher education, governing boards,
52 trustees of mesa state college, for the fiscal year beginning July 1, 2005,
53 the sum of five hundred thousand dollars (\$500,000). Said sum shall be
54 from cash funds exempt received out of the appropriation made in
55 subsection (1) of this section pursuant to section 24-22-118 (3) (f),
56 Colorado Revised Statutes.

1 (4) In addition to any other appropriation, there is hereby
2 appropriated, out of any moneys in the clean energy development fund
3 created in section 24-22-118 (1), Colorado Revised Statutes, not
4 otherwise appropriated, to the office of the governor, office of energy
5 management and conservation, for the fiscal year beginning July 1, 2006,
6 the sum of six million dollars (\$6,000,000), or so much thereof as may be
7 necessary, for the implementation of this act. Of said sum, three million
8 dollars (\$3,000,000) shall be for the study, engineering, and development
9 of an integrated gasification combined-cycle electric generation facility
10 authorized by section 24-22-118 (2) (a), Colorado Revised Statutes and
11 three million dollars (\$3,000,000) shall be for grants pursuant to section
12 24-22-118 (3) (b), Colorado Revised Statutes."

13
14 Renumber succeeding section accordingly.

15
16 Page 1, line 103, strike "FUND." and substitute "FUND, AND MAKING AN
17 APPROPRIATION IN CONNECTION THEREWITH."

18
19
20
21 **HB06-1325** be amended as follows, and as so amended, be referred to
22 the Committee of the Whole with favorable
23 recommendation:

24
25 Amend printed bill, page 7, after line 15, insert the following:

26 "SECTION 3. Appropriation. In addition to any other
27 appropriation, there is hereby appropriated, out of any gifts, grants and
28 donations credited to the public utilities commission fixed utility fund
29 created in section 40-2-114, Colorado Revised Statutes, not otherwise
30 appropriated, to the department of regulatory agencies, for allocation to
31 the public utilities commission, for the fiscal year beginning July 1, 2006,
32 the sum of forty-four thousand six hundred dollars (\$44,600), or so much
33 thereof as may be necessary, for the implementation of this act."

34
35 Renumber succeeding section accordingly.

36
37 Page 1, line 104, strike "INFRASTRUCTURE." and substitute
38 "INFRASTRUCTURE, AND MAKING AN APPROPRIATION."

39
40
41
42 **HB06-1337** be amended as follows, and as so amended, be referred to
43 the Committee of the Whole with favorable
44 recommendation:

45
46 Amend printed bill, page 3, line 20, strike "NOT".

47
48 Page 5, after line 5, insert the following:

49 "SECTION 4. Appropriation. In addition to any other
50 appropriation, there is hereby appropriated, out of any moneys in the
51 water quality improvement fund created in section 25-8-608 (1.5),
52 Colorado Revised Statutes, not otherwise appropriated, to the department
53 of public health and environment, for the fiscal year beginning July 1,
54 2006, the sum of two hundred ninety-two thousand nine hundred ninety
55 dollars (\$292,990), or so much thereof as may be necessary, for the
56 implementation of this act."

1 Renumber succeeding sections accordingly.

2

3 Page 1, line 102, strike "**PROVISIONS.**" and substitute "**PROVISIONS, AND**
4 **MAKING AN APPROPRIATION THEREWITH.**".

5

6

7

8 **HB06-1375** be amended as follows, and as so amended, be referred to
9 the Committee of the Whole with favorable
10 recommendation:

11

12 Amend the Education Committee Report, dated March 14, 2006, page 1,
13 strike lines 2 and 3 and substitute the following:

14

15 "Page 10 of the bill, strike lines 1 through 18 and substitute the following:

16

17 **"SECTION 6.** Article 20 of title 22, Colorado Revised Statutes,
18 is amended BY THE ADDITION OF A NEW SECTION to read:

19

20 **22-20-114.5. Special education fiscal advisory committee -**
21 **special education high-cost grant program - creation - definitions -**
22 **repeal.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
23 REQUIRES:

24

25 (a) "COMMITTEE" MEANS THE COLORADO SPECIAL EDUCATION
26 FISCAL ADVISORY COMMITTEE CREATED IN SUBSECTION (2) OF THIS
27 SECTION.

28

29 (b) "HIGH COSTS" MEANS THE COSTS INCURRED BY AN
30 ADMINISTRATIVE UNIT ABOVE A THRESHOLD AMOUNT DETERMINED
31 PURSUANT TO PARAGRAPH (e) OF SUBSECTION (4) OF THIS SECTION IN
32 PROVIDING SPECIAL EDUCATIONAL SERVICES, EITHER DIRECTLY OR BY
33 CONTRACT, TO A CHILD WITH DISABILITIES.

34

35 (c) "PROGRAM" MEANS THE SPECIAL EDUCATION HIGH-COST
36 GRANT PROGRAM CREATED PURSUANT TO THIS SECTION.

37

38 (2) (a) THERE IS HEREBY CREATED THE COLORADO SPECIAL
39 EDUCATION FISCAL ADVISORY COMMITTEE IN THE DEPARTMENT. THE
40 COMMITTEE SHALL CONSIST OF THIRTEEN MEMBERS AS FOLLOWS:"";

41

42 line 8 of the committee report, strike "DIRECTORS." and substitute
43 "DIRECTORS."";

44

45 after line 8 of the committee report, insert the following:

46

47 "strike lines 18 through 27 of the bill and substitute the following:

48

49 "(3) THERE IS HEREBY CREATED THE SPECIAL EDUCATION
50 HIGH-COST GRANT PROGRAM. THE PROGRAM SHALL BE A CATEGORICAL
51 PROGRAM FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE
52 CONSTITUTION. THE PURPOSE OF THE PROGRAM SHALL BE TO PROVIDE
53 GRANTS TO ADMINISTRATIVE UNITS AS REIMBURSEMENT FOR HIGH COSTS
54 INCURRED IN PROVIDING SPECIAL EDUCATION SERVICES TO CHILDREN WITH
55 DISABILITIES."

56

1 Page 12 of the bill, strike lines 1 through 9 and substitute the following:

2
3 "(4) (a) FOR THE 2006-07 BUDGET YEAR AND EACH BUDGET YEAR
4 THEREAFTER, SUBJECT TO AVAILABLE APPROPRIATIONS, THE GENERAL
5 ASSEMBLY SHALL APPROPRIATE MONEYS FROM THE GENERAL FUND OR
6 FROM ANY OTHER SOURCE TO THE DEPARTMENT FOR THE PURPOSE OF
7 FUNDING THE PROGRAM. THE MONEYS APPROPRIATED BY THE GENERAL
8 ASSEMBLY TO THE DEPARTMENT SHALL BE DISTRIBUTED BY THE
9 COMMITTEE IN ACCORDANCE WITH THIS SECTION AS GRANTS TO
10 ADMINISTRATIVE UNITS AS".

11
12 Page 7 of the committee report, strike line 21 and substitute the
13 following:

14
15 "SUBJECT TO AVAILABLE APPROPRIATIONS, THE GENERAL ASSEMBLY
16 SHALL ANNUALLY APPROPRIATE MONEYS";

17
18 line 22, strike "DOLLARS".

19
20 Page 9 of the committee report, after line 11, insert the following:

21 "**SECTION 13.** 22-55-102 (4) (d), Colorado Revised Statutes, is
22 amended to read:

23
24 **22-55-102. Definitions.** As used in this article, unless the context
25 otherwise requires:

26
27 (4) "Categorical programs" include only the following programs:

28
29 (d) Special education programs for children with disabilities,
30 INCLUDING THE SPECIAL EDUCATION HIGH-COST GRANT PROGRAM, as
31 described in article 20 of this title;

32
33 **SECTION 14.** 22-60.5-112.5 (1) (a), (2) (b), (3) (b), and (4) (b),
34 Colorado Revised Statutes, are amended to read:

35
36 **22-60.5-112.5. National credential - fee assistance - one-time**
37 **payments.** (1) (a) For the 2002-03 budget year, the 2004-05 budget year,
38 and each budget year thereafter, subject to available appropriations, the
39 department of education shall assist persons who are seeking national
40 credentials by paying a portion of the fees charged for such national
41 credential. THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE, IF
42 AVAILABLE, MONEYS FROM THE STATE EDUCATION FUND CREATED IN
43 SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION, TO THE
44 DEPARTMENT OF EDUCATION TO BE USED FOR THE PURPOSES OF THIS
45 SECTION. Fee assistance pursuant to this section shall be available to any
46 person who:

47
48 (2) (b) Following receipt of the items specified in paragraph (a)
49 of this subsection (2) and verification that the person meets the criteria
50 specified in subsection (1) of this section, the department of education
51 shall forward the fee assistance to the identified national credential
52 program on behalf of the person in the amount specified in subsection (1)
53 of this section. The fee assistance shall be paid out of moneys ~~in the~~
54 ~~national credential fund created in paragraph (b) of subsection (4)~~
55 APPROPRIATED TO THE DEPARTMENT OF EDUCATION PURSUANT
56 PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION.

1 ~~(3) (b) The department of education shall seek and is authorized~~
2 ~~to accept and expend any public or private gifts, grants, and donations~~
3 ~~that may be available to fund the purposes specified in this section. All~~
4 ~~such gifts, grants, and donations shall be transmitted to the state treasurer~~
5 ~~who shall credit the same to the national credential fund created in~~
6 ~~paragraph (b) of subsection (4) of this section.~~

7
8 (4) (b) (I) There is hereby created in the state treasury the national
9 credential fund, referred to in this paragraph (b) as the "fund". The fund
10 shall consist of any moneys appropriated thereto by the general assembly
11 from the state education fund created in section 17 (4) of article IX of the
12 state constitution or from the state general fund and any moneys credited
13 thereto pursuant to paragraph (b) of subsection (3) of this section.
14 Moneys in the fund shall be subject to annual appropriation by the general
15 assembly. Moneys appropriated from the fund shall be used for the
16 payment of fee assistance pursuant to this section. All interest derived
17 from the deposit and investment of moneys in the fund shall be credited
18 to the fund. Any amount remaining in the fund at the end of any fiscal
19 year shall remain in the fund and shall not be transferred or credited to the
20 general fund or to any other fund.

21
22 (II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF
23 THIS PARAGRAPH (b), ANY UNEXPENDED AND UNENCUMBERED MONEYS
24 REMAINING IN THE FUND ON JULY 1, 2006, SHALL BE TRANSFERRED TO THE
25 STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF
26 THE STATE CONSTITUTION.

27
28 (III) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2006."

29
30 Renumber succeeding sections accordingly.

31
32 Page 9 of the committee report, line 12, strike "(1) and (3)," and substitute
33 "(1), (3), and (4),".

34
35 Page 10 of the committee report, after line 2, insert the following:

36
37 ~~"(4) The department shall solicit and may receive such public and~~
38 ~~private gifts, grants, and donations as may be available to fund the grant~~
39 ~~program. Any moneys so received shall be transferred to the state~~
40 ~~treasurer for deposit in the facility summer school grant program fund~~
41 ~~created pursuant to section 22-86-106."~~

42
43 Page 11 of the committee report, strike lines 31 through 33.

44
45 Page 12 of the committee report, strike lines 1 through 20 and substitute
46 the following:

47
48 **"22-86-106. Facility summer school grant program - funding.**
49 ~~(1) There is hereby created in the state treasury the facility summer~~
50 ~~school grant program fund, referred to in this section as the "fund", for~~
51 ~~the payment of facility summer school grants awarded pursuant to this~~
52 ~~article. The fund shall consist of such moneys as may be appropriated~~
53 ~~thereto from the state general fund and from the state education fund~~
54 ~~created in section 17 (4) of article IX of the state constitution, as well as~~
55 ~~any moneys received by the department pursuant to section 22-86-103 (4).~~
56 ~~The moneys in the fund are subject to annual appropriation by the general~~

1 ~~assembly to the department for the purposes specified in this article. The~~
2 ~~department may expend up to one percent of the moneys annually~~
3 ~~appropriated from the fund to offset the documented costs incurred in~~
4 ~~implementing the grant program. All interest derived from the deposit~~
5 ~~and investment of moneys in the fund shall be credited to the fund. At the~~
6 ~~end of any fiscal year, all unexpended and unencumbered moneys in the~~
7 ~~fund shall remain therein and shall not be credited or transferred to the~~
8 ~~general fund or any other fund. FOR THE 2006-07 BUDGET YEAR AND FOR~~
9 ~~EACH BUDGET YEAR THEREAFTER, SUBJECT TO AVAILABLE~~
10 ~~APPROPRIATIONS, THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEYS~~
11 ~~FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE~~
12 ~~IX OF THE STATE CONSTITUTION TO THE DEPARTMENT TO BE USED TO~~
13 ~~AWARD GRANTS FOR FACILITY SUMMER SCHOOL PROGRAMS PURSUANT TO~~
14 ~~THIS ARTICLE."~~

15
16 Page 13 of the committee report, after line 6, insert the following:

17
18 "Page 52 of the bill, strike lines 1 through 14 and substitute the following:

19 **"SECTION 36. Appropriation - adjustments to the 2006 long**
20 **bill.** (1) In addition to any other appropriation, there is hereby
21 appropriated, out of any moneys in the general fund, not otherwise
22 appropriated, to the department of education, management and
23 administration, for the fiscal year beginning July 1, 2006, the sum of
24 sixty-five thousand eight hundred four dollars (\$65,804) and 1.0 FTE, or
25 so much thereof as may be necessary, for the administration of the state
26 preschool and kindergarten program established in section 22-28-104,
27 Colorado Revised Statutes.

28
29 (2) In addition to any other appropriation, there is hereby
30 appropriated, out of any moneys in the general fund, not otherwise
31 appropriated, to the department of education, for management and
32 administration, for the fiscal year beginning July 1, 2006, the sum of
33 thirty-seven thousand five hundred eighty-two dollars (\$37,582) and 0.5
34 FTE, or so much thereof as may be necessary, for the implementation of
35 section 22-20-114.5, Colorado Revised Statutes.

36
37 (3) In addition to any other appropriation, there is hereby
38 appropriated, out of any moneys in the general fund, not otherwise
39 appropriated, to the department of education, for the purpose of awarding
40 grants pursuant to section 22-20-114.5 (4), Colorado Revised Statutes, for
41 the fiscal year beginning July 1, 2006, the sum of two million dollars
42 (\$2,000,000), or so much thereof as may be necessary, for the
43 implementation of this act.

44
45 (4) In addition to any other appropriation, there is hereby
46 appropriated, out of any moneys in the state education fund created in
47 section 17 (4) of article IX of the state constitution, not otherwise
48 appropriated, to the department of education, for the fiscal year beginning
49 July 1, 2006, the sum of one million dollars (\$1,000,000) and 0.3 FTE, or
50 so much thereof as may be necessary, for the implementation of the
51 summer school grant program created in section 22-7-803, Colorado
52 Revised Statutes.

53
54 (5) In addition to any other appropriation, there is hereby
55 appropriated, out of any moneys in the state education fund created in
56 section 17 (4) of article IX of the state constitution, not otherwise

1 appropriated, to the department of education, for the implementation of
2 the facility summer school grant program created in section 22-86-103,
3 Colorado Revised Statutes, for the fiscal year beginning July 1, 2006, the
4 sum of five hundred thousand dollars (\$500,000), or so much thereof as
5 may be necessary, for the implementation of this act.

6
7 (6) In addition to any other appropriation, there is hereby
8 appropriated, out of any moneys in the state education fund created in
9 section 17 (4) of article IX of the state constitution, not otherwise
10 appropriated, to the department of education, for the provision of
11 assistance to persons seeking national credentials pursuant to section
12 22-60.5-112.5, Colorado Revised Statutes, for the fiscal year beginning
13 July 1, 2006, the sum of one hundred thousand dollars (\$100,000), or so
14 much thereof as may be necessary, for the implementation of this act.

15
16 (7) For the implementation of this act, appropriations made in the
17 annual general appropriation act to the department of education, for the
18 fiscal year beginning July 1, 2006, shall be adjusted as follows:

19
20 (a) The general fund appropriation for management and
21 administration is increased by eight hundred forty-five thousand six
22 hundred thirty-three dollars (\$845,633) and 10.0 FTE.

23
24 (b) The cash funds exempt appropriation for management and
25 administration is decreased by eight hundred forty-five thousand six
26 hundred thirty-three dollars (\$845,633) and 10.0 FTE. Said sum shall be
27 from moneys transferred from the State Share of Districts' Total Program
28 Funding line item.

29
30 (c) The general fund appropriation for assistance to public
31 schools, public school finance, for the state share of districts' total
32 program funding, is increased by fifteen million five hundred forty-eight
33 thousand six hundred fifty-eight dollars (\$15,548,658).

34
35 (d) The general fund appropriation for assistance to public
36 schools, categorical programs, district programs required by statute,
37 special education - children with disabilities, is increased by twenty-three
38 million seven hundred twenty thousand dollars (\$23,720,000).

39
40 (e) The appropriation for assistance to public schools, grant
41 programs and other distributions, national credential fund, is decreased
42 by eighty-three thousand dollars (\$83,000). Said sum shall be from the
43 state education fund created in section 17 (4) of article IX of the state
44 constitution.

45
46 (f) The appropriation for assistance to public schools, grant
47 programs and other distributions, national credential fee assistance, is
48 decreased by eighty-three thousand dollars (\$83,000). Said sum shall be
49 from the national credential fund created in section 22-60.5-112.5 (4) (b),
50 Colorado Revised Statutes."."

51
52
53
54 **HB06-1377** be referred to the Committee of the Whole with favorable
55 recommendation.
56

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5

MEMORANDUM
REPORT FROM THE HOUSE AND SENATE
COMMITTEES ON DELAYED BILLS

6 Pursuant to Joint Rule 23 (c), the House and Senate Committees on
7 Delayed Bills, acting jointly, extend the following deadline for
8 HB06-1375, Concerning the Financing of Public Schools:
9

10 The Friday, March 17 deadline (the 66th legislative day) for final passage,
11 including any conference committee report, for any bill prescribing all or
12 a substantial portion of the total funding for public schools pursuant to the
13 "Public School Finance Act of 1994", article 54 of title 22, Colorado
14 Revised Statutes, is extended until Friday, April 7, 2006 (the 87th
15 legislative day).
16

17 This memorandum shall be printed in the journal of each house as is
18 required by said Joint Rule 23 (c).
19

20 (signed)

21 Speaker Romanoff
22 Majority Leader Madden
23 Minority Leader May
24

President Fitz-Gerald
Majority Leader Gordon
Minority Leader McElhany

25
26
27

PRINTING REPORT

28 The Chief Clerk reports the following bill has been correctly printed:
29 **HB06-1380**.
30

31
32
33

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

34 The Speaker has signed: **HB06-1005, 1020, 1025, 1061, 1250**.
35
36

37 House in recess. House reconvened.
38
39

40
41

DELIVERY OF BILLS TO GOVERNOR

42 The Chief Clerk of the House of Representatives reports the following
43 bills have been delivered to the Office of the Governor: **HB06-1005,**
44 **1020, 1023, 1025, 1032, 1061, 1175, 1179, 1250** at 3:50 p.m., on March
45 20, 2006.
46

47
48

MESSAGE FROM THE SENATE

49 The Senate has passed on Third Reading and returns herewith
50 HB06-1320.
51

52 The Senate has passed on Third Reading and transmitted to the Revisor
53 of Statutes: SB06-196
54

55 SB06-058 amended as printed in Senate Journal, March 17, 2006,
56 page 522,

- 1 SB06-035 amended as printed in Senate Journal, March 17, 2006,
2 page 523,
3 SB06-192 amended as printed in Senate Journal, March 17, 2006,
4 page 524,
5 SB06-152 amended as printed in Senate Journal, March 17, 2006,
6 page 525,
7 SB06-002 amended as printed in Senate Journal, March 17, 2006,
8 pages 525-526 and 527-528,
9 HB06-1318 amended as printed in Senate Journal, March 17, 2006,
10 page 523,
11 HB06-1287 amended as printed in Senate Journal, March 17, 2006,
12 page 523.
13

MESSAGE FROM THE REVISOR

- 14
15
16
17 We herewith transmit:
18 Without comment, SB06-196.
19 Without comment, as amended, HB06-1318 and 1287.
20 Without comment, as amended, SB06-058, 035, 192, 152, and 002.
21

INTRODUCTION OF BILLS First Reading

22
23
24
25
26 The following bills were read by title and referred to the committees
27 indicated:

28
29 **SB06-002** by Senator(s) Shaffer; also Representative(s) Pommer--
30 Concerning mandatory disclosure in connection with the
31 purchase of residential real property of whether the
32 property has been used as a methamphetamine laboratory.
33 Committee on Business Affairs and Labor
34

35 **SB06-058** by Senator(s) May R.; also Representative(s) Larson--
36 Concerning an increase in the period for which a
37 certification of emissions control for newer diesel motor
38 vehicles is valid.
39 Committee on Transportation & Energy
40

41 **SB06-152** by Senator(s) Teck; also Representative(s) Buescher--
42 Concerning the oversight of investments for specified
43 institutions of higher education.
44 Committee on Education
45

46 **SB06-192** by Senator(s) Groff; also Representative(s) Riesberg--
47 Concerning a task force on drunk driving.
48 Committee on Judiciary
49

50 **SB06-196** by Senator(s) Hagedorn; also Representative(s) McGihon--
51 Concerning the authority of the governor to appoint a
52 nurse in good standing to the state board of nursing when
53 there is not a candidate available who meets the existing
54 requirements for appointment.
55 Committee on Health and Human Services
56

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LAY OVER OF CALENDAR ITEMS

On motion of Representative Garcia, the following items on the Calendar were laid over until March 21, retaining place on Calendar:

- Consideration of Special Orders--**HB06-1280, 1327.**
- Consideration of Resolutions--**HJR06-1016, 1019, SJR06-013.**
- Consideration of Senate Amendments--**HB06-1087, 1125.**
- Consideration of Governor's Veto--**HB06-1216.**

On motion of Representative Garcia, the House adjourned until 9:00 a.m., March 21, 2006.

Approved:
ANDREW ROMANOFF,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk