

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

84th Legislative Day

Tuesday, April 4, 2006

Prayer By the chaplain, Rev. Jeannette Cartin, Harmony Christian Church, Lakewood.

Pledge By Senator Grossman

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

Roll Call Present--35.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Hagedorn, reading of the Journal of April 3, 2006 was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Appropriations After consideration on the merits, the Committee recommends that **HB06-1185** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 17, strike lines 19 through 22, and substitute the following:

"SECTION 7. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the oil and gas conservation and environmental response cash fund created in section 34-60-122 (5), Colorado Revised Statutes, not otherwise appropriated, to the department of natural resources, oil and gas conservation commission, for the fiscal year beginning July 1, 2006, the sum of sixty-three thousand one hundred fifteen dollars (\$63,115), or so much thereof as may be necessary, for the implementation of this act."

Page 1, line 106, strike "**DEVELOPMENT.**" and substitute "**DEVELOPMENT, AND MAKING AN APPROPRIATION.**".

Appropriations After consideration on the merits, the Committee recommends that **HB06-1386** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB06-1385** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 420, line 13, in the ITEM & SUBTOTAL column, strike "3,915,142" and substitute "3,314,012" and, in the CASH FUNDS EXEMPT column, strike "3,162,790^f" and substitute "2,561,660^f".

Adjust affected totals accordingly.

Page 423, line 1, strike "\$3,000,673" and substitute "\$2,399,543".

Page 445, line 14, strike "\$83,395,812" and substitute "\$82,794,682" and strike "43-4-201 (3) (a) (III) (C)," and substitute "43-4-201 (3) (a) (I)

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(B),".

Page 513, line 9, strike "\$91,989,238" and substitute "\$91,388,108".

Page 560, line 7, in the CAPITAL CONSTRUCTION FUND EXEMPT column, strike "1,938,484" and substitute "1,896,602" and, in the CASH FUNDS EXEMPT column, insert "41,882^a".

Adjust affected totals accordingly.

Page 560, after line 11, insert "aThis amount shall be from the Highway Users Tax Fund, pursuant to Section 43-4-201 (3) (a) (I) (B), C.R.S.".

Page 562, line 12, strike "notation." and substitute "notation, and \$41,882 shall be from the Highway Users Tax Fund, pursuant to Section 43-4-201 (3) (a) (I) (B), C.R.S.".

MESSAGE FROM THE GOVERNOR

March 31, 2006

To the Honorable
Senate
Sixty-fifth General Assembly
Second Regular Session
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

S.B. 06-003 – Concerning The Use Of Biofuels In State Buildings.

Approved March 31, 2006 at 10:07 a.m.

S.B. 06-005 – Concerning Mental Health Services Coverage Under Health Benefit Plans.

Approved March 31, 2006 at 10:07 a.m.

S.B. 06-006 – Concerning The Authority Of The Public Employees’ Retirement Association To Deny Employment To Individuals Convicted Of Specified Offenses.

Approved March 31, 2006 at 10:07 a.m.

S.B. 06-012 – Concerning The Voluntary Contribution Designation Benefiting The Family Resource Centers Fund That Appears On The State Individual Income Tax Return Forms, And, In Connection Therewith, Extending The Period For The Contribution Designation.

Approved March 31, 2006 at 10:06 a.m.

S.B. 06-016 – Concerning The Use Of Biodiesel Fuel For All State-Owned Diesel Vehicles.

Approved March 31, 2006 at 10:05 a.m.

S.B. 06-032 – Concerning In-State Tuition For Dependents Of Members Of The Military.

Approved March 31, 2006 at 10:05 a.m.

S.B. 06-033 – Concerning The Elimination Of Obsolete Statutory Language.

Approved March 31, 2006 at 10:04 a.m.

S.B. 06-034 – Concerning The Appointment To The Colorado Water Resources And Power Development Authority Board Of Directors Of A Director Who Is Experienced In Water Quality Matters.

Approved March 31, 2006 at 10:04 a.m.

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S.B. 06-053 – Concerning An Expansion In The Residential Lot Size For Which County Governments Are Authorized To Provide For The Removal Of Overgrown Vegetation.

Approved March 31, 2006 at 10:03 a.m.

S.B. 06-056 – Concerning Authority Over Proposals For Construction Of Capital Improvements.

Approved March 31, 2006 at 10:49 a.m.

S.B. 06-074 – Concerning The Enforcement Of County Code Requirements Pertaining To Land Use.

Approved March 31, 2006 at 10:49 a.m.

S.B. 06-078 – Concerning A Prohibition Against The Exercise Of The Power Of Eminent Domain By A Private Corporation To Condemn The Private Property Of Another Person Or Entity For The Purpose Of Acquiring Rights-Of-Way For A Private Toll Road Or Private Toll Highway.

Approved March 31, 2006 at 10:49 a.m.

S.B. 06-079 – Concerning The Post-Enactment Review Of The Implementation Of Bills By Nonpartisan Legislative Staff.

Approved March 31, 2006 at 10:48 a.m.

S.B. 06-084 – Concerning The Hiring Of A Guide Who Does Not Possess A First Aid Card In The Event Of An Emergency Situation.

Approved March 31, 2006 at 10:48 a.m.

S.B. 06-093 – Concerning Property Used For Parking Related To Services Provided By The Regional Transportation District.

Approved March 31, 2006 at 10:48 a.m.

S.B. 06-107 – Concerning The Authorization Of Small Employer Carriers To Vary Certain Requirements By Product.

Approved March 31, 2006 at 10:47 a.m.

S.B. 06-108 – Concerning The Early Discharge Of Juveniles From Parole.

Approved March 31, 2006 at 10:46 a.m.

S.B. 06-132 – Concerning Continuation Of The Domestic Wastewater Treatment Grant Program.

Approved March 31, 2006 at 10:45 a.m.

S.B. 06-140 – Concerning Changing The Name Of The Division Of Minerals And Geology To The Colorado Division Of Reclamation, Mining, And Safety.

Approved March 31, 2006 at 10:45 a.m.

S.B. 06-142 – Concerning The Cap On The Unobligated Portion Of The Oil And Gas Conservation And Environmental Response Fund.

Approved March 31, 2006 at 10:45 a.m.

S.B. 06-160 – Concerning The Membership Of The Governing Board Of A Local Government Retirement Organization.

Approved March 31, 2006 at 10:14 a.m.

S.B. 06-180 – Concerning The Premium Rates Charged For Coverage Under CoverColorado.

Approved March 31, 2006 at 10:13 a.m.

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Sincerely,
(signed)
Bill Owens
Governor
Rec'd 4/3/06 3:20 p.m.
Karen Goldman, Secretary of the Senate

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SENATE SERVICES REPORT

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Correctly Engrossed: SB06-226.
Correctly Rerevised: HB06-1021, 1256, 1309, and 1356.

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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 Third Reading of Bills -- Final Passage calendar (SCR06-003) of April 4 was laid over until Wednesday, April 5, retaining its place on the calendar.

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Committee
of the
Whole

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

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

SB06-211

by Senator(s) Grossman; also Representative(s) Witwer--Concerning the determination of dual resident trust taxation.

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Amendment No. 1, Business, Labor, and Technology Committee Amendment.
(Printed in Senate Journal, March 30, page 693 and placed in members' bill files.)

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

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HB06-1338

by Representative(s) Plant; also Senator(s) Fitz-Gerald--Concerning the inclusion of contiguous counties in the regional transportation district.

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Upon request of Senator Gordon, **HB06-1338** was removed from the Consent Calendar of April 4 and placed at the end of the General Orders -- Second Reading of Bills calendar of Wednesday, April 5.

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HB06-1351

by Representative(s) Rose, Buescher, Penry; also Senator(s) Isgar--Concerning the continuation of the statewide program for teen pregnancy and dropout prevention.

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

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SB06-215

by Senator(s) McElhany; also Representative(s) Penry--Concerning a military preference for limited hunting licenses.

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

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**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR**

On motion of Senator Shaffer, 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:

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Passed on Second Reading: SB06-211 as amended, HB06-1351, SB06-215.
Laid over to the end of the General Orders -- Second Reading of Bills calendar, April 5:
HB06-1338.

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Senate in recess. Senate reconvened.

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Call of the Senate.

Call raised.

COMMITTEE OF REFERENCE REPORTS

Appropriations

After consideration on the merits, the Committee recommends that **HB06-1375** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 17, after line 12, insert the following:

SECTION 13. 22-43.7-103 (1), Colorado Revised Statutes, is amended to read:

22-43.7-103. School construction and renovation fund - created - purpose - transfer of excess state revenues. (1) There is hereby established in the state treasury the school construction and renovation fund. The fund shall consist of any moneys appropriated from the general fund to the fund in accordance with section 24-75-201.1 (4) (b), C.R.S., ~~any moneys transferred to the fund from the school capital construction expenditures reserve in accordance with section 22-54-117 (6) (b);~~ and any other moneys as may be made available by the general assembly.

SECTION 14. 22-43.7-105 (1) and (6), Colorado Revised Statutes, are amended to read:

22-43.7-105. Financial assistance application requirements - evaluation criteria - oversight board - duties. (1) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1), applications for financial assistance for capital construction projects shall be submitted to the state board no later than July 1 of each year for the fiscal year commencing on that July 1. Individual schools may apply for matching grants through the school district in which the schools are located and the school district may, in turn, apply to the state board for such grants pursuant to this section.

(b) THE DEADLINE TO SUBMIT APPLICATIONS TO THE STATE BOARD FOR FINANCIAL ASSISTANCE FROM THE SCHOOL CONSTRUCTION AND RENOVATION FUND SHALL NOT APPLY TO APPLICATIONS FOR GRANTS FROM MONEYS APPROPRIATED TO THE FUND IN THE 2005-06 FISCAL YEAR.

(6) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (6), from the applications submitted for financial assistance for the fiscal year commencing on the deadline for submitting such applications, the state board shall prepare a prioritized list of eligible capital construction projects. The state board shall then determine the type and amount of financial assistance to be provided for each eligible capital construction project based upon information provided by the school district in the application. Subject to the approval of the capital development committee of the general assembly as provided for in this subsection (6), the state board shall provide financial assistance in accordance with the determination, but may make any matching grant from the construction and renovation fund contingent upon the approval of a bonded indebtedness question to be submitted to the voters of a district during the fiscal year for which the grant is to be awarded. The state board shall submit a list of school districts and charter schools recommended to receive matching grants for capital construction projects, along with the amount of each grant and the amount of the school district or charter school match, to the capital development committee of the general assembly no later than August 16 of the fiscal year for which financial assistance is being sought. The capital development committee shall determine the number of capital construction projects on the list that

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may receive matching grants from moneys available in the construction and renovation fund before September 15 of the same fiscal year. Only capital construction projects on the prioritized list may receive matching grants from the construction and renovation fund, and the capital construction projects shall be funded in the priority determined by the state board. If the capital development committee does not make a determination on the list before September 15, the list shall be deemed approved as submitted and the state board may order payment of all matching grants on the list. The state board shall submit a list of school districts and charter schools for which the capital development committee has approved matching grants, along with the amount of each grant and the amount of the school district or charter school match to the joint budget committee of the general assembly no later than December 1 of the fiscal year for which financial assistance is being provided. Said list shall also be submitted to the education committees of the senate and the house of representatives, the governor, the president of the senate, and the speaker of the house of representatives. A prioritized list showing school districts that will be loaned money from the permanent school fund, along with the amount of each loan, shall be provided to the governor, the president of the senate, the speaker of the house of representatives, and the joint budget committee.

(b) THE DEADLINES SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (6) SHALL NOT APPLY TO GRANTS AWARDED FROM MONEYS APPROPRIATED TO THE SCHOOL CONSTRUCTION AND RENOVATION FUND IN THE 2005-06 FISCAL YEAR.

SECTION 15. Repeal. 22-54-117 (6) (b), Colorado Revised Statutes, is repealed as follows:

22-54-117. Contingency reserve - capital construction expenditures reserve. (6) (b) ~~The state treasurer shall transfer any moneys in the school capital construction expenditures reserve that remain unexpended or unencumbered on March 15 of each fiscal year to the school construction and renovation fund established in section 22-43.7-103. The state treasurer shall notify the joint budget committee of any transfer made pursuant to this paragraph (b) no later than March 20 of said fiscal year.~~

SECTION 16. 24-75-201.1 (4) (b) (V) and (4) (c), Colorado Revised Statutes, are amended to read:

24-75-201.1. Restriction on state appropriations - legislative declaration - definitions. (4) (b) (V) (A) EXCEPT AS OTHERWISE PROVIDED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (V), for fiscal years 2004-05 through 2010-11, the general assembly shall continue to appropriate ten million dollars to the school capital construction expenditures reserve and ten million dollars to the school construction and renovation fund, both of which appropriations will be included in the calculation of the maximum level of state general fund appropriations pursuant to said paragraph (a) OF SUBSECTION (1) OF THIS SECTION.

(B) FOR THE FISCAL YEAR 2005-06, THE GENERAL ASSEMBLY SHALL APPROPRIATE SIX MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS TO THE SCHOOL CONSTRUCTION AND RENOVATION FUND, WHICH 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 2005-06, THE GENERAL ASSEMBLY SHALL APPROPRIATE THREE MILLION TWO HUNDRED FIFTY 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).

(c) (I) Notwithstanding the provisions of paragraph (b) of this subsection (4), in fiscal year 2000-01 and in any fiscal year ~~2002-03 through 2010-11~~ YEARS 2002-03 THROUGH 2004-05, no appropriation shall be made in such fiscal year if general fund revenues for the applicable fiscal year do not exceed general fund obligations and the

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moneys required to be allocated to the highway users tax fund pursuant to section 39-26-123 (2), C.R.S., for the applicable fiscal year by more than eighty million dollars as determined by the general assembly as of the time any conference committee report is adopted on the general appropriation bill enacted for the applicable fiscal year. The provisions of this paragraph (c) shall not apply to fiscal year 2001-02.

(II) IN FISCAL YEARS 2005-06 THROUGH 2010-11, THE GENERAL ASSEMBLY IS NOT REQUIRED TO MAKE AN APPROPRIATION PURSUANT TO THIS SUBSECTION (4) IF GENERAL FUND REVENUES FOR THE APPLICABLE FISCAL YEAR DO NOT EXCEED GENERAL FUND OBLIGATIONS AND THE MONEYS REQUIRED TO BE ALLOCATED TO THE HIGHWAY USERS TAX FUND PURSUANT TO SECTION 39-26-123 (2), C.R.S., FOR THE APPLICABLE FISCAL YEAR BY MORE THAN EIGHTY MILLION DOLLARS AS DETERMINED BY THE GENERAL ASSEMBLY AS OF THE TIME ANY CONFERENCE COMMITTEE REPORT IS ADOPTED ON THE GENERAL APPROPRIATION BILL ENACTED FOR THE APPLICABLE FISCAL YEAR. HOWEVER, NOTHING IN THIS PARAGRAPH (c) SHALL PROHIBIT THE GENERAL ASSEMBLY FROM MAKING AN APPROPRIATION, IN ITS SOLE DISCRETION, IN THE APPLICABLE FISCAL YEAR PURSUANT TO THIS SUBSECTION (4)."

Renumber succeeding sections accordingly.

Amend the Education Committee Report, dated March 30, 2006, page 7, after line 11, insert the following:

"SECTION 22. 22-54-114 (4), Colorado Revised Statutes, is amended, and the said 22-54-114 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

22-54-114. State public school fund. (4) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (4), for the 1997-98 fiscal BUDGET year and fiscal BUDGET years thereafter, the net amount recovered by the department OF EDUCATION during the applicable fiscal BUDGET year, pursuant to school district and institute charter school audits, as overpayments made to school districts and institute charter schools that would otherwise be transmitted to the state treasurer for deposit in the general fund shall instead be transmitted to the state treasurer for deposit in the state public school fund. Such amount shall be available for appropriation to the department in subsequent fiscal BUDGET years.

(b) IF THE NET AMOUNT RECOVERED BY THE DEPARTMENT OF EDUCATION DURING THE 2005-06 BUDGET YEAR PURSUANT TO SECTION 22-51-105 AS OVERPAYMENTS MADE TO SCHOOL DISTRICTS AND THE STATE CHARTER SCHOOL INSTITUTE EXCEEDS THE AMOUNT OF SUCH COST RECOVERIES THAT THE GENERAL ASSEMBLY APPROPRIATED FOR USE IN THE 2006-07 BUDGET YEAR, THE DEPARTMENT SHALL ALLOCATE THE EXCESS AMOUNT OF SUCH COST RECOVERIES TO DECLINING ENROLLMENT DISTRICTS IN ACCORDANCE WITH SECTION 22-54-126. THE AMOUNT ALLOCATED FOR DECLINING ENROLLMENT DISTRICT AID PURSUANT TO SECTION 22-54-126 SHALL NOT EXCEED SEVEN HUNDRED THOUSAND DOLLARS IN THE 2006-07 BUDGET YEAR.

(5) FOR THE 2006-07 BUDGET YEAR AND BUDGET YEARS THEREAFTER, IF THE AMOUNT OF MONEYS RECEIVED FROM THE FEDERAL GOVERNMENT PURSUANT TO SECTION 34-63-102, C.R.S., IN ANY BUDGET YEAR EXCEEDS THE AMOUNT OF SUCH MONEYS THAT THE GENERAL ASSEMBLY APPROPRIATED FOR THAT BUDGET YEAR, THE DEPARTMENT OF EDUCATION SHALL ALLOCATE A PORTION OF THE EXCESS AMOUNT OF SUCH MONEYS TO DECLINING ENROLLMENT DISTRICTS IN ACCORDANCE WITH SECTION 22-54-126. THE AMOUNT ALLOCATED FOR DECLINING ENROLLMENT DISTRICT AID PURSUANT TO SECTION 22-54-126 SHALL NOT EXCEED SEVEN HUNDRED THOUSAND DOLLARS IN ANY BUDGET YEAR."

Renumber succeeding sections accordingly.

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Page 7 of the Education Committee Report, line 35, strike "STATEWIDE." and substitute "STATEWIDE.";

after line 35, insert the following:

"SECTION 24. The introductory portion to 22-54-103 (7) (c) (I) and 22-54-103 (7) (c) (III) and (7) (c) (IV), Colorado Revised Statutes, are amended, and the said 22-54-103 (7) (c) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

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

(7) "Funded pupil count" means:

(c) (I) For ALL SCHOOL DISTRICTS FOR budget years commencing on and after July 1, 2003, BUT PRIOR TO JULY 1, 2006, AND FOR BUDGET YEARS COMMENCING ON AND AFTER JULY 1, 2006, FOR SCHOOL DISTRICTS WHOSE PUPIL ENROLLMENT PLUS ON-LINE PUPIL ENROLLMENT IS MORE THAN ONE THOUSAND PUPILS FOR THE PRECEDING BUDGET YEAR, the district's on-line pupil enrollment for the applicable budget year plus the district's preschool AND KINDERGARTEN PROGRAM enrollment for the applicable budget year plus the greater of:

(I.5) FOR BUDGET YEARS COMMENCING ON AND AFTER JULY 1, 2006, FOR SCHOOL DISTRICTS WHOSE PUPIL ENROLLMENT PLUS ON-LINE PUPIL ENROLLMENT WAS LESS THAN OR EQUAL TO ONE THOUSAND PUPILS FOR THE PRECEDING BUDGET YEAR, THE DISTRICT'S ON-LINE PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR PLUS THE DISTRICT'S PRESCHOOL AND KINDERGARTEN PROGRAM ENROLLMENT FOR THE APPLICABLE BUDGET YEAR PLUS THE GREATER OF:

(A) THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR; OR

(B) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR THE IMMEDIATELY PRECEDING BUDGET YEAR; OR

(C) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR THE TWO IMMEDIATELY PRECEDING BUDGET YEARS; OR

(D) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR THE THREE IMMEDIATELY PRECEDING BUDGET YEARS; OR

(E) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR THE FOUR IMMEDIATELY PRECEDING BUDGET YEARS.

(III) (A) Notwithstanding any provision of law to the contrary, for purposes of ~~subparagraph (I)~~ SUBPARAGRAPHS (I) AND (I.5) of this paragraph (c), for the 2000-01, 2001-02, and 2002-03 budget years, a district's pupil enrollment shall not include any pupils enrolled in a district preschool program pursuant to article 28 of this title.

(B) This subparagraph (III) is repealed, effective ~~July 1, 2006~~ JULY 1, 2007.

(IV) Notwithstanding any provision of law to the contrary, for purposes of ~~subparagraph (I)~~ SUBPARAGRAPHS (I) AND (I.5) of this paragraph (c) for budget years beginning on or after July 1, 2004, a district's funded pupil count shall include the certified pupil enrollment and on-line pupil enrollment of each operating institute charter school for which the district is the accounting district. The department of education shall add the institute charter school's certified pupil enrollment and on-line pupil enrollment to the funded pupil count of the district prior to calculating the district's total program pursuant to section 22-54-104.".

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Page 65 of the reengrossed bill, line 18, after "(B)", insert "and (2) (C)".

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Page 69 of the reengrossed bill, after line 4, insert the following:

Page 69 of the reengrossed bill, line 7, strike "3,588,304,717" and substitute "3,608,304,717";

line 10 of the reengrossed bill, strike "\$390,919,102^a" and substitute "~~\$390,919,102^a~~";

line 11 of the reengrossed bill, strike "\$3,637,452,852" and substitute "\$3,657,452,852", and strike "\$2,732,479,154" and substitute "\$2,742,479,154", and under the "CASH FUNDS EXEMPT" column, insert "\$400,919,102^a".

Page 8 of the Education Committee Report, line 16, strike "one million dollars (\$1,000,000)," and substitute "two hundred eighty-seven thousand one hundred ninety-three dollars (\$287,193),";

strike lines 19 through 23 of the Education Committee Report and substitute the following:

"Page 72, line 9, strike "five million two hundred eighteen";

strike line 10 and substitute the following:

"three million sixty-eight thousand two hundred sixty-nine dollars (\$3,068,269).

(d) The state education fund appropriation for assistance to public schools, public school finance, for the state share of districts' total program funding, is increased by one million four hundred thirteen thousand two hundred thirty-five dollars (\$1,413,235).".

Appropriations

After consideration on the merits, the Committee recommends that **SB06-170** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the State, Veterans & Military Affairs Committee Report, dated February 27, 2006, page 3, line 1, strike "FIFTY" and substitute "EIGHTY";

line 4, strike "FORTY" and substitute "SEVENTY";

line 21, strike "16." and substitute "16";

after line 21, insert the following:

"strike lines 25 through 27 and substitute the following:";

strike line 22;

line 23, strike "10." and substitute "9.".

Page 4 of the committee report, line 16, strike "election." and substitute "election.";

after line 16, insert the following:

SECTION 10. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of state cash fund created in section 24-21-104 (3) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of state, for the fiscal year beginning July 1, 2006, the sum of eight hundred fourteen thousand five hundred thirty-four dollars (\$814,534), or so much thereof as may be necessary, for the implementation of this act.";

after line 17, insert the following:

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"Page 7, strike lines 1 through 17.

Page 1, line 101, strike "ELECTIONS." and substitute "ELECTIONS, AND MAKING AN APPROPRIATION THEREFOR.".

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON SB06-145

***** 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 SB06-145, concerning the authority of a local government to impose a fee on certain medical providers for purposes of obtaining federal financial participation under medicaid for unreimbursed medicaid costs, has met and reports that it has agreed upon the following:

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

Amend rerevised bill, page 4, strike lines 18 through 26.

Respectfully submitted,

Senate Committee: (signed) Senator Shaffer, Chair Senator Keller Senator Johnson

House Committee: (signed) Representative McCluskey, Chair Representative Frangas Representative Jahn

MESSAGE FROM THE HOUSE

April 4, 2006 Madame President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB06-1257, amended as printed in House Journal, April 3, page 1002. HB06-1379, amended as printed in House Journal, April 3, page 1004. HB06-1004, amended as printed in House Journal, April 3, page 1005. HB06-1323, amended as printed in House Journal, April 3, page 1005. HB06-1330, amended as printed in House Journal, April 3, pages 1005-1006. HB06-1331, amended as printed in House Journal, April 3, pages 1006-1007. HB06-1360, amended as printed in House Journal, April 3, page 1007. HB06-1361, amended as printed in House Journal, April 3, page 1007.

The House has passed on Third Reading and returns herewith SB06-196, 192, 194, 091.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB06-115, amended as printed in House Journal, April 3, page 1002. SB06-013, amended as printed in House Journal, April 3, page 1003. SB06-021, amended as printed in House Journal, April 3, page 1003. SB06-083, amended as printed in House Journal, April 3, pages 1003-1004. SB06-163, amended as printed in House Journal, April 3, page 1004. SB06-177, amended as printed in House Journal, April 3, page 1004.

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The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB06-041, amended as printed in House Journal, March 31, page 969, and amended on Third Reading as printed in House Journal, April 4.

The House has voted to concur in the Senate amendments to HB06-1120 1249, 1299, 1051, 1109, 1357, 1256, 1309, and has repassed the bills as so amended.

The House has voted not to concur in the Senate amendments to HB06-1354 and requests that a conference committee be appointed. The Speaker has appointed Representatives Madden, chairman, Witwer, and Garcia as House conferees on the First Conference Committee on HB06-1354. The House has granted authorization to go beyond the scope of the differences. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB06-1209 and requests that a conference committee be appointed. The Speaker has appointed Representatives Witwer, chairman, Frangas, and Coleman as House conferees on the First Conference Committee on HB06-1209. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB06-1251 and requests that a conference committee be appointed. The Speaker has appointed Representatives Green, chairman, T. Carroll, and Massey as House conferees on the First Conference Committee on HB06-1251. The House has granted authorization to go beyond the scope of the differences. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB06-1288 and requests that a conference committee be appointed. The Speaker has appointed Representatives Todd, chairman, Merrifield, and Massey as House conferees on the First Conference Committee on HB06-1288. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB06-1021 and requests that a conference committee be appointed. The Speaker has appointed Representatives Benefield, chairman, Paccione, and A. Kerr as House conferees on the First Conference Committee on HB06-1021. The bill is transmitted herewith.

MESSAGE FROM THE REVISOR OF STATUTES

April 4, 2006

We herewith transmit:

Without comment, as amended, HB06-1004, 1257, 1323, 1330, 1331, 1360, 1361, and 1379.

Without comment, as amended, SB06-013, 021, 041, 083, 115, 163, and 177.

INTRODUCTION OF BILLS -- FIRST READING

The following bill was read by title and referred to the committee indicated:

SB06-227 by Senator(s) Tochtrop; also Representative(s) Solano, Frangas, Madden, Marshall, Pommer--Concerning reporting requirements regarding the payment of health care costs. Health and Human Services

On motion of Senator Gordon, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB06-1375, SB06-198, SB06-173, SB06-122, SB06-206, SB06-207, SB06-045, HB06-1377 were made Special Orders at 2:40 p.m.

Committee of the Whole The hour of 2:40 p.m. having arrived, Senator Shaffer moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Shaffer was called to the Chair to act as Chairman.

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SPECIAL 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:

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

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, April 3, pages 725-730 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, April 4, pages 739-746 and placed in members' bill files.)

(Committee Report (J.007) was severed: Section 1: Page 1 through page 6, line 1, and page 7, line 26 through page 10 was declared PASSED; Section 2: Page 6, line 2 through page 7, line 25, was declared PASSED.)

Amendment No. 3(L.083), by Senator Groff.

Amend reengrossed bill, page 65, after line 17 insert the following:

"SECTION 46. 26-6.5-106 (7) (a) (II), (7) (a) (III) and (7) (b), Colorado Revised Statutes, are amended to read:

26-6.5-106. School-readiness quality improvement program.

(7) **Rules.** (a) The state board of human services shall promulgate rules for the implementation of this section, including but not limited to rules that:

(II) Specify the manner in which school-readiness quality improvement funding is distributed to early childhood care and education councils, ensuring an equitable distribution between rural and urban communities; EXCEPT THAT SUCH RULES SHALL NOT ALLOW FOR THE RESTRICTION OF FUNDING BASED ON THE PERCENTAGE OF HIGH LEVEL SCHOOL-READINESS QUALITY RATINGS OF EARLY CARE AND EDUCATION PROVIDERS REPRESENTED BY AN EARLY CHILDHOOD CARE AND EDUCATION COUNCIL; and

(III) Identify any additional eligibility requirements for early childhood care and education councils seeking school-readiness quality improvement funding, as described in subparagraph (II) of paragraph (a) of subsection (4) of this section; EXCEPT THAT SUCH RULES SHALL NOT IDENTIFY ANY ADDITIONAL ELIGIBILITY REQUIREMENTS THAT AN EARLY CARE AND EDUCATION PROVIDER MUST DEMONSTRATE IN ORDER TO QUALIFY FOR SAID FUNDING.

(b) At a minimum, the rules promulgated pursuant to this subsection (7) shall identify a specific and measurable level of improvement in the school-readiness quality rating that an early care and education provider must achieve OR THE MAINTENANCE OF A HIGH LEVEL SCHOOL-READINESS QUALITY RATING OF AN EARLY CARE AND EDUCATION PROVIDER over the course of the funding distribution period after receiving an initial funding distribution through the program in order for the provider to continue receiving school-readiness quality improvement funding, as well as the eligibility criteria for continued participation in the program."

Renumber succeeding sections accordingly.

Amendment No. 4(L.087), by Senator Spence.

Amend reengrossed bill, page 51, line 25, after "(1)", insert "THE STATE RECOGNIZES THAT THERE IS SIGNIFICANT VALUE IN USING EXISTING AND ESTABLISHED INFRASTRUCTURE THROUGH A HEAD START AGENCY OR CHILD CARE AGENCIES, WHERE AVAILABLE, FOR THE PROVISION OF A DISTRICT PRESCHOOL AND KINDERGARTEN PROGRAM.";

line 26, after "may", insert "AND IS ENCOURAGED TO".

Amendment No. 5(L.088), by Senator Spence.

Amend the Education Committee Report, dated March 30, 2006, page 6, strike lines 21 through 27.

Page 7, strike lines 1 through 11;

line 12, strike "SECTION 22." and substitute ""SECTION 21.".

Amend the Appropriations Committee Report, dated April 4, 2006, page 10, strike lines 16 and 17 and substitute the following:

""four million nine hundred thirty-one thousand two hundred seventeen dollars (\$4,931,217).".

Amendment No. 6(L.089), by Senators Owen and Tapia.

Amend the Appropriations Committee Report, dated April 4, 2006, page 4, strike line 37.

Strike page 5.

Page 6, strike line 1;

line 5, strike "24." and substitute "23.".

Amendment No. 7(L.085), by Senator Windels.

Amend reengrossed bill, page 12, line 25, after "DISABILITIES.", add "ALL GRANTS AWARDED BY THE COMMITTEE SHALL BE SUBJECT TO APPROVAL BY THE STATE BOARD.".

Amendment No. 8(L.079), by Senator Williams.

Amend the Education Committee Report, dated March 30, 2006, page 6, strike lines 21 through 27.

Page 7, strike lines 1 through 11 and substitute the following:

""SECTION 21. Article 54 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-54-127. Tax increment financing task force - study impacts on public school finance - repeal. (1) (a) (I) IN ORDER TO STUDY THE IMPACTS OF THE USE OF TAX INCREMENT FINANCING BY URBAN RENEWAL AUTHORITIES ON SCHOOL DISTRICT REVENUES, PUBLIC SCHOOL FINANCE, AND THE AMOUNT OF STATE FUNDS NEEDED TO FUND DISTRICT TOTAL PROGRAM AS DETERMINED PURSUANT TO THIS ARTICLE, THERE IS HEREBY CREATED THE TAX INCREMENT FINANCING TASK FORCE. THE TASK FORCE SHALL CONSIST OF SIX MEMBERS OF THE GENERAL ASSEMBLY SELECTED AS FOLLOWS:

(A) THREE MEMBERS OF THE HOUSE OF REPRESENTATIVES, TWO OF WHOM SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND ONE OF WHOM SHALL BE APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES; AND

(B) THREE MEMBERS OF THE SENATE, TWO OF WHOM SHALL BE APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE OF WHOM SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE.

(II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE SHALL JOINTLY DESIGNATE ONE MEMBER OF

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THE TASK FORCE TO SERVE AS CHAIR OF THE TASK FORCE.

(b) THE TERM OF OFFICE OF EACH MEMBER OF THE TASK FORCE SHALL BE SIX MONTHS, COMMENCING ON JULY 1, 2006. APPOINTMENTS TO THE TASK FORCE SHALL BE MADE BY JULY 1, 2006.

(c) THE MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT COMPENSATION BUT SHALL BE REIMBURSED FOR ALL NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES. MEMBERS SHALL RECEIVE REIMBURSEMENT FOR NO MORE THAN FOUR MEETINGS IN THE 2006 CALENDAR YEAR.

(d) THE STAFF OF THE LEGISLATIVE COUNCIL SHALL BE MADE AVAILABLE TO ASSIST THE TASK FORCE IN CARRYING OUT ITS DUTIES UNDER THIS SECTION.

(e) (I) ALL EXPENDITURES INCURRED IN THE CONDUCT OF THE ACTIVITIES OF THE TASK FORCE UNDER THIS SECTION SHALL BE SUBJECT TO APPROVAL BY THE CHAIR OF THE LEGISLATIVE COUNCIL AND PAID BY VOUCHERS AND WARRANTS DRAWN AS PROVIDED BY LAW FROM FUNDS ALLOCATED TO THE LEGISLATIVE COUNCIL FOR LEGISLATIVE STUDIES FROM APPROPRIATIONS MADE BY THE GENERAL ASSEMBLY.

(II) IN CONDUCTING THE ACTIVITIES OF THE TASK FORCE UNDER THIS SECTION, THE LEGISLATIVE COUNCIL MAY ACCEPT AND EXPEND FEDERAL FUNDS, GRANTS, GIFTS, AND DONATIONS FOR PURPOSES OF THIS SECTION.

(f) THE TASK FORCE SHALL MEET NO MORE THAN FOUR TIMES DURING THE 2006 CALENDAR YEAR.

(g) THE TASK FORCE MAY CONSIDER THE APPOINTMENT OF SUBCOMMITTEES TO ASSIST IN ADVISING THE TASK FORCE. IF THE TASK FORCE CHOOSES TO APPOINT SUBCOMMITTEES, MEMBERS SHOULD BE CHOSEN FROM GROUPS REPRESENTING URBAN RENEWAL AUTHORITIES, MUNICIPALITIES, SCHOOL DISTRICTS, AND THE DEPARTMENT OF EDUCATION. A MEMBER OF THE TASK FORCE SHALL BE APPOINTED TO CHAIR EACH SUBCOMMITTEE AND MEMBERS OF THE SUBCOMMITTEES SHALL NOT RECEIVE COMPENSATION FOR THEIR SERVICES.

(2) IN CARRYING OUT ITS DUTIES AND FUNCTIONS UNDER THIS SECTION, THE TASK FORCE MAY CONSIDER, BUT NEED NOT BE LIMITED TO, THE FOLLOWING:

(a) THE METHOD BY WHICH A TAX INCREMENT FINANCING PROVISION IS INCLUDED IN AN URBAN RENEWAL PLAN AND THE INPUT ALLOWED OR REQUIRED TO BE OBTAINED FROM TAXING ENTITIES IMPACTED BY THE PROVISION, INCLUDING SCHOOL DISTRICTS;

(b) THE IMPACT OF THE INCLUSION OF A TAX INCREMENT FINANCING PROVISION IN AN URBAN RENEWAL PLAN ON THE STATE SHARE OF DISTRICT TOTAL PROGRAM FUNDING;

(c) WHETHER THE PROCESS FOR INCLUDING A TAX INCREMENT FINANCING PROVISION IN AN URBAN RENEWAL PLAN SHOULD BE MODIFIED TO ALLOW GREATER INPUT FROM ENTITIES DIRECTLY IMPACTED BY SUCH A PROVISION; AND

(d) ANY OTHER ASPECT OF TAX INCREMENT FINANCING AND ITS IMPACT ON PUBLIC SCHOOL FINANCE THAT THE TASK FORCE DEEMS APPROPRIATE TO CONSIDER.

(3) THE TASK FORCE SHALL MAKE SUCH RECOMMENDATIONS AS IT DEEMS NECESSARY TO THE GENERAL ASSEMBLY CONCERNING MATTERS STUDIED UNDER THIS SECTION. LEGISLATION RECOMMENDED BY THE TASK FORCE SHALL BE TREATED AS LEGISLATION RECOMMENDED BY AN INTERIM LEGISLATIVE COMMITTEE FOR PURPOSES OF ANY INTRODUCTION DEADLINES OR BILL LIMITATIONS IMPOSED BY THE JOINT RULES OF THE GENERAL ASSEMBLY.

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(4) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2007."

Amend the reengrossed bill, page 71, after line 21, insert the following:

"(7) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the legislative department, for allocation to the general assembly for the purposes set forth in section 22-54-127, Colorado Revised Statutes, for the fiscal year beginning July 1, 2006, the sum of twenty-one thousand one hundred eleven dollars (\$21,111) and 0.4 FTE, or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding subsection accordingly.

Amend the Appropriations Committee Report, dated April 4, 2006, page 10, strike lines 16 and 17 and substitute the following:

""four million nine hundred thirty-one thousand two hundred seventeen dollars (\$4,931,217)."

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

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, HB06-1377 was advanced on the Special Orders -- Second Reading of Bills calendar.

HB06-1377 by Representative(s) Madden, May M., Romanoff; also Senator(s) Gordon, Fitz-Gerald, McElhany--Concerning payment of expenses of the legislative department, and making an appropriation in connection therewith.

Amendment No. 1(L.002), by Senator Gordon.

Amend reengrossed bill, page 2, line 3, strike "twenty-nine million four hundred";

line 4, strike "sixty thousand nineteen dollars (\$29,460,019)," and substitute "twenty-nine million three hundred fifty-two thousand nine hundred fifty-seven dollars (\$29,352,957),";

line 5, strike "twenty-eight million five hundred eighty";

line 6, strike "thousand one hundred nineteen dollars (\$28,580,119)" and substitute "twenty-eight million four hundred seventy-three thousand fifty-seven dollars (\$28,473,057)";

line 12, strike "\$ 11,343,887 ^{1/}" and substitute "\$ 11,320,699 ^{1/}";

line 14, strike "7,166,448 ^{2/}" and substitute "7,139,017 ^{2/}";

line 16, strike "1,355,443" and substitute "1,347,671";

line 18, strike "4,638,332" and substitute "4,613,188";

line 20, strike "4,819,365 ^{3/}" and substitute "4,796,516 ^{3/}";

line 22, strike "136,544" and substitute "135,866";

line 23, strike "\$29,460,019" and substitute "\$29,352,957";

line 26, strike "\$11,253,887" and substitute "\$11,230,699".

Page 3, line 11, strike "\$6,376,548" and substitute "\$6,349,117".

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

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the Special Orders -- Second Reading of Bills Calendar (SB06-198, SB06-173, SB06-122, SB06-206, SB06-207, SB06-045) of April 4, was laid over until Wednesday, April 5, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Shaffer, 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: HB06-1375 as amended, HB06-1377 as amended.
Laid over until Wednesday, April 5 on Special Orders: SB06-198, SB06-173, SB06-122, SB06-206, SB06-207, SB06-045.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB06-1066, 1123, 1137, 1165, 1183.

TRIBUTES

Memorializing:

George L. Brown -- by Senator Groff & Representative Marshall.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of April 4 was laid over until Wednesday, April 5, retaining its place on the calendar.

General Orders -- Second Reading of Bills: HB06-1090, SB06-143, HB06-1193, HB06-1325, SB06-049, SB06-044, SB06-059, SB06-141, SB06-046, SB06-138.
Consideration of Resolutions: SJR06-019, SJR06-020, SJR06-022, SJR06-023.
Consideration of Memorials: SJM06-001.
Consideration of House Amendments to Senate Bills: SB06-014.
Consideration of Governor's Appointments:
Members of the Read-To-Achieve Board.
Members of the Colorado Wildlife Habitat Stamp Committee.
Members of the Colorado Water Resources and Power Development Authority.
Member of the Private Occupational School Board.
Consideration of Conference Committee Reports: HB06-1159.
Request for Conference Committee: HB06-1121, HB06-1273, HB06-1075, HB06-1107, HB06-1169.

On motion of Senator Gordon, the Senate adjourned until 9:00 a.m., Wednesday, April 5, 2006.

Approved:

Joan Fitz-Gerald
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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