

**SENATE JOURNAL**  
 Sixty-fifth General Assembly  
**STATE OF COLORADO**  
 Second Regular Session

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93rd Legislative Day Thursday, April 13, 2006

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Prayer	By the chaplain, Rev. Arlyn Tolzmann, Holy Cross Lutheran Church, Wheat Ridge.	1 2 3 4 5 6 7 8 9 10 11
Pledge	By Thomas Jefferson (portrayed by Jack Van Ens).	12 13 14
Call to Order	By the President at 9:00 a.m.	15 16 17
Roll Call	Present--29. Excused--6; Entz, Isgar, Kester, Spence, Takis, Taylor. Present later--Isgar, Spence, Takis, Taylor.	18 19 20 21
Quorum	The President announced a quorum present.	22 23
Reading of Journal	On motion of Senator Windels, reading of the Journal of April 12, 2006 was dispensed with and the Journal was approved as corrected by the Secretary.	24 25 26 27

**COMMITTEE OF REFERENCE REPORTS**

Health & Human Services	After consideration on the merits, the Committee recommends that <b>HB06-1346</b> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	28 29 30 31 32 33 34
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Amend reengrossed bill, page 2, strike lines 2 through 11 and substitute the following:

**"SECTION 1.** 10-16-104.3 (1), Colorado Revised Statutes, is amended to read:

**10-16-104.3. Dependent health coverage for persons under twenty-five years of age.** (1) All individual and group sickness and accident insurance policies providing coverage within the state by an entity subject to the provisions of part 2 of this article and all group health service contracts issued by an entity subject to the provisions of part 3 or 4 of this article that offer dependent coverage shall offer to the parent, for an additional premium if applicable, by rider or supplemental policy provision, the same dependent coverage:

(a) For an unmarried child who is under twenty-five years of age, and is not a dependent as defined by section 10-16-102 if such child:

~~(a)~~ (I) Has the same legal residence as the parent; or

~~(b)~~ (II) Is financially dependent upon the parent.

(b) FOR A MINOR CHILD:";

strike line 15 and substitute the following:

"SECTION 10-16-102; OR".

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FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
ON HB06-1273

\*\*\*\*\*  
THIS REPORT AMENDS THE  
REREVISED BILL  
\*\*\*\*\*

To the President of the Senate and the  
Speaker of the House of Representatives:

Your first conference committee appointed on HB06-1273,  
concerning the right of final disposition of the remains of a decedent, has  
met and reports that it has agreed upon the following:

That the House accede to the Senate amendments made to the bill,  
as the amendments appear in the rerevised bill, with the following  
changes:

Amend rerevised bill, page 7, strike line 27 and substitute the following:

"(a) The decedent if acting through a declaration instrument  
PURSUANT TO SECTION 15-19-104;".

Respectfully submitted,

House Committee:  
(signed)  
Representative Liston, Chair  
Representative T. Carroll  
Representative McGihon

Senate Committee:  
(signed)  
Senator Veiga, Chair  
Senator Tochtrop  
Senator Traylor

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FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
ON HB06-1075

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THIS REPORT ADOPTS THE  
REENGROSSED BILL  
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To the President of the Senate and the  
Speaker of the House of Representatives:

Your first conference committee appointed on HB06-1075,  
concerning the sale of surplus state property, has met and reports that it  
has agreed upon the following:

That the Senate recede from its amendment made to the bill and  
that the reengrossed bill be adopted without change.

Respectfully submitted,

Respectfully submitted,

House Committee:  
(signed)  
Representative Todd, Chair  
Representative Weissmann  
Representative Penry

Senate Committee:  
(signed)  
Senator Williams, Chair  
Senator Bacon  
Senator Kester

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MEMORANDUM  
REPORT FROM THE SENATE AND HOUSE  
COMMITTEES ON DELAYED BILLS

Pursuant to Joint Rule 23 (c), the Senate and House Committees on Delayed Bills, acting jointly, extend the following deadline for House Bill No. 1375, Concerning the Financing of Public Schools:

The Friday, March 17 deadline (the 66th legislative day) for final passage, including any conference committee report, for any bill prescribing all or a substantial portion of the total funding for public schools pursuant to the "Public School Finance Act of 1994", article 54 of title 22, Colorado Revised Statutes, as extended until Friday, April 7, 2006 (the 87th legislative day) and subsequently until Wednesday, April 12, 2006 (the 92nd legislative day) is further extended until Thursday, April 13, 2006 (the 93rd legislative day).

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

(signed)

Andrew Romanoff  
Representative Romanoff  
Speaker of the House of Representatives

Alice Madden  
Representative Madden  
House Majority Leader

Mike May  
Representative May  
House Minority Leader

(signed)

Joan Fitz-Gerald  
Senator Fitz-Gerald  
President of the Senate

Ken Gordon  
Senator Gordon  
Senate Majority Leader

Andy McElhany  
Senator McElhany  
Senate Minority Leader

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**MESSAGE FROM THE HOUSE**

April 12, 2006  
Madame President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB06-1171, amended as printed in House Journal, April 11, page 1136.  
HB06-1326, amended as printed in House Journal, April 11, page 1123.  
HB06-1383, amended as printed in House Journal, April 11, page 1124.  
HB06-1166, amended as printed in House Journal, April 11, pages 1139-1140.

The House has passed on Third Reading and returns herewith SB06-120, 024,144,197,202,035.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB06-002, amended as printed in House Journal, April 11, page 1124-1125.  
SB06-201, amended as printed in House Journal, April 11, page 1139.

The House has adopted the First Report of the First Conference Committee on SB06-145, as printed in House Journal, April 4, page 1047, and has repassed the bill as so amended. The bill is returned herewith.

April 12, 2006  
Madame President:

The House has postponed indefinitely SB06-185. The bill is returned herewith.

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**MESSAGE FROM THE REVISOR OF STATUTES**

April 12, 2006

We herewith transmit:

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Without comment, as amended, HB06-1166, 1171, 1326, and 1383.  
 Without comment, as amended, SB06-002 and 201.

**THIRD READING OF BILLS -- FINAL PASSAGE**

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

**HB06-1386** by Representative(s) Plant, Buescher, Hall; also Senator(s) Tapia, Keller, Owen--  
 Concerning transfers of money to the capital construction fund.

Laid over until Monday, April 17, retaining its place on the calendar.

**SB06-059** by Senator(s) Tapia, Hanna; also Representative(s) Frangas, Marshall, McGihon--  
 Concerning children's dental programs, and making an appropriation therefor.

Laid over until Monday, April 17, retaining its place on the calendar.

**SB06-198** by Senator(s) Johnson, Bacon, Dyer, Entz, Evans, Fitz-Gerald, Groff, Grossman, Hagedorn, Hanna, Isgar, Keller, Kester, Owen, Sandoval, Shaffer, Spence, Tapia, Teck, Tochtrop, Traylor, Williams, Windels; also Representative(s) Romanoff, Madden, Benefield, Berens, Boyd, Carroll M., Carroll T., Cerbo, Cloer, Coleman, Decker, Frangas, Gallegos, Garcia, Green, Hodge, Jahn, Kerr, King, Larson, Liston, McGihon, McKinley, Paccione, Pommer, Ragsdale, Riesberg, Rose, Solano, Soper, Stafford, Stengel, Sullivan, Todd, Vigil, Weissmann--Concerning contractual agreements with health care providers to provide health care services.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	25	NO	4	EXCUSED	6	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	N	Tochtrop	Y
Boyd	Y	Isgar	E	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	E	Keller	Y	Spence	E	Wiens	Y
Evans	Y	Kester	E	Takis	E	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	N	Taylor	E	President	Y
Grossman	Y	McElhany	N	Teck	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Boyd and Tupa.

Senator Teck asked to be removed as a sponsor of **SB06-198**.

**SB06-141** by Senator(s) Tochtrop, Bacon, Hanna, Groff; also Representative(s) Riesberg, Solano, Todd--Concerning the creation of the "Health Care Transparency Act", and making an appropriation therefor.

Laid over until Monday, April 17, retaining its place on the calendar.

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

**GENERAL ORDERS -- SECOND READING OF BILLS**

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

**HB06-1090** by Representative(s) Green; also Senator(s) Tupa--Concerning unlawful sexual behavior.

Laid over until Tuesday, April 25, retaining its place on the calendar.

- SB06-143** by Senator(s) Fitz-Gerald; also Representative(s) Madden--Concerning the statute of limitations for civil actions alleging unlawful sexual conduct. 1  
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Laid over until Tuesday, April 25, retaining its place on the calendar. 4  
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- SB06-044** by Senator(s) Hagedorn, Shaffer; also Representative(s) Green--Concerning the provision of health care services to specified low-income adults. 6  
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Amendment No. 1, Health and Human Services Committee Amendment. 9  
(Printed in Senate Journal, February 2, pages 113-115 and placed in members' bill files.) 10  
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Amendment No. 2, Appropriations Committee Amendment. 12  
(Printed in Senate Journal, March 31, pages 716-717 and placed in members' bill files.) 13  
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Amendment No. 3(L.004), by Senator Hagedorn. 15  
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Amend the Health and Human Services Committee Report, dated 17  
February 1, 2006, page 3, strike line 33. 18  
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Page 4, strike line 1 and substitute the following: 20  
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"APPROPRIATED TO COMMUNITY HEALTH CLINICS AND PRIMARY CARE 22  
CLINICS OPERATED BY A LICENSED OR CERTIFIED HEALTH CARE FACILITY 23  
TO PROVIDE PRIMARY CARE SERVICES TO LOW-INCOME ADULTS PURSUANT 24  
TO THIS ARTICLE." 25  
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final 28  
Passage. 29  
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- SB06-046** by Senator(s) Tupa, Bacon, Windels, Williams; also Representative(s) Merrifield, 31  
Benefield, Pommer--Concerning the study of an education system ranging from pre- 32  
kindergarten through higher education, and, in connection therewith, creating a legislative 33  
oversight committee and special council. 34  
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Laid over until Friday, April 14, retaining its place on the calendar. 36  
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- SB06-138** by Senator(s) Shaffer, Entz, Fitz-Gerald, Kester; also Representative(s) Gardner, Gallegos, 38  
Hodge, Rose--Concerning the requirement that gasoline contain at least a specified 39  
percentage of ethanol by volume. 40  
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Laid over until Friday, April 14, retaining its place on the calendar. 42  
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- SB06-212** by Senator(s) Hagedorn; also Representative(s) McGihon, Boyd--Concerning the authority 44  
of an unsupervised dental hygienist to arrange for the provision of dental services, and, in 45  
connection therewith, allowing the proprietor of a dental hygiene clinic to employ or 46  
contract with a licensed dentist. 47  
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Amendment No. 1, Health and Human Services Committee Amendment. 49  
(Printed in Senate Journal, April 3, page 732 and placed in members' bill files.) 50  
51  
As amended, ordered engrossed and placed on the calendar for Third Reading and Final 52  
Passage. 53  
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- SB06-170** by Senator(s) Gordon; also Representative(s) Buescher--Concerning the conduct of 55  
elections. 56  
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Amendment No. 1, State, Veterans & Military Affairs Committee Amendment. 58  
(Printed in Senate Journal, February 28, pages 365-366 and placed in members' bill files.) 59  
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Amendment No. 2, Appropriations Committee Amendment. 61  
(Printed in Senate Journal, April 4, pages 746-747 and placed in members' bill files.) 62  
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Amendment No. 3(L.017), by Senator Gordon. 64  
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**SEVERED SECTION 1: PASSED** 66  
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Amend printed bill, page 2, after line 1, insert the following: 68  
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"SECTION 1. 1-2-204 (2) (f.5), Colorado Revised Statutes, is 70  
amended, and the said 1-2-204 is further amended BY THE ADDITION 71  
OF A NEW SUBSECTION, to read: 72

**1-2-204. Questions answered by elector.** (2) In addition, each eligible elector shall be asked, and the elector shall correctly answer, the following:

(f.5) In the case of an elector who has been issued a current and valid Colorado driver's license, the elector's Colorado driver's license number. ~~or the last four digits of the elector's social security number.~~ If, INSTEAD OF A DRIVER'S LICENSE, the elector has a current and valid identification card issued by the department of revenue in accordance with ~~the requirements of part 3 of article 2 of title 42, C.R.S., instead of a driver's license,~~ the elector ~~may~~ SHALL provide the number of ~~such~~ THE identification card instead of a Colorado driver's license number. ~~or the last four digits of the elector's social security number.~~ IF THE ELECTOR DOES NOT HAVE A CURRENT AND VALID COLORADO DRIVER'S LICENSE OR IDENTIFICATION CARD, THE ELECTOR SHALL ANSWER THAT HE OR SHE DOES NOT HAVE A DRIVER'S LICENSE OR IDENTIFICATION CARD AND SHALL PROVIDE THE LAST FOUR DIGITS OF THE ELECTOR'S SOCIAL SECURITY NUMBER. IF THE ELECTOR DOES NOT HAVE A SOCIAL SECURITY NUMBER, THE ELECTOR SHALL ANSWER THAT HE OR SHE DOES NOT HAVE A SOCIAL SECURITY NUMBER.

(2.7) THE FORM USED FOR REGISTRATION OF ELECTORS SHALL CONTAIN A STATEMENT THAT THE APPLICANT MUST COMPLY WITH THE REQUIREMENTS OF PARAGRAPH (f.5) OF SUBSECTION (2) OF THIS SECTION, THAT AN APPLICANT WHO IS QUALIFIED TO VOTE IN THIS STATE BUT DOES NOT HAVE A DRIVER'S LICENSE, STATE-ISSUED IDENTIFICATION CARD, OR SOCIAL SECURITY NUMBER MAY STILL REGISTER TO VOTE, AND THAT THE SECRETARY OF STATE WILL ASSIGN AN IDENTIFYING NUMBER TO SUCH AN APPLICANT FOR VOTER REGISTRATION PURPOSES.

**SECTION 2.** 1-2-204 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**1-2-204. Questions answered by elector.** (3) (c) IF THE ELECTOR DOES NOT COMPLY WITH THE REQUIREMENTS OF SUBSECTIONS (1) AND (2) OF THIS SECTION, THE COUNTY CLERK AND RECORDER SHALL NOT REGISTER THE ELECTOR.

**SEVERED SECTION 3: PASSED**

**SECTION 3.** 1-2-501 (1) (b.5) (I), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH to read:

**1-2-501. Form for mail and agency registration - procedures for registration by mail for first-time electors - additional identifying information to be provided by first-time registrants.** (1) The secretary of state, in consultation with the federal election assistance commission, shall develop an application form that may be used for mail voter registration, voter registration at voter registration agencies, and voter change of address. The form developed shall:

(b.5) (I) Include:

(E) A STATEMENT THAT THE APPLICANT MUST COMPLY WITH THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION, THAT AN APPLICANT WHO IS QUALIFIED TO VOTE IN THIS STATE BUT DOES NOT HAVE A DRIVER'S LICENSE, STATE-ISSUED IDENTIFICATION CARD, OR SOCIAL SECURITY NUMBER MAY STILL REGISTER TO VOTE, AND THAT THE SECRETARY OF STATE WILL ASSIGN AN IDENTIFYING NUMBER TO SUCH AN APPLICANT FOR VOTER REGISTRATION PURPOSES.

**SEVERED SECTION 1 (cont.): PASSED**

**SECTION 4.** 1-2-501 (2) (a), Colorado Revised Statutes, is amended, and the said 1-2-501 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**1-2-501. Form for mail and agency registration - procedures for registration by mail for first-time electors - additional identifying**

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**information to be provided by first-time registrants.** (2) (a) Subject to the requirements of paragraph (b) of this subsection (2), in addition to the identifying information required to be provided by the elector pursuant to subsection (1) of this section, any person who desires to register by mail in accordance with the requirements of this part 5 shall submit with ~~such~~ THE registration APPLICATION:

(I) ~~A copy of identification within the meaning of section 1-1-104 (19.5)~~ IN THE CASE OF AN ELECTOR WHO HAS A CURRENT AND VALID COLORADO DRIVER'S LICENSE OR A CURRENT AND VALID IDENTIFICATION CARD ISSUED BY THE DEPARTMENT OF REVENUE IN ACCORDANCE WITH PART 3 OF ARTICLE 2 OF TITLE 42, C.R.S., THE NUMBER OF THE ELECTOR'S COLORADO DRIVER'S LICENSE OR IDENTIFICATION CARD; or

(II) ~~At least~~ IN THE CASE OF AN ELECTOR WHO DOES NOT HAVE A CURRENT AND VALID COLORADO DRIVER'S LICENSE OR A CURRENT AND VALID IDENTIFICATION CARD ISSUED BY THE DEPARTMENT OF REVENUE IN ACCORDANCE WITH PART 3 OF ARTICLE 2 OF TITLE 42, C.R.S., the last four digits of the person's social security number.

(a.5) IF AN APPLICANT DOES NOT HAVE A CURRENT AND VALID COLORADO DRIVER'S LICENSE, A CURRENT AND VALID IDENTIFICATION CARD ISSUED BY THE DEPARTMENT OF REVENUE IN ACCORDANCE WITH PART 3 OF ARTICLE 2 OF TITLE 42, C.R.S., OR A SOCIAL SECURITY NUMBER, THE SECRETARY OF STATE SHALL ASSIGN THE APPLICANT A NUMBER FOR VOTER REGISTRATION PURPOSES IN ACCORDANCE WITH SECTION 1-2-204 (2.5)."

Renumber succeeding sections accordingly.

Page 4, line 16, after "AFTER", insert "A PUBLIC COMMENT PERIOD OF NO LESS THAN FIFTEEN DAYS AND".

**SEVERED SECTION 2: PASSED**

Page 6, after line 16, insert the following:

**"SECTION 11.** Article 8.5 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**1-8.5-101.5. Electronic voting device - use for casting provisional ballot.** (1) AN ELECTRONIC VOTING DEVICE MAY BE USED TO CAST A PROVISIONAL BALLOT IF THE DEVICE IS CERTIFIED BY THE SECRETARY OF STATE FOR THAT PURPOSE.

(2) IF AN ELECTRONIC VOTING DEVICE THAT IS CERTIFIED FOR USE WITH PROVISIONAL BALLOTS IS USED IN AN ELECTION, THE DESIGNATED ELECTION OFFICIAL SHALL DETERMINE WHETHER ELECTORS CASTING PROVISIONAL BALLOTS SHALL USE THE ELECTRONIC VOTING DEVICE OR PAPER PROVISIONAL BALLOTS.

**SECTION 12.** 1-8.5-102 (2) and (3), Colorado Revised Statutes, are amended to read:

**1-8.5-102. Form of provisional ballot.** (2) ~~The~~ AN ELECTOR CASTING A PROVISIONAL BALLOT SHALL COMPLETE AN affidavit and RECEIVE INFORMATION AND instructions on the voting and handling of provisional ballots. ~~shall be printed on the provisional ballot envelope.~~ The secretary of state shall prescribe by rules promulgated in accordance with article 4 of title 24, C.R.S., the language of the AFFIDAVIT, INFORMATION, AND instructions. ~~and the format and size of the provisional ballot envelope.~~

(3) Each polling place USING PAPER PROVISIONAL BALLOTS shall have on hand a sufficient number of provisional ballots in all ballot styles applicable to that polling place and a sufficient number of provisional ballot envelopes.

**SECTION 13.** 1-8.5-104 (1) and (5), Colorado Revised Statutes, are amended to read:

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**1-8.5-104. Voting procedure - provisional ballot.** (1) An elector casting a provisional ballot shall complete and sign the provisional ballot affidavit ~~mark the ballot, and seal~~ CAST the ballot. ~~in the provisional ballot envelope.~~

(5) IF PAPER PROVISIONAL BALLOTS AND ENVELOPES ARE USED IN AN ELECTION, the provisional ballot envelope containing the marked provisional ballot shall be deposited in a ballot container. All PAPER provisional ballots cast shall remain sealed in their envelopes for return to the county clerk and recorder or designated election official.

**SECTION 14.** 1-8.5-105 (1) and (4), Colorado Revised Statutes, are amended to read:

**1-8.5-105. Verification of provisional ballot information - counting procedure.** (1) In accordance with this section and using the procedures and databases prescribed by the secretary of state by rules promulgated in accordance with article 4 of title 24, C.R.S., the designated election official shall attempt to verify that an elector who cast a provisional ballot is eligible to vote. The designated election official or designee shall complete the preliminary verification of the elector's eligibility to vote before ~~opening the envelope~~ THE BALLOT IS COUNTED IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION.

(4) The designated election official shall determine the time for the verification and counting of provisional ballots to begin in accordance with rules promulgated by the secretary of state. A board appointed by the designated election official shall ~~open~~ COUNT all verified provisional ~~ballot envelopes and count the ballots~~ in accordance with the procedure prescribed by the designated election official in accordance with this title and the election rules of the secretary of state.

**SEVERED SECTION 1(cont.): PASSED**

**SECTION 15.** 1-8.5-108 (2) and (3), Colorado Revised Statutes, are amended to read:

**1-8.5-108. Electors who move after close of registration - effect of provisional ballot.** (2) If an elector who moves from the county in which the elector is registered to another county during the twenty-nine days before an election does not vote in the county where registered pursuant to section 1-2-217 (1) and instead casts a provisional ballot in the new county of residence, the elector's votes for federal and statewide offices FOR WHICH THE ELECTOR IS ELIGIBLE TO VOTE and statewide ballot issues and ballot questions shall be counted. The provisional ballot affidavit shall serve as the elector's voter registration application for future elections.

(3) If an elector who moves from the precinct in which the elector is registered to another precinct in the same county during the twenty-nine days before an election does not vote in the precinct where registered pursuant to section 1-2-217 (2) and instead casts a provisional ballot in the new precinct of residence, the elector's votes for federal and statewide offices FOR WHICH THE ELECTOR IS ELIGIBLE TO VOTE and statewide ballot issues and ballot questions shall be counted. The provisional ballot affidavit shall serve as the elector's voter registration application for future elections.

**SECTION 16.** 1-8.5-109, Colorado Revised Statutes, is amended to read:

**1-8.5-109. Electors who vote outside precinct of residence - effect of provisional ballot.** If an elector casts a provisional ballot at a polling place in a precinct other than the precinct in which the elector is registered, the elector's votes for federal OFFICES FOR WHICH THE ELECTOR IS ELIGIBLE TO VOTE and THE ELECTOR'S VOTES FOR statewide offices and statewide ballot issues and ballot questions shall be counted."

Renumber succeeding sections accordingly.

Amend the Appropriations Committee Report, dated April 4, 2006, page

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1, strike lines 4 through 8 and substitute the following:

"strike line 22 and substitute the following:

"Page 7, strike lines 6 through 11 and substitute the following:

"odd-year elections. If the amount of moneys in the department of state cash fund is insufficient to cover such costs, the general assembly may appropriate additional general fund moneys to cover such costs after exhausting all moneys in the department of state cash fund. ~~Any appropriation made pursuant to this section shall not be used in calculating the fees provided for in section 24-21-104 (3) (b). The intent";~~

after line 17, insert the following:". "

Page 2 of the Appropriations Committee Report, strike line 4 and substitute the following:

"act.". " .";

strike lines 5 and 6.

Amendment No. 4(L.018), by Senator Gordon.

Amend proposed Gordon floor amendment (SB170\_L.017), page 2, line 13, strike "(I)," and substitute "(I) (D),";

line 14, strike "amended" and substitute "amended, and the said 1-2-501 (1) (b.5) (I) is further amended" and strike "SUB-SUBPARAGRAPH" and substitute "SUB-SUBPARAGRAPH,";

after line 23, insert the following:

"(D) A statement informing the applicant that, if the form is submitted by mail and the applicant ~~is registering to vote for the first time in the state of Colorado~~ HAS NOT PREVIOUSLY VOTED IN THE COUNTY, the applicant shall submit WITH THE REGISTRATION FORM a copy of identification ~~within the meaning of AS DEFINED IN~~ section 1-1-104 (19.5), THE APPLICANT'S DRIVER'S LICENSE NUMBER, or the last four digits of the applicant's social security number, ~~with the mail-in registration form to avoid the additional identification requirements imposed upon applicants voting for the first time imposed by sections 1-7.5-107 and 1-8-113.~~ OTHERWISE THE APPLICANT WILL BE REQUIRED TO SUBMIT A COPY OF IDENTIFICATION WITH THE APPLICANT'S MAIL BALLOT OR ABSENTEE BALLOT; AND";

after line 30, insert the following:

**"SECTION 4.** 1-2-501, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**1-2-501. Form for mail and agency registration - procedures for registration by mail for first-time electors - additional identifying information to be provided by first-time registrants.** (1.5) AN ELECTOR WHO SUBMITS A VOTER REGISTRATION FORM BY MAIL AND IS REGISTERING TO VOTE FOR THE FIRST TIME IN THE STATE SHALL:

(a) SUBMIT WITH THE VOTER REGISTRATION FORM A COPY OF IDENTIFICATION AS DEFINED IN SECTION 1-1-104 (19.5), THE ELECTOR'S DRIVER'S LICENSE NUMBER, OR THE LAST FOUR DIGITS OF THE ELECTOR'S SOCIAL SECURITY NUMBER; OR

(b) SUBMIT A COPY OF IDENTIFICATION AS DEFINED IN SECTION 1-1-104 (19.5) WITH THE ELECTOR'S MAIL BALLOT IN ACCORDANCE WITH SECTION 1-7.5-107 (3.5) OR WITH THE ELECTOR'S ABSENTEE BALLOT IN ACCORDANCE WITH SECTION 1-8-113 (3)."

Renumber succeeding sections accordingly.

Page 3, line 6, strike "subsection (1)" and substitute "~~subsection (1)~~"

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SUBSECTIONS (1) AND (1.5)";

after line 30, insert the following:

""SECTION 10. The introductory portion to 1-7.5-107 (3.5) (a), Colorado Revised Statutes, is amended to read:

**1-7.5-107. Procedures for conducting mail ballot election - first-time voters casting a mail ballot after having registered by mail to vote.** (3.5) (a) ~~Subject to the requirements of section 1-2-501 (2)~~ UNLESS OTHERWISE PROVIDED BY SECTION 1-2-501 (1.5), the requirements of this subsection (3.5) shall apply to ~~any~~ A person who ~~has~~ registered to vote by mail in accordance with part 5 of article 2 of this title and who:

**SECTION 11.** 1-8-113 (3) (a), Colorado Revised Statutes, is amended to read:

**1-8-113. Manner of absentee voting - first-time voters casting an absentee ballot after having registered by mail to vote.** (3) (a) ~~Subject to the requirements of section 1-2-501 (2)~~ UNLESS OTHERWISE PROVIDED BY SECTION 1-2-501 (1.5), the requirements of this subsection (3) shall apply to ~~any~~ A person who ~~has~~ registered to vote by mail in accordance with part 5 of article 2 of this title and who:".

Renumber succeeding sections accordingly.

Page 3, line 31, strike ""SECTION" and substitute "SECTION".

Amendment No. 5(L.019), by Senator McElhany.

Amend printed bill, page 2, after line 1, insert the following:

**SECTION 1.** 1-2-201 (2), Colorado Revised Statutes, is amended to read:

**1-2-201. Registration required - deadline.** (2) Each elector registering shall sign his or her name on the registration record or, if unable to write, shall make a personal mark or be provided assistance to make such a mark by the county clerk and recorder or any other person authorized by the county clerk and recorder or the elector. The elector shall answer the questions required by section 1-2-204, ~~and shall~~ complete the self-affirmation required by section 1-2-205, AND PROVIDE PROOF OF CITIZENSHIP PURSUANT TO SECTION 1-2-205.5.

**SECTION 2.** Part 2 of article 2 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**1-2-205.5. Proof of citizenship.** (1) THE COUNTY CLERK AND RECORDER OR DEPUTY REGISTRAR SHALL NOT REGISTER AN ELIGIBLE ELECTOR MAKING APPLICATION FOR REGISTRATION UNLESS THE ELECTOR SUBMITS PROOF OF CITIZENSHIP TO THE COUNTY CLERK AND RECORDER OR DEPUTY REGISTRAR.

(2) PROOF OF CITIZENSHIP MAY BE ESTABLISHED BY ANY OF THE FOLLOWING:

(a) A VALID UNITED STATES PASSPORT OR A LEGIBLE PHOTOCOPY OF THE PERTINENT PAGES THEREOF, IDENTIFYING THE ELECTOR AND SHOWING THE PASSPORT NUMBER;

(b) THE ELECTOR'S BIRTH CERTIFICATE OR A LEGIBLE PHOTOCOPY THEREOF;

(c) THE ELECTOR'S UNITED STATES NATURALIZATION DOCUMENTATION OR A LEGIBLE PHOTOCOPY THEREOF, OR THE NUMBER OF THE APPLICANT'S CERTIFICATE OF NATURALIZATION; EXCEPT THAT AN ELECTOR WHO PROVIDES THE NUMBER OF THE CERTIFICATE OF NATURALIZATION IN LIEU OF THE NATURALIZATION DOCUMENTATION SHALL NOT BE REGISTERED UNTIL THE COUNTY CLERK AND RECORDER VERIFIES THE NUMBER WITH UNITED STATES CITIZENSHIP AND

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IMMIGRATION SERVICES; OR

(d) ANY DOCUMENT OR METHOD OF PROOF OF CITIZENSHIP ESTABLISHED BY THE FEDERAL "IMMIGRATION REFORM AND CONTROL ACT OF 1986", P.L. 99-603, AS AMENDED.

(3) PROOF OF VOTER REGISTRATION FROM ANOTHER STATE SHALL NOT BE CONSIDERED PROOF OF CITIZENSHIP FOR PURPOSES OF THIS SECTION.

(4) A PERSON WHO IS A REGISTERED ELECTOR AS OF JULY 1, 2006, IS DEEMED TO HAVE PROVIDED PROOF OF CITIZENSHIP AND IS NOT REQUIRED TO SUBMIT PROOF OF CITIZENSHIP PURSUANT TO THIS SECTION.

(5) A REGISTERED ELECTOR IS NOT REQUIRED TO SUBMIT PROOF OF CITIZENSHIP WHEN THE ELECTOR:

(a) MOVES WITHIN A COUNTY AND CHANGES HIS OR HER ADDRESS ON THE REGISTRATION RECORD PURSUANT TO SECTION 1-2-216;

(b) CHANGES HIS OR HER NAME ON THE REGISTRATION RECORD PURSUANT TO SECTION 1-2-218;

(c) DECLARES AN AFFILIATION WITH A POLITICAL PARTY OR POLITICAL ORGANIZATION PURSUANT TO SECTION 1-2-218.5; OR

(d) CHANGES OR WITHDRAWS AN AFFILIATION WITH A POLITICAL PARTY OR POLITICAL ORGANIZATION PURSUANT TO SECTION 1-2-219.

(6) THE COUNTY CLERK AND RECORDER SHALL NOT REGISTER A PERSON WHO APPLIES TO REGISTER BY COMPLETING A PROVISIONAL BALLOT AFFIDAVIT PURSUANT TO SECTION 1-8.5-103 (2) (a), 1-8.5-107 (1) OR (2) (c), OR 1-8.5-108 UNTIL THE PERSON PROVIDES PROOF OF CITIZENSHIP PURSUANT TO THIS SECTION.

(7) THE REQUIREMENTS OF THIS SECTION SHALL NOT APPLY TO AN ABSENT UNIFORMED SERVICES ELECTOR, A NONRESIDENT OVERSEAS ELECTOR, OR A RESIDENT OVERSEAS ELECTOR WHO APPLIES TO REGISTER BY FEDERAL POSTCARD APPLICATION IN ACCORDANCE WITH SECTIONS 1-2-208 AND 1-2-209 OR TO AN ELECTOR WHO REGISTERS USING THE MAIL VOTER REGISTRATION APPLICATION FORM PRESCRIBED BY THE UNITED STATES ELECTION ASSISTANCE COMMISSION.

**SECTION 3.** 1-2-213 (2) (a), Colorado Revised Statutes, is amended to read:

**1-2-213. Registration at driver's license examination facilities.**

(2) (a) An applicant who wishes to complete an application for registration shall read and answer the questions required by section 1-2-204, ~~and shall~~ PROVIDE PROOF OF CITIZENSHIP PURSUANT TO SECTION 1-2-205.5, AND make a self-affirmation by signing the following statement: "I, ....., do solemnly affirm that I am a citizen of the United States and that on the date of the next election I shall have attained the age of eighteen years and shall have resided in the state of Colorado at least thirty days and in my precinct at least thirty days before the election. I further affirm that the present address I listed herein is my sole legal place of residence and that I claim no other place as my legal residence." Each application for registration shall bear the following statement: "Warning: It is a class 1 misdemeanor to affirm falsely as to your qualifications to register to vote."

**SECTION 4.** 1-2-217.5 (1) (b), Colorado Revised Statutes, is amended to read:

**1-2-217.5. Change in residence before close of registration - emergency registration at office of county clerk and recorder.**

(1) Notwithstanding the provisions of sections 1-2-101 and 1-2-102, an elector may register to vote in an election after the registration books of the county clerk and recorder are closed for that election by completing an emergency registration affidavit as prescribed by the secretary of state if the elector:

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(b) Presents identification within the meaning of section 1-1-104 (19.5) AND PROOF OF CITIZENSHIP PURSUANT TO SECTION 1-2-205.5."

Renumber succeeding sections accordingly.

Page 6, after line 16, insert the following:

"SECTION 10. 1-8.5-103 (2) (a), Colorado Revised Statutes, is amended to read:

**1-8.5-103. Provisional ballot affidavit.** (2) (a) The provisional ballot affidavit shall constitute a voter registration application for the voter for future elections. WHEN THE COUNTY CLERK AND RECORDER REGISTERS THE ELECTOR IN THE REGISTRATION RECORD, any previous voter registration for the voter shall be cancelled pursuant to section 1-2-603 (1)."

Renumber succeeding sections accordingly.

The amendment was declared **LOST**.

Amendment No. 6(L.016), by Senator McElhany.

Amend printed bill, page 6, after line 16, insert the following:

"SECTION 6. 1-8-308, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**1-8-308. Certificate of absentee and early voters' ballots cast - survey of returns.** (3) (a) BEGINNING WITH THE 2008 GENERAL ELECTION, AND FOR ALL ELECTIONS THEREAFTER, THE RETURNS CERTIFIED BY THE JUDGES AND THE ABSTRACT OF VOTES CAST CERTIFIED BY THE CANVASS BOARD SHALL INDICATE THE NUMBER OF VOTES CAST BY EARLY VOTERS' OR ABSENTEE BALLOT IN EACH PRECINCT FOR EACH CANDIDATE AND FOR AND AGAINST EACH BALLOT ISSUE AND BALLOT QUESTION AND THE NUMBER OF BALLOTS REJECTED, EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (3).

(b) IF THE TOTAL NUMBER OF VOTES CAST AND COUNTED IN ANY PRECINCT BY EARLY VOTERS' AND ABSENTEE BALLOT IS LESS THAN TEN, THE RETURNS FOR ALL SUCH PRECINCTS IN THE POLITICAL SUBDIVISION SHALL BE REPORTED TOGETHER."

Renumber succeeding sections accordingly.

Page 7, after line 17, insert the following:

"SECTION 9. **Repeal.** 1-8-304 (4), Colorado Revised Statutes, is repealed."

Renumber succeeding section accordingly.

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

(For further action, see Amendments to the Report of the Committee of the Whole.)

**SB06-224** by Senator(s) Traylor, Grossman, Tupa; also Representative(s) Harvey, Carroll T.-- Concerning event data recorded as a motor vehicle feature.

Laid over until Friday, April 14, retaining its place on the calendar.

**HB06-1325** by Representative(s) McFadyen; also Senator(s) Takis--Concerning electric transmission for the state of Colorado, and, in connection therewith, creating an interim task force to study Colorado's need to ensure a reliable electricity infrastructure, and making an appropriation.

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

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AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB06-170 by Senator(s) Gordon; also Representative(s) Buescher--Concerning the conduct of elections.

Senator Mitchell moved to amend the Report of the Committee of the Whole to show that severed section 3 of the following Gordon floor amendment, (L.017) to SB 06-170, did not pass.

Severed section 1

Amend printed bill, page 2, after line 1, insert the following:

"SECTION 1. 1-2-204 (2) (f.5), Colorado Revised Statutes, is amended, and the said 1-2-204 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

1-2-204. Questions answered by elector. (2) In addition, each eligible elector shall be asked, and the elector shall correctly answer, the following:

(f.5) In the case of an elector who has been issued a current and valid Colorado driver's license, the elector's Colorado driver's license number. ~~or the last four digits of the elector's social security number.~~ If, INSTEAD OF A DRIVER'S LICENSE, the elector has a current and valid identification card issued by the department of revenue in accordance with the requirements of part 3 of article 2 of title 42, C.R.S., ~~instead of a driver's license,~~ the elector ~~may~~ SHALL provide the number of ~~such~~ THE identification card instead of a Colorado driver's license number. ~~or the last four digits of the elector's social security number.~~ IF THE ELECTOR DOES NOT HAVE A CURRENT AND VALID COLORADO DRIVER'S LICENSE OR IDENTIFICATION CARD, THE ELECTOR SHALL ANSWER THAT HE OR SHE DOES NOT HAVE A DRIVER'S LICENSE OR IDENTIFICATION CARD AND SHALL PROVIDE THE LAST FOUR DIGITS OF THE ELECTOR'S SOCIAL SECURITY NUMBER. IF THE ELECTOR DOES NOT HAVE A SOCIAL SECURITY NUMBER, THE ELECTOR SHALL ANSWER THAT HE OR SHE DOES NOT HAVE A SOCIAL SECURITY NUMBER.

(2.7) THE FORM USED FOR REGISTRATION OF ELECTORS SHALL CONTAIN A STATEMENT THAT THE APPLICANT MUST COMPLY WITH THE REQUIREMENTS OF PARAGRAPH (f.5) OF SUBSECTION (2) OF THIS SECTION, THAT AN APPLICANT WHO IS QUALIFIED TO VOTE IN THIS STATE BUT DOES NOT HAVE A DRIVER'S LICENSE, STATE-ISSUED IDENTIFICATION CARD, OR SOCIAL SECURITY NUMBER MAY STILL REGISTER TO VOTE, AND THAT THE SECRETARY OF STATE WILL ASSIGN AN IDENTIFYING NUMBER TO SUCH AN APPLICANT FOR VOTER REGISTRATION PURPOSES.

SECTION 2. 1-2-204 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

1-2-204. Questions answered by elector. (3) (c) IF THE ELECTOR DOES NOT COMPLY WITH THE REQUIREMENTS OF SUBSECTIONS (1) AND (2) OF THIS SECTION, THE COUNTY CLERK AND RECORDER SHALL NOT REGISTER THE ELECTOR.

Severed section 3

SECTION 3. 1-2-501 (1) (b.5) (I), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH to read:

1-2-501. Form for mail and agency registration - procedures for registration by mail for first-time electors - additional identifying information to be provided by first-time registrants. (1) The secretary of state, in consultation with the federal election assistance commission, shall develop an application form that may be used for mail voter registration, voter registration at voter registration agencies, and voter change of address. The form developed shall:

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(b.5) (I) Include:

(E) A STATEMENT THAT THE APPLICANT MUST COMPLY WITH THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION, THAT AN APPLICANT WHO IS QUALIFIED TO VOTE IN THIS STATE BUT DOES NOT HAVE A DRIVER'S LICENSE, STATE-ISSUED IDENTIFICATION CARD, OR SOCIAL SECURITY NUMBER MAY STILL REGISTER TO VOTE, AND THAT THE SECRETARY OF STATE WILL ASSIGN AN IDENTIFYING NUMBER TO SUCH AN APPLICANT FOR VOTER REGISTRATION PURPOSES.

**Severed section 1**

**SECTION 4.** 1-2-501 (2) (a), Colorado Revised Statutes, is amended, and the said 1-2-501 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**1-2-501. Form for mail and agency registration - procedures for registration by mail for first-time electors - additional identifying information to be provided by first-time registrants.** (2) (a) Subject to the requirements of paragraph (b) of this subsection (2), in addition to the identifying information required to be provided by the elector pursuant to subsection (1) of this section, any person who desires to register by mail in accordance with the requirements of this part 5 shall submit with ~~such~~ THE registration APPLICATION:

(I) ~~A copy of identification within the meaning of section 1-1-104 (19.5)~~ IN THE CASE OF AN ELECTOR WHO HAS A CURRENT AND VALID COLORADO DRIVER'S LICENSE OR A CURRENT AND VALID IDENTIFICATION CARD ISSUED BY THE DEPARTMENT OF REVENUE IN ACCORDANCE WITH PART 3 OF ARTICLE 2 OF TITLE 42, C.R.S., THE NUMBER OF THE ELECTOR'S COLORADO DRIVER'S LICENSE OR IDENTIFICATION CARD; or

(II) ~~At least~~ IN THE CASE OF AN ELECTOR WHO DOES NOT HAVE A CURRENT AND VALID COLORADO DRIVER'S LICENSE OR A CURRENT AND VALID IDENTIFICATION CARD ISSUED BY THE DEPARTMENT OF REVENUE IN ACCORDANCE WITH PART 3 OF ARTICLE 2 OF TITLE 42, C.R.S., the last four digits of the person's social security number.

(a.5) IF AN APPLICANT DOES NOT HAVE A CURRENT AND VALID COLORADO DRIVER'S LICENSE, A CURRENT AND VALID IDENTIFICATION CARD ISSUED BY THE DEPARTMENT OF REVENUE IN ACCORDANCE WITH PART 3 OF ARTICLE 2 OF TITLE 42, C.R.S., OR A SOCIAL SECURITY NUMBER, THE SECRETARY OF STATE SHALL ASSIGN THE APPLICANT A NUMBER FOR VOTER REGISTRATION PURPOSES IN ACCORDANCE WITH SECTION 1-2-204 (2.5)."

Renumber succeeding sections accordingly.

Page 4, line 16, after "AFTER", insert "A PUBLIC COMMENT PERIOD OF NO LESS THAN FIFTEEN DAYS AND".

**Severed section 2**

Page 6, after line 16, insert the following:

**"SECTION 11.** Article 8.5 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**1-8.5-101.5. Electronic voting device - use for casting provisional ballot.** (1) AN ELECTRONIC VOTING DEVICE MAY BE USED TO CAST A PROVISIONAL BALLOT IF THE DEVICE IS CERTIFIED BY THE SECRETARY OF STATE FOR THAT PURPOSE.

(2) IF AN ELECTRONIC VOTING DEVICE THAT IS CERTIFIED FOR USE WITH PROVISIONAL BALLOTS IS USED IN AN ELECTION, THE DESIGNATED ELECTION OFFICIAL SHALL DETERMINE WHETHER ELECTORS CASTING PROVISIONAL BALLOTS SHALL USE THE ELECTRONIC VOTING DEVICE OR PAPER PROVISIONAL BALLOTS.

**SECTION 12.** 1-8.5-102 (2) and (3), Colorado Revised Statutes,

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are amended to read:

**1-8.5-102. Form of provisional ballot.** (2) ~~The AN ELECTOR CASTING A PROVISIONAL BALLOT SHALL COMPLETE AN affidavit and RECEIVE INFORMATION AND instructions on the voting and handling of provisional ballots. shall be printed on the provisional ballot envelope. The secretary of state shall prescribe by rules promulgated in accordance with article 4 of title 24, C.R.S., the language of the AFFIDAVIT, INFORMATION, AND instructions. and the format and size of the provisional ballot envelope.~~

(3) Each polling place USING PAPER PROVISIONAL BALLOTS shall have on hand a sufficient number of provisional ballots in all ballot styles applicable to that polling place and a sufficient number of provisional ballot envelopes.

**SECTION 13.** 1-8.5-104 (1) and (5), Colorado Revised Statutes, are amended to read:

**1-8.5-104. Voting procedure - provisional ballot.** (1) An elector casting a provisional ballot shall complete and sign the provisional ballot affidavit ~~mark the ballot, and seal~~ CAST the ballot. ~~in the provisional ballot envelope.~~

(5) IF PAPER PROVISIONAL BALLOTS AND ENVELOPES ARE USED IN AN ELECTION, the provisional ballot envelope containing the marked provisional ballot shall be deposited in a ballot container. All PAPER provisional ballots cast shall remain sealed in their envelopes for return to the county clerk and recorder or designated election official.

**SECTION 14.** 1-8.5-105 (1) and (4), Colorado Revised Statutes, are amended to read:

**1-8.5-105. Verification of provisional ballot information - counting procedure.** (1) In accordance with this section and using the procedures and databases prescribed by the secretary of state by rules promulgated in accordance with article 4 of title 24, C.R.S., the designated election official shall attempt to verify that an elector who cast a provisional ballot is eligible to vote. The designated election official or designee shall complete the preliminary verification of the elector's eligibility to vote before ~~opening the envelope~~ THE BALLOT IS COUNTED IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION.

(4) The designated election official shall determine the time for the verification and counting of provisional ballots to begin in accordance with rules promulgated by the secretary of state. A board appointed by the designated election official shall ~~open~~ COUNT all verified provisional ballot envelopes and count the ballots in accordance with the procedure prescribed by the designated election official in accordance with this title and the election rules of the secretary of state.

**Severed section 1**

**SECTION 15.** 1-8.5-108 (2) and (3), Colorado Revised Statutes, are amended to read:

**1-8.5-108. Electors who move after close of registration - effect of provisional ballot.** (2) If an elector who moves from the county in which the elector is registered to another county during the twenty-nine days before an election does not vote in the county where registered pursuant to section 1-2-217 (1) and instead casts a provisional ballot in the new county of residence, the elector's votes for federal and statewide offices FOR WHICH THE ELECTOR IS ELIGIBLE TO VOTE and statewide ballot issues and ballot questions shall be counted. The provisional ballot affidavit shall serve as the elector's voter registration application for future elections.

(3) If an elector who moves from the precinct in which the elector is registered to another precinct in the same county during the twenty-nine days before an election does not vote in the precinct where registered pursuant to section 1-2-217 (2) and instead casts a provisional ballot in

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the new precinct of residence, the elector's votes for federal and statewide offices FOR WHICH THE ELECTOR IS ELIGIBLE TO VOTE and statewide ballot issues and ballot questions shall be counted. The provisional ballot affidavit shall serve as the elector's voter registration application for future elections.

**SECTION 16.** 1-8.5-109, Colorado Revised Statutes, is amended to read:

**1-8.5-109. Electors who vote outside precinct of residence - effect of provisional ballot.** If an elector casts a provisional ballot at a polling place in a precinct other than the precinct in which the elector is registered, the elector's votes for federal OFFICES FOR WHICH THE ELECTOR IS ELIGIBLE TO VOTE and THE ELECTOR'S VOTES FOR statewide offices and statewide ballot issues and ballot questions shall be counted."

Renumber succeeding sections accordingly.

Amend the Appropriations Committee Report, dated April 4, 2006, page 1, strike lines 4 through 8 and substitute the following:

"strike line 22 and substitute the following:

"Page 7, strike lines 6 through 11 and substitute the following:

"odd-year elections. If the amount of moneys in the department of state cash fund is insufficient to cover such costs, the general assembly may appropriate additional general fund moneys to cover such costs after exhausting all moneys in the department of state cash fund. ~~Any appropriation made pursuant to this section shall not be used in calculating the fees provided for in section 24-21-104 (3) (b). The intent";~~

after line 17, insert the following: ". "

Page 2 of the Appropriations Committee Report, strike line 4 and substitute the following:

"act." ". ";

strike lines 5 and 6.

The amendment to the Report of the Committee of the Whole was declared PASSED on the following roll call vote:

YES	18	NO	14	EXCUSED	3	ABSENT	0
Bacon	N	Hagedorn	N	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	N	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	N	Tupa	N
Dyer	Y	Jones	Y	Shaffer	N	Veiga	E
Entz	E	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	E	Takis	N	Williams	N
Gordon	N	Lamborn	Y	Tapia	N	Windels	N
Groff	N	May R.	Y	Taylor	Y	President	N
Grossman	N	McElhany	Y	Teck	Y		

Senator McElhany moved to amend the Report of the Committee of the Whole to show that the following McElhany floor amendment, (L.009) to SB 06-170, did pass.

Amend printed bill, page 2, after line 1, insert the following:

**"SECTION 1.** 1-2-201 (2), Colorado Revised Statutes, is amended to read:

**1-2-201. Registration required - deadline.** (2) Each elector registering shall sign his or her name on the registration record or, if unable to write, shall make a personal mark or be provided assistance to make such a mark by the county clerk and recorder or any other person authorized by the county clerk and recorder or the elector. The elector



shall answer the questions required by section 1-2-204, ~~and shall~~ complete the self-affirmation required by section 1-2-205, AND PROVIDE PROOF OF CITIZENSHIP PURSUANT TO SECTION 1-2-205.5.

**SECTION 2.** Part 2 of article 2 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**1-2-205.5. Proof of citizenship.** (1) THE COUNTY CLERK AND RECORDER OR DEPUTY REGISTRAR SHALL NOT REGISTER AN ELIGIBLE ELECTOR MAKING APPLICATION FOR REGISTRATION UNLESS THE ELECTOR SUBMITS PROOF OF CITIZENSHIP TO THE COUNTY CLERK AND RECORDER OR DEPUTY REGISTRAR.

(2) PROOF OF CITIZENSHIP MAY BE ESTABLISHED BY ANY OF THE FOLLOWING:

(a) A VALID UNITED STATES PASSPORT OR A LEGIBLE PHOTOCOPY OF THE PERTINENT PAGES THEREOF, IDENTIFYING THE ELECTOR AND SHOWING THE PASSPORT NUMBER;

(b) THE ELECTOR'S BIRTH CERTIFICATE OR A LEGIBLE PHOTOCOPY THEREOF;

(c) THE ELECTOR'S UNITED STATES NATURALIZATION DOCUMENTATION OR A LEGIBLE PHOTOCOPY THEREOF, OR THE NUMBER OF THE APPLICANT'S CERTIFICATE OF NATURALIZATION; EXCEPT THAT AN ELECTOR WHO PROVIDES THE NUMBER OF THE CERTIFICATE OF NATURALIZATION IN LIEU OF THE NATURALIZATION DOCUMENTATION SHALL NOT BE REGISTERED UNTIL THE COUNTY CLERK AND RECORDER VERIFIES THE NUMBER WITH UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES; OR

(d) ANY DOCUMENT OR METHOD OF PROOF OF CITIZENSHIP ESTABLISHED BY THE FEDERAL "IMMIGRATION REFORM AND CONTROL ACT OF 1986", P.L. 99-603, AS AMENDED.

(3) PROOF OF VOTER REGISTRATION FROM ANOTHER STATE SHALL NOT BE CONSIDERED PROOF OF CITIZENSHIP FOR PURPOSES OF THIS SECTION.

(4) A PERSON WHO IS A REGISTERED ELECTOR AS OF JULY 1, 2006, IS DEEMED TO HAVE PROVIDED PROOF OF CITIZENSHIP AND IS NOT REQUIRED TO SUBMIT PROOF OF CITIZENSHIP PURSUANT TO THIS SECTION.

(5) A REGISTERED ELECTOR IS NOT REQUIRED TO SUBMIT PROOF OF CITIZENSHIP WHEN THE ELECTOR:

(a) MOVES WITHIN A COUNTY AND CHANGES HIS OR HER ADDRESS ON THE REGISTRATION RECORD PURSUANT TO SECTION 1-2-216;

(b) CHANGES HIS OR HER NAME ON THE REGISTRATION RECORD PURSUANT TO SECTION 1-2-218;

(c) DECLARES AN AFFILIATION WITH A POLITICAL PARTY OR POLITICAL ORGANIZATION PURSUANT TO SECTION 1-2-218.5; OR

(d) CHANGES OR WITHDRAWS AN AFFILIATION WITH A POLITICAL PARTY OR POLITICAL ORGANIZATION PURSUANT TO SECTION 1-2-219.

(6) THE COUNTY CLERK AND RECORDER SHALL NOT REGISTER A PERSON WHO APPLIES TO REGISTER BY COMPLETING A PROVISIONAL BALLOT AFFIDAVIT PURSUANT TO SECTION 1-8.5-103 (2) (a), 1-8.5-107 (1) OR (2) (c), OR 1-8.5-108 UNTIL THE PERSON PROVIDES PROOF OF CITIZENSHIP PURSUANT TO THIS SECTION.

(7) THE REQUIREMENTS OF THIS SECTION SHALL NOT APPLY TO AN ABSENT UNIFORMED SERVICES ELECTOR, A NONRESIDENT OVERSEAS ELECTOR, OR A RESIDENT OVERSEAS ELECTOR WHO APPLIES TO REGISTER BY FEDERAL POSTCARD APPLICATION IN ACCORDANCE WITH SECTIONS 1-2-208 AND 1-2-209 OR TO AN ELECTOR WHO REGISTERS USING THE MAIL VOTER REGISTRATION APPLICATION FORM PRESCRIBED BY THE UNITED

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STATES ELECTION ASSISTANCE COMMISSION.

**SECTION 3.** 1-2-213 (2) (a), Colorado Revised Statutes, is amended to read:

**1-2-213. Registration at driver's license examination facilities.**

(2) (a) An applicant who wishes to complete an application for registration shall read and answer the questions required by section 1-2-204, ~~and shall~~ PROVIDE PROOF OF CITIZENSHIP PURSUANT TO SECTION 1-2-205.5, AND make a self-affirmation by signing the following statement: "I, ....., do solemnly affirm that I am a citizen of the United States and that on the date of the next election I shall have attained the age of eighteen years and shall have resided in the state of Colorado at least thirty days and in my precinct at least thirty days before the election. I further affirm that the present address I listed herein is my sole legal place of residence and that I claim no other place as my legal residence." Each application for registration shall bear the following statement: "Warning: It is a class 1 misdemeanor to affirm falsely as to your qualifications to register to vote."

**SECTION 4.** 1-2-217.5 (1) (b), Colorado Revised Statutes, is amended to read:

**1-2-217.5. Change in residence before close of registration - emergency registration at office of county clerk and recorder.**

(1) Notwithstanding the provisions of sections 1-2-101 and 1-2-102, an elector may register to vote in an election after the registration books of the county clerk and recorder are closed for that election by completing an emergency registration affidavit as prescribed by the secretary of state if the elector:

(b) Presents identification within the meaning of section 1-1-104 (19.5) AND PROOF OF CITIZENSHIP PURSUANT TO SECTION 1-2-205.5."

Renumber succeeding sections accordingly.

Page 6, after line 16, insert the following:

**"SECTION 10.** 1-8.5-103 (2) (a), Colorado Revised Statutes, is amended to read:

**1-8.5-103. Provisional ballot affidavit.** (2) (a) The provisional ballot affidavit shall constitute a voter registration application for the voter for future elections. WHEN THE COUNTY CLERK AND RECORDER REGISTERS THE ELECTOR IN THE REGISTRATION RECORD, any previous voter registration for the voter shall be cancelled pursuant to section 1-2-603 (1)."

Renumber succeeding sections accordingly.

The amendment to the Report of the Committee of the Whole was declared LOST on the following roll call vote:

YES	17	NO	15	EXCUSED	3	ABSENT	0
Bacon	N	Hagedorn	N	Mitchell	Y	Tochtrop	N
Boyd	Y	Isgar	N	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	N	Tupa	N
Dyer	Y	Jones	Y	Shaffer	N	Veiga	E
Entz	E	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	E	Takis	N	Williams	N
Gordon	N	Lamborn	Y	Tapia	N	Windels	N
Groff	N	May R.	Y	Taylor	Y	President	N
Grossman	N	McElhany	Y	Teck	Y		

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

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

Passed on Second Reading: SB06-044 as amended, SB06-212 as amended, SB06-170 as amended, HB06-1325.

Laid over until Friday, April 14: SB06-046, SB06-138, SB06-224.

Laid over until Tuesday, April 25: HB06-1090, SB06-143

### COMMITTEE OF REFERENCE REPORTS

State,  
Veterans, &  
Military  
Affairs

After consideration on the merits, the Committee recommends that **SJR06-025** be postponed indefinitely.

State,  
Veterans, &  
Military  
Affairs

After consideration on the merits, the Committee recommends that **HB06-1317** be referred to the Committee on Appropriations with favorable recommendation.

Business,  
Labor, &  
Technology

After consideration on the merits, the Committee recommends that **HB06-1278** be referred to the Committee on Appropriations with favorable recommendation.

Business,  
Labor, &  
Technology

After consideration on the merits, the Committee recommends that **HB06-1344** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend reengrossed bill, page 13, line 25, after "**Construction.**", insert "(1)".

Page 14, after line 2, insert the following:

"(2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, NOTHING IN THIS ARTICLE SHALL BE INTERPRETED TO REQUIRE A CHILD PLACEMENT AGENCY TO PLACE A CHILD FOR ADOPTION WITH A COUPLE THAT HAS ENTERED INTO A DOMESTIC PARTNERSHIP PURSUANT TO THIS ARTICLE IF THE CHILD PLACEMENT AGENCY OBJECTS TO SUCH PLACEMENT ON THE BASIS OF RELIGIOUS BELIEFS."

Page 18, line 7, strike "AND";

line 10, strike "AND";

line 11, strike "THE ACT?" and substitute "THE ACT, AND PROVIDING THAT A DOMESTIC PARTNERSHIP IS NOT A MARRIAGE, WHICH CONSISTS OF THE UNION OF ONE MAN AND ONE WOMAN?".

Business,  
Labor, &  
Technology

After consideration on the merits, the Committee recommends that **SB06-220** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 4, after "that", insert "investor-owned";

line 5, after "and", insert "natural";

line 12, strike "3" and substitute "8.7";

line 14, strike "**40-3-103.5.**" and substitute "**40-8.7-110.5.**";

after line 17, insert the following:

"(a) "COMMISSION" MEANS THE PUBLIC UTILITIES COMMISSION.

(b) "CUSTOMER" MEANS A LOW-INCOME SENIOR CUSTOMER OR A MEDICALLY FRAGILE CUSTOMER.

(c) "GAS" MEANS NATURAL GAS. "GAS" DOES NOT INCLUDE PROPANE."

Reletter succeeding paragraphs accordingly.

Page 2, line 18, after "AN", insert "INVESTOR-OWNED ELECTRIC OR GAS UTILITY WITH MORE THAN 300,000 CUSTOMERS:".

Page 3, strike line 1; strike lines 5 through 7 and substitute the following:

"(III) WHO IS ELIGIBLE FOR THE PROGRAM OR AN ALTERNATIVE ENERGY ASSISTANCE PROGRAM.";

line 8, after "AN", insert "INVESTOR-OWNED ELECTRIC OR GAS UTILITY WITH MORE THAN 300,000 CUSTOMERS";

line 9, strike "ELECTRIC OR GAS UTILITY";

strike lines 24 through 26.

Reletter succeeding paragraph accordingly.

Page 4, line 2, strike "A" and substitute "AN INVESTOR-OWNED";

line 3, strike "SERVICE," and substitute "SERVICE WITH MORE THAN 300,000 CUSTOMERS,";

strike line 9 and substitute the following:

"ARREARAGES. IN THE CASE OF A UTILITY THAT FILES TARIFFS WITH THE COMMISSION, THE POLICY SHALL BE IDENTICAL TO THE CORRESPONDING PROVISIONS OF THE UTILITY'S TARIFFS;"

line 16, strike "IN CASES OF EXTREME";

line 17, strike "CIRCUMSTANCES" and substitute "AS PART OF A CONTROLLED OUTAGE OR OTHER GENERAL RESPONSE TO A SYSTEMIC PROBLEM".

Page 5, line 4, strike "ARTICLE 8.7 OF THIS" and substitute "THIS ARTICLE;"

strike line 5;

line 25, strike "TEN" and substitute "NINE";

line 27, strike "FOUR" and substitute "THREE".

Page 6, strike lines 1 through 10 and substitute the following:

"(A) ONE MEMBER REPRESENTING INVESTOR-OWNED ELECTRIC UTILITIES WITH MORE THAN 300,000 CUSTOMERS;

(B) ONE MEMBER REPRESENTING INVESTOR-OWNED NATURAL GAS UTILITIES WITH MORE THAN 300,000 CUSTOMERS;

(C) ONE MEMBER WHO IS ELIGIBLE FOR THE PROGRAM OR AN ALTERNATIVE ENERGY ASSISTANCE PROGRAM; AND

(D) ONE MEMBER OF THE LEGISLATIVE COMMISSION ON LOW-INCOME ENERGY ASSISTANCE, CREATED IN SECTION 40-8.5-103.5.";

after line 17, insert the following:

"(IV) THE DIRECTOR OF THE COMMISSION OR THE DIRECTOR'S DESIGNEE;"

Renumber succeeding subparagraphs accordingly.

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Page 7, line 8, strike "LIFELINE RATES" and substitute "RATES AND PRACTICES THAT MAKE SPECIAL ACCOMMODATIONS FOR LOW-INCOME OR DISABLED UTILITY CUSTOMERS,";

line 9, strike "LIFELINE RATES;" and substitute "SUCH RATES AND PRACTICES;";

line 16, strike "THE" and substitute "TO THE EXTENT POSSIBLE WITHOUT COMPROMISING INDIVIDUAL CUSTOMERS' PRIVACY OR LAWS GOVERNING DEBT COLLECTION PRACTICES, THE".

Page 8, after line 12, insert the following:

**SECTION 3. Severability.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

**SECTION 4. Applicability.** This act shall apply to investor-owned utilities with more than 300,000 customers, cooperative electric associations, and, to the extent constitutionally permissible, to municipally owned utilities, on or after the effective date of this act."

Renumber succeeding section accordingly.

Business,  
Labor, &  
Technology

The Committee on Business, Labor and Technology has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

BOARD OF DIRECTORS OF DENVER METROPOLITAN  
MAJOR LEAGUE STADIUM DISTRICT

for terms expiring August 1, 2009:

Raymond T. Baker of Lakewood, Colorado, reappointed;

Mac J. Slingerlend of Englewood, Colorado, reappointed;

F. Robert Lee of Littleton, Colorado, appointed;

Patricia D. Baca of Denver, Colorado, appointed;

John P. Dikeou of Denver, Colorado, reappointed;

Patty Imhoff of Greenwood Village, Colorado, appointed.

FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
ON HB06-1021

\*\*\*\*\*

THIS REPORT AMENDS THE  
REREVISED BILL

\*\*\*\*\*

To the President of the Senate and the  
Speaker of the House of Representatives:

Your first conference committee appointed on HB06-1021,  
concerning physical education teachers employed by school districts,  
has met and reports that it has agreed upon the following:

That the house accede to the senate amendments made to the  
bill, as the amendments appear in the rerevised bill, with the following  
changes:

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Amend rerevised bill, page 2, strike lines 14 through 16 and substitute the following:

"(b) HAS AN INITIAL TEACHER LICENSE OR A PROFESSIONAL TEACHER LICENSE ISSUED PURSUANT TO SECTION 22-60.5-201 AND:

(I) HAS ACQUIRED TWENTY-FOUR SEMESTER HOURS OF CREDIT IN PHYSICAL EDUCATION AS VERIFIED BY THE SCHOOL DISTRICT; OR

(II) HAS PASSED A TEST IN PHYSICAL EDUCATION ADOPTED BY THE STATE BOARD OF EDUCATION OR A NATIONAL CERTIFICATION TEST IN PHYSICAL EDUCATION."

Respectfully submitted,

House Committee:
(signed)
Representative Benefield, Chair
Representative Paccione
Representative J. Kerr

Senate Committee:
(signed)
Senator Tupa, Chair
Senator Williams
Senator Kester

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON HB06-1375

\*\*\*\*\*
THIS REPORT AMENDS THE
REREVISED BILL
\*\*\*\*\*

To the President of the Senate and the Speaker of the House of Representatives:

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

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

Amend rerevised bill, page 7, line 4, strike "AND THAT"; strike lines 18 through 27 and substitute the following:

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

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

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section. Under the circumstances described in this subsection (4), the provisions of section 22-20-108 (8) shall not apply.

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

Page 8, strike lines 1 through 12;

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

strike line 21;

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

Page 9, after line 4, insert the following:

"(8) (a) THE STATE BOARD SHALL EXAMINE AND DEVELOP PROPOSED CRITERIA, IN ADDITION TO THOSE SPECIFIED IN SUBSECTIONS (4), (5), AND (6) OF THIS SECTION, BY WHICH TO DETERMINE WHETHER A CHILD'S SCHOOL DISTRICT OF RESIDENCE SHALL BE REQUIRED TO PAY A DISTRICT OF ATTENDANCE, A DISTRICT OR INSTITUTE CHARTER SCHOOL, OR THE PROVIDER OF AN ON-LINE PROGRAM THE TUITION CHARGE FOR EXCESS COSTS INCURRED IN EDUCATING A CHILD WITH A DISABILITY WHO RECEIVES EDUCATIONAL SERVICES FROM THE DISTRICT OF ATTENDANCE, THE DISTRICT OR INSTITUTE CHARTER SCHOOL, OR THE PROVIDER OF THE ON-LINE PROGRAM, AS APPLICABLE. IN DEVELOPING THE PROPOSED CRITERIA, THE STATE BOARD SHALL, AT A MINIMUM, CONSIDER THE INTENSITY AND DURATION OF THE SPECIAL EDUCATION SERVICES PROVIDED AS FACTORS IN DETERMINING WHEN A CHILD'S DISTRICT OF RESIDENCE IS RESPONSIBLE FOR PAYING A SCHOOL DISTRICT OF ATTENDANCE, A DISTRICT OR INSTITUTE CHARTER SCHOOL, OR A PROVIDER OF AN ON-LINE PROGRAM, AS APPLICABLE, THE TUITION CHARGE FOR EXCESS COSTS. THE STATE BOARD SHALL ENSURE THAT THE PROPOSED CRITERIA FOR PAYING THE TUITION CHARGE FOR EXCESS COSTS ARE THE SAME FOR A SCHOOL DISTRICT OF ATTENDANCE, A DISTRICT OR INSTITUTE CHARTER SCHOOL, AND A PROVIDER OF AN ON-LINE PROGRAM THAT PROVIDES EDUCATIONAL SERVICES TO A CHILD WITH A DISABILITY.

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

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

Page 18, strike lines 9 through 27.

Page 19, strike lines 1 through 13.

Re-number succeeding sections accordingly.

Page 21, after line 16, insert the following:

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

**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 INSTITUTE CHARTER SCHOOLS TO OPERATE SUMMER SCHOOL PROGRAMS FOR ELIGIBLE STUDENTS, SUBJECT TO THE REQUIREMENTS OF THIS PART 8. THE GRANT PROGRAM SHALL BE DESIGNED TO ASSIST SCHOOL DISTRICTS

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AND INSTITUTE CHARTER SCHOOLS IN PROVIDING INTENSIVE EDUCATIONAL SERVICES TO ELIGIBLE STUDENTS IN THE AREAS OF READING, WRITING, OR MATHEMATICS.

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

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

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

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

(II) THE FORM OF THE GRANT PROGRAM APPLICATION;

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

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

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

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

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

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

(b) THE SCHOOL DISTRICT OR INSTITUTE CHARTER SCHOOL CONDUCTING THE SUMMER SCHOOL PROGRAM SHALL ADMINISTER, IN THE SUBJECT AREAS IN WHICH THE SUMMER SCHOOL PROGRAM WILL FOCUS, A TEST TO EVERY ELIGIBLE STUDENT PARTICIPATING IN THE PROGRAM. THE SCHOOL DISTRICT OR INSTITUTE CHARTER SCHOOL SHALL ADMINISTER THE TEST BEFORE THE PROGRAM BEGINS AND UPON COMPLETION OF THE PROGRAM TO EVALUATE THE PROGRESS OF EACH ELIGIBLE STUDENT WHO PARTICIPATES IN THE PROGRAM.

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

**22-7-805. Summer school grant program - application - criteria.** (1) A SCHOOL DISTRICT OR INSTITUTE CHARTER SCHOOL THAT

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SEEKS TO RECEIVE A GRANT PURSUANT TO THIS PART 8 SHALL SUBMIT AN APPLICATION TO THE DEPARTMENT IN ACCORDANCE WITH RULES PROMULGATED BY THE STATE BOARD. A SCHOOL DISTRICT SHALL SUBMIT AN APPLICATION ON BEHALF OF ALL GRADE-APPROPRIATE SCHOOLS IN THE DISTRICT, INCLUDING THE DISTRICT CHARTER SCHOOLS WITHIN THE DISTRICT. THE APPLICATION SHALL INCLUDE THE FOLLOWING INFORMATION:

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

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

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

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

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

(2) THE DEPARTMENT SHALL REVIEW THE APPLICATIONS RECEIVED FROM SCHOOL DISTRICTS AND INSTITUTE CHARTER SCHOOLS PURSUANT TO THIS SECTION AND SHALL MAKE RECOMMENDATIONS TO THE STATE BOARD CONCERNING THE AWARDING OF GRANTS AND THE AMOUNTS OF THE GRANTS. THE STATE BOARD SHALL TAKE INTO CONSIDERATION THE RECOMMENDATIONS OF THE DEPARTMENT AND SHALL ANNUALLY AWARD GRANTS TO SCHOOL DISTRICTS AND INSTITUTE CHARTER SCHOOLS IN AMOUNTS SPECIFIED BY THE STATE BOARD. IN AWARDING GRANTS PURSUANT TO THIS PART 8, THE STATE BOARD SHALL:

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

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

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

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

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

(a) THE NUMBER OF ELIGIBLE STUDENTS WHO PARTICIPATED IN THE SCHOOL DISTRICT'S OR INSTITUTE CHARTER SCHOOL'S SUMMER SCHOOL

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PROGRAM, AS APPLICABLE;

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

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

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

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

Renumber succeeding sections accordingly.

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

Page 25, line 3, strike "SIX MILLION SEVEN HUNDRED FIFTY THOUSAND" and substitute "TWELVE MILLION FIVE HUNDRED THOUSAND";

line 4, after "FUND,", insert "SEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS OF";

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

line 8, strike "THREE" and substitute "TWELVE";

line 9, strike "TWO HUNDRED FIFTY THOUSAND" and substitute "FIVE HUNDRED THOUSAND";

after line 12, insert the following:

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

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

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

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

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

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

(3) FOR THE 2006-07 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE MONEYS FROM THE GENERAL FUND OR ANY OTHER SOURCE FOR ADDITIONAL AID TO A DECLINING ENROLLMENT DISTRICT IN WHICH A NEW CHARTER SCHOOL IS OPENED. THE ADDITIONAL AID SHALL BE DISTRIBUTED TO ALL DECLINING ENROLLMENT DISTRICTS IN WHICH NEW CHARTER SCHOOLS ARE OPENED IN THE BUDGET YEAR FOR WHICH THE AID IS APPROPRIATED. THE ADDITIONAL AID SHALL BE DISTRIBUTED AMONG THE DECLINING ENROLLMENT DISTRICTS IN WHICH NEW CHARTER SCHOOLS ARE OPENED IN THE PROPORTION THAT THE DECLINING ENROLLMENT DISTRICT'S NEW CHARTER SCHOOL ENROLLMENT BEARS TO THE TOTAL NEW CHARTER SCHOOL ENROLLMENT IN ALL DECLINING ENROLLMENT DISTRICTS STATEWIDE IN WHICH NEW CHARTER SCHOOLS ARE OPENED IN THE BUDGET YEAR FOR WHICH THE ADDITIONAL AID IS APPROPRIATED."

Strike pages 38 and 39.

Page 40, strike lines 1 through 11.

Renumber succeeding sections accordingly.

Page 42, strike lines 21 through 27.

Page 43, strike line 1 and substitute the following:

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

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

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

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

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line 12, strike "BUDGET YEAR THEREAFTER,"; 1

strike lines 16 through 27. 2

Strike page 73. 3

Page 74, strike lines 1 through 4. 4

Renumber succeeding sections accordingly. 5

Page 79, line 9, strike "16,500,000" and substitute "35,000,000" and 6

strike "3,250,000" and substitute "12,500,000" and strike "13,250,000<sup>e</sup>" 7

and substitute "22,500,000<sup>e</sup>"; 8

line 12, strike "13,500,000" and substitute "25,000,000" and under the 9

GENERAL FUND column, strike "6,750,000" and substitute "12,500,000<sup>h</sup>" 10

and under the CASH FUNDS EXEMPT column, strike "6,750,000<sup>h</sup>" and 11

substitute "12,500,000<sup>i</sup>". 12

Page 80, line 7, strike "76,403,374" and substitute "106,403,374". 13

Page 81, line 1, strike "\$8,250,000" and substitute "\$17,500,000"; 14

after line 6, insert the following: 15

<sup>h</sup> OF THIS AMOUNT, \$5,000,000 IS APPROPRIATED AS A RESULT OF A 16

REQUIREMENT OF A FINAL STATE COURT ORDER AND SHALL NOT BE 17

SUBJECT TO THE STATUTORY LIMITATION ON GENERAL FUND 18

APPROPRIATIONS PURSUANT TO SECTION 24-75-201.1 (1) (a) (III) (B), 19

C.R.S."; 20

line 7, strike "<sup>h</sup>" and substitute "<sup>i</sup>"; 21

line 11, strike "3,608,304,717" and substitute "3,634,584,717"; 22

line 15, strike "\$3,657,452,852" and substitute "\$3,683,732,852" and 23

strike "\$2,742,479,154" and substitute "\$2,753,759,154" and strike 24

"\$400,919,102<sup>a</sup>" and substitute "\$415,919,102<sup>a</sup>". 25

Page 83, strike lines 25 through 27. 26

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

"(4) In addition to any other appropriation, there is hereby 28

appropriated to the department of education, for the fiscal year beginning 29

July 1, 2006, the sum of one million two hundred eighty-three thousand 30

three hundred seventy-seven dollars (\$1,283,377), or so much thereof as 31

may be necessary, for the implementation of section 22-54-126, Colorado 32

Revised Statutes. Of said sum, two hundred eighty-three thousand three 33

hundred seventy-seven dollars (\$283,377) shall be from the general fund 34

and one million dollars (\$1,000,000) shall be from the state education 35

fund created in section 17 (4) of article IX of the state constitution. 36

(5) In addition to any other appropriation, there is hereby 37

appropriated, out of any moneys in the state education fund created in 38

section 17 (4) of article IX of the state constitution, not otherwise 39

appropriated, to the department of education, for the fiscal year beginning 40

July 1, 2006, the sum of one million dollars (\$1,000,000) and 0.3 FTE, or 41

so much thereof as may be necessary, for the implementation of the 42

summer school grant program created in section 22-7-803, Colorado 43

Revised Statutes." 44

Renumber succeeding subsections accordingly. 45

Page 84, strike line 25 and substitute the following: 46

"three thousand eight hundred sixteen dollars (\$3,816)". 47

Page 85, strike lines 16 through 19. 48

Reletter succeeding paragraphs accordingly.

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

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

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

Page 11, after line 18, insert the following:

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

Reletter succeeding subsections accordingly.

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

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

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

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

Page 14, strike lines 16 through 27.

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

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

Reletter succeeding subsections accordingly.

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

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

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

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

Page 18, line 6, strike "(4)" and substitute "(3)".

Page 28, strike lines 5 through 12.

Reletter succeeding sections accordingly.

Page 75, line 9, strike "261,786,114" and substitute "258,066,114" and strike "95,292,347" and substitute "91,572,347";

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line 15, strike "273,671,714" and substitute "269,951,714".

Page 83, strike lines 17 through 23.

Renumber succeeding subsections accordingly.

Page 85, line 22, strike "twenty-three" and substitute "twenty-five";

line 23, strike "(\$23,720,000)." and substitute "(\$25,720,000).".

Respectfully submitted,

House Committee:  
(signed)  
Representative Pommer, Chair  
Representative Merrifield  
Representative King

Senate Committee:  
(signed)  
Senator Windels, Chair  
Senator Williams  
Senator Spence

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On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Conference Committee Reports.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORTS**

**HB06-1375** by Representative(s) Pommer; also Senator(s) Windels--Concerning the financing of public schools, and making an appropriation therefor.

Senator Windels moved for the adoption of the First Report of the First Conference Committee on **HB06-1375**, as printed in Senate Journal, April 13, pages 850-859. The motion was **adopted** by the following roll call vote:

YES	17	NO	15	EXCUSED	3	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	N	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	N	Traylor	N
Brophy	N	Johnson	N	Sandoval	Y	Tupa	Y
Dyer	N	Jones	N	Shaffer	Y	Veiga	E
Entz	E	Keller	Y	Spence	Y	Wiens	N
Evans	N	Kester	E	Takis	Y	Williams	Y
Gordon	Y	Lamborn	N	Tapia	Y	Windels	Y
Groff	N	May R.	N	Taylor	N	President	Y
Grossman	Y	McElhany	N	Teck	N		

As amended, laid over until Friday, April 14, retaining its place on the calendar.

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**SENATE SERVICES REPORT**

**Correctly Engrossed:** SB06-141, and 198; SJR06-027.

**Correctly Revised:** HJR06-1020.

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On motion of Senator Isgar, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of April 13 was laid over until Friday, April 14, retaining its place on the calendar.

Consideration of Resolutions: SJR06-019, SJR06-020, SJR06-022, HJR06-1021.

Consideration of Memorials: SJM06-001, HJM06-1002.

Consideration of House Amendments to Senate Bills: SB06-014, SB06-041, SB06-067, SB06-071, SB06-068, SB06-051.

Consideration of Governor's Appointments: 1  
     Members of the Read-To-Achieve Board. 2  
     Members of the Colorado Aeronautical Board. 3  
 Consideration of Conference Committee Reports: SB06-145, HB06-1107. 4  
 Conference Committee to Report: HB06-1121, HB06-1169, HB06-1251, HB06-1288, 5  
 HB06-1209, HB06-1385. 6



On motion of Senator Isgar, the Senate adjourned until 9:00 a.m., Friday, April 14, 2006. 7  
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Approved: 11  
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Joan Fitz-Gerald 13  
President of the Senate 14  
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Attest: 18  
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Karen Goldman 21  
Secretary of the Senate 22  
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