

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

Ninety-seventh Legislative Day

Monday, April 17, 2006

1 Prayer by the Reverend Brad Meuli, Denver Rescue Mission.

2

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

4

5 Pledge of Allegiance led by Summer Albright from West Lake Middle
6 School; BreAnna Williams, Hannah Reichle, Brady Elrod from Prairie
7 Hills Elementary, Brighton.

8

9 The roll was called with the following result:

10

11 Present--59.

12 Excused--Representatives Borodkin, Hefley, McCluskey,
13 McFadyen, McGihon, Weissmann--6.

14 Present after roll call--Representatives Borodkin, Hefley,
15 McCluskey, McFadyen, McGihon.

16

17 The Speaker declared a quorum present.

18

19

20 On motion of Representative Soper, the reading of the journal of
21 April 14, 2006, was declared dispensed with and approved as corrected
22 by the Chief Clerk.

23

24

25

26 On motion of Representative Madden, **HB06-1131, 1001, 1092, 1149,**
27 **1336, 1392, SB06-215, HB06-1011, 1013, 1151, 1211, 1304, 1359,**
28 **1017, 1057, 1384, 1387, SB06-203, 204, 205** were added to the Special
29 Orders Calendar on Monday, April 17, 2006.

30

31

32 On motion of Representative Carroll T., the House resolved itself into
33 Committee of the Whole for consideration of Special Orders and he was
34 called to the Chair to act as Chairman.

35

36

37

38

SPECIAL ORDERS--SECOND READING OF BILLS

39

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

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

3
4 **HB06-1131** by Representative(s) Stengel; also Senator(s) McElhany--
5 Concerning persons who provide surety to a court for a
6 defendant that has been taken into custody.

7
8 Amendment No. 1, by Representative Vigil.

9
10 Strike the Appropriations Committee Report, dated April 6, 2006.

11
12 Strike the State, Veterans, and Military Affairs Committee Report, dated
13 February 21, 2006, and substitute the following:

14
15 "Amend printed bill, page 2, strike lines 2 through 12.

16
17 Renumber succeeding sections accordingly.

18
19 Page 2, line 14, strike "A NEW SECTION" and substitute "THE
20 FOLLOWING NEW SECTIONS";

21
22 strike lines 15 and 16 and substitute the following:

23
24 **"12-7-114. Citizen or immigration status - check.** (1) (a) IF A
25 LAW ENFORCEMENT AGENCY HOLDING A DEFENDANT DETERMINES THAT
26 THE DEFENDANT IS PROBABLY ILLEGALLY PRESENT IN THE UNITED STATES,
27 THE LAW ENFORCEMENT AGENCY SHALL NOTIFY THE DEFENDANT'S BAIL
28 BONDING AGENT IN WRITING BEFORE THE BOND IS POSTED, AND THE BAIL
29 BONDING AGENT SHALL NOT FURNISH BAIL FOR THE DEFENDANT UNLESS
30 THE AGENT SIGNS AN ACKNOWLEDGMENT ACCEPTING LIABILITY."

31
32 Page 3, strike lines 1 though 7;

33
34 line 9, strike "COURT" and substitute "JAIL";

35
36 strike lines 13 though 15 and substitute the following:

37
38 "(2) (a) THE STATE MAY USE THE FOLLOWING METHODS TO
39 DETERMINE A DEFENDANT'S PROBABLE IMMIGRATION OR CITIZENSHIP
40 STATUS:"

41
42 Page 4, after line 23, insert the following:

43
44 **"12-7-115. Surety - party in interest - forfeiture - exoneration.**

45 (1) IF A BAIL BOND IS FORFEITED, THE BAIL BONDING AGENT WHO POSTED
46 THE BAIL BOND OR THE AGENT'S REPRESENTATIVE IS A PARTY IN INTEREST
47 TO THE CASE AND IS ENTITLED TO REVIEW DOCUMENTS OR FILES HELD BY
48 THE COURT CONCERNING THE CASE.

49
50 (2) IF THE COURT OR LAW ENFORCEMENT AGENCY FAILS TO ALLOW
51 THE BAIL BONDING AGENT OR THE AGENT'S REPRESENTATIVE ACCESS TO
52 A NONREDACTED COURT OR LAW ENFORCEMENT AGENCY DOCUMENT OR
53 FILE ON A CASE IN WHICH THE AGENT HAS POSTED THE BAIL BOND, THE
54 COURT SHALL EXONERATE THE SURETY FROM LIABILITY ON THE BOND."

55
56 Page 5, strike lines 4 through 27.

1 Renumber succeeding sections accordingly.

2

3 Page 6, line 18, strike "facility" and substitute "facility, REASONABLE
4 RECORDING FEES REQUIRED TO RECORD OR RELEASE COLLATERAL,".

5

6 Page 7, after line 7, insert the following:

7

8 **"SECTION 4.** 12-7-109, Colorado Revised Statutes, is amended
9 BY THE ADDITION OF A NEW SUBSECTION to read:

10

11 **12-7-109. Prohibited activities - penalties.**

12 (4) (a) NOTWITHSTANDING PARAGRAPHS (e) AND (k) OF SUBSECTION (1)
13 OF THIS SECTION, A BAIL BONDING AGENT MAY ACCEPT A QUITCLAIM DEED
14 AS COLLATERAL FOR A LOAN REGARDLESS OF WHETHER THE VALUE OF THE
15 DEED EXCEEDS THE VALUE OF THE BOND. THE BAIL BONDING AGENT
16 SHALL NOT RECORD THE DEED BEFORE JUDGEMENT TO FORFEIT THE BOND
17 IS EXECUTED AGAINST THE SURETY OR PRINCIPLE AND SHALL OTHERWISE
18 COMPLY WITH PARAGRAPH (d.5) OF SUBSECTION (1) OF THIS SECTION.

19

20 (b) IF THE VALUE OF THE QUITCLAIM DEED EXCEEDS THE VALUE OF
21 THE BOND POSTED BY THE BAIL BONDING AGENT, THE AGENT SHALL
22 RETURN TO THE PERSON WHO SIGNED THE QUITCLAIM DEED ANY PROCEEDS
23 THAT EXCEED THE VALUE OF THE BOND WITHIN THIRTY DAYS AFTER
24 ACQUIRING THE PROCEEDS."

25

26 Renumber succeeding sections accordingly.

27

28 Page 7, strike lines 17 and 18 and substitute the following:

29

30 "CHANGES ANY CONDITION OF A BOND."

31

32 Page 8, line 8, after "SURETY", insert "OR THE SURETY'S AGENT";

33

34 line 9, after "APPEAR", insert "OR BE BROUGHT";

35

36 strike lines 10 through 12 and substitute the following:

37 "BEFORE THE COURT BECAUSE OF A LIMITATION PLACED ON THE WARRANT
38 FOR ARREST OF THE DEFENDANT OR BECAUSE THE WARRANT CANNOT BE
39 EXECUTED ON ACCOUNT OF THE LAW OF THE JURISDICTION WHERE THE
40 DEFENDANT IS FOUND.";

41

42 after line 20, insert the following:

43 **"SECTION 7.** 16-4-112 (5) (j), Colorado Revised Statutes, is
44 amended, and the said 16-4-112 is further amended BY THE ADDITION
45 OF A NEW SUBSECTION, to read:

46

47 **16-4-112. Enforcement procedures for compensated sureties.**

48 (5) Liability of bond obligors on bonds issued by compensated sureties
49 may be enforced, without the necessity of an independent action, as
50 follows:

51

52 (j) If, within ~~one year~~ THREE YEARS after payment of the bail
53 forfeiture judgment, ~~the compensated surety effects the apprehension or~~
54 ~~surrender of the defendant and provides reasonable notice to the court to~~
55 ~~which the bond returns that the defendant is available for extradition~~ THE
56 DEFENDANT IS RETURNED TO CUSTODY OR IS UNABLE TO APPEAR ON

1 ACCOUNT OF DEATH, SEVERE HEALTH CONDITION, OR INCARCERATION IN
2 A FOREIGN JURISDICTION OR MENTAL HEALTH FACILITY, the court shall
3 vacate the judgment and order a remission of the amount paid on the bond
4 less ~~any necessary and actual~~ costs incurred by ~~the state and the sheriff~~
5 who has actually extradited the defendant, CALCULATED PURSUANT TO
6 SECTION 16-4-108 (1) (b.5).

7
8 (6) A BAIL BONDING AGENT'S REPRESENTATIVE MAY APPEAR IN
9 COURT ON THE AGENT'S BEHALF IN A SHOW CAUSE HEARING OR BOND
10 PROCEEDING REQUESTED BY THE BAIL BONDING AGENT.

11
12 **SECTION 8.** 16-4-201 (1), Colorado Revised Statutes, is
13 amended to read:

14
15 **16-4-201. Bail after conviction.** (1) After conviction, either
16 before or after sentencing, the defendant may orally, or in writing, move
17 for release on bail pending determination of a motion for a new trial or
18 motion in arrest of judgment or during any stay of execution or pending
19 review by an appellate court, and, except in cases where the defendant has
20 been convicted of a capital offense, the trial court, in its discretion, may
21 continue the bond given for pretrial release, or may release the defendant
22 on increased bail, or require bond under one or more of the alternatives
23 set forth in section 16-4-104. The district attorney must be present at the
24 time the court passes on a defendant's motion for release on bail after
25 conviction. No bond shall be continued in effect following a plea of
26 guilty or of nolo contendere or following conviction. ~~unless the written~~
27 ~~consents of the sureties, if any, are filed of record.~~ No court shall require
28 the posting of any form of bond ~~which~~ THAT allows for the continuance
29 of said bond after a plea of guilty or of nolo contendere or following
30 conviction. ~~without the filing of record of written consents of the sureties,~~
31 ~~if any."~~

32
33 Renumber succeeding section accordingly."

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

37
38 **HB06-1092** by Representative(s) Schultheis, Harvey, Lundberg, Penry,
39 Welker; also Senator(s) Jones, Brophy, Johnson--
40 Concerning increasing the penalty for sexual exploitation
41 of a child by possession of sexually exploitative material,
42 and making an appropriation therefor.

43
44 Amendment No. 1, Appropriations Report, dated April 11, 2006, and
45 placed in member's bill file; Report also printed in House Journal, April
46 11, pages 1127-1128.

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

50
51 **HB06-1392** by Representative(s) Kerr A.; also Senator(s) Boyd--
52 Concerning the authority of the division of alcohol and
53 drug abuse to regulate treatment facilities.

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

1 **SB06-215** by Senator(s) McElhany; also Representative(s) Penry--
2 Concerning a military preference for limited hunting
3 licenses.
4

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

8 **HB06-1001** by Representative(s) Merrifield; also Senator(s) Evans--
9 Concerning principals in public schools.
10

11 Amendment No. 1, Education Report, dated February 9, 2006, and placed
12 in member's bill file; Report also printed in House Journal, February 10,
13 pages 290-293.
14

15 Amendment No. 2, Appropriations Report, dated April 10, 2006, and
16 placed in member's bill file; Report also printed in House Journal, April
17 11, pages 1125-1126.
18

19 Amendment No. 3, by Representative Merrifield.
20

21 Amend the printed bill, page 14, strike lines 4 and 5 and substitute the
22 following:
23

24 "(2) (a) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND
25 THE PRESIDENT OF THE SENATE";
26

27 line 6, strike "COMMITTEES,".
28

29 As amended, ordered engrossed and placed on the Calendar for Third
30 Reading and Final Passage.
31

32 **HB06-1013** by Representative(s) Gallegos; also Senator(s) Hagedorn--
33 Concerning assistance grants for elderly and disabled
34 persons.
35

36 Ordered engrossed and placed on the Calendar for Third Reading and
37 Final Passage.
38

39 **HB06-1211** by Representative(s) Frangas, Cloer; also Senator(s)
40 Keller--Concerning sanctions under the medical assistance
41 program.
42

43 Amendment No. 1, Health and Human Services Report, dated February
44 27, 2006, and placed in member's bill file; Report also printed in House
45 Journal, February 27, pages 570-572.
46

47 Amendment No. 2, Appropriations Report, dated April 12, 2006, and
48 placed in member's bill file; Report also printed in House Journal, April
49 13, pages 1195-1196.
50

51 As amended, ordered engrossed and placed on the Calendar for Third
52 Reading and Final Passage.
53

54 **HB06-1304** by Representative(s) Sullivan; also Senator(s) Taylor--
55 Concerning contributions to volunteer firefighter pension
56 funds.

1 Amendment No. 1, Appropriations Report, dated April 12, 2006, and
2 placed in member's bill file; Report also printed in House Journal, April
3 13, pages 1196-1199.

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

7
8 **HB06-1017** by Representative(s) Hall; also Senator(s) Spence--
9 Concerning the creation of a performance-based incentive
10 for employers that create high quality new jobs in the state.

11
12 Amendment No. 1, Business Affairs and Labor Report, dated February 3,
13 2006, and placed in member's bill file; Report also printed in House
14 Journal, February 6, pages 225-226.

15
16 Amendment No. 2, Appropriations Report, dated April 12, 2006, and
17 placed in member's bill file; Report also printed in House Journal, April
18 13, pages 1201-1203.

19
20 Amendment No. 3, by Representative Plant.

21
22 Amend the Appropriations Committee Report, dated April 12, 2006, page
23 3, line 9, strike "YEAR," and substitute "YEAR AND EACH FISCAL YEAR
24 THEREAFTER,";

25
26 line 16, strike "FIVE" and substitute "THREE";

27
28 line 25, strike "24-75-201.1 (1) (A) (II)," and substitute "24-75-201.1 (1)
29 (a) (II),";

30
31 strike lines 35 through 37.

32
33 Page 4, strike lines 1 through 5 and substitute the following:

34
35 **"SECTION 4. Appropriation.** In addition to any other
36 appropriation, there is hereby appropriated, out of the limited gaming
37 revenues apportioned in section 12-47.1-701, Colorado Revised Statutes,
38 not otherwise appropriated, to the Colorado economic development
39 commission in the office of economic development, office of the
40 governor, to fund performance-based incentives for new job creation
41 pursuant to section 24-46-105.7, Colorado Revised Statutes, for the fiscal
42 year beginning July 1, 2006, the sum of three million dollars
43 (\$3,000,000), or so much thereof as may be necessary, for the
44 implementation of this act.";

45
46 Amendment No. 4, by Representative Butcher.

47
48 Amend the Business Affairs and Labor Committee Report, dated
49 February 3, 2006, page 1, line 14, strike "EXPENDED.;" and substitute
50 "EXPENDED.;"

51
52 after line 14, insert the following:

53
54 "(7) OF THE TOTAL AMOUNT APPROPRIATED BY THE GENERAL
55 ASSEMBLY TO THE COMMISSION TO BE USED FOR THE PURPOSES OF THIS
56 SECTION, AN AMOUNT EQUAL TO FIFTEEN PERCENT OF THE AMOUNT

1 APPROPRIATED SHALL BE USED BY THE COMMISSION TO AWARD
2 PERFORMANCE-BASED INCENTIVES PURSUANT TO THIS SECTION TO
3 EMPLOYERS WHO OPEN A NEW BUSINESS OR EXPAND OR RELOCATE AN
4 EXISTING BUSINESS AND CREATE NEW JOBS IN AN ENTERPRISE ZONE THAT
5 IS NOT WITHIN THE BOUNDARIES OF THE COUNTIES OF DENVER, BOULDER,
6 DOUGLAS, ARAPAHOE, JEFFERSON, OR BROOMFIELD.";"

7
8 As amended, ordered engrossed and placed on the Calendar for Third
9 Reading and Final Passage.

10
11 **HB06-1057** by Representative(s) Stafford--Concerning criminal acts
12 involving animals, and making an appropriation in
13 connection therewith.

14
15 Amendment No. 1, Judiciary Report, dated February 2, 2006, and placed
16 in member's bill file; Report also printed in House Journal, February 3,
17 page 207.

18
19 Amendment No. 2, Appropriations Report, dated April 12, 2006, and
20 placed in member's bill file; Report also printed in House Journal, April
21 13, pages 1203-1204.

22
23 As amended, ordered engrossed and placed on the Calendar for Third
24 Reading and Final Passage.

25
26 **HB06-1384** by Representative(s) Buescher, McFadyen, Butcher; also
27 Senator(s) Tapia--Concerning the expenditure of moneys
28 from the Colorado travel and tourism promotion fund to
29 benefit the Colorado state fair.

30
31 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
32 dated April 5, 2006, and placed in member's bill file; Report also printed
33 in House Journal, April 6, page 1087.

34
35 Amendment No. 2, Appropriations Report, dated April 12, 2006, and
36 placed in member's bill file; Report also printed in House Journal, April
37 13, pages 1205-1206.

38
39 As amended, ordered engrossed and placed on the Calendar for Third
40 Reading and Final Passage.

41
42 **SB06-203** by Senator(s) Windels; also Representative(s) Madden--
43 Concerning the requirement that the Colorado commission
44 on higher education comply with the "State Administrative
45 Procedure Act".

46
47 Ordered revised and placed on the Calendar for Third Reading and Final
48 Passage.

49
50 **SB06-205** by Senator(s) Windels; also Representative(s) Madden--
51 Concerning the membership requirements of boards
52 created in the department of higher education.

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

56

1 On motion of Representative Madden, the remainder of the Special
 2 Orders Calendar (**HB06-1280, 1149, 1336, 1011, 1151, 1359, 1387,**
 3 **SB06-204**) was laid over until April 18, retaining place on Calendar.
 4

5
 6 **AMENDMENT TO THE COMMITTEE OF THE WHOLE REPORT**
 7

8 Representative Stafford moved to amend the Report of the Committee of
 9 the Whole to show that **HB06-1392** did not pass.
 10

11 The amendment was declared **lost** by the following roll call vote:
 12

| | YES | 18 | NO | 45 | EXCUSED | 02 | ABSENT | 00 |
|----|-----------|----|----------|----|------------|----|------------|----|
| 14 | Balmer | Y | Frangas | N | Larson | N | Pommer | N |
| 15 | Benefield | N | Gallegos | N | Lindstrom | N | Ragsdale | N |
| 16 | Berens | N | Garcia | N | Liston | Y | Riesberg | N |
| 17 | Borodkin | N | Gardner | Y | Lundberg | Y | Rose | Y |
| 18 | Buescher | N | Green | N | Madden | N | Schultheis | Y |
| 19 | Butcher | N | Hall | N | Marshall | N | Solano | N |
| 20 | Cadman | Y | Harvey | Y | Massey | N | Soper | N |
| 21 | Carroll M | N | Hefley | E | May | Y | Stafford | Y |
| 22 | Carroll T | N | Hodge | N | McCluskey | N | Stengel | Y |
| 23 | Cerbo | N | Hoppe | Y | McFadyen | N | Sullivan | N |
| 24 | Clapp | Y | Jahn | N | McGihon | N | Todd | N |
| 25 | Cloer | Y | Judd | N | McKinley | N | Vigil | N |
| 26 | Coleman | N | Kerr A | N | Merrifield | N | Weissmann | E |
| 27 | Crane | N | Kerr J | Y | Paccione | N | Welker | Y |
| 28 | Curry | N | King | Y | Penry | N | White | N |
| 29 | Decker | Y | Knoedler | N | Plant | N | Witwer | N |
| 30 | | | | | | | Speaker | N |

31
 32
 33 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**
 34

35 Passed Second Reading: **HB06-1131 amended, 1092 amended, 1392,**
 36 **SB06-215, HB06-1001 amended, 1013, 1211 amended, 1304 amended,**
 37 **1017 amended, 1057 amended, 1384 amended, SB06-203, 205.**
 38

39 Laid over until date indicated retaining place on Calendar: **HB06-1280,**
 40 **1149, 1336, 1011, 1151, 1359, 1387, SB06-204--April 18, 2006.**
 41

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

| | YES | 63 | NO | 00 | EXCUSED | 02 | ABSENT | 00 |
|----|-----------|----|----------|----|-----------|----|------------|----|
| 48 | Balmer | Y | Frangas | Y | Larson | Y | Pommer | Y |
| 49 | Benefield | Y | Gallegos | Y | Lindstrom | Y | Ragsdale | Y |
| 50 | Berens | Y | Garcia | Y | Liston | Y | Riesberg | Y |
| 51 | Borodkin | Y | Gardner | Y | Lundberg | Y | Rose | Y |
| 52 | Buescher | Y | Green | Y | Madden | Y | Schultheis | Y |
| 53 | Butcher | Y | Hall | Y | Marshall | Y | Solano | Y |
| 54 | Cadman | Y | Harvey | Y | Massey | Y | Soper | Y |
| 55 | Carroll M | Y | Hefley | E | May | Y | Stafford | Y |
| 56 | Carroll T | Y | Hodge | Y | McCluskey | Y | Stengel | Y |

| | | | | | | | | |
|---|---------|---|----------|---|------------|---|-----------|---|
| 1 | Cerbo | Y | Hoppe | Y | McFadyen | Y | Sullivan | Y |
| 2 | Clapp | Y | Jahn | Y | McGihon | Y | Todd | Y |
| 3 | Cloer | Y | Judd | Y | McKinley | Y | Vigil | Y |
| 4 | Coleman | Y | Kerr A | Y | Merrifield | Y | Weissmann | E |
| 5 | Crane | Y | Kerr J | Y | Paccione | Y | Welker | Y |
| 6 | Curry | Y | King | Y | Penry | Y | White | Y |
| 7 | Decker | Y | Knoedler | Y | Plant | Y | Witwer | Y |
| 8 | | | | | | | Speaker | Y |

THIRD READING OF BILLS--FINAL PASSAGE

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

HB06-1153 by Representative(s) Berens, Hefley, Balmer, Cloer, Crane, Frangas, Gardner, Hall, Harvey, Kerr, King, Knoedler, Lindstrom, Liston, Lundberg, Massey, May M., McFadyen, Penry, Rose, Schultheis, Soper, Stafford, Sullivan, Todd, Welker, White, Witwer; also Senator(s) Mitchell--Concerning changes to Colorado's sex offender laws, and making an appropriation in connection therewith.

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

| | YES | 63 | NO | 00 | EXCUSED | 02 | ABSENT | 00 |
|----|-----------|----|----------|----|------------|----|------------|----|
| 32 | Balmer | Y | Frangas | Y | Larson | Y | Pommer | Y |
| 33 | Benefield | Y | Gallegos | Y | Lindstrom | Y | Ragsdale | Y |
| 34 | Berens | Y | Garcia | Y | Liston | Y | Riesberg | Y |
| 35 | Borodkin | Y | Gardner | Y | Lundberg | Y | Rose | Y |
| 36 | Buescher | Y | Green | Y | Madden | Y | Schultheis | Y |
| 37 | Butcher | Y | Hall | Y | Marshall | Y | Solano | Y |
| 38 | Cadman | Y | Harvey | Y | Massey | Y | Soper | Y |
| 39 | Carroll M | Y | Hefley | E | May | Y | Stafford | Y |
| 40 | Carroll T | Y | Hodge | Y | McCluskey | Y | Stengel | Y |
| 41 | Cerbo | Y | Hoppe | Y | McFadyen | Y | Sullivan | Y |
| 42 | Clapp | Y | Jahn | Y | McGihon | Y | Todd | Y |
| 43 | Cloer | Y | Judd | Y | McKinley | Y | Vigil | Y |
| 44 | Coleman | Y | Kerr A | Y | Merrifield | Y | Weissmann | E |
| 45 | Crane | Y | Kerr J | Y | Paccione | Y | Welker | Y |
| 46 | Curry | Y | King | Y | Penry | Y | White | Y |
| 47 | Decker | Y | Knoedler | Y | Plant | Y | Witwer | Y |
| 48 | | | | | | | Speaker | Y |

Co-sponsors added: Representatives Garcia, Jahn, McCluskey, Paccione, Speaker.

HB06-1270 by Representative(s) Merrifield, Paccione, Benefield, Larson, Massey, McKinley, Pommer, Solano, Todd; also Senator(s) Gordon--Concerning the authority of public school personnel to make determinations of eligibility for certain public medical benefits.

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

| | YES | 50 | NO | 13 | EXCUSED | 02 | ABSENT | 00 |
|----|-----------|----|----------|----|------------|----|------------|----|
| 7 | Balmer | N | Frangas | Y | Larson | Y | Pommer | Y |
| 8 | Benefield | Y | Gallegos | Y | Lindstrom | Y | Ragsdale | Y |
| 9 | Berens | Y | Garcia | Y | Liston | N | Riesberg | Y |
| 10 | Borodkin | Y | Gardner | Y | Lundberg | N | Rose | N |
| 11 | Buescher | Y | Green | Y | Madden | Y | Schultheis | N |
| 12 | Butcher | Y | Hall | Y | Marshall | Y | Solano | Y |
| 13 | Cadman | N | Harvey | N | Massey | Y | Soper | Y |
| 14 | Carroll M | Y | Hefley | E | May | N | Stafford | Y |
| 15 | Carroll T | Y | Hodge | Y | McCluskey | Y | Stengel | Y |
| 16 | Cerbo | Y | Hoppe | N | McFadyen | Y | Sullivan | N |
| 17 | Clapp | N | Jahn | Y | McGihon | Y | Todd | Y |
| 18 | Cloer | Y | Judd | Y | McKinley | Y | Vigil | Y |
| 19 | Coleman | Y | Kerr A | Y | Merrifield | Y | Weissmann | E |
| 20 | Crane | N | Kerr J | Y | Paccione | Y | Welker | Y |
| 21 | Curry | Y | King | Y | Penry | Y | White | Y |
| 22 | Decker | N | Knoedler | Y | Plant | Y | Witwer | Y |
| 23 | | | | | | | Speaker | Y |

24 Co-sponsors added: Representatives Butcher, Carroll M, Coleman, Frangas,
 25 Gallegos, Garcia, Madden, Marshall.

26
 27 **HB06-1343** by Representative(s) Crane; also Senator(s) Keller--
 28 Concerning measures to ensure that an illegal alien does
 29 not perform work on a public contract for services, and
 30 making an appropriation in connection therewith.

31
 32 The question being "Shall the bill pass?".
 33 A roll call vote was taken. As shown by the following recorded vote, a
 34 majority of those elected to the House voted in the affirmative and the bill
 35 was declared **passed**.

| | YES | 60 | NO | 03 | EXCUSED | 02 | ABSENT | 00 |
|----|-----------|----|----------|----|------------|----|------------|----|
| 37 | Balmer | Y | Frangas | N | Larson | Y | Pommer | Y |
| 38 | Benefield | Y | Gallegos | Y | Lindstrom | N | Ragsdale | Y |
| 39 | Berens | Y | Garcia | Y | Liston | Y | Riesberg | Y |
| 40 | Borodkin | Y | Gardner | Y | Lundberg | Y | Rose | Y |
| 41 | Buescher | Y | Green | Y | Madden | Y | Schultheis | Y |
| 42 | Butcher | Y | Hall | Y | Marshall | Y | Solano | Y |
| 43 | Cadman | Y | Harvey | Y | Massey | Y | Soper | Y |
| 44 | Carroll M | Y | Hefley | E | May | Y | Stafford | Y |
| 45 | Carroll T | Y | Hodge | Y | McCluskey | Y | Stengel | Y |
| 46 | Cerbo | N | Hoppe | Y | McFadyen | Y | Sullivan | Y |
| 47 | Clapp | Y | Jahn | Y | McGihon | Y | Todd | Y |
| 48 | Cloer | Y | Judd | Y | McKinley | Y | Vigil | Y |
| 49 | Coleman | Y | Kerr A | Y | Merrifield | Y | Weissmann | E |
| 50 | Crane | Y | Kerr J | Y | Paccione | Y | Welker | Y |
| 51 | Curry | Y | King | Y | Penry | Y | White | Y |
| 52 | Decker | Y | Knoedler | Y | Plant | Y | Witwer | Y |
| 53 | | | | | | | Speaker | Y |

54 Co-sponsors added: Representatives Berens, Butcher, Cadman, Carroll M,
 55 Decker, Garcia, Gardner, Hall, Harvey, Hoppe, Jahn, Kerr J, King, Knoedler,
 56 Liston, May, Paccione, Penry, Schultheis, Stafford, Todd, Witwer, Speaker.

1 **HB06-1381** by Representative(s) McFadyen, Berens, Riesberg; also
 2 Senator(s) Bacon, Windels--Concerning notification to the
 3 capital development committee of requests for proposals
 4 relating to private prisons.

5
 6 The question being "Shall the bill pass?".
 7 A roll call vote was taken. As shown by the following recorded vote, a
 8 majority of those elected to the House voted in the affirmative and the bill
 9 was declared **passed**.

| | YES | 41 | NO | 22 | EXCUSED | 02 | ABSENT | 00 |
|----|-----------|----|----------|----|------------|----|------------|----|
| 11 | Balmer | N | Frangas | Y | Larson | N | Pommer | Y |
| 12 | Benefield | Y | Gallegos | Y | Lindstrom | Y | Ragsdale | Y |
| 13 | Berens | Y | Garcia | Y | Liston | N | Riesberg | Y |
| 14 | Borodkin | Y | Gardner | Y | Lundberg | N | Rose | N |
| 15 | Buescher | Y | Green | Y | Madden | Y | Schultheis | N |
| 16 | Butcher | Y | Hall | N | Marshall | Y | Solano | Y |
| 17 | Cadman | N | Harvey | N | Massey | Y | Soper | Y |
| 18 | Carroll M | Y | Hefley | E | May | N | Stafford | N |
| 19 | Carroll T | Y | Hodge | Y | McCluskey | Y | Stengel | Y |
| 20 | Cerbo | Y | Hoppe | N | McFadyen | Y | Sullivan | N |
| 21 | Clapp | N | Jahn | Y | McGihon | Y | Todd | Y |
| 22 | Cloer | N | Judd | Y | McKinley | Y | Vigil | Y |
| 23 | Coleman | Y | Kerr A | Y | Merrifield | Y | Weissmann | E |
| 24 | Crane | N | Kerr J | N | Paccione | Y | Welker | N |
| 25 | Curry | Y | King | N | Penry | N | White | Y |
| 26 | Decker | N | Knoedler | N | Plant | Y | Witwer | Y |
| 27 | | | | | | | Speaker | Y |

28 Co-sponsors added: Representatives Carroll M, Merrifield.

29
 30 **HB06-1266** by Representative(s) Larson, Frangas; also Senator(s)
 31 Veiga--Concerning the recovery of public assistance
 32 payments for which a judgment has been issued.

33
 34 The question being "Shall the bill pass?".
 35 A roll call vote was taken. As shown by the following recorded vote, a
 36 majority of those elected to the House voted in the affirmative and the bill
 37 was declared **passed**.

| | YES | 63 | NO | 00 | EXCUSED | 02 | ABSENT | 00 |
|----|-----------|----|----------|----|------------|----|------------|----|
| 39 | Balmer | Y | Frangas | Y | Larson | Y | Pommer | Y |
| 40 | Benefield | Y | Gallegos | Y | Lindstrom | Y | Ragsdale | Y |
| 41 | Berens | Y | Garcia | Y | Liston | Y | Riesberg | Y |
| 42 | Borodkin | Y | Gardner | Y | Lundberg | Y | Rose | Y |
| 43 | Buescher | Y | Green | Y | Madden | Y | Schultheis | Y |
| 44 | Butcher | Y | Hall | Y | Marshall | Y | Solano | Y |
| 45 | Cadman | Y | Harvey | Y | Massey | Y | Soper | Y |
| 46 | Carroll M | Y | Hefley | E | May | Y | Stafford | Y |
| 47 | Carroll T | Y | Hodge | Y | McCluskey | Y | Stengel | Y |
| 48 | Cerbo | Y | Hoppe | Y | McFadyen | Y | Sullivan | Y |
| 49 | Clapp | Y | Jahn | Y | McGihon | Y | Todd | Y |
| 50 | Cloer | Y | Judd | Y | McKinley | Y | Vigil | Y |
| 51 | Coleman | Y | Kerr A | Y | Merrifield | Y | Weissmann | E |
| 52 | Crane | Y | Kerr J | Y | Paccione | Y | Welker | Y |
| 53 | Curry | Y | King | Y | Penry | Y | White | Y |
| 54 | Decker | Y | Knoedler | Y | Plant | Y | Witwer | Y |
| 55 | | | | | | | Speaker | Y |

56 Co-sponsors added: Representatives Berens, Hoppe, Paccione, Rose, Speaker.

1
2 **HB06-1312** by Representative(s) Vigil, Cloer, Garcia, Kerr; also
3 Senator(s) Sandoval, Brophy, Teck, Veiga--Concerning
4 written responses issued by the executive director of the
5 department of revenue upon the request of taxpayers, and
6 making an appropriation therefor.
7

8 The question being "Shall the bill pass?".
9 A roll call vote was taken. As shown by the following recorded vote, a
10 majority of those elected to the House voted in the affirmative and the bill
11 was declared **passed**.
12

| | YES | 63 | NO | 00 | EXCUSED | 02 | ABSENT | 00 |
|----|-----------|----|----------|----|------------|----|------------|----|
| 14 | Balmer | Y | Frangas | Y | Larson | Y | Pommer | Y |
| 15 | Benefield | Y | Gallegos | Y | Lindstrom | Y | Ragsdale | Y |
| 16 | Berens | Y | Garcia | Y | Liston | Y | Riesberg | Y |
| 17 | Borodkin | Y | Gardner | Y | Lundberg | Y | Rose | Y |
| 18 | Buescher | Y | Green | Y | Madden | Y | Schultheis | Y |
| 19 | Butcher | Y | Hall | Y | Marshall | Y | Solano | Y |
| 20 | Cadman | Y | Harvey | Y | Massey | Y | Soper | Y |
| 21 | Carroll M | Y | Hefley | E | May | Y | Stafford | Y |
| 22 | Carroll T | Y | Hodge | Y | McCluskey | Y | Stengel | Y |
| 23 | Cerbo | Y | Hoppe | Y | McFadyen | Y | Sullivan | Y |
| 24 | Clapp | Y | Jahn | Y | McGihon | Y | Todd | Y |
| 25 | Cloer | Y | Judd | Y | McKinley | Y | Vigil | Y |
| 26 | Coleman | Y | Kerr A | Y | Merrifield | Y | Weissmann | E |
| 27 | Crane | Y | Kerr J | Y | Paccione | Y | Welker | Y |
| 28 | Curry | Y | King | Y | Penry | Y | White | Y |
| 29 | Decker | Y | Knoedler | Y | Plant | Y | Witwer | Y |
| 30 | | | | | | | Speaker | Y |

31 Co-sponsors added: Representatives Schultheis, Stafford, Witwer.
32

33 **HB06-1365** by Representative(s) Frangas, Coleman; also Senator(s)
34 Lamborn, Sandoval--Concerning practices related to state
35 budgeting, and, in connection therewith, establishing a
36 performance-based budget for state fiscal years
37 commencing on and after July 1, 2009, and requiring
38 budget savings from the same state fiscal years to be
39 transferred to the Colorado fiscal responsibility fund to be
40 saved and used only during economic downturns to
41 stabilize funding for state programs and to prevent cuts in
42 essential services or layoffs of state personnel.
43

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

| | YES | 58 | NO | 05 | EXCUSED | 02 | ABSENT | 00 |
|----|-----------|----|----------|----|-----------|----|------------|----|
| 50 | Balmer | Y | Frangas | Y | Larson | Y | Pommer | Y |
| 51 | Benefield | Y | Gallegos | Y | Lindstrom | Y | Ragsdale | Y |
| 52 | Berens | Y | Garcia | Y | Liston | Y | Riesberg | Y |
| 53 | Borodkin | Y | Gardner | Y | Lundberg | Y | Rose | Y |
| 54 | Buescher | Y | Green | Y | Madden | Y | Schultheis | N |
| 55 | Butcher | Y | Hall | Y | Marshall | Y | Solano | Y |
| 56 | Cadman | Y | Harvey | Y | Massey | Y | Soper | Y |

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

11 Co-sponsors added: Representatives Berens, Carroll M, Clapp, Crane, Gallegos,
 12 Madden, Paccione, Pommer, Rose, Solano, Vigil.

13
 14 **HB06-1364** by Representative(s) Madden; also Senator(s) Shaffer--
 15 Concerning offenses related to the location of a protected
 16 person.

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

| 22 | YES | 62 | NO | 01 | EXCUSED | 02 | ABSENT | 00 |
|----|-----------|----|----------|----|------------|----|------------|----|
| 23 | Balmer | Y | Frangas | Y | Larson | Y | Pommer | Y |
| 24 | Benefield | Y | Gallegos | Y | Lindstrom | Y | Ragsdale | Y |
| 25 | Berens | Y | Garcia | Y | Liston | Y | Riesberg | Y |
| 26 | Borodkin | Y | Gardner | Y | Lundberg | Y | Rose | N |
| 27 | Buescher | Y | Green | Y | Madden | Y | Schultheis | Y |
| 28 | Butcher | Y | Hall | Y | Marshall | Y | Solano | Y |
| 29 | Cadman | Y | Harvey | Y | Massey | Y | Soper | Y |
| 30 | Carroll M | Y | Hefley | E | May | Y | Stafford | Y |
| 31 | Carroll T | Y | Hodge | Y | McCluskey | Y | Stengel | Y |
| 32 | Cerbo | Y | Hoppe | Y | McFadyen | Y | Sullivan | Y |
| 33 | Clapp | Y | Jahn | Y | McGihon | Y | Todd | Y |
| 34 | Cloer | Y | Judd | Y | McKinley | Y | Vigil | Y |
| 35 | Coleman | Y | Kerr A | Y | Merrifield | Y | Weissmann | E |
| 36 | Crane | Y | Kerr J | Y | Paccione | Y | Welker | Y |
| 37 | Curry | Y | King | Y | Penry | Y | White | Y |
| 38 | Decker | Y | Knoedler | Y | Plant | Y | Witwer | Y |
| 39 | | | | | | | Speaker | Y |

40
 41 Co-sponsors added: Representatives Borodkin, Buescher, Frangas, Garcia,
 42 Hoppe, Jahn, Marshall, Paccione, Solano, Todd, Witwer, Speaker.

43
 44 **HB06-1311** by Representative(s) Curry, Hoppe; also Senator(s) Isgar--
 45 Concerning the species conservation trust fund, and, in
 46 connection therewith, approving the species conservation
 47 eligibility list and recapitalizing the species conservation
 48 trust fund, and making an appropriation.

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

| 54 | YES | 58 | NO | 05 | EXCUSED | 02 | ABSENT | 00 |
|----|--------|----|---------|----|---------|----|--------|----|
| 55 | Balmer | Y | Frangas | Y | Larson | Y | Pommer | Y |

| | | | | | | | | |
|----|-----------|---|----------|---|------------|---|------------|---|
| 1 | Benefield | Y | Gallegos | Y | Lindstrom | N | Ragsdale | Y |
| 2 | Berens | Y | Garcia | Y | Liston | Y | Riesberg | Y |
| 3 | Borodkin | Y | Gardner | Y | Lundberg | N | Rose | Y |
| 4 | Buescher | Y | Green | Y | Madden | Y | Schultheis | N |
| 5 | Butcher | Y | Hall | Y | Marshall | Y | Solano | Y |
| 6 | Cadman | N | Harvey | Y | Massey | Y | Soper | Y |
| 7 | Carroll M | Y | Hefley | E | May | Y | Stafford | Y |
| 8 | Carroll T | Y | Hodge | Y | McCluskey | Y | Stengel | Y |
| 9 | Cerbo | Y | Hoppe | Y | McFadyen | Y | Sullivan | Y |
| 10 | Clapp | Y | Jahn | Y | McGihon | Y | Todd | Y |
| 11 | Cloer | N | Judd | Y | McKinley | Y | Vigil | Y |
| 12 | Coleman | Y | Kerr A | Y | Merrifield | Y | Weissmann | E |
| 13 | Crane | Y | Kerr J | Y | Paccione | Y | Welker | Y |
| 14 | Curry | Y | King | Y | Penry | Y | White | Y |
| 15 | Decker | Y | Knoedler | Y | Plant | Y | Witwer | Y |
| 16 | | | | | | | Speaker | Y |

17 Co-sponsors added: Representatives Berens, Borodkin, Buescher, Carroll M,
18 Frangas, Gallegos, Hall, Madden, Merrifield, Penry, Rose, Solano, White,
19 Witwer.

20

21 **HB06-1362** by Representative(s) Massey and Jahn; also Senator(s)
22 Veiga--Concerning the creation of performance-based
23 incentives for the motion picture industry to work in
24 Colorado, and making an appropriation therefor.

25

26 The question being "Shall the bill pass?".

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

30

| 31 | YES | 48 | NO | 15 | EXCUSED | 02 | ABSENT | 00 |
|----|-----------|----|----------|----|------------|----|------------|----|
| 32 | Balmer | Y | Frangas | Y | Larson | Y | Pommer | N |
| 33 | Benefield | Y | Gallegos | Y | Lindstrom | Y | Ragsdale | Y |
| 34 | Berens | Y | Garcia | N | Liston | Y | Riesberg | Y |
| 35 | Borodkin | Y | Gardner | N | Lundberg | N | Rose | N |
| 36 | Buescher | Y | Green | Y | Madden | Y | Schultheis | N |
| 37 | Butcher | Y | Hall | Y | Marshall | Y | Solano | Y |
| 38 | Cadman | N | Harvey | N | Massey | Y | Soper | Y |
| 39 | Carroll M | Y | Hefley | E | May | N | Stafford | Y |
| 40 | Carroll T | Y | Hodge | Y | McCluskey | Y | Stengel | N |
| 41 | Cerbo | Y | Hoppe | N | McFadyen | Y | Sullivan | Y |
| 42 | Clapp | Y | Jahn | Y | McGihon | Y | Todd | Y |
| 43 | Cloer | Y | Judd | N | McKinley | Y | Vigil | Y |
| 44 | Coleman | Y | Kerr A | Y | Merrifield | Y | Weissmann | E |
| 45 | Crane | Y | Kerr J | Y | Paccione | Y | Welker | N |
| 46 | Curry | Y | King | N | Penry | N | White | Y |
| 47 | Decker | Y | Knoedler | Y | Plant | Y | Witwer | Y |
| 48 | | | | | | | Speaker | Y |

49 Co-sponsors added: Representatives Benefield, Berens, Coleman, Crane,
50 Frangas, Gallegos, Kerr J, Knoedler, Larson, Madden, Marshall, McGihon,
51 Riesberg, Soper, Todd, Vigil.

52

53

54

55

56

REPORTS OF COMMITTEE OF REFERENCE**JUDICIARY**

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

HB06-1382 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 everything below the enacting clause and substitute the following:

"SECTION 1. Legislative declaration. (1) This act shall be known and may be cited as the "Right to Rest in Peace Act".

(2) The general assembly finds and declares that:

(a) Families and friends of persons who have died have a substantial interest in organizing and attending funerals for the deceased;

(b) Those attending funerals will almost certainly be suffering from extreme emotional distress from the loss of a loved one;

(c) Those attending funerals have a right to attend without being subjected to unwanted offensive speech, demonstrations, visual displays, interference, or other actions that contribute to increased and unnecessary additional emotional distress;

(d) Funerals themselves are an expression of the freedoms of speech, religion, and assembly protected by the United States and Colorado constitutions, and, therefore, the state has a substantial interest in allowing funerals to be conducted without interference or disruption from violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct; and

(e) Any distances less than those described in this act would be insufficient to assure that the grief felt by persons attending the funeral would not be increased by violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct.

(3) The general assembly, therefore, determines it is necessary to enact this act in order to:

(a) Protect the privacy of grieving families and others who are entering, attending, or leaving a funeral;

(b) Preserve the peaceful character of funerals and funeral sites; and

(c) Allow for a sufficient distance away from a funeral site so that mourners can be assured that the funeral is not disrupted by violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct.

1 **SECTION 2.** 18-9-101, Colorado Revised Statutes, is amended
2 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
3 read:

4
5 **18-9-101. Definitions.** As used in this part 1, unless the context
6 otherwise requires:

7
8 (1.4) "FUNERAL" MEANS THE CEREMONIES, RITUALS, AND
9 MEMORIAL SERVICES HELD AT A FUNERAL SITE IN CONNECTION WITH THE
10 BURIAL, CREMATION, OR MEMORIAL OF A DECEASED PERSON.

11
12 (1.5) "FUNERAL SITE" MEANS A CHURCH, SYNAGOGUE, MOSQUE,
13 FUNERAL HOME, MORTUARY, CEMETERY, GRAVESITE, MAUSOLEUM, OR
14 OTHER PLACE WHERE A FUNERAL IS CONDUCTED.

15
16 **SECTION 3.** 18-9-106 (3), Colorado Revised Statutes, is
17 amended to read:

18
19 **18-9-106. Disorderly conduct.** (3) (a) An offense under
20 ~~subsections (1) (a) to (1) (c)~~ PARAGRAPH (a) OR (c) OF SUBSECTION (1) of
21 this section is a class 1 petty offense; EXCEPT THAT, IF THE OFFENSE IS
22 COMMITTED WITH INTENT TO DISRUPT, IMPAIR, OR INTERFERE WITH A
23 FUNERAL, OR WITH INTENT TO CAUSE EMOTIONAL DISTRESS TO A PERSON
24 ATTENDING A FUNERAL, IT IS A CLASS 2 MISDEMEANOR.

25
26 (b) An offense under ~~subsection (1) (d)~~ PARAGRAPH (d) OF
27 SUBSECTION (1) of this section is a class 3 misdemeanor.

28
29 (c) An offense under ~~subsection (1) (e) or (1) (f)~~ PARAGRAPH (e)
30 OR (f) OF SUBSECTION (1) of this section is a class 2 misdemeanor.

31
32 **SECTION 4.** 18-9-107 (3), Colorado Revised Statutes, is
33 amended to read:

34
35 **18-9-107. Obstructing highway or other passageway.** (3) An
36 offense under this section is a class 3 misdemeanor; EXCEPT THAT
37 KNOWINGLY OBSTRUCTING THE ENTRANCE INTO, OR EXIT FROM, A
38 FUNERAL OR FUNERAL SITE, OR KNOWINGLY OBSTRUCTING A HIGHWAY OR
39 OTHER PASSAGEWAY WHERE A FUNERAL PROCESSION IS TAKING PLACE IS
40 A CLASS 2 MISDEMEANOR.

41
42 **SECTION 5.** 18-9-108 (2), Colorado Revised Statutes, is
43 amended to read:

44
45 **18-9-108. Disrupting lawful assembly.** (2) Disrupting lawful
46 assembly is a class 3 misdemeanor; EXCEPT THAT, IF THE ACTOR KNOWS
47 THE MEETING, PROCESSION, OR GATHERING IS A FUNERAL, IT IS A CLASS 2
48 MISDEMEANOR.

49
50 **SECTION 6.** 18-9-117 (1) (c) and (3) (a), Colorado Revised
51 Statutes, are amended, and the said 18-9-117 (3) is further amended BY
52 THE ADDITION OF A NEW PARAGRAPH, to read:

53
54 **18-9-117. Unlawful conduct on public property.** (1) It is
55 unlawful for any person to enter or remain in any public building or on
56 any public property or to conduct himself or herself in or on the same in

1 violation of any order, rule, or regulation concerning any matter
2 prescribed in this subsection (1), limiting or prohibiting the use or
3 activities or conduct in such public building or on such public property,
4 issued by any officer or agency having the power of control, management,
5 or supervision of the building or property. In addition to any authority
6 granted by any other law, each such officer or agency may adopt such
7 orders, rules, or regulations as are reasonably necessary for the
8 administration, protection, and maintenance of such public buildings and
9 property, specifically, orders, rules, and regulations upon the following
10 matters:

11
12 (c) Prohibition of activities or conduct within public buildings or
13 on public property which may be reasonably expected to substantially
14 interfere with the use and enjoyment of such places by others or which
15 may constitute a general nuisance OR WHICH MAY INTERFERE WITH,
16 IMPAIR, OR DISRUPT A FUNERAL OR FUNERAL PROCESSION;

17
18 (3) (a) Except as otherwise provided in ~~paragraph (b)~~
19 PARAGRAPHS (b) AND (c) of this subsection (3), any person who violates
20 subsection (1) of this section is guilty of a class 3 misdemeanor.

21
22 (c) ANY PERSON WHO VIOLATES ANY ORDER, RULE, OR
23 REGULATION ADOPTED PURSUANT TO PARAGRAPH (c) OF SUBSECTION (1)
24 OF THIS SECTION CONCERNING FUNERALS OR FUNERAL PROCESSIONS IS
25 GUILTY OF A CLASS 2 MISDEMEANOR.

26
27 **SECTION 7.** Part 1 of article 9 of title 18, Colorado Revised
28 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
29 read:

30
31 **18-9-125. Interference with a funeral.** (1) A PERSON COMMITS
32 INTERFERENCE WITH A FUNERAL IF HE OR SHE, KNOWING A FUNERAL IS
33 BEING CONDUCTED:

34
35 (a) MAKES VERBAL OR NONVERBAL COMMUNICATION THAT
36 KNOWINGLY INVADES THE PRIVACY OF A PERSON ATTENDING THE FUNERAL
37 IN A MANNER THAT WOULD CAUSE A REASONABLE PERSON TO SUFFER
38 EMOTIONAL DISTRESS AND RESULTS IN EMOTIONAL DISTRESS TO THAT
39 PERSON;

40
41 (b) REFUSES TO LEAVE ANY PRIVATE PROPERTY WITHIN ONE
42 HUNDRED FEET OF THE FUNERAL SITE UPON THE REQUEST OF THE OWNER
43 OF THE PRIVATE PROPERTY OR THE OWNER'S AGENT; OR

44
45 (c) REFUSES TO LEAVE ANY PUBLIC PROPERTY WITHIN ONE
46 HUNDRED FEET OF THE FUNERAL SITE UPON THE REQUEST A PUBLIC
47 OFFICIAL WITH AUTHORITY OVER THE PROPERTY OR A PEACE OFFICER WHO
48 HAS REASONABLE GROUNDS TO BELIEVE THE PERSON HAS VIOLATED A
49 RULE OR REGULATION APPLICABLE TO THAT PROPERTY OR A STATUTE OR
50 LOCAL ORDINANCE.

51
52 (2) INTERFERENCE WITH A FUNERAL IS A CLASS 2 MISDEMEANOR.
53 THE MINIMUM FINE PRESCRIBED BY SECTION 18-1.3-501 (1) FOR THE
54 OFFENSE SHALL BE MANDATORY AND MAY NOT BE SUSPENDED IN WHOLE
55 IN OR IN PART.

56

1 (3) EACH VIOLATION OF SUBSECTION (1) OF THIS SECTION SHALL
2 CONSTITUTE A SEPARATE OFFENSE FOR WHICH AN OFFENDER MAY BE
3 SEPARATELY CONVICTED AND SENTENCED.

4
5 (4) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION
6 MAY ALSO BE PROCEEDED AGAINST FOR VIOLATION OF ANY OTHER
7 PROVISION OF LAW.

8
9 **SECTION 8.** Part 1 of article 21 of title 13, Colorado Revised
10 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
11 read:

12
13 **13-21-125. Funeral picketing - short title - legislative**
14 **declaration - damages - definitions.** (1) THIS SECTION SHALL BE
15 KNOWN AND MAY BE CITED AS THE "RIGHT TO REST IN PEACE ACT".

16
17 (2) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

18
19 (a) ONE OF THE FUNDAMENTAL REASONS WE HUMANS ORGANIZE
20 OURSELVES INTO SOCIETIES IS TO RITUALLY ASSIST IN AND RECOGNIZE THE
21 GRIEVING PROCESS;

22
23 (b) FUNERAL PICKETING DISRUPTS THAT FUNDAMENTAL GRIEVING
24 PROCESS;

25
26 (c) FUNERAL PICKETING INTENTIONALLY INFLECTS SEVERE
27 EMOTIONAL DISTRESS ON THE MOURNERS; AND

28
29 (d) FULL OPPORTUNITY EXISTS UNDER THE TERMS AND PROVISIONS
30 OF THIS SECTION FOR THE EXERCISE OF FREEDOM OF SPEECH AND OTHER
31 CONSTITUTIONAL RIGHTS OTHER THAN AT AND DURING THE FUNERAL.

32
33 (3) THE GENERAL ASSEMBLY, THEREFORE, DETERMINES IT IS
34 NECESSARY TO ENACT THIS SECTION IN ORDER TO:

35
36 (a) PROTECT THE PRIVACY OF THE MOURNERS DURING THE
37 FUNERAL; AND

38
39 (b) PRESERVE A FUNERAL-SITE ATMOSPHERE THAT ENHANCES THE
40 GRIEVING PROCESS.

41
42 (4) AS USED IN THIS SECTION:

43
44 (a) "FUNERAL" MEANS THE CEREMONIES, RITUALS, PROCESSIONS,
45 AND MEMORIAL SERVICES HELD AT A FUNERAL SITE IN CONNECTION WITH
46 THE BURIAL, CREMATION, OR MEMORIAL OF A DECEASED PERSON,
47 INCLUDING THE ASSEMBLY AND DISPERSAL OF THE MOURNERS.

48
49 (b) "FUNERAL PICKETING" MEANS A PUBLIC DEMONSTRATION AT
50 A FUNERAL SITE DURING THE FUNERAL THAT IS REASONABLY CALCULATED
51 TO INFLECT SEVERE EMOTIONAL DISTRESS ON THE MOURNERS.

52
53 (c) "FUNERAL SITE" MEANS A CHURCH, SYNAGOGUE, MOSQUE,
54 FUNERAL HOME, MORTUARY, GRAVESITE, MAUSOLEUM, OR OTHER PLACE
55 WHERE A FUNERAL IS BEING CONDUCTED.

56

1 (d) "MOURNER" MEANS A MEMBER OF THE DECEDENT'S IMMEDIATE
2 FAMILY AT THE FUNERAL.

3
4 (5) IT IS UNLAWFUL FOR A PERSON TO KNOWINGLY ENGAGE IN
5 FUNERAL PICKETING WITHIN ONE HUNDRED FEET OF THE FUNERAL SITE OR
6 TO ENGAGE IN ELECTRONICALLY AMPLIFIED FUNERAL PICKETING WITHIN
7 ONE HUNDRED FIFTY FEET OF THE FUNERAL SITE.

8
9 (6) (a) EACH MOURNER SHALL BE ENTITLED TO RECOVER
10 REASONABLE DAMAGES, BUT NOT LESS THAN ONE THOUSAND DOLLARS,
11 TOGETHER WITH REASONABLE ATTORNEY FEES AND COSTS FROM EACH
12 PERSON WHO VIOLATES SUBSECTION (5) OF THIS SECTION.

13
14 (b) THE COURT SHALL IMPOSE JOINT AND SEVERAL LIABILITY ON
15 ANY PERSON WHO:

16
17 (I) VIOLATES SUBSECTION (5) OF THIS SECTION BY ACTING IN
18 CONCERT WITH ONE OR MORE OTHER PERSONS; OR

19
20 (II) CONSCIOUSLY CONSPIRES WITH ONE OR MORE OTHER PERSONS
21 AND DELIBERATELY PURSUES A COMMON PLAN OR DESIGN TO COMMIT A
22 VIOLATION OF SUBSECTION (5) OF THIS SECTION.

23
24 (7) THE ATTORNEY GENERAL IS AUTHORIZED TO PROSECUTE AN
25 ACTION UNDER THIS SECTION.

26
27 application thereof to any person or circumstance is held invalid, the
28 invalidity shall not affect other provisions or applications of this act
29 which can be given effect without the invalid provision or application,
30 and to this end the provisions of this act are severable.

31
32 **SECTION 10. Effective date - applicability.** This act shall take
33 effect upon passage and shall apply to offenses committed on or after the
34 effective date of this act.

35
36 **SECTION 11. Safety clause.** The general assembly hereby finds,
37 determines, and declares that this act is necessary for the immediate
38 preservation of the public peace, health, and safety."

39
40
41
42 **SB06-110** be referred favorably to the Committee on Appropriations.

43
44
45
46 **PRINTING REPORT**

47
48 The Chief Clerk reports the following bill has been correctly printed:
49 **HB06-1397.**

50
51
52
53 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

54
55 The Speaker has signed: **SJM06-002; SJR06-013, 023, 026.**
56

MESSAGE FROM THE SENATE

1
2
3 The Senate has passed on Third Reading and returns herewith,
4 HB06-1019, and HB06-1297.
5
6 The Senate has passed on Third Reading and transmitted to the Revisor
7 of Statutes: SB06-223,
8
9 SB06-224, amended as printed in Senate Journal, April 14, 2006,
10 page 899,
11 SB06-149 amended as printed in Senate Journal, April 14, 2006,
12 page 899-900.
13 HB06-1386, amended on Third Reading, April.17, 2006, as printed in
14 the Senate Journal.
15
16 Upon announcement of President Fitzgerald, Senators Entz and Evans
17 were removed as sponsors on SB06-223.

MESSAGE FROM THE REVISOR

18
19
20
21
22 We herewith transmit:
23 Without comment, SB06-223.
24 Without comment, as amended, HB06-1386.
25 Without comment, as amended, SB06-224 and 149.
26

MESSAGE FROM THE GOVERNOR

27
28
29
30 I certify I received the following on the 14th day of April, 2006, at
31 2:30 p.m. The original is on file in the records of the House of
32 Representatives of the General Assembly.
33

34 Marilyn Eddins,
35 Chief Clerk of the House

36 April 13, 2006
37

38 The Honorable Colorado House of Representatives
39 Sixty-Fifth General Assembly
40 Second Regular Session
41 State Capitol
42 Denver, Colorado 80203
43

44 Ladies and Gentlemen:
45

46 I am filing with the Secretary of State House Bill 06-1295, "Concerning the
47 Salaries of County Officers, and, in connection therewith, Implementing the
48 Recommendations of the County Elected Officials' Salary Commission." I will
49 neither sign nor veto H.B.1295. Therefore, this bill becomes law at 12:01 a.m.
50 on April 14, 2006. This letter sets forth my reasons for letting this bill become
51 law without my signature.
52

53 House Bill 1295 increases the annual salaries of county commissioners, sheriffs,
54 treasures and other county officers based on recommendations made by the
55 County Elected Officials Salary Commission.
56

1 While the increases are different for each position and for each of the county
2 categories, I am concerned that these raises may place a burden on smaller
3 counties. However, nearly all counties supported this legislation and believe
4 that they could afford the increases.

5
6 I understand the great difficulty in determining equitable compensation for
7 elected officials. Earlier this year, I proposed that the General Assembly adjust
8 the compensation for our state's constitutional officers who will be elected to
9 office this November. Such action has been the tradition of outgoing
10 Governors. Colorado ranks among the bottom seven states in the country for
11 compensation of these public officials. Unfortunately, the legislature has
12 chosen not to act on this proposal, though it did see fit to raise county officers'
13 compensation.

14
15 Despite my concerns and belief that our constitutional officers are not being
16 treated equitably, I will allow this bill to become law without my signature out
17 of deference to the counties' requests and the salary commission's findings.

18
19 Sincerely,
20 (signed)
21 Bill Owens

22 _____
23
24 House in recess. House reconvened.

25 _____
26
27 **MESSAGE FROM THE SENATE**

28
29 The Senate has adopted the First Report of the Second Conference
30 Committee on HB06-1375, as printed in Senate Journal, April 17, 2006,
31 and repassed the bill as amended. The bill is returned herewith.

32 _____
33
34 **FIRST REPORT OF SECOND CONFERENCE COMMITTEE**
35 **on HB06-1375**

36
37 This Report Amends the Rerevised Bill.

38
39 To the President of the Senate and the
40 Speaker of the House of Representatives:

41
42 Your second conference committee appointed on HB06-1375,
43 concerning the financing of public schools, and making an appropriation
44 therefor, has met and reports that it has agreed upon the following:

45
46 1. That the House accede to the Senate amendments made to the
47 bill, as the amendments appear in the rerevised bill, with the following
48 changes:

49
50 Amend rerevised bill, page 7, line 4, strike "AND THAT";

51
52 strike lines 18 through 27 and substitute the following:

53
54 **"SECTION 6.** 22-20-109 (4) (a), (5) (a), and (6), Colorado
55 Revised Statutes, are amended, and the said 22-20-109 is further
56 amended, BY THE ADDITION OF A NEW SUBSECTION to read:

1 **22-20-109. Tuition - repeal.** (4) (a) When a child with a
 2 disability enrolls and attends a school in a district other than the child's
 3 district of residence pursuant to the provisions of section 22-36-101, and
 4 the school does not provide the child an on-line program pursuant to
 5 section 22-33-104.6, the district of residence shall be responsible for
 6 paying the tuition charge for educating the child to the district of
 7 attendance. The district of attendance shall not charge the district of
 8 residence tuition for the excess costs incurred in educating a child with
 9 a disability ~~who receives educational services from the district of~~
 10 ~~attendance for less than a percentage of time specified by rule of the state~~
 11 ~~board~~ UNLESS THE CHILD MEETS THE CRITERIA FOR FUNDING PURSUANT TO
 12 SECTION 22-20-114 (1) (c) (II). The district of attendance shall provide
 13 notice to the district of residence in accordance with state board rules
 14 adopted pursuant to paragraph (b) of this subsection (4) when a child with
 15 a disability applies to enroll in a school in the district of attendance. The
 16 amount of the tuition charge shall be determined pursuant to a contract
 17 entered into between the two districts pursuant to subsection (1) of this
 18 section. Under the circumstances described in this subsection (4), the
 19 provisions of section 22-20-108 (8) shall not apply.

20
 21 (5) (a) When a child with a disability enrolls in and attends a
 22 district charter school pursuant to the provisions of part 1 of article 30.5
 23 of this title, OR AN INSTITUTE CHARTER SCHOOL PURSUANT TO PART 5 OF
 24 ARTICLE 30.5 OF THIS TITLE, including a DISTRICT OR INSTITUTE charter
 25 school that provides an on-line program pursuant to section 22-33-104.6,
 26 the district of residence shall be responsible for paying to the district OR
 27 INSTITUTE charter school the tuition charge for the excess costs incurred
 28 in educating the child. THE DISTRICT OR INSTITUTE CHARTER SCHOOL
 29 SHALL NOT CHARGE THE DISTRICT OF RESIDENCE TUITION FOR THE EXCESS
 30 COSTS INCURRED IN EDUCATING A CHILD WITH A DISABILITY UNLESS THE
 31 CHILD MEETS THE CRITERIA FOR FUNDING PURSUANT TO SECTION
 32 22-20-114 (1) (c) (II). The tuition responsibility shall be reflected in a
 33 contract between the DISTRICT OR INSTITUTE charter school and the
 34 district of residence in a form approved by the chartering district. The
 35 DISTRICT OR INSTITUTE charter school shall provide notice to the district
 36 of residence in accordance with state board rules adopted pursuant to
 37 subsection (7) of this section when a child with a disability applies to
 38 enroll in the DISTRICT OR INSTITUTE charter school. The amount of the
 39 tuition charge shall be determined pursuant to rules adopted by the state
 40 board pursuant to subsection (7) of this section. Under the circumstances
 41 described in this subsection (5), the provisions of section 22-20-108 (8)
 42 shall not apply."

43
 44 Page 8, strike lines 1 through 12;

45
 46 line 14, after "a", insert "DISTRICT OR INSTITUTE";

47
 48 strike line 21;

49
 50 line 22, strike "THE STATE BOARD." and substitute "PROGRAM UNLESS THE
 51 CHILD MEETS THE CRITERIA FOR FUNDING PURSUANT TO SECTION
 52 22-20-114 (1) (c) (II)."

53
 54 Page 9, after line 4, insert the following:

55 "(8) (a) THE STATE BOARD SHALL EXAMINE AND DEVELOP
 56 PROPOSED CRITERIA, IN ADDITION TO THOSE SPECIFIED IN SUBSECTIONS (4),

1 (5), AND (6) OF THIS SECTION, BY WHICH TO DETERMINE WHETHER A
2 CHILD'S SCHOOL DISTRICT OF RESIDENCE SHALL BE REQUIRED TO PAY A
3 DISTRICT OF ATTENDANCE, A DISTRICT OR INSTITUTE CHARTER SCHOOL, OR
4 THE PROVIDER OF AN ON-LINE PROGRAM THE TUITION CHARGE FOR EXCESS
5 COSTS INCURRED IN EDUCATING A CHILD WITH A DISABILITY WHO
6 RECEIVES EDUCATIONAL SERVICES FROM THE DISTRICT OF ATTENDANCE,
7 THE DISTRICT OR INSTITUTE CHARTER SCHOOL, OR THE PROVIDER OF THE
8 ON-LINE PROGRAM, AS APPLICABLE. IN DEVELOPING THE PROPOSED
9 CRITERIA, THE STATE BOARD SHALL, AT A MINIMUM, CONSIDER THE
10 INTENSITY AND DURATION OF THE SPECIAL EDUCATION SERVICES
11 PROVIDED AS FACTORS IN DETERMINING WHEN A CHILD'S DISTRICT OF
12 RESIDENCE IS RESPONSIBLE FOR PAYING A SCHOOL DISTRICT OF
13 ATTENDANCE, A DISTRICT OR INSTITUTE CHARTER SCHOOL, OR A PROVIDER
14 OF AN ON-LINE PROGRAM, AS APPLICABLE, THE TUITION CHARGE FOR
15 EXCESS COSTS. THE STATE BOARD SHALL ENSURE THAT THE PROPOSED
16 CRITERIA FOR PAYING THE TUITION CHARGE FOR EXCESS COSTS ARE THE
17 SAME FOR A SCHOOL DISTRICT OF ATTENDANCE, A DISTRICT OR INSTITUTE
18 CHARTER SCHOOL, AND A PROVIDER OF AN ON-LINE PROGRAM THAT
19 PROVIDES EDUCATIONAL SERVICES TO A CHILD WITH A DISABILITY.
20

21 (b) THE STATE BOARD SHALL REPORT ITS FINDINGS AND PROPOSED
22 CRITERIA TO THE EDUCATION COMMITTEES OF THE HOUSE OF
23 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, ON
24 OR BEFORE DECEMBER 15, 2006.
25

26 (c) THIS SUBSECTION (8) IS REPEALED JANUARY 1, 2007."
27

28 Page 18, strike lines 9 through 27.
29

30 Strike pages 19 and 20.
31

32 Page 21, strike lines 1 through 5 and substitute the following:
33

34 **"SECTION 9.** 22-30.5-103, Colorado Revised Statutes, is
35 amended BY THE ADDITION OF A NEW SUBSECTION to read:
36

37 **22-30.5-103. Definitions.** As used in this part 1, unless the
38 context otherwise requires:
39

40 (6.5) "PRIVATE SCHOOL" MEANS A PRIMARY OR SECONDARY
41 EDUCATIONAL INSTITUTION FOR STUDENTS IN KINDERGARTEN THROUGH
42 TWELFTH GRADE OR ANY PORTION THEREOF THAT MAY OR MAY NOT HAVE
43 ATTAINED NONPROFIT STATUS, THAT DOES NOT RECEIVE STATE FUNDING
44 THROUGH THE "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF
45 THIS TITLE, AND THAT IS SUPPORTED IN WHOLE OR IN PART BY TUITION
46 PAYMENTS OR PRIVATE DONATIONS."
47

48 Renumber succeeding sections accordingly.
49

50 Page 21, after line 16, insert the following:
51

52 **"SECTION 11.** Part 8 of article 7 of title 22, Colorado Revised
53 Statutes, is RECREATED AND REENACTED, WITH
54 AMENDMENTS, to read:
55

PART 8
SUMMER SCHOOL GRANT PROGRAM

22-7-801. Legislative declaration. (1) THE GENERAL ASSEMBLY
HEREBY FINDS AND DECLARES THAT:

(a) ESTABLISHING A SUMMER SCHOOL GRANT PROGRAM TO
PROVIDE FUNDING TO SCHOOL DISTRICTS AND INSTITUTE CHARTER
SCHOOLS TO PROVIDE INTENSIVE READING, WRITING, OR MATHEMATICS
EDUCATION SERVICES TO STUDENTS ENTERING THE FOURTH THROUGH
EIGHTH GRADES WHO RECEIVED AN UNSATISFACTORY PROFICIENCY LEVEL
SCORE ON THE READING, WRITING, OR MATHEMATICS COMPONENT OF THE
COLORADO STUDENT ASSESSMENT PROGRAM FOR THE PREVIOUS
ACADEMIC YEAR IS AN IMPORTANT ELEMENT OF AN ACCOUNTABLE
EDUCATION PROGRAM TO MEET STATE ACADEMIC STANDARDS; AND

(b) RESEARCH SHOWS THAT IMPLEMENTING RESEARCH-BASED
PRACTICES, AS DEFINED BY THE FEDERAL "NO CHILD LEFT BEHIND ACT OF
2001", 20 U.S.C. SEC. 6301 ET SEQ., AS AMENDED, CAN CAUSE
SIGNIFICANT IMPROVEMENT IN A STUDENT'S PERFORMANCE IN READING,
WRITING, OR MATHEMATICS IN A SHORT PERIOD.

(2) THE GENERAL ASSEMBLY THEREFORE FINDS THAT A PROGRAM
TO PROVIDE GRANTS TO SCHOOL DISTRICTS AND INSTITUTE CHARTER
SCHOOLS TO ASSIST THEM IN PROVIDING SUMMER SCHOOL PROGRAMS FOR
STUDENTS WHO ARE ENTERING THE FOURTH THROUGH EIGHTH GRADES
AND ARE PERFORMING UNSATISFACTORILY IN READING, WRITING, OR
MATHEMATICS MAY RECEIVE FUNDING FROM THE STATE EDUCATION FUND
CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

22-7-802. Definitions. AS USED IN THIS PART 8, UNLESS THE
CONTEXT OTHERWISE REQUIRES:

(1) "CSAP" MEANS THE COLORADO STUDENT ASSESSMENT
PROGRAM ADMINISTERED PURSUANT TO SECTION 22-7-409.

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION
CREATED IN SECTION 24-1-115, C.R.S.

(3) "ELIGIBLE STUDENT" MEANS A STUDENT WHO WILL BEGIN
FOURTH, FIFTH, SIXTH, SEVENTH, OR EIGHTH GRADE IN THE NEXT
ACADEMIC YEAR AND WHO HAS RECEIVED AN UNSATISFACTORY
PROFICIENCY LEVEL SCORE ON THE READING, WRITING, OR MATHEMATICS
ASSESSMENT ADMINISTERED THROUGH THE CSAP FOR THE PRECEDING
ACADEMIC YEAR.

(4) "GRANT PROGRAM" MEANS THE SUMMER SCHOOL GRANT
PROGRAM CREATED IN SECTION 22-7-803.

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

**22-7-803. Summer school grant program - creation -
administration - rules.** (1) THERE IS HEREBY CREATED THE SUMMER
SCHOOL GRANT PROGRAM TO PROVIDE GRANTS TO SCHOOL DISTRICTS AND

1 INSTITUTE CHARTER SCHOOLS TO OPERATE SUMMER SCHOOL PROGRAMS
2 FOR ELIGIBLE STUDENTS, SUBJECT TO THE REQUIREMENTS OF THIS PART 8.
3 THE GRANT PROGRAM SHALL BE DESIGNED TO ASSIST SCHOOL DISTRICTS
4 AND INSTITUTE CHARTER SCHOOLS IN PROVIDING INTENSIVE EDUCATIONAL
5 SERVICES TO ELIGIBLE STUDENTS IN THE AREAS OF READING, WRITING, OR
6 MATHEMATICS.

7
8 (2) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM
9 AND THE STATE BOARD SHALL AWARD GRANTS AS PROVIDED IN THIS PART
10 8.

11
12 (3) THE DEPARTMENT SHALL EVALUATE THE PROGRESS OF THE
13 SUMMER SCHOOL PROGRAMS OPERATED BY SCHOOL DISTRICTS AND
14 INSTITUTE CHARTER SCHOOLS THAT RECEIVE GRANTS PURSUANT TO THIS
15 PART 8.

16
17 (4) (a) THE STATE BOARD SHALL PROMULGATE RULES IN
18 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., TO IMPLEMENT AND
19 ADMINISTER THE GRANT PROGRAM. AT A MINIMUM, THE RULES SHALL
20 SPECIFY THE FOLLOWING:

21
22 (I) THE TIME FRAMES FOR SUBMITTING GRANT PROGRAM
23 APPLICATIONS;

24
25 (II) THE FORM OF THE GRANT PROGRAM APPLICATION;

26
27 (III) THE TIME FRAMES FOR DISTRIBUTION OF THE GRANT MONEYS;

28
29 (IV) THE METHOD BY WHICH THE DEPARTMENT SHALL EVALUATE
30 THE PROGRESS OF THE SUMMER SCHOOL PROGRAMS OPERATED BY SCHOOL
31 DISTRICTS AND INSTITUTE CHARTER SCHOOLS THAT RECEIVE GRANTS
32 PURSUANT TO THIS PART 8; AND

33
34 (V) ANY OTHER PROCEDURES OR POLICES THE STATE BOARD
35 DEEMS NECESSARY TO IMPLEMENT AND ADMINISTER THE GRANT
36 PROGRAM.

37
38 (b) IN IMPLEMENTING THE GRANT PROGRAM AND RULES
39 PROMULGATED PURSUANT TO THIS SUBSECTION (4), THE STATE BOARD
40 SHALL ENSURE THAT ALL GRANTS AWARDED PURSUANT TO THIS PART 8
41 ARE ISSUED TO SCHOOL DISTRICTS OR INSTITUTE CHARTER SCHOOLS ON OR
42 BEFORE APRIL 30 OF EACH BUDGET YEAR FOR WHICH MONEYS ARE
43 APPROPRIATED FOR THE GRANT PROGRAM.

44
45 **22-7-804. Summer school programs - requirements.** (1) A
46 SCHOOL DISTRICT OR INSTITUTE CHARTER SCHOOL THAT RECEIVES A
47 GRANT TO PROVIDE A SUMMER SCHOOL PROGRAM PURSUANT TO THIS PART
48 8 IS SUBJECT TO THE FOLLOWING REQUIREMENTS:

49
50 (a) THE SUMMER SCHOOL PROGRAM SHALL BE RESEARCH-BASED,
51 PURSUANT TO THE FEDERAL "NO CHILD LEFT BEHIND ACT OF 2001", 20
52 U.S.C. SEC. 6301 ET SEQ., AS AMENDED, AND SHALL BE DELIVERED BY
53 TEACHERS WHO ARE TRAINED IN THE USE OF THE PROGRAM.

54
55 (b) THE SCHOOL DISTRICT OR INSTITUTE CHARTER SCHOOL
56 CONDUCTING THE SUMMER SCHOOL PROGRAM SHALL ADMINISTER, IN THE

1 SUBJECT AREAS IN WHICH THE SUMMER SCHOOL PROGRAM WILL FOCUS, A
2 TEST TO EVERY ELIGIBLE STUDENT PARTICIPATING IN THE PROGRAM. THE
3 SCHOOL DISTRICT OR INSTITUTE CHARTER SCHOOL SHALL ADMINISTER THE
4 TEST BEFORE THE PROGRAM BEGINS AND UPON COMPLETION OF THE
5 PROGRAM TO EVALUATE THE PROGRESS OF EACH ELIGIBLE STUDENT WHO
6 PARTICIPATES IN THE PROGRAM.

7
8 (c) THE GOAL OF THE SUMMER SCHOOL PROGRAM SHALL BE TO
9 ENABLE ELIGIBLE STUDENTS PARTICIPATING IN THE PROGRAM TO
10 PROGRESS FROM SCORING AT THE UNSATISFACTORY PROFICIENCY LEVEL
11 IN READING, WRITING, OR MATHEMATICS, AS APPLICABLE, TO SCORING AT
12 THE PROFICIENT LEVEL IN READING, WRITING, OR MATHEMATICS, AS
13 APPLICABLE.

14
15 **22-7-805. Summer school grant program - application -**
16 **criteria.** (1) A SCHOOL DISTRICT OR INSTITUTE CHARTER SCHOOL THAT
17 SEEKS TO RECEIVE A GRANT PURSUANT TO THIS PART 8 SHALL SUBMIT AN
18 APPLICATION TO THE DEPARTMENT IN ACCORDANCE WITH RULES
19 PROMULGATED BY THE STATE BOARD. A SCHOOL DISTRICT SHALL SUBMIT
20 AN APPLICATION ON BEHALF OF ALL GRADE-APPROPRIATE SCHOOLS IN THE
21 DISTRICT, INCLUDING THE DISTRICT CHARTER SCHOOLS WITHIN THE
22 DISTRICT. THE APPLICATION SHALL INCLUDE THE FOLLOWING
23 INFORMATION:

24
25 (a) THE NUMBER OF ELIGIBLE STUDENTS ENROLLED IN THE SCHOOL
26 DISTRICT OR INSTITUTE CHARTER SCHOOL, AS APPLICABLE;

27
28 (b) A DESCRIPTION OF THE EDUCATIONAL SERVICES THAT THE
29 SCHOOL DISTRICT OR INSTITUTE CHARTER SCHOOL ANTICIPATES PROVIDING
30 THROUGH A SUMMER SCHOOL PROGRAM;

31
32 (c) A DESCRIPTION OF THE METHOD THAT THE SCHOOL DISTRICT OR
33 INSTITUTE CHARTER SCHOOL WILL USE TO MEASURE AN ELIGIBLE
34 STUDENT'S ACADEMIC PROGRESS THROUGHOUT THE PROGRAM;

35
36 (d) A DESCRIPTION OF THE GOALS THAT THE SCHOOL DISTRICT'S OR
37 INSTITUTE CHARTER SCHOOL'S SUMMER SCHOOL PROGRAM IS EXPECTED TO
38 ACHIEVE AND THE METHOD BY WHICH THE SCHOOL DISTRICT OR INSTITUTE
39 CHARTER SCHOOL WILL MEASURE ACHIEVEMENT OF THE GOALS; AND

40
41 (e) ANY ADDITIONAL INFORMATION REQUIRED BY RULE OF THE
42 STATE BOARD PROMULGATED PURSUANT TO SECTION 22-7-803 (4).

43
44 (2) THE DEPARTMENT SHALL REVIEW THE APPLICATIONS RECEIVED
45 FROM SCHOOL DISTRICTS AND INSTITUTE CHARTER SCHOOLS PURSUANT TO
46 THIS SECTION AND SHALL MAKE RECOMMENDATIONS TO THE STATE BOARD
47 CONCERNING THE AWARDED OF GRANTS AND THE AMOUNTS OF THE
48 GRANTS. THE STATE BOARD SHALL TAKE INTO CONSIDERATION THE
49 RECOMMENDATIONS OF THE DEPARTMENT AND SHALL ANNUALLY AWARD
50 GRANTS TO SCHOOL DISTRICTS AND INSTITUTE CHARTER SCHOOLS IN
51 AMOUNTS SPECIFIED BY THE STATE BOARD. IN AWARDED GRANTS
52 PURSUANT TO THIS PART 8, THE STATE BOARD SHALL:

53
54 (a) CONSIDER WHETHER THE SCHOOL DISTRICT'S OR INSTITUTE
55 CHARTER SCHOOL'S SUMMER SCHOOL PROGRAM COMPLIES WITH THE
56 REQUIREMENTS OF SECTION 22-7-804;

1 (b) CONSIDER THE GEOGRAPHIC LOCATION OF THE SCHOOL
2 DISTRICT OR INSTITUTE CHARTER SCHOOL, AS APPLICABLE, AND, TO THE
3 EXTENT POSSIBLE, ENSURE THAT GRANT MONEYS ARE AWARDED TO
4 SCHOOL DISTRICTS AND INSTITUTE CHARTER SCHOOLS THROUGHOUT THE
5 STATE;

6
7 (c) AWARD GRANTS TO SCHOOL DISTRICTS AND INSTITUTE
8 CHARTER SCHOOLS THAT ARE IMPLEMENTING SUMMER SCHOOL PROGRAMS
9 USING CURRICULA THAT ARE RESEARCH-BASED AND THAT HAVE BEEN
10 USED WITH DEMONSTRATED SUCCESS EITHER BY THE APPLYING SCHOOL
11 DISTRICT OR INSTITUTE CHARTER SCHOOL OR BY ANOTHER SCHOOL
12 DISTRICT; AND

13
14 (d) AWARD GRANTS TO SCHOOL DISTRICTS AND INSTITUTE
15 CHARTER SCHOOLS THAT DEMONSTRATE SUCCESS IN IMPROVING THE
16 ACADEMIC PERFORMANCE OF ELIGIBLE STUDENTS IN THE AREA OF
17 READING, WRITING, OR MATHEMATICS, AS APPLICABLE.

18
19 **22-7-806. Reporting requirements.** (1) ON OR BEFORE
20 OCTOBER 1 OF EACH YEAR FOLLOWING A BUDGET YEAR FOR WHICH
21 MONEYS WERE APPROPRIATED FOR THE GRANT PROGRAM, EACH SCHOOL
22 DISTRICT AND INSTITUTE CHARTER SCHOOL THAT RECEIVES A GRANT
23 PURSUANT TO THIS PART 8 SHALL SUBMIT A REPORT TO THE DEPARTMENT
24 AFTER COMPLETION OF ITS SUMMER SCHOOL PROGRAM. THE REPORT
25 SHALL INCLUDE THE FOLLOWING INFORMATION:

26
27 (a) THE NUMBER OF ELIGIBLE STUDENTS WHO PARTICIPATED IN THE
28 SCHOOL DISTRICT'S OR INSTITUTE CHARTER SCHOOL'S SUMMER SCHOOL
29 PROGRAM, AS APPLICABLE;

30
31 (b) THE LEVELS OF PERFORMANCE IN THE SUBJECT AREA IN WHICH
32 THE SUMMER SCHOOL PROGRAM WAS OFFERED DEMONSTRATED BY THE
33 ELIGIBLE STUDENTS PARTICIPATING IN THE SUMMER SCHOOL PROGRAM
34 BOTH AT THE BEGINNING OF THE PROGRAM AND AT THE END OF THE
35 PROGRAM, BASED ON TESTS ADMINISTERED TO THE ELIGIBLE STUDENTS
36 BEFORE AND AFTER PARTICIPATING IN THE PROGRAM; AND

37
38 (c) SUCH OTHER INFORMATION AS THE STATE BOARD MAY BY
39 RULE, PROMULGATED PURSUANT TO SECTION 22-7-803 (4), REQUIRE TO
40 ASSESS THE EFFECTIVENESS OF THE SUMMER SCHOOL PROGRAMS
41 OPERATED BY SCHOOL DISTRICTS AND INSTITUTE CHARTER SCHOOLS.

42
43 **22-7-807. Summer school grant program - funding.** (1) FOR
44 THE 2006-07 BUDGET YEAR AND FOR EACH BUDGET YEAR THEREAFTER,
45 SUBJECT TO AVAILABLE APPROPRIATIONS, THE GENERAL ASSEMBLY SHALL
46 ANNUALLY APPROPRIATE MONEYS FROM THE STATE EDUCATION FUND
47 CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION
48 TO THE DEPARTMENT TO BE USED TO AWARD GRANTS FOR SUMMER
49 SCHOOL PROGRAMS PURSUANT TO THIS PART 8.

50
51 (2) THE DEPARTMENT MAY ANNUALLY WITHHOLD A PORTION OF
52 THE MONEYS APPROPRIATED FOR THE PURPOSES OF THIS PART 8 TO OFFSET
53 THE DIRECT COSTS INCURRED IN ADMINISTERING THE GRANT PROGRAM
54 AND IN EVALUATING THE PROGRESS OF EACH SUMMER SCHOOL PROGRAM
55 PURSUANT TO THE REQUIREMENT OF SECTION 22-7-803 (3). THE AMOUNT
56 WITHHELD BY THE DEPARTMENT IN ANY BUDGET YEAR SHALL NOT EXCEED

1 THREE PERCENT OF THE AMOUNT APPROPRIATED FOR THE PURPOSES OF
2 THIS PART 8 IN THAT BUDGET YEAR."

3

4 Renumber succeeding sections accordingly.

5

6 Page 24, line 22, strike "SUB-SUBPARAGRAPH (B)" and substitute
7 "SUB-SUBPARAGRAPHS (B) AND (C)".

8

9 Page 25, line 3, strike "SIX MILLION SEVEN HUNDRED FIFTY THOUSAND"
10 and substitute "NINETEEN MILLION TWO HUNDRED FIFTY THOUSAND";

11

12 line 4, after "FUND,", insert "FOURTEEN MILLION TWO HUNDRED FIFTY
13 THOUSAND DOLLARS OF";

14

15 line 7, strike "SECTION." and substitute "SECTION, AND FIVE MILLION
16 DOLLARS OF WHICH SHALL BE A GENERAL FUND APPROPRIATION THAT
17 EXCEEDS THE LIMITATION ON STATE GENERAL FUND APPROPRIATIONS
18 ESTABLISHED BY SAID PARAGRAPH (a) IN THE FISCAL YEAR IN WHICH FIRST
19 MADE BUT WILL BE INCLUDED IN THE CALCULATION OF THE MAXIMUM
20 LEVEL OF STATE GENERAL FUND APPROPRIATIONS PURSUANT TO SAID
21 PARAGRAPH (a) IN THE FOLLOWING FISCAL YEAR.";

22

23 line 8, strike "THREE" and substitute "FIVE";

24

25 line 9, strike "TWO" and substitute "SEVEN";

26

27 after line 12, insert the following:

28

29 "(C) FOR THE FISCAL YEAR 2006-07, THE GENERAL ASSEMBLY
30 SHALL APPROPRIATE SEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS
31 TO THE SCHOOL CONSTRUCTION AND RENOVATION FUND, WHICH AMOUNT
32 SHALL BE INCLUDED IN THE CALCULATION OF THE MAXIMUM LEVEL OF
33 STATE GENERAL FUND APPROPRIATIONS PURSUANT TO PARAGRAPH (a) OF
34 SUBSECTION (1) OF THIS SECTION. IN ADDITION, FOR THE FISCAL YEAR
35 2006-07, THE GENERAL ASSEMBLY SHALL APPROPRIATE SEVEN MILLION
36 FIVE HUNDRED THOUSAND DOLLARS TO THE SCHOOL CAPITAL
37 CONSTRUCTION EXPENDITURES RESERVE, WHICH AMOUNT SHALL BE
38 INCLUDED IN THE CALCULATION OF THE MAXIMUM LEVEL OF STATE
39 GENERAL FUND APPROPRIATIONS PURSUANT TO SAID PARAGRAPH (a)."

40

41 Page 36, strike lines 10 through 18 and substitute the following:

42

43 "(g) THE TASK FORCE SHALL SEEK INPUT AND INFORMATION FROM
44 GROUPS REPRESENTING URBAN RENEWAL AUTHORITIES, MUNICIPALITIES,
45 COUNTIES, SPECIAL DISTRICTS, SCHOOL DISTRICTS, THE DEPARTMENT OF
46 EDUCATION, AND ANY OTHER ENTITY THE TASK FORCE DEEMS
47 APPROPRIATE FOR PURPOSES OF CARRYING OUT ITS DUTIES AND FUNCTIONS
48 UNDER THIS SECTION."

49

50 Page 37, strike lines 19 through 27 and substitute the following:

51

52 "**22-54-126. Declining enrollment districts with new charter**
53 **schools - additional aid - definitions.** (1) AS USED IN THIS SECTION,
54 UNLESS THE CONTEXT OTHERWISE REQUIRES:

55

1 (a) "DECLINING ENROLLMENT DISTRICT" MEANS A DISTRICT WHOSE
2 FUNDED PUPIL COUNT IS GREATER THAN THE SUM OF THE DISTRICT'S PUPIL
3 ENROLLMENT, PRESCHOOL AND KINDERGARTEN PROGRAM ENROLLMENT,
4 AND ON-LINE PUPIL ENROLLMENT.

5
6 (b) "NEW CHARTER SCHOOL ENROLLMENT" MEANS THE NUMBER
7 OF PUPILS ENROLLED IN A NEW DISTRICT CHARTER SCHOOL OF A DECLINING
8 ENROLLMENT DISTRICT ON OCTOBER 1 OR THE SCHOOL DATE NEAREST
9 SAID DATE IN THE BUDGET YEAR IN WHICH THE NEW DISTRICT CHARTER
10 SCHOOL IS OPENED IN THE DECLINING ENROLLMENT DISTRICT MINUS THE
11 NUMBER OF PUPILS ENROLLED AS OF THAT DATE IN AN ON-LINE PROGRAM
12 WHO ARE ALSO ENROLLED IN THE NEW DISTRICT CHARTER SCHOOL OF THE
13 DECLINING ENROLLMENT DISTRICT.

14
15 (2) BEGINNING IN THE 2006-07 BUDGET YEAR, IN ANY BUDGET
16 YEAR IN WHICH A NEW DISTRICT CHARTER SCHOOL IS OPENED IN A
17 DECLINING ENROLLMENT DISTRICT, THE DECLINING ENROLLMENT DISTRICT
18 SHALL RECEIVE ADDITIONAL AID AS SPECIFIED IN THIS SECTION TO HELP
19 MITIGATE THE IMPACT OF THE ENROLLMENT OF PUPILS IN THE NEW
20 DISTRICT CHARTER SCHOOL WHO MIGHT OTHERWISE HAVE ATTENDED A
21 TRADITIONAL SCHOOL IN THE DECLINING ENROLLMENT DISTRICT. THE
22 ADDITIONAL AID SHALL BE AVAILABLE ONLY FOR THE FIRST YEAR OF
23 OPERATION OF A NEW DISTRICT CHARTER SCHOOL IN A DECLINING
24 ENROLLMENT DISTRICT.

25
26 (3) FOR THE 2006-07 BUDGET YEAR AND EACH BUDGET YEAR
27 THEREAFTER, THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE
28 MONEYS FROM THE GENERAL FUND OR ANY OTHER SOURCE FOR
29 ADDITIONAL AID TO A DECLINING ENROLLMENT DISTRICT IN WHICH A NEW
30 CHARTER SCHOOL IS OPENED. THE ADDITIONAL AID SHALL BE
31 DISTRIBUTED TO ALL DECLINING ENROLLMENT DISTRICTS IN WHICH NEW
32 CHARTER SCHOOLS ARE OPENED IN THE BUDGET YEAR FOR WHICH THE AID
33 IS APPROPRIATED. THE ADDITIONAL AID SHALL BE DISTRIBUTED AMONG
34 THE DECLINING ENROLLMENT DISTRICTS IN WHICH NEW CHARTER SCHOOLS
35 ARE OPENED IN THE PROPORTION THAT THE DECLINING ENROLLMENT
36 DISTRICT'S NEW CHARTER SCHOOL ENROLLMENT BEARS TO THE TOTAL NEW
37 CHARTER SCHOOL ENROLLMENT IN ALL DECLINING ENROLLMENT DISTRICTS
38 STATEWIDE IN WHICH NEW CHARTER SCHOOLS ARE OPENED IN THE BUDGET
39 YEAR FOR WHICH THE ADDITIONAL AID IS APPROPRIATED."

40
41 Strike pages 38 and 39.

42
43 Page 40, strike lines 1 through 11.

44
45 Renumber succeeding sections accordingly.

46
47 Page 42, strike lines 21 through 27.

48
49 Page 43, strike line 1 and substitute the following:

50
51 "(2) (a) FOR THE 2006-07 BUDGET YEAR AND EACH BUDGET YEAR
52 THEREAFTER, FOURTEEN THOUSAND THREE HUNDRED SIXTY CHILDREN
53 MAY ANNUALLY PARTICIPATE IN THE STATE PRESCHOOL AND
54 KINDERGARTEN PROGRAM."

55
56 Page 72, strike lines 9 and 10 and substitute the following:

1 "charter schools for ~~the 2003-04~~ THE 2003-04, 2004-05, 2005-06, AND
2 2007-08 budget year YEARS and each budget year thereafter shall be an
3 amount";

4
5 line 11, strike "YEAR AND EACH" and substitute "YEAR,";

6
7 line 12, strike "BUDGET YEAR THEREAFTER,";

8
9 strike lines 16 through 27.

10
11 Strike page 73.

12
13 Page 74, strike lines 1 through 4 and substitute the following:

14
15 "SECTION 51. 22-32-109 (1), Colorado Revised Statutes, is
16 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

17
18 **22-32-109. Board of education - specific duties.** (1) In addition
19 to any other duty required to be performed by law, each board of
20 education shall have and perform the following specific duties:

21
22 (ii) TO ADOPT A POLICY WITHIN NINETY DAYS AFTER THE
23 EFFECTIVE DATE OF THIS PARAGRAPH (ii) TO ENSURE THAT THE RIGHT OF
24 SCHOOL DISTRICT EMPLOYEES AND STUDENTS TO DISPLAY REASONABLY
25 THE FLAG OF THE UNITED STATES SHALL NOT BE INFRINGED WITH RESPECT
26 TO THE DISPLAY:

27
28 (I) ON AN INDIVIDUAL'S PERSON; OR

29
30 (II) ON AN INDIVIDUAL'S PERSONAL PROPERTY OR PROPERTY THAT
31 IS UNDER THE TEMPORARY CONTROL OF AN EMPLOYEE OR A STUDENT,
32 INCLUDING BUT NOT LIMITED TO A DESK TOP OR A LOCKER.

33
34 **SECTION 52.** 22-11-104 (2) (l) and (2) (m), Colorado Revised
35 Statutes, are amended, and the said 22-11-104 (2) is further amended BY
36 THE ADDITION OF A NEW PARAGRAPH, to read:

37
38 **22-11-104. Accreditation indicators.** (2) **Contents.** The
39 accreditation indicators shall include but shall not be limited to the
40 following:

41
42 (l) Continuing education rates; ~~and~~

43
44 (m) Mobility rates; AND

45
46 (n) COMPLIANCE WITH SECTION 22-32-109 (1) (ii) THROUGH
47 ADOPTION OF A POLICY TO ENSURE THAT THE RIGHT OF SCHOOL DISTRICT
48 EMPLOYEES AND STUDENTS TO DISPLAY REASONABLY THE FLAG OF THE
49 UNITED STATES IS NOT INFRINGED."

50
51 Page 79, line 9, strike "16,500,000" and substitute "21,500,000" and
52 strike "3,250,000" and substitute "5,750,000" and strike "13,250,000^e"
53 and substitute "15,750,000^e";

54
55 line 12, strike "13,500,000" and substitute "38,500,000" and under the
56 GENERAL FUND column, strike "6,750,000" and substitute "19,250,000^h"

1 and under the CASH FUNDS EXEMPT column, strike "6,750,000^h" and
2 substitute "19,250,000ⁱ".
3

4 Page 80, line 7, strike "76,403,374" and substitute "106,403,374".
5

6 Page 81, line 1, strike "\$8,250,000" and substitute "\$10,750,000";
7

8 after line 6, insert the following:
9

10 ^h OF THIS AMOUNT, \$5,000,000 IS APPROPRIATED AS A RESULT OF A
11 REQUIREMENT OF A FINAL STATE COURT ORDER AND SHALL NOT BE
12 SUBJECT TO THE STATUTORY LIMITATION ON GENERAL FUND
13 APPROPRIATIONS PURSUANT TO SECTION 24-75-201.1 (1) (a) (III) (B),
14 C.R.S.";
15

16 line 7, strike "^h" and substitute "ⁱ";
17

18 line 11, strike "3,608,304,717" and substitute "3,634,584,717";
19

20 line 15, strike "\$3,657,452,852" and substitute "\$3,683,732,852" and
21 strike "\$2,742,479,154" and substitute "\$2,753,759,154" and strike
22 "\$400,919,102^a" and substitute "\$415,919,102^a".
23

24 Page 83, strike lines 25 through 27.
25

26 Page 84, strike lines 1 through 3 and substitute the following:
27

28 "(4) In addition to any other appropriation, there is hereby
29 appropriated to the department of education, for the fiscal year beginning
30 July 1, 2006, the sum of one million two hundred eighty-three thousand
31 three hundred seventy-seven dollars (\$1,283,377), or so much thereof as
32 may be necessary, for the implementation of section 22-54-126, Colorado
33 Revised Statutes. Of said sum, two hundred eighty-three thousand three
34 hundred seventy-seven dollars (\$283,377) shall be from the general fund
35 and one million dollars (\$1,000,000) shall be from the state education
36 fund created in section 17 (4) of article IX of the state constitution.
37

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

47 Renumber succeeding subsections accordingly.
48

49 Page 84, strike line 25 and substitute the following:
50

51 "three thousand eight hundred sixteen dollars (\$3,816),".
52

53 Page 85, strike lines 16 through 19.
54

55 Reletter succeeding paragraphs accordingly.
56

1 2. That, under the authority granted the committee to consider
2 matters not at issue between the two houses, the following amendments
3 be recommended:

4
5 Amend rerevised bill, page 9, line 8, strike "(2)" and substitute "(3)".

6
7 Page 10, line 20, after "MADE,", insert "AND AFTER THE DISTRIBUTION OF
8 THE PORTION OF THE TOTAL ANNUAL APPROPRIATION DESIGNATED FOR
9 HIGH COST GRANTS PURSUANT TO SUBSECTION (2) OF THIS SECTION HAS
10 BEEN MADE,".

11
12 Page 11, after line 18, insert the following:

13
14 "(2) IN ADDITION TO THE AMOUNT APPROPRIATED FOR
15 DISTRIBUTION PURSUANT TO SUBSECTION (1) OF THIS SECTION, FOR THE
16 2006-07 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, SUBJECT TO
17 AVAILABLE APPROPRIATIONS, THE GENERAL ASSEMBLY SHALL
18 APPROPRIATE TWO MILLION DOLLARS FROM THE GENERAL FUND OR FROM
19 ANY OTHER SOURCE TO THE DEPARTMENT TO FUND GRANTS TO
20 ADMINISTRATIVE UNITS AS PROVIDED IN SECTION 22-20-114.5 FOR
21 REIMBURSEMENT OF HIGH COSTS INCURRED IN PROVIDING SPECIAL
22 EDUCATION SERVICES IN THE PRECEDING BUDGET YEAR. ANY AMOUNT
23 RECEIVED BY AN ADMINISTRATIVE UNIT AS A REIMBURSEMENT PURSUANT
24 TO THIS SUBSECTION (2) SHALL BE IN ADDITION TO THE AMOUNT RECEIVED
25 BY THE ADMINISTRATIVE UNIT PURSUANT TO SUBSECTION (1) OF THIS
26 SECTION. THE MONEYS APPROPRIATED BY THE GENERAL ASSEMBLY TO
27 THE DEPARTMENT SHALL BE DISTRIBUTED BY THE COLORADO SPECIAL
28 EDUCATION FISCAL ADVISORY COMMITTEE IN ACCORDANCE WITH SECTION
29 22-20-114.5."

30
31 Renumber succeeding subsections accordingly.

32
33 Page 11, line 20, strike "(2)," and substitute "(3),".

34
35 Page 12, line 11, strike "(5)" and substitute "(6)";

36
37 line 27, strike "**grant program - creation -**" and substitute "**grants -**".

38
39 Page 13, line 8, strike "(4)" and substitute "(3)".

40
41 Page 14, strike lines 16 through 27.

42
43 Page 15, strike lines 1 through 5 and substitute the following:

44
45 "(3) (a) TO RECEIVE A GRANT FOR REIMBURSEMENT OF HIGH
46 COSTS, AN ADMINISTRATIVE UNIT SHALL APPLY TO THE COMMITTEE".

47
48 Renumber succeeding subsections accordingly.

49
50 Page 15, line 11, strike "(4)." and substitute "(3).".

51
52 Page 16, line 3, strike "(5)," and substitute "(6),";

53
54 line 10, strike "(4)" and substitute "(3)".

55
56 Page 17, line 19, strike "(5)" and substitute "(4)".

- 1 Page 18, line 6, strike "(4)" and substitute "(3)".
 2
 3 Page 28, strike lines 5 through 12.
 4
 5 Renumber succeeding sections accordingly.
 6
 7 Page 75, line 9, strike "261,786,114" and substitute "258,066,114" and
 8 strike "95,292,347" and substitute "91,572,347";
 9
 10 line 15, strike "273,671,714" and substitute "269,951,714".
 11
 12 Page 83, strike lines 17 through 23.
 13
 14 Renumber succeeding subsections accordingly.
 15
 16 Page 85, line 22, strike "twenty-three" and substitute "twenty-five";
 17
 18 line 23, strike "\$23,720,000)." and substitute "\$25,720,000).".
 19
 20 Respectfully submitted,
 21 House Committee: Senate Committee:
 22 Jack Pommer Sue Windels
 23 Michael Merrifield Suzanne Williams
 24 Keith King Nancy Spence

25
26
27
28 **INTRODUCTION OF BILLS**
29 **First Reading**
30

- 31 The following bills were read by title and referred to the committees
 32 indicated:
 33
 34 **HB06-1398** by Representative(s) Plant, Buescher, Hall; also Senator(s)
 35 Owen, Keller, Tapia--Concerning clarification of the
 36 manner in which the transfer of net revenue of the state
 37 sales and use tax to specified funds as currently authorized
 38 by law is to be administered.
 39 Committee on Finance
 40
 41 **HB06-1399** by Representative(s) Hall, Plant, Buescher; also Senator(s)
 42 Tapia, Keller, Owen--Concerning the authority to use a
 43 percentage of stipend spending authority to purchase
 44 postsecondary educational services if authorized by a fee-
 45 for-service contract.
 46 Committee on Finance
 47
 48 **HB06-1400** by Representative(s) Buescher and Penry and Curry; also
 49 Senator(s) Isgar--Concerning interbasin compacts, and, in
 50 connection therewith, approving the interbasin compact
 51 charter and altering the boundaries that define certain
 52 western slope basin roundtables.
 53 Committee on Agriculture, Livestock, & Natural Resources
 54
 55

- 1 **HB06-1401** by Representative(s) Soper; also Senator(s) Tochtrop--
2 Concerning the management of wildlife, and, in
3 connection therewith, adjusting the landowner preference
4 program and requiring the wildlife commission to report
5 to the general assembly.
6 Committee on Agriculture, Livestock, & Natural Resources
7
- 8 **SB06-044** by Senator(s) Hagedorn, Shaffer; also Representative(s)
9 Green--Concerning the provision of health care services to
10 specified low-income adults, and making an appropriation
11 therefor.
12 Committee on Health and Human Services
13 Committee on Appropriations
14
- 15 **SB06-149** by Senator(s) May R.; also Representative(s) Coleman--
16 Concerning oversight of communications and information
17 resources technologies in state agencies.
18 Committee on State, Veterans, & Military Affairs
19
- 20 **SB06-170** by Senator(s) Gordon; also Representative(s) Buescher--
21 Concerning the conduct of elections, and making an
22 appropriation therefor.
23 Committee on State, Veterans, & Military Affairs
24 Committee on Appropriations
25
- 26 **SB06-212** by Senator(s) Hagedorn; also Representative(s) McGihon,-
27 -Concerning the authority of an unsupervised dental
28 hygienist to arrange for the provision of dental services,
29 and, in connection therewith, allowing the proprietor of a
30 dental hygiene clinic to employ or contract with a licensed
31 dentist.
32 Committee on Health and Human Services
33
- 34 **SB06-224** by Senator(s) Traylor, Grossman, Tupa; also
35 Representative(s) Harvey, Carroll T.--Concerning event
36 data recorded as a motor vehicle feature.
37 Committee on Transportation & Energy
38

41 INTRODUCTION OF CONCURRENT RESOLUTION

42
43 The following resolution was read by title and referred to the committee
44 indicated:

- 45
46 **HCR06-1007** by Representative(s) Cloer; also Senator(s) Brophy--
47 Submitting to the registered electors of the state of
48 Colorado an amendment to article II of the constitution of
49 the state of Colorado, concerning the preservation of
50 religious freedom.
51 Committee on State, Veterans, & Military Affairs
52

53
54
55

1 **INTRODUCTION OF RESOLUTIONS**

2
3 The following resolutions were read by title and laid over one day under
4 the rules:

5
6 **HJR06-1022** by Representative(s) Solano, Curry, Gallegos, Hodge,
7 Madden, McFadyen, Rose, Benefield, Larson, Liston,
8 McCluskey, McGihon, Penry, Todd, Vigil, Weissmann,
9 Witwer; also Senator(s) Tochtrop, Groff, Grossman--
10 Concerning the recovery of lynx in Colorado, and, in
11 connection therewith, urging the adoption of a lynx
12 recovery plan by the United States Fish and Wildlife
13 Service.

14
15 **HR06-1009** by Representative(s) Paccione, McKinley, Riesberg,
16 Gallegos, Soper, McFadyen, Solano, Benefield, Vigil,
17 Borodkin, Carroll M., Frangas, Lindstrom--Concerning the
18 use of wind power to supplement existing sources of
19 energy in Colorado, and, in connection therewith, urging
20 the federal government to renew and make permanent the
21 production tax credit for producers of renewable energy
22 and encouraging the further development and deployment
23 of technologies to best harness and employ wind energy.

24
25
26 **LAY OVER OF CALENDAR ITEMS**

27
28
29 On motion of Representative Judd, the following items on the Calendar
30 were laid over until April 18, retaining place on Calendar:

31
32 Consideration of Third Reading--**HB06-1352, 1363, 1380, 1158.**
33 Consideration of General Orders--**HB06-1096, HCR06-1001,**
34 **HB06-1322, SB06-114, 066, HB06-1111, 1302, SB06-037, HB06-1283,**
35 **1389, SB06-089, HB06-1170.**
36 Consideration of Conference Committee Reports--**HB06-1159, 1107,**
37 **1273, 1075, 1021.**
38 Consideration of Senate Amendments--**HB06-1125.**
39 Consideration of Governor's Vetoes--**HB06-1216, 1005, 1023, 1369,**
40 **1371, 1374, 1010, 1056, 1077, 1148, 1174, 1212.**

41
42
43 On motion of Representative Judd, the House adjourned until 9:00 a.m.,
44 April 18, 2006.

45
46 Approved:
47 ANDREW ROMANOFF,
48 Speaker

49 Attest:
50 MARILYN EDDINS,
51 Chief Clerk