

**Colorado Department of Education**

# **LEGISLATIVE**

# **SUMMARY**

# **2006**



**Sixty-Fifth General Assembly, Second Regular Session  
and Sixty Fifth General Assembly, First Extraordinary Session**

**COLORADO DEPARTMENT OF EDUCATION**  
201 E. COLFAX AVE.  
DENVER, COLORADO 80203-1799  
FAX (303) 830-0793

**High Standards  
Challenging Assessments  
Rigorous Accountability Measures**

A summary of the legislation affecting education  
that passed the Sixty-Fifth General Assembly,  
Second Regular Session in 2006,  
and the Sixty-Fifth General Assembly, First Extraordinary Session  
along with the statutory citations

Prepared annually for Colorado public school superintendents, principals, school board presidents, private schools, education agencies, Department of Education staff and other interested persons.

Susan L. Million  
Legislative Information Services  
Phone: 303/866-6808  
E-mail: [million\\_s@cde.state.co.us](mailto:million_s@cde.state.co.us)

Karen L. Stroup, Chief of Staff  
Byron Pendley, Legislative Liaison

William J. Moloney  
Commissioner of Education  
State of Colorado

August 2006

COLORADO STATE BOARD OF EDUCATION

Pamela Jo Sukla (R) Chairman 3 <sup>rd</sup> Cong. Dist. Slickrock	Jared Polis (D) Vice Chairman Member-At-Large Boulder	Randy DeHoff (R) 6th Cong. Dist. Littleton	Evie Hudak (D) 2 <sup>nd</sup> Cong. Dist. Arvada	Peggy Littleton (R) 5th Cong. Dist. Colorado Springs	Karen Middleton (D) 7th Cong. Dist. Aurora	D. Rico Munn (D) 1 <sup>st</sup> Cong. Dist. Denver	Bob Schaffer (R) 4th Cong. Dist. Ft. Collins
---	--	--	---	--	--	---	--

NOTE: Web address on the Colorado Department of Education Home Page: <http://www.cde.state.co.us>  
(Click "Laws & Regulations", then under "Links" click State Education Legislation.)  
To see complete bills: <http://www.leg.state.co.us> for the General Assembly Home Page.

**The Colorado Department of Education (CDE) does not discriminate on the basis of disability, race, color, religion, sex, national origin, or age in access to, employment in, or provision of any of CDE's programs, benefits, or activities.**

The designated individuals at the Colorado Department of Education for inquiries regarding Title IX are:

Patrick Chapman  
Colorado Department of Education  
1560 Broadway, Ste. 1450  
Denver, CO 80202-5149  
Phone: 303-866-6780  
E-mail: [chapman\\_p@cde.state.co.us](mailto:chapman_p@cde.state.co.us)

Wendi Kispert  
Colorado Department of Education  
201 East Colfax Avenue  
Denver, CO 80203-1704  
Phone: 303-866-6815  
E-mail: [Kispert\\_w@cde.state.co.us](mailto:Kispert_w@cde.state.co.us)

I N D E X

<b>APPROPRIATIONS</b>		
S.B. 06-1385	General appropriations.....	5
<b>CHILDREN AND DOMESTIC MATTERS</b>		
H.B. 06-1344	Domestic partnerships – benefits, protections, responsibilities .....	6
	-- REFERRED MEASURE	
<b>CONSUMER AND COMMERCIAL TRANSACTIONS</b>		
H.B. 06-1156	Social security numbers -- confidentiality and security.....	7
<b>COURTS</b>		
S.B. 06-61	Services for deaf and hard-of-hearing persons and provision of interpreters .....	7
H.B. 06-1088	Felony sex offense – unlimited period to commence proceedings .....	7
H.B. 06-1092	Possession of sexually exploitive material .....	8
<b>CRIMINAL LAW AND PROCEDURE</b>		
H.B. 06-1011	Internet sexual exploitation of a child .....	8
<b>EDUCATION - PUBLIC SCHOOLS</b>		
S.B. 06-24	K-12 student data reporting and sharing system with unique ID number .....	8
S.B. 06-42	Charter schools and institute charter schools funding .....	9
S.B. 06-55	Safe schools reporting .....	9
S.B. 06-73	Compulsory school attendance age.....	9
S.B. 06-118	Children with disabilities – amend Colorado’s act to comply with federal act.....	9
S.B. 06-119	Charter schools capital facilities financing.....	10
S.B. 06-127	Free fresh fruits and vegetables in schools -- pilot program.....	10
S.B. 06-130	Boards of cooperative services appropriations .....	10
S.B. 06-137	Obsolete education statutes.....	10
S.B. 06-176	Educator’s licenses - grounds to deny, annul, suspend or revoke .....	11
H.B. 06-1001	Principals in public schools regulation.....	11
H.B. 06-1004	Reading assistance grant program .....	11
H.B. 06-1008	On-line education.....	12
H.B. 06-1098	Teachers – professional development credit.....	12
H.B. 06-1109	Academic growth performance awards.....	12
H.B. 06-1121	Recognition of community service by students.....	13
H.B. 06-1240	School improvement plans for unsatisfactory schools .....	13
	-- REFERRED MEASURE	
H.B. 06-1283	Public school expenditures reporting for direct student achievement.....	13
	-- REFERRED MEASURE	
H.B. 06-1288	School district directors elections .....	14
H.B. 06-1375	School finance .....	14
H.B. 06-1396	School-based health centers grant program.....	16
S.J.R. 06-006	Safety of teen drivers.....	16
S.J.R. 06-008	The Talking Book Library’s 75 <sup>th</sup> anniversary.....	17
S.J.R. 06-015	Young children with challenging behaviors.....	17
S.J.R. 06-020	Honoring former Commissioner of Education Calvin M. Frazier .....	18
S.J.R. 06-024	Child abuse prevention month .....	19
S.J.R. 06-030	The Year of the Museum.....	20
S.J.R. 06-040	Pandemic planning .....	20
S.J.R. 06-041	Mental health month .....	21
<b>EDUCATION – UNIVERSITIES AND COLLEGES</b>		
S.B. 06-1360	Bioscience research grant program .....	22
<b>ELECTIONS</b>		
S.B. 06-170	Conduct of elections.....	22
H.B. 06-1051	Recall of elected officials.....	23
<b>GOVERNMENT – COUNTY</b>		
H.B. 06-1287	Public fund investments.....	24
<b>GOVERNMENT – LOCAL</b>		
S.B. 06-154	Eminent domain laws clarification .....	24

<b>GOVERNMENT - STATE</b>		
S.B. 06-9	Electronic recording of executive sessions of public bodies .....	25
S.B. 06-235	PERA benefit plans .....	25
H.B. 06-1149	Professional lobbyists – additional information under sunshine act .....	27
H.B. 06-1158	School buildings safety inspections .....	27
H.B. 06-1189	Governmental immunity – clarifies tort claims .....	28
H.B. 06-1343	Prohibit public contract for services with illegal alien .....	28
H.B. 06S-1002	Services for communicable diseases for lawful immigrants .....	29
	(Special Session)	
H.B. 06S-1023	Public benefits for lawful immigrants.....	29
	(Special Session)	
<b>HEALTH AND ENVIRONMENT</b>		
H.B. 06-1175	Prohibit smoking in indoor enclosed areas -- Colorado Clean Indoor Air Act .....	29
<b>HEALTH CARE POLICY AND FINANCING</b>		
S.B. 06-128	Care for persons with disabilities coordination pilot program .....	30
H.B. 06-1270	Eligibility of selected public schools for public medical benefits project .....	30
<b>HUMAN SERVICES – SOCIAL SERVICES</b>		
H.B. 06-1255	Permanency hearings for juveniles placed out of home.....	30
H.B. 06-1271	Child care centers.....	31
H.B. 06-1351	Teen pregnancy and dropout prevention program .....	31
H.B. 06-1395	Residential child health care .....	31
<b>LABOR AND INDUSTRY</b>		
H.B. 06S-1017	Employee verification requirements for unauthorized aliens .....	32
	(Special Session)	
<b>PUBLIC UTILITIES</b>		
H.B. 06-1322	Clean energy development fund.....	32
<b>TAXATION</b>		
H.B. 06-1275	Property used to generate electricity from wind for tax purposes .....	33
H.B. 06S-1015	Withhold state tax for services.....	33
	(Special Session)	

**NOTE:** The effective date for a bill enacted without a safety clause and without an effective date indicated in the bill is August 7, 2006, the day following the expiration of the 90-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 of the state constitution unless a referendum petition is filed against the act within such time period. If a referendum petition is filed, the act, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

The following are summaries of 2006 bills as prepared by the General Assembly Office of Legislative Services with selected clarification or notation by the Department of Education.

## **APPROPRIATIONS**

**H.B. 06-1385 General appropriation - long bill.** Makes appropriations for the payment of expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2006. Sets the grand total for the operating budget at \$ 16,168,716,277 of which \$ 5,948,771,219 is from the general fund, \$ 787,232,183 is from general fund exempt, \$ 566,985,058 is from cash funds, \$5,115,610,423 is from cash funds exempt, and \$ 3,750,117,394 is from federal funds.

Appropriates \$ 387,677,555 for capital construction projects of which \$ 138,314,275 is from capital construction fund exempt, \$ 4,850,000 is from cash funds, \$ 232,569,932 is from cash funds exempt, and \$ 11,943,338 is from federal funds.

Makes additional changes in appropriations for the 2005-2006 calendar year.

**EFFECTIVE May 1, 2006**  
**PORTIONS VETOED May 1, 2006**

### **A SUMMARY OF FEDERAL AND STATE FUNDING FOR EDUCATION IS AS FOLLOWS:**

	<b>2005-06 Appropriation</b>	<b>2006-07 Appropriation</b>
<b>General Fund</b>	<b>\$ 2,721,702,358</b>	<b>\$ 2,874,627,998</b>
<b>Cash Funds</b>	<b>15,292,983</b>	<b>14,615,679</b>
<b>Cash Funds Exempt</b>	<b>491,727,404</b>	<b>470,577,544</b>
<b>Federal Funds</b>	<b>498,761,613</b>	<b>488,039,789</b>
<b><u>Grand Total</u></b>	<b>\$ 3,727,484,358</b>	<b>\$ 3,847,861,010</b>

## CHILDREN AND DOMESTIC MATTERS

REFERRED MEASURE (H.B. 06-1344)

NOTE: This act will be submitted to a vote of the people at the November 2006 general election.

### H.B. 06-1344 Domestic partnerships - licenses - benefits, protections and responsibilities of domestic partners - referred measure.

Authorizes the issuance of licenses and certificates for domestic partnerships between same-sex couples by a county clerk and recorder. Authorizes certain persons to certify a domestic partnership. Directs that no priest, minister, rabbi, or other official of a religious institution or denomination shall be required to certify any domestic partnership in violation of his or her right to free exercise of religion. Specifies the criteria for a valid domestic partnership.

Directs the executive director of the department of public health and environment and the state registrar of vital statistics to issue forms necessary to implement the act. Requires a county clerk and recorder to submit records of registered domestic partnerships to the office of vital statistics.

Provides that domestic partners may receive benefits, protections, and responsibilities under the law as are granted to spouses, including the following:

- Responsibility for financial support of a domestic partner;
- Laws relating to the transfer of real or personal property to a domestic partner;
- The ability to file a claim based on wrongful death, emotional distress, loss of consortium, dramshop, or other laws, whether common law or statutory, related to or dependent upon spousal status;
- Prohibitions against discrimination based upon spousal status;
- The ability to inherit real and personal property from a domestic partner under the probate code;
- Priority for appointment as a conservator, guardian, or personal representative;
- Survivor benefits under and inclusion in workers' compensation laws;
- The ability to adopt a child of a domestic partner;
- The ability to insure a domestic partner under group benefit plans for state employees;
- The ability to designate a domestic partner as a beneficiary under the state public employees retirement system;

- Survivor benefits under local government firefighter and police pensions;
- Protections and coverage under domestic abuse and domestic violence laws;
- Victims' compensation rights;
- Protections and responsibilities relating to emergency and nonemergency medical care and treatment and hospital visitation;
- The ability to file a complaint about the care or treatment of a domestic partner in a nursing home;
- Protections and responsibilities to make decisions regarding a domestic partner's terminal care or medical treatment and decisions relating to medical decisions, medical durable power of attorney documents, or advance medical directives;
- Rights concerning the disposition of a domestic partner's last remains;
- The right to make decisions regarding anatomical gifts;
- Eligibility for family leave benefits;
- Eligibility for public assistance benefits;
- A privilege from providing compelled testimony against a domestic partner and evidentiary privileges for domestic partners;
- The right to apply for emergency or involuntary commitment of a domestic partner;
- Rights to claim a homestead exemption;
- The ability to protect exempt property from attachment, execution, or garnishment;
- Dependent coverage under life insurance and health insurance policies.

Provides the same process for dissolution, legal separation, or declaration of invalidity of a domestic partnership as provided in the law for the dissolution, legal separation, and declaration of invalidity of a marriage.

States that the act shall not be construed to create a marriage between the parties to a domestic partnership, create or recognize a legal status similar to marriage, or alter the public policy of this state that recognizes only the union of one man and one woman as a marriage. States that, notwithstanding any provision of law to the contrary, nothing in the act shall be interpreted to require a child placement agency to place a child for adoption with domestic partners if the child placement agency objects to such placement on the basis of religious beliefs. States that nothing in the act shall be construed to permit the filing of a joint income tax return by the parties to a domestic partnership.

Prohibits a custodian of records from allowing a person, other than the person in interest or an immediate family member of the person in interest, to inspect the application for a domestic partnership license of any person, except that a

district court may order the custodian to permit inspection of the license application for a domestic partnership upon a showing of good cause.

Refers the question of enacting a domestic partnership law to the electors of Colorado at the next general election. Authorizes the general assembly to enact implementing legislation if the measure is adopted by the electors.

Added 14-15-0 (entire article); amended 25-2-105; added 25-2-106.5; amended 25-2-107(1); 25-2-117(2)(d); 25-2-117(2)(e); added 25-2-117(2)(f); 2-4-401(2.2); 2-4-401(2.3); 2-4-401(2.4); amended 24-72-204(3)(a)(XIX); referendum clause.

## CONSUMER AND COMMERCIAL TRANSACTIONS

**H.B. 06-1156 Social security numbers - confidentiality.** Prohibits any person or entity from:

- Publicly posting or displaying in any manner an individual's social security number ("SSN");
- Printing an individual's SSN on a card required for the individual to access products or services provided by the person or entity;
- Requiring an individual to transmit his or her SSN over the internet, unless the connection is secure or the SSN is encrypted;
- Requiring an individual to use his or her SSN to access an internet web site, unless a password or unique personal identification number or other authentication device is also required to access the internet web site; and
- Printing an individual's SSN on any materials that are mailed to the individual, unless state or federal law requires, permits, or authorizes the SSN to be on the document to be mailed.

Lists exceptions, including uses required, permitted, or authorized by state or federal law. Allows a preexisting nonconforming use of a SSN to continue if all of the following conditions are met:

- The use of the SSN is continuous; and
- The person or entity provides the individual with an annual disclosure that informs the individual that he or she has the right to stop the nonconforming use of his or her SSN.

Requires the person or entity to implement a written request by an individual to stop the nonconforming use within 30 days after the receipt of the request. Prohibits the person or

entity from denying services to an individual because the individual makes such a written request. Includes a SSN in financial data that may not be inspected as part of a public record, unless disclosure is required, permitted, or authorized by state or federal law.

EFFECTIVE January 1, 2007

Added 6-1-715; amended 24-72-204(3)(a)(IV).

## COURTS

**S.B. 06-61 Persons with disabilities - deaf and hard of hearing - department of human services - Colorado commission for the deaf and hard of hearing - provision of interpreters and auxiliary services in legal settings.** Transfers the authority for overseeing and coordinating the provision of interpreters and auxiliary services for persons who are deaf or hard of hearing from the division of rehabilitation in the department of human services to the Colorado commission for the deaf and hard of hearing in the department of human services. Identifies the circumstances under which the presiding officer or similar official of a court, board, commission, agency, or licensing or law enforcement authority of the state or any of its political subdivisions shall provide an interpreter or auxiliary service to a person who is deaf or hard of hearing. Mandates that determination of such circumstances be made in accordance with the United States department of justice regulations concerning Title II of the federal "Americans with Disabilities Act of 1990".

EFFECTIVE May 25, 2006

Amended 13-90-201; 13-90-202; 13-90-203; 13-90-204(1); 13-90-205; 13-90-206; 13-90-207(1); 13-90-208; 13-90-210; added 26-21-106(4); amended 18-1.3-701(1); 13-71-137.

**H.B. 06-1088 Sex offense against a child - no limitation for commencing criminal proceedings and juvenile delinquency proceedings.** Removes the limitation periods in which to commence a criminal proceeding or juvenile delinquency proceeding involving a felony sex offense against a child. Specifies that the unlimited period in which to commence a criminal proceeding shall apply to a felony sex offense against a child committed on or after July 1, 1996. Specifies that the unlimited period shall also apply to a felony sex offense against a child committed before July 1, 1996, so long as the



applicable statute of limitations in effect for the offense has not yet run as of July 1, 2006.

**EFFECTIVE July 1, 2006**

Amended 16-5-401(1)(a); 16-5-401(1)(c); added 16-5-401(1.5); amended 16-5-401(6); 16-5-401(7); 16-5-401(8)(a); 16-5-401(8)(a.3); 16-5-401(8)(a.5); 18-3-405(2)(d); 18-3-405.3(2)(b); 18-3-411(2).

**H.B. 06-1092 Possession of sexually exploitative material - felony.** Increases the penalty for sexual exploitation of a child by possession of sexually exploitative material from a class 1 misdemeanor to a class 6 felony.

**EFFECTIVE July 1, 2006**

Amended 18-6-403(5); 16-22-112(2)(b)(II)(D); 18-1.3-1004(4)(b)(II); repealed 22-60.5-107(2)(b)(V); amended 24-31-305(1.5)(g); added 17-1-159; amended 24-75-302(2)(s).

## **CRIMINAL LAW AND PROCEDURE**

**H.B. 06-1011 Child exploitation - internet luring of a child - internet exploitation of a child - sexually exploitative material felony - internet access provider records.** Prohibits a person from using a computer network to communicate a statement describing explicit sexual conduct to a child under 15 years of age, and, in connection with the communication, make a statement persuading or inviting the child to meet the person for any purpose when the person is more than 4 years older than the child. Makes internet luring of a child a class 4 or class 5 felony, depending on the circumstances of the commission of the act.

Prohibits a person from using a computer network to entice a child to expose or touch the child's own or another person's intimate parts or observe the person's intimate parts while communicating with the child via a computer network if the child is under 15 years of age and the person is at least 4 years older than the child. Makes internet sexual exploitation of a child a class 4 felony.

Requires an offender convicted of internet luring of a child or internet sexual exploitation of a child to register as a sex offender, and makes the offender subject to lifetime supervision. Applies the 10-year sex offense statute of limitations to internet luring of a child and internet sexual exploitation of a child.

Makes possession of more than 20 different items of sexually exploitative material pertaining to children a class 4 felony.

Requires an internet access provider to preserve records, upon the request of law enforcement, pending the issuance of a court order. Requires the internet access provider to release the records within 10 days after receiving a court order. Requires an internet access provider to turn over records related to a possible sex offense that involves the immediate danger of death or serious bodily injury without a court order. Directs an internet access provider doing business in Colorado to report incidents of apparent child pornography to the national center for missing and exploited children. Creates a civil penalty for failure to comply with a law enforcement records request.

**PORTIONS EFFECTIVE July 1, 2006**

**PORTIONS EFFECTIVE October 1, 2006**

Amended 16-11.7-102(3)(t); added 16-11.7-102(3)(v); 16-11.7-102(3)(w); 16-22-102(9)(x); 16-22-102(9)(y); 18-1.3-1003(5)(a)(XI); 18-1.3-1003(5)(a)(XII); 18-3-306; 18-3-405.4; amended 18-3-407 IP(2); 18-6-403(5); 18-3-411(1); added 6-2.7-0 (entire article); 17-1-153; amended 24-75-302 IP(2); 24-75-302(2)(s); 24-75-302(2)(t); 24-75-302(2)(u); 24-75-302(2)(v); 24-75-302(2)(w).

## **EDUCATION – PUBLIC SCHOOLS**

**S.B. 06-24 Unique student identification number (ID) - pre-kindergarten through post-secondary education systems - data sharing.** Beginning in July 1, 2007, for students who attended high school in Colorado, requires a postsecondary institution that is eligible for the college opportunity fund program to begin using as the student's primary identifier the unique ID number assigned to the student while enrolled in the elementary to secondary education system in Colorado, including public pre-kindergarten programs. Directs Adams state college, Mesa state college, Western state college, and Metropolitan state college to begin using the unique student ID number on or before July 1, 2007, and all other postsecondary institutions to begin using the unique ID number on or before July 1, 2009.

Directs the Colorado commission on higher education and the state board of education to enter into a memorandum of (MOU) understanding to share student data, in conformance with the federal "Family



**Educational Rights and Privacy Act of 1974", with each other and with qualified researchers upon request.**

**EFFECTIVE July 1, 2006**

Added 23-5-127(4); amended 22-7-603.5(4); added 23-1-109.3; 22-2-106.5.

**S.B. 06-42 Charter schools - calculation of funding - clarifications. Clarifies the definitions pertaining to funding institute charter schools.**

**Delays until the 2007-08 budget year implementation of the adjustment for at-risk per pupil funding for an institute charter school for which funding was calculated without the adjustment in the 2004-05 or 2005-06 fiscal year. Relocates provisions concerning funding, central administrative overhead costs, and purchase of services that pertain to certain district charter schools. Clarifies the formula for calculating district at-risk per pupil funding for certain district charter schools. For purposes of determining a charter school's share of the costs of providing federally required education services to students, directs a school district to calculate the per-pupil cost of providing the services after subtracting the amount received in federal and state moneys for providing the services.**

**EFFECTIVE April 24, 2006**

Repealed and reenacted 22-30.5-513(1); amended 22-30.5-502(10); 22-30.5-513(2)(b); 22-30.5-513(4)(a); repealed 22-30.5-513(7); 22-30.5-513(8); added 22-30.5-112.1; amended 22-30.5-112(2)(a.8).

**S.B. 06-55 Safe school reporting - school accountability reports. Adds third degree assaults, vehicular assaults, and disorderly conduct involving fighting to the types of assaults and fights that school districts must include in their reports of criminal assaults to the department of education. Creates a new category, eliminates a category, and renames two categories of incidents that schools must report in the safety and discipline section of school accountability reports.**

**EFFECTIVE April 6, 2006**

Amended 22-32-109.1(2)(b)(IV); 22-7-605(5)(b)(I).

**S.B. 06-73 Compulsory school attendance. Raises the age of emancipation from compulsory school attendance from 16 to 17 years.**

**Clarifies that a school district may receive funding for a student enrolled in an on-line program if the student is enrolled in kindergarten or first grade.**

**EFFECTIVE July 1, 2007**

Amended 22-33-104(1); 22-33-104(1.5); 22-33-104(5)(a); 22-33-104.6(4)(a)(II); added 22-33-104.6(4)(a)(III); 22-33-104.5(3)(e); 22-33-107(3)(a); 22-2-124(2)(c)(I); 22-52-102(1); 23-1-119(4); 23-20-131; 23-60-103(3).

**S.B. 06-118 Children with disabilities - federal "Individuals with Disabilities Education Improvement Act of 2004" - Colorado "Exceptional Children's Educational Act". Amends Colorado's "Exceptional Children's Educational Act" to conform with the federal "Individuals with Disabilities Education Improvement Act of 2004" and to repeal obsolete provisions. Conforming changes include:**

- Revises the list of recommendations by the state department of education ("department") to the state board of education ("state board") concerning necessary rules for the implementation of the "Exceptional Children's Educational Act".
- Defines "specific learning disability" to conform with federal law.
- Repeals the section concerning maintenance of a depository and retrieval network for visually impaired and hearing-impaired children.
- Requires an administrative unit that receives funding to educate gifted children to submit to the department an annual plan for educating gifted children.
- Requires the determination of eligibility for special education services to be made by a multidisciplinary team, the composition of which shall be prescribed by rules promulgated by the state board.
- Requires the development of a child's individualized education program ("IEP") to be made by the child's IEP team, the composition of which shall be prescribed by rules promulgated by the state board.
- Replaces the provision requiring appointment of an administrative law judge in the case of an appeal with procedures to be established by rule by the state board.
- Requires a child's IEP to specify whether the child shall achieve state or local content standards or individualized standards.
- Assigns responsibility for determining out-of-district placement by an administrative unit to the child's IEP team and the special education director for the administrative unit of residence.

- Details procedures for out-of-district placements by public agencies authorized to place children.
- Requires an administrative unit of residence that disapproves a public placement in an eligible facility to ensure that the child will receive a free appropriate public education until an appropriate placement can be determined.
- Repeals the provision prohibiting an administrative unit from appointing an educational surrogate parent for a child with disabilities.
- Repeals the provisions requiring the state board to promulgate rules specifying the minimum number of hours of educational instruction to be provided to a child with disabilities and the methods of delivery of educational services to a child with disabilities.
- Requires each eligible facility to conform, to the maximum extent possible, the length of its programs to the regular school year schedule of the school district in which the eligible facility is located.
- Stipulates that extended school year services shall be provided only if a child's IEP team determines that the services are necessary to provide a child with a free appropriate public education.

**EFFECTIVE August 7, 2006**

**NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 5 of this report.**

Amended 22-20-102; 22-20-103; 22-20-104(1); 22-20-104(2)(a); 22-20-104(4); 22-20-104.5(1); repealed 22-20-105; amended 22-20-106; 22-20-107.5; 22-20-108; 22-20-109(1); 22-20-109(2); 22-20-109 IP(7); 22-20-109(7)(f); 22-20-107(7)(g); 22-20-111; 22-20-112; 22-20-116.

**S.B. 06-119 Charter schools - capital facilities financing - state's moral obligation.** For the purpose of charter schools that rely on the state charter school debt service reserve fund to have bonds issued by the Colorado educational and cultural facilities authority on their behalf, increases the aggregate outstanding principal amount of bonds that may be secured by the state's moral obligation and the state charter school debt service reserve fund to **\$400,000,000.**

**EFFECTIVE April 24, 2006**

Amended 22-30.5-408(2)(a).

**S.B. 06-127 Fresh fruits and vegetables pilot program - repeal.** Creates a pilot program to make free fruits and vegetables available to students in public schools. Requires that, to the maximum extent practicable, not less than 75% of the students participating in the program are from school districts in which at least 50% of the students are eligible for free or reduced-cost lunch under the "National School Lunch Act". Sets requirements with regard to the application process for schools that wish to participate in the program. Requires that Colorado produce be used in the program to the maximum extent practicable. Requires the superintendent of a school district that participates in the program to report to the department of education regarding activities carried out under the program. Requires that if the general assembly appropriates \$500,000 or more to assist school districts in providing school breakfast programs, the department of education shall use \$150,000 of these funds to implement the program. Repeals program effective January 1, 2009.

**EFFECTIVE May 25, 2006**

Added 22-82.5-0 (entire article); 22-54-123.5(1)(d).

**S.B. 06-130 Boards of cooperative services.** Restores statutory language directing the general assembly to make a separate annual appropriation to the state board of education to cover the estimated cost of the basic grants to eligible boards of cooperative services.

**EFFECTIVE May 25, 2006**

Amended 22-5-115(1); recreated and reenacted 22-5-115(3).

**S.B. 06-137 Obsolete education statutes - repeal or amendment.** Repeals or amends outdated provisions of the Colorado revised statutes regarding the elementary and secondary education system.

**EFFECTIVE August 7, 2006**

**NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 5 of this report.**

Amended 2-3-115(1)(a); repealed 22-1-113; 22-1-120(4); repealed 22-2-109(5)(b); 22-2-121; amended 22-2-124(9)(b)(I); amended 22-119(7)(a); 22-7-404(3); 22-7-409(3); repealed 22070597\*1)(b)(II); Amended, added and repealed various sections of title 22.

**S.B. 06-176 Educators - licenses - termination of contracts - fingerprints.** Clarifies grounds on which the department of education may deny, annul, suspend, or revoke an educator's license. Clarifies language relating to an educator who terminates his or her employment contract, and authorizes the department to suspend an educator's license if he or she does not give the required notice prior to terminating his or her employment contract.

Directs applicants for educator licenses and nonpublic schools to whom applicants have submitted fingerprints to submit fingerprints directly to the Colorado bureau of investigation.

Repeals the authority of the department to issue a license or authorization prior to receiving the results of a fingerprint-based criminal history records check.

Reduces the cash funds appropriation to the department for fingerprint checks by \$775,000. Changes \$337,816 from a cash funds exempt appropriation to a cash funds appropriation to the Colorado bureau of investigation for the educator fingerprint checks.

**EFFECTIVE July 1, 2006**

Amended 22-32-109.7(1)(c); amended and added to various parts of 22-60.5-107, repealed and reenacted 22-63-202(2); amended 22-60.5-103(1)(a); 22-60.5-103(4); 22-60.5-103(5); amended 22-1-121(1.7)(a); 22-1-121(1.7)(c).

**H.B. 06-1001 Principals - survey of superintendents - professional development - performance evaluations - principal development scholarship program - financial aid.** Requires the state board of education to direct the department of education annually to survey school district superintendents who employ new principals. Directs the department to base the survey on the principal licensure standards and design the survey to measure the quality and effectiveness of the principal preparation programs and solicit information concerning the principal licensure standards. Directs the state board annually to submit a summary report of the survey results to the education committees, the governor, the Colorado commission on higher education, and the appropriate institutions of higher education. Directs the education committees to consider the report at their biennial joint meeting to consider teacher preparation programs.

Requires a person who holds a professional principal license to select professional development activities for renewal of the license that relate to improving the person's skills as a principal and to complete any professional development activities specifically identified by the person's employing school district. Directs each school district to identify areas of improvement for principals and assist principals in attending appropriate professional development programs. Recognizes identification of areas of improvement for principals and assistance in improving in those areas as management functions that a school district must complete for accreditation.

Requires school districts to provide an annual written evaluation of a principal who is in the first three years of employment and at least one written evaluation every three years for a principal who is in the fourth or subsequent year of employment. Specifies that a principal's evaluation shall include input from teachers, and may include input from students and parents, in the manner provided by the school district.

Clarifies that a principal whose performance is deemed unsatisfactory shall receive a notice of deficiencies and a remediation plan.

Creates the principal development scholarship program to provide stipends for professional development activities for principals on a need basis. Directs the state board to adopt rules concerning the procedures for applying for a stipend and the criteria for awarding the stipend. Specifies minimum criteria, including the applicant's degree of financial and professional need and the quality of the professional development activity. Creates the principal development scholarship fund, and identifies gifts, grants, and donations as the source of moneys for the fund.

Directs the Colorado commission on higher education to adopt policies to allow a person who is participating in a principal preparation program to qualify for financial assistance.

**EFFECTIVE May 26, 2006**

Added 22-2-109(7); amended 22-60.5-116.5; 22-60.5-110(3)(a); added 22-60.5-110(3)(e); 22-32-109(1)(jj); amended 22-11-201(4)(b); 22-9-106(1)(c); 22-9-106(3)(b); 22-9-106(3.2); 22-9-106(3.5); 22-9-106(4.5).

**H.B. 06-1004 Reading assistance grant program - eligibility criteria - application guidelines - grant awards - cash fund.** Creates the reading

assistance grant program to provide grants to nonprofit organizations that provide and distribute to school districts and eligible facilities accessible educational materials for students who have difficulty achieving the state model content standards, but are not identified as having a disability. Outlines the criteria an organization shall meet to be eligible to apply for a grant. Sets forth the terms of grant awards. Directs the state board of education to promulgate rules to implement the grant program.

Defines the information an applicant must provide when seeking a grant under the grant program. Defines the criteria the department of education and state board shall use in making recommendations and awarding a grant to an applicant.

Creates the reading assistance grant program fund to provide for the payment of grants awarded.

Requires each nonprofit organization that receives a grant under the grant program to submit annually to the department a summary report on the use of the grant moneys received. Directs the department to provide to the governor and education committees of the senate and house of representatives a summary report of all grants made annually .

**EFFECTIVE May 26, 2006**

Added 22-88-0 (entire article); amended 22-7-506(4)(a)(I).

**H.B. 06-1008 On-line education - supplemental courses - reimbursement.** Allows each school district that enrolls fewer than 3,000 students ("eligible school district"), each charter school that is not an on-line program, and each institute charter school that is not an on-line program and enrolls fewer than 3,000 students ("eligible charter school") to receive reimbursement for supplemental on-line education courses purchased for students enrolled in grades 6 through 12.

Specifies that, for an eligible school district or eligible charter school to receive reimbursement for a course, the course must be provided by an entity that uses Colorado-licensed teachers. Establishes the procedure for an eligible school district or eligible charter school to be reimbursed by the department of education. Limits the amount of reimbursement for each course to the per-student cost of the course multiplied by the number of students who

successfully complete the course. Caps each eligible school district's and eligible charter school's total reimbursement for a budget year at \$10 multiplied by the number of students enrolled in grades 6 through 12 in the eligible school district or eligible charter school.

Instructs the department to provide annually to the joint budget committee estimates of the number of students expected to be enrolled in grades 6 through 12 in the eligible school districts and eligible charter schools. To offset administrative costs, allows the department to retain up to 3% of the amount annually appropriated for reimbursements.

**EFFECTIVE May 17, 2006**

Added 22-557-0 (entire article).

**H.B. 06-1098 Teachers - professional development credit - suicide prevention programs.** Allows public school teachers to receive professional development credit by attending an in-service program on juvenile mental health issues, including awareness and prevention of youth suicide.

**EFFECTIVE August 7, 2006**

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page 5 of this report.

Amended 22-60.5-110 IP(3)(b); 22-60.5-110(3)(c)(IX); 22-60.5-110(3)(c)(X); added 22-60.5-110(3)(c)(XI).

**H.B. 06-1109 Accountability - academic performance awards - technical assistance - availability of information.** To identify the schools that receive the governor's distinguished improvement awards, instructs the technical advisory panel on the measurement of longitudinal academic growth to determine the method by which to identify schools that demonstrate the highest rate of student academic growth in a school year toward state standards for proficiency. Directs the panel to take school size into account in its recommendations. Authorizes the state board of education to provide tangible items of recognition, in addition to monetary awards, to schools that receive academic performance awards.

Prohibits the department of education from calculating an academic performance or academic growth of students rating for a school

that enrolls fewer than a specified number of students, as identified by policy adopted by the department. Directs the department to provide technical assistance and training to school districts and charter schools to assist them in interpreting and using diagnostic academic growth information. Directs the department, upon request of a qualified researcher, to make available the entire longitudinally linked dataset used by the department and the panel for generating diagnostic growth information. Repeals language that requires all accreditation indicators relating to statewide assessments to be consistent with the methodology used in determining school academic ratings.

**EFFECTIVE April 13, 2006**

Amended 22-11-305(1); 22-11-301(1); added 22-11-301(3); 22-7-604(1.5)(a)(III); 22-7-604.3(5)(h); 22-7-604.3(7); amended 22-11-104(2)(a)(II); 22-7-604(1.5)(b); 22-7-604(6)(d); 22-7-604.5(2.5)(c)(I); 26-6.5-106(2)(d)(I)(B).

**H.B. 06-1121 School district policy - community service - recognition.** Requires each school district to consider and, if appropriate, adopt a policy to encourage students to engage in community service or service-learning and to recognize students' contributions to their communities. Specifies that a student may earn recognition for community service or service-learning in the manner provided by the policy.

**EFFECTIVE August 7, 2006**

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page 5 of this report.

Added 22-32-137.

**REFERRED MEASURE (H.B. 06-1240)**

**NOTE:** This act will be submitted to a vote of the people at the November 2006 general election.

**H.B. 06-1240 School improvement plans - continued operation - voluntary restructuring.** Allows a school that receives an overall academic performance rating of "unsatisfactory" ("unsatisfactory school") to operate under a school improvement plan ("SIP") for two full school years. If the school is still unsatisfactory at that time, instructs the state board of education to review the operations of the unsatisfactory school and determine whether the unsatisfactory school should continue operating under the SIP, whether the SIP should be amended, or whether the unsatisfactory school

should be converted to an independent charter school. Directs the state board to take into account specific considerations in making its determination. Requires the state board annually to review the operations of the unsatisfactory school so long as the school continues to receive an overall academic performance rating of unsatisfactory. Specifies how to determine the number of school years during which a school operates under a SIP.

Allows a school district or the state charter school institute to voluntarily restructure an unsatisfactory school and to apply to the state board for a determination of whether the restructuring plan constitutes a major restructuring of the governance of the public school. If the state board finds that the plan is a major restructuring of the public school, allows the school to continue operating under the restructuring plan unless the school receives an overall academic performance rating of "unsatisfactory" for two years in any three-year period. If the public school receives such ratings, requires the state board to review the operations of the school as it would the operations of an unsatisfactory school operating under a SIP. Specifies the minimum requirements for a restructuring plan to constitute a major restructuring. Requires the school district or the institute to allow the public to review and comment on the restructuring plan.

Directs the department of education to track the students enrolled in a public school during the school year preceding conversion to an independent charter school or voluntary restructuring to determine whether the students transfer to another public school following the conversion or restructuring. Requires the department to provide the information, without personally identifying the students, to the school district or the institute upon request.

**EFFECTIVE April 6, 2006**

Amended 22-7-609(5); added 22-7-609.3; 22-7-609.4; amended 22-30.5-511(3)(c).

**REFERRED MEASURE (H.B. 06-1283)**

**NOTE:** This act will be submitted to a vote of the people at the November 2006 general election.

**H.B. 06-1283 Public school expenditures accountability - referendum.** Requires each school district to report its annual budget to the department of education in a standard format. Beginning in the 2007-08 budget year, requires each school district annually to spend at least



65% of its operational expenditures on services that directly affect student achievement. Allows a school district to apply for a waiver or hold a public election for the purpose of excusing the school district from compliance with the 65% requirement.

Refers the act to a vote of the registered electors of the state at the next biennial regular general election.

Added 22-54.5-0 (entire article); 22-44-111(3).

**H.B. 06-1288 School districts - directors - election.** Repeals language providing for the six-month extension of director terms when the time for electing school directors changed from May to November. Requires a newly elected school director to take office within 15 days following receipt of the official abstract of the votes. Requires a candidate for school director to have been a registered elector of the school district for at least 12 months prior to the election.

Requires the designated election official for an election of school directors to publish a call for nominations at least 75 but not more than 90 days prior to the election. Specifies the contents of the call. Prohibits a candidate for the office of school director from circulating a nomination petition more than 90 days prior to the election.

Requires a newly elected or appointed school director to take the oath of office within 10 days after receiving the certificate of election or appointment. Directs the secretary of a school district to call an organizational meeting of the school district board of education within 15 days after the school district receives the official abstract of votes.

**EFFECTIVE May 25, 2006**

Amended 22-31-104(2); 22-31-104(3); 22-31-107(1); added 22-31-107(1.5); amended 22-31-107(2); 22-31-125; 22-31-129(1)(b); 22-32-104(1); 1-4-803(1); 1-4-803(5).

**H.B. 06-1375 School finance - instructional supplies - administration - declining enrollment districts - charter school capital construction - tax increment financing task force - juvenile detention facility costs - out of state tuition - reimbursement of excess costs for children with disabilities - distribution of appropriation for special education programs - Colorado special education fiscal advisory committee - private school definition - unreimbursed excess transportation costs - summer school grant**

**program - expenditures from capital reserve fund - recovered overpayments of transportation reimbursements - national credential fee assistance - facility summer school grant program - creation of Colorado preschool and kindergarten program - elimination of full-day kindergarten program for unsatisfactory schools - right to display the United States flag - school capital construction.**

- For the 2006-07 budget year, increases the statewide base per pupil funding to \$4,863.87, which reflects an increase over the preceding budget year of 2.1% for inflation plus one percentage point.
- For the 2006-07 budget year and future budget years, if a school district's expenditures for instructional supplies and materials exceeds the amount required to be budgeted for the budget year, allows the district to subtract the amount of the excess expenditures from the amount required to be budgeted for instructional supplies and materials for the subsequent budget year.
- Eliminates the authority of the department of education to offset its direct and indirect costs for administering the act by transferring a portion of the appropriation in the annual general appropriation bill for the state's share of the total program funding of all school districts.
- Provides one year of additional state aid to declining enrollment districts in which a new charter school is opened to help the district with the impact of students enrolling in the new charter school. Distributes the aid in the proportion that the 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.
- For the 2006-07 budget year, requires the general assembly to appropriate \$7.8 million from the state education fund for charter school capital construction.
- Establishes a task force to study the impact of tax increment financing provisions in urban renewal plans on public school finance. Directs the task force to seek input from specified interest groups.

Requires a school district that provides teachers, books, and equipment to a juvenile detention facility to subtract the per pupil amount that the school district receives for juveniles in the facility from the expenses that are required to be reimbursed by the school districts whose students are served by the facility. For the 2006-07 budget year and each budget year thereafter, requires each charter school of a school district and each institute

charter school located in the school district to pay a proportionate share of the costs incurred by the school district in reimbursing a school district that provides services to a juvenile detention facility.

Requires the department to negotiate reciprocal agreements with adjacent states to allow students to attend public schools in adjacent states without paying tuition. Requires the department to report to the house and senate education committees by January 31, 2007, regarding reciprocal agreements entered into with adjacent states.

Allows a district of attendance, district or institute charter school, or the provider of an on-line program to charge a child's district of residence excess special education costs only for a child with disabilities who satisfies certain criteria for special education funding. Requires the state board of education to develop proposed criteria for determining when special education excess costs may be charged to the district of residence of a child with a disability. Requires the state board to report its findings and proposed criteria to the education committees of the house and senate on or before December 15, 2006.

For the 2005-06 budget year and each budget year thereafter, modifies the distribution of the total amount appropriated to the department for the payment of costs incurred by administrative units for the provision of special education programs.

Creates the Colorado special education fiscal advisory committee. Specifies the composition of the committee. Directs the committee to make grants to administrative units as reimbursement for costs in excess of \$40,000 (high costs) incurred in providing special education services to children with disabilities in the preceding budget year. Requires the committee to prioritize administrative units that expended the greatest percentage of their annual budgets to pay for high costs. Requires state board approval of grants awarded by the committee.

Directs the department to collect and provide to the committee specified data regarding the number of children with disabilities that receive special education services from each administrative unit. Requires the committee to report the data to the state board and the house and senate education committees by January 1, 2008. Requires the committee to report additional information regarding the high cost grants to the house and senate education committees on January 15, 2008, and on January

15 of each year thereafter. Terminates the committee on July 1, 2016, pursuant to the provisions of the sunset law.

For purposes of the statutory provision regarding charter schools, defines "private school" as a primary or secondary educational institution for students in kindergarten through the 12th grade or any portion thereof that may or may not have attained nonprofit status, that does not receive state funding through the act, and that is supported in whole or in part by tuition payments or private donations.

Modifies the method for calculating unreimbursed excess transportation costs for purposes of allowing school district boards of education to seek voter approval to impose a mill levy for the payment of such costs.

Creates a summer school grant program with a focus on reading, writing, or math for students entering the 4th through 8th grades who received an unsatisfactory score on the reading, writing, or math portion of the Colorado student assessment program (CSAP) in the preceding academic year. Specifies the requirements for a school district or institute charter school that receives a grant for a summer school program. Requires the general assembly, subject to available appropriations, to appropriate annually state education fund moneys to the department to award grants for summer school programs.

Allows moneys from a school district's capital reserve fund to be used to purchase computer equipment if the estimated unit cost exceeds \$500.

Requires any recovered overpayments of transportation reimbursements to school districts and the state charter school institute to be credited to the public school transportation fund.

Eliminates the national credential fund and instead authorizes the general assembly to appropriate moneys for national credential fee assistance from the state education fund directly to the department.

Narrows the facility summer school grant program to focus on reading, writing, or math. Eliminates the facility summer school grant program fund and instead requires the general assembly to appropriate state education fund moneys directly to the summer school grant program.

Amends the "Colorado Preschool Program Act" as follows:



- Renames the program the "Colorado Preschool and Kindergarten Program Act" (CPKP).
- Expresses the general assembly's intent to fully fund the CPKP over the next 3 budget years.
- For the 2006-07 budget year and each budget year thereafter, allows a total of 14,360 children to participate annually in the CPKP statewide.
- For the 2006-07 budget year and each budget year thereafter, allows school districts to apply to the department to serve up to 15% of the total number of children eligible to participate in the statewide CPKP through the full-day kindergarten portions of the districts' preschool and kindergarten programs.
- For the 2006-07 budget year and future budget years, allows school districts to apply to the department to serve up to 5% of the total number of children eligible to participate in the statewide CPKP through a full-day preschool portions of the districts' preschool and kindergarten programs.
- Encourages school districts to contract with head start agencies or child care agencies for the provision of district preschool and kindergarten programs.

Repeals the authority of school district boards of education to establish full-day kindergarten educational programs to serve students attending a school that receives an unsatisfactory academic performance rating.

Requires school district boards of education to adopt a policy to ensure the right of school district employees and students to display the United States flag. Adds the requirement to adopt a policy regarding the display of the United States flag as an accreditation indicator for school districts.

Makes appropriations in the 2005-2006 and 2006-2007 fiscal years for school capital construction.

**EFFECTIVE April 28, 2006**

Added, repealed, repealed and reenacted, recreated and reenacted, and amended various parts of titles 2, 19, 22, 24, 26.

**H.B. 06-1396 School-based health centers - grant program.** Creates a grant program in the prevention services division of the department of public health and environment for the purpose of providing grants to school-based health centers. Directs that the grant program shall be funded by moneys annually appropriated by the general assembly. States that the grants may be

awarded for the establishment and ongoing operations of school-based health centers; for expansion of primary health services, behavioral health services, or oral health services at existing centers; and for expansion of enrollment in the children's basic health plan.

States that none of the grants shall be awarded to provide abortion services in violation of the state constitution. Directs the division to develop criteria for the grants in consultation with school-based health centers.

**EFFECTIVE July 1, 2006**

Added 25-20.5-500 (entire part 5); 25-20.5-104(2)(f).

## **SENATE JOINT RESOLUTIONS**

**S.J.R. 06-006 (Senate Joint Resolution) Safety of Teen Drivers.** Communities and schools throughout the state of Colorado continue to suffer as the result of automobile-related accidents, deaths, and injuries involving newly licensed and teen drivers.

The state of Colorado has adopted laws, rules, and policies to educate and train new drivers and to protect them during their early driving years.

These laws include the requirements that, regardless of when a driver receives his or her driver's license, a driver under 18 years of age cannot carry a passenger under 21 until the driver has held the license for more than 6 months; that a driver under 18 cannot carry more than one passenger under 21 until the driver has held a driver's license for one full year; and that a driver under 18 cannot drive between midnight and 5:00 a.m. until the driver has held a driver's license for at least one year or unless the driver carries proof that he or she is traveling between home and a job.

In the interest of public health and safety, extraordinary measures are necessary to educate, train, and protect the most vulnerable and inexperienced new drivers.

In times of great need, it is the hard work and unselfish dedication of parents, professionals, and volunteers in schools and communities that help to provide public education and awareness on critical matters of community concern.

As school leaders, the student councils of Colorado's high schools are uniquely positioned to educate and raise the awareness of their fellow students regarding Colorado's graduated

driver licensing requirements and traffic safety laws.

Annual and on-going, peer-to-peer efforts by Colorado high school student councils can provide enormous, immediate benefits to the effort to educate newly licensed and teen drivers and can help to reduce the incidence of automobile-related accidents, deaths, and injuries involving newly licensed and teen drivers.

School administrators, particularly principals and assistant principals, who routinely demonstrate their leadership abilities by providing direction to countless Colorado high school students and student councils, can also play an instrumental role in raising awareness of the importance of knowing and observing Colorado driver and traffic safety laws.

The General Assembly of the state of Colorado concurs that the members express their deep and continuing concern regarding the frequency of automobile-related accidents, deaths, and injuries associated with newly licensed and teen drivers and express their unending commitment to increasing public and student awareness of the traffic laws of this state, particularly among newly licensed and teen drivers.

The members of the General Assembly urge the student council in each high school in the state to present this resolution to the school; to initiate annual and on-going, peer-to-peer efforts to educate fellow students on the traffic laws that specifically pertain to newly licensed and teen drivers, and to encourage strict, consistent compliance with these laws.

Copies of this resolution will be sent to the student council and principal of each Colorado high school.

Adopted by the General Assembly January 30, 2006.

**S.J.R. 06-008 Recognize the Colorado Talking Book Library (CTBL) on 75<sup>th</sup> anniversary.** The CTBL celebrates its 75<sup>th</sup> anniversary in 2006.

The Colorado Talking Book Library serves Coloradans of all ages who are unable to read standard print material due to visual, physical, or learning disabilities, whether permanent or temporary.

The CTBL, located at 180 Sheridan Boulevard in Denver, is a free service currently providing reading materials at no charge for 11,000

visually, physically, or learning-disabled individuals across the state.

The CTBL provides recorded, Braille, and large-print books and magazines, and a collection of descriptive videos, along with free equipment specially made for these materials.

Patrons receive newsletters, book reviews, and catalogs as services provided by the CTBL.

The CTBL is affiliated with the National Library Service for the Blind and Physically Handicapped in Washington, D.C., thereby giving visually impaired Coloradans access to popular interest books and magazines from national collections.

Volunteers, who are an integral part of the Library's functions as well as a network to patrons and the public, have established a Friends of the CTBL support organization.

Books are sources of joy, solace, challenge, knowledge, wisdom, and excitement, and reading is one of life's essentials.

No one should be denied access to reading materials, especially those with limitations such as vision impairments or injuries, macular degeneration, or learning disabilities.

Patrons rely on the CTBL for essential communication, recreation, and education.

The members of the 65<sup>th</sup> General Assembly recognize and commend the efforts of the CTBL, its staff, volunteers, and patrons, on the 75<sup>th</sup> anniversary of its establishment.

The General Assembly proclaims that February 26 through March 4, 2006 is "Colorado Talking Book Library Week" in Colorado.

Adopted by the General Assembly February 28, 2006.

**S.J.R. 06-015 Young children with challenging behaviors.** According to nationally recognized current research, the period from birth to five years of age is the most crucial time for a child's brain development and for the promotion of social, emotional, and behavioral skills.

For young children, the development of healthy social and emotional skills is the foundation that supports emerging skills in all other areas.

A child who is identified as being difficult to manage before entering kindergarten has a high

probability of continuing behavioral difficulties into adolescence.

When aggressive and antisocial behaviors in a child persist beyond nine years of age, intervention has a poor chance of success.

Young children with challenging behaviors are at a developmental disadvantage, particularly in the area of “school readiness”, which refers to the skills and competencies needed for a child to succeed in school.

New research conducted in all fifty states shows that children under five years of age with challenging behaviors are expelled from child care settings at rates that exceed that of student expulsions in elementary and secondary education combined.

In 2004, 9% of Colorado pre-school teachers reported expelling at least one child from a child care setting. Colorado’s expulsion rate of 5.2 expulsions per 1,000 children enrolled in pre-school programs ranks 26<sup>th</sup> among the 40 states that fund pre-school programs, and is twice the rate of student expulsions in elementary and secondary grades combined throughout the state.

In a national sample, 86% of kindergarten teachers polled said that the time they devote to dealing with the disruptive behaviors of poorly prepared children and helping them to catch up has a negative effect on the progress of well-prepared children.

Behavioral problems that appear in children during the years from birth to five years of age are the single best predictor of delinquency in adolescence, gang membership, and adult incarceration.

A broad coalition of early childhood educators is working to understand the scope of this problem and is dedicated to partnering with parents, early care providers, and educators to provide solutions to the problem of children with challenging behaviors.

Early childhood educators are committed to increasing public awareness of this issue and promoting recognition by the public that early intervention is a successful solution to encouraging school readiness and lifelong success.

The General Assembly requests the Early Childhood and School Readiness Commission to:

- (1) Authorize a study on the issue of challenging behaviors for children under five years of age;
- (2) Provide a report to the 66<sup>th</sup> General Assembly during the 2007 regular session addressing the scope of the problem of children with challenging behaviors and recommend best practices and economically feasible approaches with demonstrated positive outcomes for young children under five years of age and their families;
- (3) Make recommendations for ongoing data collection pertinent to the issue; and
- (4) Determine the fiscal costs and benefits of serving these children throughout the state of Colorado.

Adopted by the General Assembly May 5, 2006.

S.J.R. 06-020 Honoring former Colorado Commissioner of Education Calvin M. Frazier.  
By the Will of Divine Providence, Calvin M. Frazier departed this life on January 30, 2006, at the age of seventy-five.

Dr. Frazier was a “master educator” with a distinguished career focused on teacher training, student achievement, and educational leadership and was a leading statesman in Colorado education for decades.

Dr. Frazier was born in Boulder, Colorado in 1930 and, despite losing both parents in his youth, graduated from Palmer High School in Colorado Springs and earned a scholarship to the University of Puget Sound in Tacoma, Washington.

After graduating from college in 1952, Dr. Frazier began his education career in Washington state, where he served for 10 years as a teacher, principal, and special education director.

Dr. Frazier earned his master’s and doctoral degrees at the University of Oregon in the early 1960s and then returned to Colorado where he taught at the University of Colorado in Boulder and served as Deputy Superintendent of Schools in Colorado Springs.

In 1973, the Colorado Board of Education appointed Dr. Frazier to serve as Colorado’s Commissioner of Education, a position he held for 15 years while working under four governors.

In his role as Commissioner of Education, Dr. Frazier gained national attention for his efforts in developing innovative programs to improve teacher education and compensation, to

enhance student achievement, and to expand and refine methods of student assessment, all of which have become cornerstones in Colorado's public education system.

During his tenure as commissioner, Dr. Frazier also served as national chairman of the Chief State School Officers in 1974-75.

After retiring as Commissioner of Education, Dr. Frazier joined the faculty at the University of Denver where he was director of school administration preparation programs until 1993.

Even after his "second retirement", Dr. Frazier's leadership and nationwide influence in education reform continued through his professional writings, through his consulting work, and through his service in the positions of Distinguished Senior Fellow at the Education Commission of the States, Senior Associate at the Institute for Educational Inquiry, and the Colorado Partnership for Educational Renewal.

Because of his exceptional contributions to the field of education, the University of Oregon's College of Education named Dr. Frazier as its Outstanding Alumnus in 2005, honoring him as "a leader who values all people and as a visionary who improved education for all students.

In addition to his professional accomplishments, colleagues remember Dr. Frazier as a man of intelligence, dignity, and humility who was positive and attentive in his interactions, who understood how the political process intersected with comprehensive education reform, and who strived to stay in touch with schools and students at the local level.

Regardless of the particular issue he was working on, Dr. Frazier's goal always was to improve schools and, ultimately, to make children's lives better.

Former Governor Richard Lamm described Dr. Frazier as the "embodiment of a master educator who loved kids and had a passion for teaching".

The General Assembly concurs that in the death of Calvin M. Frazier, the people of the state of Colorado, and especially its school children, have lost a passionate advocate and an influential and effective leader of educational reform, and they pay tribute to Calvin Frazier for his lifetime of devoted public service and extend their deep and heartfelt sympathy to the members of his family.

Adopted by the General Assembly May 8, 2006.

S.J.R. 06-024 April as Child Abuse Prevention Month. Colorado's children are the key to the state's future, and every child has the right to a happy and healthy childhood, to a loving and nurturing upbringing, and to safety and security while at home, at school, and at play.

Child abuse is a serious problem that has far-reaching effects on individuals and on society as a whole, robbing children of a normal childhood and undermining the foundation of communities by destroying family relationships.

Each innocent victim of child abuse will carry the scars of the trauma for life.

Programs to prevent child abuse succeed when partnerships are created between and among local governments, social service agencies, schools, religious and civic organizations, law enforcement agencies, health care providers, the media, the business community, and especially parents themselves.

All citizens must work to prevent child abuse within their communities by becoming aware of the scope of child abuse and its negative impacts, working to protect children, and giving parents the support they need to raise their children in a safe, nurturing environment.

Since its founding in 1976, Pikes Peak Family Connections, Inc. continues to advocate on behalf of abused and neglected children and to raise awareness about child abuse.

After assuming the child abuse prevention program from the El Paso County health department, Pikes Peak Family Connections, Inc. now provides resources for parenting and family programs directed at the prevention and treatment of child abuse and neglect and for helping abused children.

The members of the General Assembly proclaim the month of April as Child Abuse Prevention Month in Colorado and applaud Pikes Peak Family Connection, Inc., for its important work as a resource in El Paso County for child abuse detection, treatment, and prevention.

They urge each Colorado adult to perform a positive act each day on behalf of a child and call upon all citizens, community and faith-based organizations, businesses, and government agencies to create alliances and increase their efforts to prevent child abuse, thereby strengthening the communities of this state.

Adopted by the General Assembly March 29, 2006.

**S.J.R. 06-030 Support the goals and ideals of “The Year of the Museum.”** Museums nourish minds and spirits by fostering contemplation, exploration, critical thinking, and dialogue to advance knowledge, understanding, and appreciation of history, science, the arts, and the natural world.

Museums have been serving the American public since 1773, and Colorado’s museums have been serving the public since 1879, encouraging curiosity and providing a source of enjoyment and education for every generation.

Museums present exhibitions and programs created through research and scholarship for people to explore new ideas, exchange stories, and discover collections and objects from our cultural and natural heritage.

According to survey data, Americans view museums as one of the most important resources for educating children and as trustworthy sources of objective information.

Each year, museums devote more than \$1 billion and more than 18 million instructional hours to elementary and secondary education programs in communities across the United States through creative partnerships with schools and by providing professional development resources to teachers.

Nine out of every 10 counties in the U.S. host a museum, adding up to nearly 16,000 museums across the nation. The nation’s museums, more than half of which grant free entrance, receive approximately 865,000,000 visits annually from people of all ages and backgrounds.

Museums contribute to economic vitality through employment, tax revenue, operating and capital expenditures, and audience spending, and act as a catalyst for growth and redevelopment.

Museums forge relationships with community partners such as schools, libraries, public broadcasting, and neighborhood and social service organizations to foster civic participation and cultural understanding.

Museums enhance the public’s ability to engage as citizens through developing a deeper sense of identity and a broader judgment about the world and by holding more than 750 million objects and living specimens in the public trust to

preserve and protect our cultural and natural heritage for current and future generations.

Supporting the goals and ideals of “The Year of the Museum” gives Americans the opportunity to celebrate the contributions museums have made to American culture and life over the past 100 years.

In 2006, American museums are celebrating 100 years of cooperation as a profession and honoring their collective contribution to local communities.

The members of the Colorado General Assembly, declare 2006 as “The Year of the Museum” and invite all of Colorado’s museums, museum service organizations, and members of the public to recognize and celebrate the contributions of America’s museums and the museums of Colorado as they serve communities, the state, the nation, and the world.

Adopted by the General Assembly April 21, 2006.

**S.J.R. 06-040 Pandemic planning.** Influenza pandemics occurred three times in the previous century, and history and science suggest that the United States and the world will face at least one pandemic in this century.

A pandemic can cause severe illness, death, and disruption throughout the country and the world, and outbreaks can occur in many different locations all at the same time.

Preparing for an influenza pandemic requires coordinated action at all levels of government – federal, state, local, tribal – and all sectors of society, including businesses, schools, faith-based and community organizations, families, and individuals.

The federal government has committed to taking a leadership role in creating a prepared nation by monitoring international and domestic outbreaks, providing funding and technical assistance to foster local and state preparedness, stockpiling and distributing countermeasures, developing new treatments, and coordinating the national response.

The secretary of the U.S. department of health and human services (HHS) has committed to holding pandemic planning summits in all 50 states to improve their level of preparedness.

Congress has provided over \$3 billion for the purpose of preparing the U.S. against the possibility of a pandemic.

States and local communities are responsible under their own authorities for responding to an outbreak within their jurisdictions and having comprehensive pandemic preparedness plans and measures in place to protect their citizens.

Preparedness plans must be continuously exercised and updated to make sure they work and to achieve a stronger level of preparedness.

The general assembly supports the planning resolution agreed to between the governor and the secretary of HHS, pursuant to which Colorado will be responsible for. Included in a list of items are some of the following:

Establishing a pandemic preparedness coordinating committee that represents all relevant shareholders in Colorado, including governmental, public health, health care, emergency response, agriculture, education, business, communication, and community-based and faith-based sectors, as well as private citizens, and that will assist the state in articulating strategic priorities and overseeing the development and execution of Colorado's operational pandemic plan.

Adopted by the General Assembly May 8, 2006.

**S.J.R. 06-41 Designation of May as mental health month.** President Bush's New Freedom Commission calls for a transformed mental health system where Americans understand that mental health is essential to overall health; mental health care is consumer and family driven; disparities in mental health services are eliminated; early mental health screening, assessment, and referral to services are common practice; excellent mental health care is delivered and research is accelerated; and technology is used to access mental health care and information.

In 2003, President Bush's New Freedom Commission declared that mental disorders and mental health problems, including addictive disorders, affect people of all backgrounds and all stages of life, and that no one is immune.

Good mental health is essential to the overall health and emotional well-being of Colorado's children, youth, adults, and families.

Colorado's citizens who have mental illnesses can recover and lead full, productive lives.

Addressing the complex mental health needs of children, youth, adults, and families today is fundamental to the future of Colorado.

There is a widening gap between the availability of well-trained mental health professionals and the increasing need to children, youth, adults, and families for these mental health services.

An estimated 66,000 children, youth, and adults who have mental health disorders are not receiving the help they need.

The cost of community-based public mental health services in Colorado is less than the cost to incarcerate people with mental health needs.

The state of Colorado recognizes the need for a comprehensive, community-based continuum of mental health care and a commitment to the core values and guiding principles of a system of care for all its citizens with mental health needs and their families.

A statewide collaborative of youth, family, and consumer advocacy organizations; policy and advisory councils and boards; mental health professional organizations and associations; human service provider organizations and associations, public and private mental health and human service agencies and providers; state and local child and family and adult serving systems, agencies, and providers; system of care initiatives; and their partners observe Mental Health Month each May to raise awareness and understanding of mental health and illness.

The members of the General Assembly concur that May 2006 is proclaimed to be Mental Health Month in Colorado; and that they call upon all citizens, government agencies, public and private institutions, businesses, and schools to recommit our communities and resources to increasing awareness and understanding of mental illness; to providing appropriate and accessible services for all citizens; and to achieving the goals set forth for a transformed mental health system by the President's New Freedom Commission.

Adopted by the General Assembly May 8, 2006.

## EDUCATION – UNIVERSITIES AND COLLEGES

**H.B. 06-1360 Bioscience research - grant program.** Creates in the Colorado office of economic development the bioscience discovery evaluation grant program for the purpose of improving and expanding the evaluation of new bioscience discoveries at research institutions. Requires the office to administer the program and the director of the office to consult with a Colorado bioscience membership organization in the implementation of the program.

Specifies that the program shall provide grants to offices of technology transfer affiliated with state research institutions. Specifies the eligibility criteria for the program and reporting requirements for both the grantees and the office. Required policies of the program for grant recipients include reporting, at a minimum, each research institution to present its bioscience research project to elementary and secondary school science teachers who are employed in the geographic region in which the technology is being developed.

EFFECTIVE June 5, 2006

Added 24-48.5-108; amended 12-47.1-701(4)(a).

## ELECTIONS

**S.B. 06-170 Voter registration - identification - certification of election officials - voter registration drives - vote centers - reimbursement of election costs - voting accuracy and security procedures - election judges - electronic provisional ballots - reporting returns by precinct - electioneering at polling place - county home rule charter elections.**

Requires a person registering to vote in person or by mail to provide a Colorado driver's license or state-issued identification (ID) card number if the person has a driver's license or ID card. Requires a person registering to vote who does not have a driver's license or ID card to state that he or she does not have these documents and to provide the last four digits of his or her social security number (SSN). Requires a person registering to vote who does not have an SSN to state that he or she does not have an SSN. States that the voter registration form shall contain a statement that:

- A person registering to vote must comply with the requirement to provide a driver's license, ID card, or an SSN;

- A person who is qualified to vote in the state but does not have a driver's license, ID card, or SSN may still register to vote; and
- The secretary of state will assign an identifying number to a person who does not have a driver's license, ID card, or SSN for voter registration purposes.

States that the county clerk and recorder shall not register a person who does not comply with the requirements to answer questions about the person's eligibility to vote and to provide a driver's license, ID card, or SSN if the person has such a number.

Requires a person registering to vote by mail who is registering to vote for the first time in the county, or in the state if the statewide voter registration system is operating, to:

- Submit with the registration form a copy of ID, the person's driver's license, or the last 4 digits of the person's SSN; or
- Submit a copy of ID with the person's mail ballot or absentee ballot.

Increases the time for an election official to complete certification requirements from one to 2 years.

Increases the amount of time a voter registration drive organizer has to deliver a voter registration application collected from a person to the proper county clerk and recorder from 5 to 7 business days; except that an application signed less than 30 days before the registration deadline shall be delivered within 5 business days. Creates separate criminal penalties for negligent and intentional failure by a voter registration drive organizer to deliver a voter registration application to the proper county clerk and recorder by the deadline. Reduces the amount of the civil penalty for negligently failing to deliver a voter registration application from \$500 to \$50 for each business day of violation. States that a voter registration drive organizer that has been fined 3 times or more for negligent failure to deliver a voter registration application to the proper county clerk and recorder is guilty of a misdemeanor punishable by a fine of up to \$1,000 or one year in prison, or both. States that a voter registration drive organizer that intentionally fails to deliver a voter registration application to the proper county clerk and recorder is guilty of a class 1 misdemeanor punishable by a fine of \$500 to \$5,000 or 6 to 18 months in prison, or both.

Requires a designated election official to determine the number, location, and manner of operation of vote centers after a public comment



period of at least 15 days and a public hearing. Directs the secretary of state to adopt guidelines for the number, location, and manner of operation of vote centers. Extends the date after which a county using vote centers must report election results by precinct from January 1, 2006, to January 1, 2008.

Increases the amount that the state reimburses counties for the cost of conducting elections in which a state ballot issue or state ballot question is on the ballot from 45¢ to 80¢ per active registered elector in counties with 10,000 or fewer active registered electors and from 35¢ to 70¢ per active registered elector in counties with more than 10,000 active registered electors.

Requires a designated election official to submit procedures to ensure voting accuracy and security to the secretary of state for review. Directs the secretary of state to notify the designated election official of the approval or disapproval of the procedures within 15 days.

Allows a state employee to take administrative leave with pay in order to serve as an election judge, without additional compensation for service as an election judge, unless the employee's supervisor determines that the employee's attendance at work on election day is essential.

Allows for the use of an electronic voting device to cast a provisional ballot if the device is certified by the secretary of state for that purpose. Gives the designated election official discretion to determine whether electors casting provisional ballots shall use the electronic voting device or paper provisional ballots.

Clarifies that when an elector casts a provisional ballot at a polling place outside the precinct where the elector is registered to vote, the elector's votes for federal and statewide offices for which the elector is eligible to vote shall be counted.

Beginning with the 2008 general election, requires that early and absentee voting results be reported by precinct, unless fewer than 10 early and absentee votes were cast and counted in any precinct within a political subdivision.

States that a respectful display of the American flag is not electioneering for purposes of the prohibition on electioneering within 100 feet of a polling place on election day.

Deletes the provision stating that an appropriation of moneys from the department of state cash fund or the general fund to reimburse

county clerk and recorders for costs related to conducting elections shall not be used in calculating the fees of the department.

States that if a coordinated or general election is to be held within 60 days after a board of county commissioners receives a proposed county home rule charter, the special election on the adoption of the charter shall be held as part of the coordinated or general election.

**EFFECTIVE June 6, 2006**

Amended, added, and repealed parts and sections of title 1-1, 1-2, 1-5, 1-6, 1-7, 1-7.5, 1-8, 1-8.5, 1-10, 1-13 and 24-21; 30-11.

**H.B. 06-1051 Recall elections - petitions - resignation - date of election - absentee ballots - nomination of successor - canvass of votes.** Lengthens the time after the initial filing of a recall petition in which the designated election official must notify the committee circulating a recall petition and the incumbent of the sufficiency or insufficiency of a petition to 30 working days after the petition is filed.

Clarifies that the designated election official must mail a copy of a protest to a recall petition and a notice of hearing on the protest to the recall committee within 24 hours after a written protest has been filed. Increases the time following the filing of a recall petition that a protest hearing must be concluded to 55 days after the petition is filed.

Specifies that for an officer whose recall is sought that offers a resignation, the recall election shall not be called if the officer offers a resignation prior to the date on which the sufficiency of the recall petition has been sustained.

Changes when a governing body must set a recall election to not less than 30 nor more than 60 days after the time for filing a protest has passed and all protests have been decided. Modifies when a recall election must be held as part of a general election by specifying that the recall election shall be held as part of either a general or coordinated election if the general or coordinated election is held not less than 50 nor more than 90 days after the time for filing a protest and all protests have been finally decided.

Reduces the time that absentee ballots are available before a recall election to 25 days before the election.

Specifies that nomination petitions for candidates to succeed the officer being recalled may be submitted for approval to the designated election official at any time after the recall petition form has been approved. Authorizes candidates to begin circulating the nomination petition upon approval of the petition by the designated election official.

Increases the time that the canvass board has to complete an abstract of votes to the 17th day following a recall election. Extends the time for sending or delivering the certified abstract of votes cast to the secretary of state or governing body to no later than the close of business on the 18th day after the recall election.

Makes the act contingent on the approval by the voters of Senate Concurrent Resolution 05-005.

EFFECTIVE JULY 1, 2007

NOTE: Senate Concurrent Resolution 05-005, enacted at the First Regular Session of the Sixty-fifth General Assembly, will be voted on by the people at the general election in November 2006.

Amended 1-12-108(8)(c); 1-12-108(9)(a); 1-12-109; 1-12-111; 1-12-114; 1-12-117; 1-12-119(2); 1-12-119(3).

## GOVERNMENT – COUNTY

**H.B. 06-1287** **Public fund investments.** Clarifies maturity periods and reorganizes the requirements related to the investment of public funds in the following securities:

- Treasury securities;
- Securities issued, fully guaranteed by, or for which the full credit of a specified entity or organization is pledged;
- Any security that is a general obligation of any state of the U.S., D.C., or any territorial possession of the U.S. or of any political subdivision, institution, department, agency, instrumentality, or authority of any of such governmental entities;
- Any security that is a revenue obligation of any state of the U.S., D.C., or any territorial possession of the U.S. or of any political subdivision, institution, department, agency, instrumentality, or authority of any of such governmental entities;
- Repurchase agreements;
- Reverse repurchase agreements;
- Securities lending agreements;
- Money market funds;

- Guaranteed investment contracts, guaranteed interest contracts, annuity contracts, or funding agreements; and
- Corporate and bank securities.

Specifies that public entities shall adopt criteria for designating eligible broker-dealers for the purchase of term securities, except for bond proceed investments. Updates broker-dealer liability provisions for illegal securities and authority of public trustees of counties to establish and manage specified accounts. Clarifies that public funds do not include funds invested by the public employees' retirement association and also do not include trusts managed on behalf of the board of education of a school district coterminous with a city and county for the benefit of a retiree's health insurance and teacher compensation. Specifies that a trust for the benefit of a teacher compensation system in a school district coterminous with a city and county shall manage and invest the funds and assets held in trust in accordance with the "Colorado Uniform Prudent Investor Act".

EFFECTIVE August 7, 2006

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 5 of this report.

Added 22-63-401(5); amended 24-75-601; 24-75-601.1; 38-37-113(1).

## GOVERNMENT – LOCAL

**S.B. 06-154** **Eminent domain - entities, individuals, and corporations authorized to use.** Without making any substantive changes to the law of eminent domain, cross-references in a single statutory section various statutory provisions and a constitutional provision that pertain to the power of eminent domain in order to help Coloradans to more easily determine whether any given governmental entity, corporation, or person may exercise the power of eminent domain and identify the procedural requirements that the entity, corporation, or person must follow in exercising the power of eminent domain.

EFFECTIVE August 7, 2006

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 5 of this report.

Added 38-1-200 (entire part 2).

## GOVERNMENT – STATE

**S.B. 06-9 Open meetings - executive sessions - electronic recording - attorney-client communication exception.** Requires that discussions occurring in an executive session of a state public body or a local public body be electronically recorded, rather than recorded in some other method used by the public body to record the minutes of an open meeting. Repeals attestation requirements regarding the veracity of written minutes of an executive session.

Specifies that no record or electronic recording of a discussion involving a privileged attorney-client communication is required in an executive session that has been properly announced by the state public body or local public body.

Clarifies that the electronic recording of an executive session shall reflect the opinion of the attorney representing the public body that no record or electronic recording was kept of such a discussion based on the attorney's opinion that the discussion constituted a privileged attorney-client communication. States that the attorney for the public body may provide a signed statement attesting to that opinion.

Makes the act applicable to discussions occurring in an executive session of a state public body or local public body on or after August 7, 2006.

**EFFECTIVE August 7, 2006**

Amended 24-6-402(2)(d.5)(I)(A); 24-6-402(2)(d.5)(I)(B); 24-6-402(2)(d.5)(II)(A); 24-6-402(2)(d.5)(II)(B).

**S.B. 06-235 Public employees - benefits - public employees' retirement association - highest average salary - board composition - maximum amortization period - supplemental amortization equalization disbursement - purchase of service credit - purchase of noncovered service credit - retirement age and service requirements - annual benefit increases - actuarial assessment prior to benefit increases - annual increase reserve - employment with employer after retirement - election to transfer between defined contribution and defined benefit plans - inclusion of higher education employees in certain benefit plans.** Limits the permissible 15% increase in the calculation for highest average salary for current members of the public employees' retirement association (PERA) who retire after January 1,

2009. For members hired on or after January 1, 2007, requires a limit of 8% for salary increases that may be included in the calculation of highest average salary.

Modifies the composition of the PERA board by removing the state auditor as an ex officio trustee of the board and eliminating elected positions on the current board as they expire, until the board consists of the following 15 trustees:

- The state treasurer;
- 3 elected trustees from the state division, elected by members of that division;
- 4 elected trustees from the school division, elected by members of that division;
- One elected trustee from the local government division, elected by members of that division;
- One elected trustee from the judicial division, elected by members of that division;
- 2 elected trustees who are retirees, one of whom shall be elected by members who have retired from the local government division, the judicial division, or the state division, and one of whom shall be elected by members who have retired from the local government division, the judicial division, or the school division; except that both retiree trustees cannot have retired from the same division;
- 3 trustees who shall be appointed by the governor and confirmed by the senate who have significant experience in investment management, finance, banking, economics, accounting, pension administration, or actuarial analysis, and no more than 2 of whom shall be from the same political party.

Reduces the maximum amortization period that is considered actuarially sound for each of the PERA trust funds from 40 to 30 years in compliance with the rules of the governmental accounting standards board.

Eliminates the automatic reduction of employer contributions upon a funded ratio of 110%.

Requires that employers who fail to provide membership in PERA pay the amortization equalization disbursement that was in effect at the time membership should have been provided.

Specifies that a member who refunds a PERA member account and later recommences membership shall be subject to the provisions regarding benefits, contribution rates, and related provisions that are in effect when the member recommences membership.

Requires PERA employers to make a supplemental amortization equalization disbursement of 0.5% of the employer's total payroll beginning January 1, 2008, and increasing each year by 0.5% of the employer's total payroll through 2013 for a total of 3% to be funded, to the extent permitted by law, by an allocation of funds otherwise available for use as employee compensation increases prior to award as salary or other compensation to employees. Specifies that the amortization equalization disbursement and the supplemental amortization equalization disbursement may be reduced when the actuarial funded ratio of a particular division of PERA is 100% as determined in an annual actuarial study of PERA. As each division attains a 30-year amortization period, requires the board to conduct a study of the amortization equalization disbursement and the supplemental amortization equalization disbursement and allows the board to make appropriate recommendations to the general assembly.

Specifies that a member who purchases service credit shall be subject to the provisions regarding benefits that are in effect at the time the member initiates payment of the purchase. Specifies that the cost to purchase forfeited service credit for members hired on or after January 1, 2007, shall be the refunded amount plus interest plus 1% of the member's highest average salary for each month or partial month of service credit. States that the 1% shall be allocated to the annual increase reserve.

Requires that the cost to purchase service credit for noncovered service shall be sufficient to pay the actuarial liability associated with the purchase. Of the amount paid by a member to purchase service credit for noncovered employment, decreases the amount that is transferred to the health care trust fund on the effective date of the member's retirement to 1.02% of the member's highest average salary at the time of the purchase of service credit.

For members hired on or after January 1, 2007, who have less than 35 years of service credit, specifies that a member may retire with a full service retirement benefit when the member's age and total years of service equal 85, so long as the member is at least 55 years of age.

Specifies that members hired on or after January 1, 2007, who are inactive members may receive a retirement benefit effective upon written application and approval by the board and upon reaching the requisite age and service credit.

Incorporates federal requirements on minimum required distributions pursuant to the federal internal revenue code.

Specifies that if an annual increase in retirement benefits occurs for members hired on or after January 1, 2007, it shall be effective with the July benefit and shall be paid from the retirement benefit reserve or the survivor benefit reserve, as appropriate, so long as the benefits have been paid to the benefit recipient for the full preceding calendar year and the retiree is older than 60 years of age or the retiree's age plus the retiree's number of years of service credit equals 85.

Within each of the state, school, local government, and judicial divisions of PERA, creates an annual increase reserve. Requires that 1% of the employer contribution for members hired on or after January 1, 2007, shall be allocated to the annual increase reserve to be used only to fund annual increases in benefits for those members. Allows an annual increase in benefits for those members equal to the lesser of 3% of the benefits paid to the members, any increase in the consumer price index, or an amount that would exhaust 10% of the balance of the annual increase reserve.

Requires the general assembly to cause an actuarial assessment of PERA to be conducted before increasing the benefits provided by PERA. Requires the legislative council staff to contract for the actuarial assessment upon direction from the president of the senate and the speaker of the house of representatives.

Defines the nature of the employment relationship between a retiree of PERA and an employer for purposes of determining the employer contributions and amortization equalization disbursement paid by an employer for employing retirees.

Defines the nature of the employment relationship between a retiree of PERA and an employer for purposes of determining any reduction in service retirement benefits for employment after service retirement pursuant to federal internal revenue service guidelines regarding independent contractors.

States that an eligible employee who is a member, inactive member, or retiree on December 31, 2006, who commences employment on or after January 1, 2007, and who initially elects to participate in the defined benefit plan or transfers into the defined benefit plan from the defined contribution plan shall continue membership in the defined benefit plan

at the benefit level in which such membership account exists. States that an eligible employee who commences employment on or after January 1, 2006, who does not have an existing member account, and who elects to transfer into the defined benefit plan from the defined contribution plan, shall participate in the defined benefit plan at the benefit level existing when the employee begins participation in the defined benefit plan.

Provides a time limitation for employees to bring actions based on their election or failure to elect between the defined contribution plans and the defined benefit plan.

For employees hired on or after January 1, 2008, expands the definition of an eligible employee for the PERA defined contribution plan and the state defined contribution plan to include employees of higher education institutions. Expands the election between the PERA defined benefit plan, PERA defined contribution plan, and state defined contribution plan to employees of higher educational institutions.

PORTIONS EFFECTIVE May 25, 2006  
PORTIONS EFFECTIVE January 1, 2007  
PORTIONS EFFECTIVE January 1, 2008

Amended, repealed and reenacted, and added various parts of 24-51, 24-52, and 24-54.5.

**H.B. 06-1149 Professional lobbyists - required disclosure of additional information under sunshine act.** Expands existing statutory requirements pertaining to lobbyist disclosure to require that disclosure statements filed by professional lobbyists contain the following:

- In the case of specific legislation, during a regular or special session of the general assembly, the bill number of the legislation for which the lobbyist is receiving contributions or making expenditures for lobbying, and whether the disclosing person's principal is supporting, opposing, amending, or monitoring the legislation identified as of the time a disclosure statement is required to be filed after the lobbyist is retained to advocate or monitor in connection with the legislation. Requires the disclosure statement to specify that the lobbyist's representation is accurate as of the date of disclosure only and that such representation is not binding on the lobbyist after that date and is subject to change subsequent to that date and prior to the time the next disclosure statement is due. If a disclosure statement from a lobbyist during a regular or special session of the general assembly fails to

show any bill numbers or nature of the legislation, as applicable, requires the lobbyist to make an affirmative statement that he or she was not retained in connection with any legislation.

- If the lobbyist's principal is an individual, the name and address of the individual and a description of the business activity in which the individual is engaged. If the lobbyist's principal is a business entity, a description of the business entity in which the principal is engaged and the name or names of the entity's chief executive officer or partners, as applicable. If the lobbyist's principal is an industry, trade, organization or group of persons, or professional association, a description of the industry, trade, organization or group of persons, or profession that the lobbyist represents.

- A statement detailing any direct business association of the lobbyist in any pending legislation, measure, or question. For purposes of the act, defines "direct business association" to mean that, in connection with a pending bill, measure, or question, the passage or failure of the bill, measure, or question will result in the lobbyist deriving a direct financial or pecuniary benefit that is greater than any such benefit derived by or shared by other persons in the lobbyist's profession, occupation, or industry. Specifies that a lobbyist shall not be deemed to have a direct personal relationship in a pending bill, measure, or question where that interest arises from a bill, measure, or question that affects the entire membership of a class to which the lobbyist belongs.

EFFECTIVE June 7, 2006

Added 24-5-301(5.5); amended 24-6-301(1.9)(a)(X); added 24-6-301(1.9)(a)(XI); 24-6-301(1.9)(a)(XII).

**H.B. 06-1158 School and junior college buildings - plan reviews and inspections - building and fire codes - division of oil and public safety - division of fire safety.** Directs the division of oil and public safety in the department of labor and employment (division) to conduct the necessary plan reviews and inspections of public school and junior college buildings and structures for compliance with the division's building and fire codes or delegate this responsibility to an appropriate local building or fire department at the request of the affected board of education, the state charter school institute, or the charter school.

Directs the division to cause copies of school building plans to be sent to the appropriate fire



department for review of fire safety issues. Requires the fire department to review the building plans, determine whether the building or structure is in compliance with the fire code, and respond to the division within 10 business days. Allows the fire department to request an extension of this deadline due to the complexity of the building plans. Directs the division of fire safety in the office of preparedness, security, and fire safety in the department of public safety (division of fire safety) to perform the plan review or inspection if the fire department declines or if no certified fire inspector is available.

Directs the division or the building department to issue a certificate of occupancy for a school or junior college building or structure if the building or structure is in conformity with the building and fire codes and if the affected fire department certifies that the building or structure is in compliance with the fire code. Allows a fee to be charged for plan reviews and inspections in an amount determined by the division on the basis of the direct cost of providing the service. Directs the division to charge a fee not to exceed \$200 if the division conducts the inspection. Directs the division to charge a fee for plan review and issuance of a construction permit in an amount that covers the division's expenses.

Requires inspectors for plan review and construction inspections to be certified by the international code council, the national fire protection association, or another similar national organization or to have equivalent qualifications.

Directs the inspecting entity to cooperate with the school district, the state charter school institute, or the junior college board.

Creates the board of appeals in the division to hear disputes involving the interpretation of the division's codes or standards. Grants a school board, the state charter school institute, a charter school, or a junior college board the right to appeal a final written decision of the entity conducting a plan review or inspection.

Authorizes the appropriate fire department or the division of fire safety to inspect the buildings and structures of a school district, institute charter school, charter school, or junior college as necessary to ensure compliance with the division's fire code and standards. States that if a local fire department does not perform such inspections, the division shall have the authority and duty to conduct the inspections.

Directs the director of the division of fire safety to:

- Supervise the employees of the division of fire safety;
- Adopt rules and nationally recognized standards necessary to perform the functions of the division of fire safety; and
- Adopt by rule a fire code identical to or modeled on the international fire code.

Directs the division to certify fire inspectors. Specifies that a person certified as a fire inspector must:

- Apply to the division of fire safety for certification;
- Pay a certification fee;
- Be at least 18 years of age;
- Pass the fire code certification examination, be certified by the international code council, or demonstrate equivalent qualifications.

**EFFECTIVE July 1, 2006**

Amended 8-20-104(1); 8-20-104(2)(a); 22-32-124(1); 22-32-124(2); 22-32-124(3); added 22-32-124.5; amended 23-71-122(1)(v); added 24-33.5-1202(2.5); 24-33.5-1202(3.5); 24-33.5-1202(7.5); 24-33.5-1203(1)(p); 24-33.5-1203.5; 24-33.5-1211.

**H.B. 06-1189 Governmental immunity - tort claims - assignment and subrogation claims not separate from direct claim for purposes of damages limitation.** Clarifies that tort claims brought against public entities and public employees are subject to the damages limitations of the "Colorado Governmental Immunity Act" regardless of whether a claim is brought directly by an injured party or indirectly by an assignee or subrogee of the injured party. Clarifies that an assignment or subrogation concerning an injury governed by the "Colorado Governmental Immunity Act" is not a separate occurrence with regard to limitations on judgments recovered against public entities or public employees.

**EFFECTIVE April 18, 2006**

Amended 24-10-105; added 24-10-114(1.5).

**H.B. 06-1343 Public contract for services - illegal aliens - required provisions - damages for breach - department of labor investigations.** Prohibits a state agency or a political subdivision from entering into or renewing a public contract for services with a contractor who knowingly employs or contracts with an illegal alien to perform work under the contract or who knowingly contracts with a subcontractor

who knowingly employs or contracts with an illegal alien to perform work under the contract. Requires a prospective contractor to certify that it does not knowingly employ or contract with an illegal alien and that the contractor has participated or attempted to participate in the federal basic pilot employment verification program in order to verify that it does not employ any illegal aliens.

Establishes specific provisions that must be in each public contract for services related to illegal aliens performing work under the contract, participation in the basic pilot program, and investigations by the department of labor and employment. Establishes damages for a breach of one of these contractual provisions that leads to the termination of the public contract for services, which include actual and consequential damages and inclusion of the contractor on a public list maintained by the office of the secretary of state.

Permits the department of labor and employment to investigate whether a contractor is complying with the provisions of a public contract for services relating to illegal aliens.

**EFFECTIVE August 7, 2006**

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page 5 of this report.

Added 8-17.5-0 (entire article).

**SPECIAL SESSION ACT:**

**H.B. 06S-1002 Infectious disease treatment - discrimination - immigration status.** Requires a state agency to provide to a person any program or service for the investigation, identification, testing, preventive care, or treatment of epidemic or communicable diseases, including but not limited to tuberculosis, HIV infection, AIDS, and venereal diseases regardless, of the person's race, religion, gender, ethnicity, national origin, or immigration status.

**EFFECTIVE July 31, 2006**

Added 25-1-122(9); 25-1.5-102(2); amended 25-4-406; 25-4-512(1)(c); added 25-4-512(2); amended 25-4-905; added 25-4-1408.5; 25-4-1411(3.5).

**SPECIAL SESSION ACT:**

**H.B. 06S-1023 Verification of lawful presence - required for public benefits.** On and after August 1, 2006, requires each state agency or political subdivision to verify the lawful presence in the

United States of each person 18 years of age or older who applies for public benefits, as defined in federal law, for the applicant. Excludes specified public benefits. Specifies the manner of verification, including requiring a specified form of identification, an affidavit, and verification through a federal program. Specifies criminal penalties for falsifying a required affidavit. Authorizes variations of the affidavit requirement. Prohibits state agencies or political subdivisions from providing benefits in violation of the act. Establishes reporting requirements.

**EFFECTIVE July 31, 2006**

Added 24-76.5-0 (entire article).

## **HEALTH AND ENVIRONMENT**

**H.B. 06-1175 Air quality - secondhand tobacco smoke - "Colorado Clean Indoor Air Act" - exemptions - enforcement.** Enacts the "Colorado Clean Indoor Air Act" (act). Makes legislative findings and declares that the purpose of the act is to preserve and improve the health, comfort, and environment of the people of this state by limiting exposure to tobacco smoke.

Specifies that, to reduce the levels of exposure to environmental tobacco smoke, smoking shall not be permitted in any indoor enclosed area or the main entryway to such area, including, but not limited to: Public meeting places; elevators; government-owned or -operated means of mass transportation, including, but not limited to, buses, vans, and trains; taxicabs and limousines; grocery stores; gymnasiums; jury waiting and deliberation rooms; courtrooms; child day care facilities; health care facilities, including hospitals, health care clinics, doctor's offices, and other health care related facilities; any place of employment not exempted; food service establishments; bars; limited gaming facilities; indoor sports arenas; restrooms, lobbies, hallways, and other common areas in public and private buildings, condominiums, other multiple-unit residential facilities, hotels, and motels; at least 75% of the sleeping quarters within a hotel or motel that are rented to guests; bowling alleys; billiard or pool halls; retirement facilities, public housing facilities, and nursing homes, not including a resident's private residence quarters; public buildings; auditoria; theaters; museums; libraries; public schools, nonpublic schools, and other educational and vocational institutions; and facilities in which games of chance are conducted. In the case of employers who own facilities exempted from this



act, requires those employers to provide a smoke-free work area for every employee requesting not to have to breathe environmental tobacco smoke, and establishes that every employee has a right to work in an area free of environmental tobacco smoke.

Makes exceptions to the general prohibitions on smoking for private homes, residences, and automobiles; limousines under private hire; hotel or motel rooms if the total percentage of the hotel or motel rooms in which smoking is permitted does not exceed 25%; retail tobacco businesses; cigar-tobacco bars; the enclosed smoking areas of a municipally operated international airport; the outdoor area of any business; a place of employment that is not open to the public and is under the control of an employer that employs 3 or fewer employees; nonresidential buildings on a farm or ranch with less than \$500,000 gross annual income; and licensed casinos.

Permits the owner or manager of any place to post, at such owner's or manager's discretion, signs prohibiting smoking or providing smoking and nonsmoking areas, which posting will have the effect of including such areas within the places where smoking is prohibited or restricted under the act.

Permits local authorities to enact smoking regulations that cover the same subject matter as the provisions of the act. Specifies that no local regulations can be less stringent than the act, except in defining the smoke-free radius around the doorway of a building, which, unless otherwise specified, shall be 15 feet. Allows enforcement of such local regulations through the municipal courts or their equivalent in any city, city and county, or town.

Makes violation of the act a class 2 petty offense punishable by a fine not to exceed \$200 for a first violation within a calendar year, a fine not to exceed \$300 for a second violation within a calendar year, and a fine not to exceed \$500 for each additional violation within a calendar year. Deems each day of a continuing violation a separate violation of the act. Allocates 75% of the revenue from any fines collected to the city, city and county, or town in which a violation occurs and 25% to the general fund of the state.

**EFFECTIVE July 1, 2006**

Added 25-14-200 (entire part 2); repealed 25-14-101; 25-14-102; 25-14-103; 25-14-103.7; 25-14-104; 25-14-105; 2-2-404(1.5).

## HEALTH CARE POLICY AND FINANCING

**S.B. 06-128** Coordinate care for persons with a disability - pilot program - rules - reports - repeal. Directs a Colorado nonprofit organization with a board composed of persons interested in medicaid recipients with a disability to submit a proposed pilot program to the department of health care policy and financing on or before September 1, 2006. Directs the department to review the proposed pilot program and, by January 1, 2007, to:

- Report to the nonprofit organization and specified committees of the general assembly;
- Request, if it finds that the pilot program meets required components, request necessary federal authorizations to implement the pilot program.

Directs the department to implement the pilot program if it receives the necessary federal authorizations. Authorizes the medical services board to promulgate rules. If the pilot program is implemented, requires the department annually to report to the general assembly on the effects of the program. If the department can establish that the pilot program has resulted in cost savings and increased client satisfaction, authorizes the pilot program to be expanded into additional geographic areas of the state.

Establishes the coordinated care for people with disabilities fund. Directs the state treasurer annually to transfer to the fund the interest earned from the breast and cervical cancer prevention and treatment fund.

Repeals the act on July 1 of the fifth year following implementation of the pilot program.

**EFFECTIVE May 25, 2006**

Added 26-4-537; amended 26-4-532(7).

**H.B. 06-1270** Eligibility determinations - at school sites - demonstration program - advisory committee - repeal. Establishes a demonstration project to authorize qualified personnel to make determinations of eligibility for medicaid and the children's basic health plan at school sites. For the 2007-08 school year, directs the executive director of the department of health care policy and financing to select school districts to participate in the demonstration project. Establishes an advisory committee to make recommendations to the executive director on the demonstration project. Directs the medical

services board to promulgate rules governing the demonstration project. Subject to the receipt of gifts, grants, or donations, directs the department to contract for an independent evaluation on the project to be provided to committees of the general assembly. Repeals the demonstration project effective July 1, 2010.

**EFFECTIVE June 2, 2006**

Added 26-4-106(1)(b.5).

## **HUMAN SERVICES – SOCIAL SERVICES**

### **H.B. 06-1255 Juveniles - permanency hearings - commitment to department of human services.**

Defines when a specified entity is considered to have the responsibility for placement and care of a child for purposes of compliance with the federal "Social Security Act". To comply with the federal "Social Security Act", mandates 12-month permanency hearings for juveniles placed out of the home. Creates a process allowing an administrative law judge to hold a permanency hearing. Details the specific findings to be made when a court commits an adjudicated juvenile to the state department of human services.

**EFFECTIVE April 18, 2006**

Amended 19-1-103(51.3); added 19-1-127; amended 19-2-906.5(1); 19-2-906.5(3)(a); added 19-2-921(1.5); amended 19-2-921(5).

**NOTE: H.B. 96-1255 may affect school districts as it may result in an increase in foster care placements. The district in which the foster care home is located is the child's district of residence. A significant percentage of foster care children are also children with disabilities. Increased foster care placement can have financial and service delivery consequences for districts that have within their boundaries many foster care homes. There may be a trickle down impact on school districts.**

### **H.B. 06-1271 Child care centers - specialized care facilities - treatment foster care - exemptions from local zoning regulations.**

Excludes from the definition of a "child care center" specialized group facilities that are licensed to provide care for 3 or more children but are only providing care for 3 or fewer children who are determined to have a developmental disability or are diagnosed with a serious emotional disturbance. Changes from 5

to 3 the minimum number of children for which a specialized group facility may provide care. Creates a special type of child care called "treatment foster care" as an alternative to residential treatment facilities. Exempts certain specialized group facilities from complying with local government zoning regulations.

**EFFECTIVE April 18, 2006**

Amended 26-6-102(1.5); 26-6-102 IP(10)(a); added 26-6-102(12); amended 26-6-104(9)(b); 26-6-104.5(4).

**H.B. 06-1351 Teen pregnancy and dropout prevention program.** Changes the required report date for the statewide program for teen pregnancy and dropout prevention. Extends the repeal date for the program. Requires the department of regulatory agencies to review the program prior to its repeal. Renames the program to omit the word "pilot".

**EFFECTIVE April 24, 2006**

Amended 26-4-803(1); 26-4-804; 26-4-805; added 24-34-104(42)(j).

**H.B. 06-1395 Residential child health care - psychiatric residential treatment facilities - rules - county contributions.** Authorizes the program for residential child health care to provide services to medicaid-eligible children residing in psychiatric residential treatment facilities. Requires the medical services board to define in rule the staff permitted to order, monitor, and assess seclusion and restraint in psychiatric residential treatment facilities, and the corresponding restrictions on the use of seclusion and restraint.

Limits the county contribution to the residential child health care program for fiscal years 2006-07 and 2007-08 to the county's actual contribution in fiscal year 2004-05. Directs the department of human services to submit a recommendation to the joint budget committee by January 15, 2008, regarding the county contributions for fiscal years commencing on and after July 1, 2008.

For fiscal years 2006-07 and 2007-08, authorizes the department of human services to seek supplemental funding related to implementation of the placement of children in residential child health care programs.

Establishes a provisional license for specified mental health professionals who are working in

residential child care facilities. Authorizes medicaid reimbursement for services provided by provisional licensees only if approved by the federal government.

**EFFECTIVE May 26, 2006**

Added 26-4-103(13.6); amended 26-4-527(1); 26-4-527(3); added 26-4-527(6); amended 26-5-104(4)(d); 26-6-102(8); added 12-43-201(7.7); 12-43-201(7.8); 12-43-206.5.

**NOTE: H.B. 06-1395 may affect school districts. It appears that this legislation creates a new residential child care treatment entity – the psychiatric residential treatment facility (PRTF). The legislation was passed in order to conform to new and stricter Medicaid reimbursement requirements for Medicaid-eligible children. Medicaid will provide reimbursement for Medicaid-eligible children placed in residential treatment facilities only if services are provided by a licensed psychiatrist, licensed psychologist or other properly licensed providers. One of the consequences may be an increase in children being placed in therapeutic foster homes because there are few PRTFs. As indicated above, with H.B. 06-1255, a significant percentage of foster care children are also special education children. Increased foster care placement can have financial and service delivery consequences for districts that have within their boundaries many foster care homes. Another potential implication is that the special education tuition costs for children placed in psychiatric residential treatment facilities may be quite high (higher than has previously been the case for residential treatment facilities) because of the requirement for licensed treatment providers.**

## **LABOR AND INDUSTRY**

**SPECIAL SESSION ACT:**

**H.B. 06S-1017 Employee verification requirements - audits – penalty.** Requires each employer in Colorado to attest that the employer has verified the legal work status of each employee and retained file copies of the appropriate federally-required documentation, that the employer has not altered or falsified the employee's identification documents, and that the employer has not knowingly hired an unauthorized alien.

When requested, requires each employer in Colorado to submit documentation to the director of the division of labor within the department of labor and employment that

demonstrates that the employer is in compliance with federal employment verification requirements. Authorizes the director to conduct random audits of employers to ensure compliance with the federal laws. Subjects an employer to a fine of up to \$5,000 for the first offense and up to \$25,000 for the second or subsequent offense for the failure to provide documentation or for the provision of fraudulent documentation.

States that the act applies to employees hired on or after January 1, 2007.

**EFFECTIVE July 31, 2006**

Added 8-2-122.

## **PUBLIC UTILITIES**

**H.B. 06-1322 Electric utilities - energy conservation - renewable energy sources - research and development - greenhouse gas market program - Colorado renewable energy authority - agriculture value-added development board - federal grants.** Transfers \$2 million per year for 3 years from the operational account of the severance tax trust fund to the Colorado renewable energy authority. Creates a governing board for the authority consisting of the presidents of the Colorado School of Mines, Colorado State University, and the University of Colorado and the director of the federal National Renewable Energy Laboratory, plus one to three members appointed by the governor with the consent of the senate. Gives the authority the power and duty, in collaboration with a consortium consisting of the institutions represented on the board, to:

- Direct the allocation of state matching funds as necessary to qualify for federal grants to fund energy-related research;
- Promote the development and rapid transfer to the private sector of new technologies to attract and promote renewable energy businesses in Colorado;
- Develop educational and research programs for Colorado state colleges to enhance employment opportunities in high-technology fields; and
- Collect and provide renewable energy information to the public and to engineering, architectural, and design professionals.

Requires the authority to submit annual reports to the general assembly concerning its activities and expenditures. Of any moneys received by the authority under licensing agreements or

other technology-transfer arrangements, reserves 50% for refunds to the operational account of the severance tax trust fund until moneys drawn from the fund have been fully repaid, then allocates 70% of revenues to the authority for its future activities and 30% to the fund. If, by June 30, 2012, the total amount of federal grant moneys received have not equaled or exceeded the total amount of state moneys expended by the authority, directs that the unexpended and unencumbered balance of the state appropriations shall revert to the fund.

Transfers \$500,000 per year for 3 years from the fund to the agriculture value-added cash fund to promote agricultural energy-related projects and research.

Enacts the "Colorado Climate Change Markets Act", under which the department of public health and environment is directed to administer the following grants:

- \$50,000 to Colorado State University to conduct research on terrestrial carbon sequestration;
- \$50,000 to the Colorado School of Mines to conduct research on geologic carbon sequestration; and
- \$35,000 to the university of Colorado to conduct research on the emerging international and domestic markets in greenhouse gas emissions.

Requires the grant recipients listed above to report the results of their research to the agriculture committees of the senate and the house of representatives by March 15, 2007.

**EFFECTIVE June 6, 2006**

Added 39-29-109(8); 39-29-109(8.5); 24-47.5-0 (entire article); 35-75-205(1.5); 25-1-1300 (entire part 13); 39-29-109(1)(m).

## **TAXATION**

**H.B. 06-1275 Property tax - valuation of public utilities - wind energy facilities.** Specifies that in the absence of preponderant evidence shown by the property tax administrator that the use of the cost approach and market approach results in uniform and just and equal valuation, wind energy facilities first placed in production on or after January 1, 2006, are to be valued based only on the income approach.

Specifies that the actual value of a wind energy facility placed in production on or after January

1, 2006, is at an amount equal to a tax factor times the selling price of energy at the interconnection meter. Requires the tax factor to be established by the administrator as a number that, when applied to the selling price at the interconnection meter, results in approximately the same tax revenue over a 20-year period that would have been collected using the cost basis method of taxation for a renewable energy facility.

Requires the owner or operator of a wind energy facility to provide a copy of the facility's current purchase power agreement. Grants the administrator authority to request the current purchase power agreements from the purchaser of power. Specifies that all purchase power agreements are private documents available only to the administrator and the employees of the division of property taxation.

Specifies that no actual value is assigned to personal property used in a facility until that personal property is first put into use. Specifies that if an item of personal property is taken out of service so that no wind energy is produced from that facility for the preceding calendar year, no actual value shall be assigned to that item of more than 5% of the installed cost of the item for that assessment year.

Makes the act applicable to the determination of the actual value of new wind energy facilities first placed in production on or after January 1, 2006.

**BECAME LAW AND EFFECTIVE May 9, 2006**

Amended 39-4-101(3); added 39-4-101(4); amended 39-4-102(1)(e); added 39-4-102(1.5).

**NOTE: School districts with wind energy facilities in their property tax bases may be affected by this legislation.**

**SPECIAL SESSION ACT:**

**H.B. 06S-1015 Required income tax withholding - payments for services to natural persons without validated taxpayer identification numbers - work eligibility verification portal.**

Requires the office of innovation and technology, within existing resources and no later than December 1, 2006, to submit a report to the joint budget committee of the general assembly that sets forth an implementation plan for the establishment of a work eligibility verification portal that, on and after January 1, 2008, will enable a person to access a database to verify whether a taxpayer identification number is valid. Requires the report to include

**an analysis of costs and descriptions and analyses of databases and programs available for use in verifying taxpayer identification numbers.**

**With an exception for persons exempt from federal withholding pursuant to a properly filed internal revenue service form 8233, requires a person that makes a payment to any natural person for services performed that is not otherwise subject to state income tax withholding but that requires the filing of an information return to deduct and withhold state income tax at the rate of 4.63% if the person who performed the services:**

- **Fails to provide a validated taxpayer identification number; or**
- **Provides an internal revenue service-issued taxpayer identification number issued for nonresident aliens.**

**Requires any business entity or sole proprietor who makes a payment to any natural person for services performed that is not reported on an information return to deduct and withhold state income tax at the rate of 4.63% unless the business entity or sole proprietor has a validated taxpayer identification number from the person to whom payment is made.**

**Authorizes the executive director of the department of revenue to promulgate rules to authorize the payment to the department as part of the state income tax return of any amounts deducted and withheld pursuant to the act.**

**Defines the term "validated taxpayer identification number". Requires enforcement of the provisions of the bill without regard to race, religion, gender, ethnicity, or national origin.**

**EFFECTIVE July 31, 2006**

Added 24-37.5-107; 39-22-604(18).