

Colorado Department of Education

LEGISLATIVE SUMMARY 1997



Sixty-First General Assembly, First Regular Session



COLORADO DEPARTMENT OF EDUCATION

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**“To lead, to serve, and to promote
quality education for all.”**

**A summary of the legislation affecting education
that passed the Sixty-First General Assembly,
First Regular Session in 1997,
along with the statutory citations**

This publication is distributed annually to Colorado public school superintendents, principals, and school board presidents, private schools, education agencies, Department of Education staff and other interested parties.

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August, 1997

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NOTE: The summary is available on theCDE Web site at: <http://www.cde.state.co.us/> (Click on Electronic Resources & Information.)

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APPROPRIATIONS

S.B. 97-215 General appropriation act - long bill. Makes appropriations for the payment of the expenses of the executive, legislative, and judicial departments of state government for the fiscal year beginning July 1, 1997. Sets the grand total of the operating budget at \$9,203,847,747, of which \$4,459,279,661 is from the general fund, \$2,686,839,926 is from cash funds, and \$2,057,728,160 is from federal funds.

EFFECTIVE May 27, 1997

PORTIONS VETOED May 27, 1997

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

	<u>1996-97</u> <u>Appropriation</u>	<u>1997-98</u> <u>Appropriation</u>
General Fund	\$ 1,720,400,190	a/ \$ 1,818,209,052
Cash Funds	10,873,411	b/ 10,782,767
Cash Funds Exempt	51,930,520	c/ 58,674,192
Federal Funds	169,724,624	204,965,860
<u>Grand Total</u>	<u>\$ 1,952,928,745</u>	<u>\$ 2,092,631,871</u>

a/ Reduced \$13,160 pursuant to H.B. 97-1082.

b/ Includes \$25,550 appropriated by H.B. 97-1058 and reduced \$873 pursuant to H.B. 97-1082.

c/ Includes \$100,000 appropriated by S.B. 97-29, \$9,199,318 appropriated by S.B. 97-101, \$15,432,603 appropriated by H.B. 97-1249, and reduced \$1,043 pursuant to H.B. 97-1082.

CHILDREN AND DOMESTIC MATTERS

H.B. 97-1205 Child support - enforcement - occupational, professional, and recreational license suspension - automatic property liens - recordation of social security numbers - repeal of jury trials in paternity cases - state directory of new hires - state case registry - financial institution data match - post-secondary education expenses. Based upon the provisions of the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996", among other provisions of the bill:

Authorizes the state board of human services to promulgate rules in cooperation with any state agency, board, commission, or bureau authorized to issue professional, occupational, or recreational licenses for the denial, suspension, or revocation of professional, occupational, and recreational licenses of individuals owing past-due child support or for individuals failing to comply with subpoenas or warrants related to paternity or child support proceedings. Directs the licensing agency to enter into a memorandum of understanding with the child support enforcement agency identifying the responsibilities of each. Establishes a procedure for such denial, suspension, or revocation, including a 30-day period within which to comply or request a review hearing at the county level and then at the state level. Identifies the sole issues to be determined upon review of the denial, suspension, or revocation of a license.

NOTE: Requires the Dept. of Education to cooperate with the Dept. of Human Services in the denial, suspension or revocation of an educators license if the holder of the license is out of compliance with a court or administrative order for current child support.

EFFECTIVE July 1, 1997

Statute portion affecting education: Added 22-60.5-119 C.R.S.

H.B. 97-1293 Out-of-home placement of children - impact on school district enrollment. Contingent upon the implementation of the children, youth, and families automation project in the department of human services, directs the department to make certain information available

to all county departments of social services throughout the state. The information shall include vacancies in out-of-home placement facilities in each county, the number of out-of-home placement children enrolled in each school district in relation to the total number of students enrolled in each school district, the placement facilities in each school district, and the types of services available in each school district to meet the special needs of out-of-home placement children to the extent such information is known and within available resources.

Requires the county department of social services to make recommendations to the court in every proceeding in which the court contemplates placing a child out of home, including information about placement facilities that are most able to serve appropriately the best interests of the child. Specifies the factors that the county must consider in making its recommendations, including the special needs of the child, the proximity of the placement facility to the child's home, whether the facility is located within the child's home school district, and the number of out-of-home placement children enrolled in the affected school district if such information is available through the children, youth, and families automation project.

If the county department of social services recommends placement outside the child's home school district, requires the county department to inform the child's home school district of the proposed placement. Requires the court to consider the recommendations of the county department in making its placement determination. Upon entry of the court's order placing the child in an out-of-home placement facility outside the child's home school district, directs the child's home school district to contact the school district in which the child is to be placed concerning the special needs of the child and resources necessary to meet those needs.

Directs the state board of education to provide such enrollment information to the department of human services as the department may request.

Applies to children placed out-of-home on or after July 1, 1999.

EFFECTIVE July 1, 1997

Added 19-1-115.5; amended 19-1-103(32)(a); added 22-2-106(1)(f.7).

EDUCATION - PUBLIC SCHOOLS

S.B. 97-13 Compulsory school attendance - enforcement. Makes the compulsory school attendance laws applicable to a 6-year-old child who has been enrolled in a public school in the first grade or a higher grade level. Allows the court in such circumstances to issue orders to compel compliance with the compulsory school attendance requirements. Provides that the compulsory school attendance laws shall not apply to a 6-year-old child whose parent or legal guardian chooses to withdraw such child.

In judicial proceedings involving enforcement of compulsory attendance laws, allows the court to issue an order compelling the parent to take reasonable steps to assure the child's attendance in school. Authorizes the court at the initial proceeding to order a treatment plan that addresses problems affecting the child's school attendance. Provides that the court may order the parent to show cause why the parent should not be held in contempt of court for noncompliance with a court order issued against the parent or against the parent and the child.

EFFECTIVE July 1, 1997

Added 22-33-104(1.5); amended 22-33-108(6); 22-33-108(7); 22-33-108(8).

S.B. 97-18 Charter schools act - revisions. Authorizes a charter school to organize as a nonprofit corporation. Clarifies that an approved charter application is to serve as the basis for a contract between the charter school and the local board of education. Provides that a new charter may be approved for a period of at least 3 but no more than 5 academic years, and that a charter may be renewed for a period not to exceed 5 years. Requires the governing body of a charter school to submit a renewal application to the local board of education no later than December 1 of the year prior to the year in which the charter expires. Requires the local board of education to rule on a renewal application no later than February 1 of the year in which the charter expires, or at a mutually agreed upon date.

EFFECTIVE August 6, 1997

NOTE: This act was passed without a safety clause. It shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Amends 22-30.5-104(4); 22-30.5-105(1); 22-30.5-110(1); adds 22-30.5-110(1.5).

S.B. 97-29 National academic contests - travel expenses for state-level winners. Authorizes the department of education to distribute moneys to school districts to send state-level winners of academic contests to national-level contests to represent the state. Allows nonpublic school students and students participating in a home based education program within a district to receive such moneys from the district under certain circumstances.

Directs the state board of education to promulgate rules governing the distribution of said moneys using, at a minimum, specified criteria. Creates the national academic contest fund and specifies that bequests, gifts, and grants received for the purpose of sending students to national-level contests shall be credited to said fund. Allows moneys appropriated by the general assembly to be credited to the fund.

Appropriates \$50,000 from the department of state cash fund to the national academic contest fund and appropriates said moneys to the department of education for implementation of this act.

EFFECTIVE May 27, 1997

Added 22-2-121.

S.B. 97-125 Fees - disclosures. Requires school district boards of education to have available on request a description of how the amount of any fee was derived. Requires any school board or public school publicizing a fee

to clearly specify whether the fee is voluntary and any activity from which the student will be excluded if the fee is not paid.

EFFECTIVE March 28, 1997

Amended 22-32-117(2)(c); added 22-32-117(3).

S.B. 97-126 Boards of cooperative services - membership. For any board of cooperative services ("BOCES") that consists of a single school district and a single postsecondary educational institution, allows the board of education for the school district to appoint the superintendent of the school district to be a member of the BOCES. Specifies that the term of said member shall not exceed 3 years and that if said member ceases being employed by the school district during his or her term, a vacancy shall exist on the BOCES. Specifies that the governing board for the postsecondary institution may appoint the chief executive officer of the postsecondary institution, rather than any employee of the institution.

EFFECTIVE May 21, 1997

Amended 22-5-104(2)(b); 22-5-104(2)(c).

S.B. 97-153 Interscholastic activities - participation - appeals - arbitration. Prohibits schools and school districts from adopting or agreeing to be bound by rules that prohibit specified participation in extracurricular activities. Requires school principals to authorize a student to participate in an activity through an amateur association or league of which the school or school district is a member unless the student's participation would compromise academic class attendance or the student is academically ineligible to participate in any extracurricular activity according to the rules of the school.

Authorizes schools to charge a nonenrolled student not more than 150% of the amount the school charges an enrolled student to participate in the activity.

Authorizes any student sanctioned or determined to be ineligible to participate in any extracurricular activity to appeal the sanction or determination through the applicable process at the school or any league or association to

which the school or school district belongs. Additionally authorizes the student at any time to submit the issue to binding arbitration before a group of judges or arbitrators approved by the school, school board, or league or organization to which the school or school district belongs. Directs the judge or arbitrator to consider whether the rule was properly applied and whether a waiver should be granted. Requires that a final decision be rendered within 30 days after filing for arbitration, and makes the judge's or arbitrator's decision binding on all parties. States that the cost of the arbitration shall be borne equally by the student and the association or organization to which the school belongs.

Excludes certain rules of a coach from the appeal and arbitration process. Such rules are those that are not contrary to statute and are uniformly applied to all team members.

Deletes statutory references to any association of schools that organizes or controls sanctioned extracurricular and interscholastic activities.

EFFECTIVE March 28, 1997

Amended 22-32-116.5(1); 22-32-116.5(6)(a); added 22-32-116.5(9.5); amended 22-34-101(2).

S.J.R. 97-11 Parental participation and responsibility in education. A resolution by the general assembly stating their belief that the education of our children is one of the most important functions of government; and a joint effort requiring the participation of parents in the educational experience of our children. It is their belief that each parent should acknowledge that his or her personal participation will help the school to make learning a primary occupation for his or her child and should make his or her best efforts:

(1) To read to his or her child who is eight years old or younger at least two hours per week and supervise their child's homework to assure that all assignments are completed on schedule;

(2) To ensure that his or her child is dressed appropriately for school;

(3) To send his or her child to school healthy, well-nourished, clean, and prepared to learn;

- (4) To meet with his or her child's teacher at least two times per year;
- (5) To take responsibility for the behavior of his or her child in school;
- (6) To volunteer his or her time according to the needs of the school and agree to accept a fair share of the work to be done by parents;
- (7) To establish a reasonably limited schedule of television viewing for his or her child.

ADOPTED by both houses April 18, 1997

S.J.R. 97-14 Task force study of teacher evaluation and dismissal. Creates an interim committee to examine the following teacher evaluation and dismissal issues:

- The relationship between education reform and employment protections for teachers;
- The effectiveness of the addition of "unsatisfactory performance" as a ground for dismissal of a teacher;
- The effectiveness of the teacher evaluation system in regard to the implementation of standards-based education and teacher licensure;
- The achievement of a balance of sufficient safeguards and sufficient flexibility to address performance deficiencies; and
- Alternatives to the present process by which a teacher may be dismissed and by which such dismissal may be appealed, including the feasibility of employing teachers through at-will contracts.

A written report of the findings and recommendations shall be submitted to the General Assembly by November 15, 1997.

ADOPTED by both houses May 6, 1997

H.B. 97-1058 Educator licensing - renewal - reinstatement - inactive status - appropriation. Deletes the requirement that the affidavit submitted by license applicants must be

notarized. Requires persons who request issuance of a professional license or renewal of a license, endorsement, or authorization to submit an affidavit stating that the applicant has not been convicted of certain felonies or misdemeanors. States the general assembly's intent that the state board of education adopt the minimum amount of rules necessary to implement the least cumbersome process for educator licensing.

Clarifies that a professional licensee need not be employed as a professional educator during the term of the professional license and that employment as a professional educator is not a requirement for renewal of a professional license. Specifies that any professional development activities completed will apply to renewal of any professional educator licenses or endorsements the applicant may hold. Deletes the requirement that a professional licensee consult with an immediate supervisor in completing professional development activities. Prohibits the state board of education from adopting rules to require: Specific professional development activities; more than 6 credit hours or 90 actual hours of professional development activity; a completion schedule for professional development activity; or supervision or approval of professional development. Requires educators to select professional development activities that will assist the educator in achieving the standards for a professional educator. Lists several goals that are included in those standards.

Changes the current type IV authorization, transitional, to a type IV authorization, extension. Provides that, under this authorization, any licensed educator who, prior to expiration of an educator license, fails to complete the necessary professional development activities because of extreme hardship can continue teaching while completing the professional development activities. Allows issuance of the authorization only on a finding of hardship by the state board of education. Limits the authorization to one year unless the licensee can make a further showing of extreme hardship.

Establishes a procedure by which a person may reinstate his or her professional license after the department refuses to renew it. To reinstate a license, requires the license holder to pay a fee and to cure any defect that resulted in denial of the renewal, including completing any

professional development activities if necessary. Specifies that, prior to reinstatement, the license holder is deemed to not hold a professional license or certificate. Prohibits the department from requiring any person who reinstates a license to demonstrate professional competencies as a condition of reinstatement.

Allows a professional educator licensee to convert the license to inactive status by delivering the license to the department of education. Clarifies that, while on inactive status, the licensee is considered unlicensed and is not required to complete professional development activities. Provides that, while on inactive status, expiration of the license is suspended and that when the license is returned to active status, it is valid for the period remaining on the license as of the date inactive status was assumed. Allows a licensee to return to active status by requesting the license from the department of education. Requires the department to issue a new license stamped with the new expiration date when the license holder returns to active status. Specifies that, if a person completes professional development activities while on inactive status, those activities may be used to renew the license so long as: The licensee submits evidence of completion of the activities; the activities meet the criteria adopted by the board of education; and the activities are completed within 5 years before the license expires.

Deletes the state board of education's authority to waive the requirement for professional development plans. Specifies that an educator may simultaneously hold varying types of educator licenses.

Clarifies that any provisional educator license is valid in a school district that does not offer an induction program if the induction program requirement is waived for that school district. Allows the state board of education to renew a provisional educator license for additional 3-year periods if the provisional licensee can demonstrate good cause for failure to complete an induction program. Exempts any professional teacher license applicant who completes an induction program while teaching under an adjunct teacher authorization, an emergency authorization, or a temporary authorization from the requirement to complete the induction program as a provisional licensee. Exempts any professional educator license

applicant from the induction program requirement if the school district in which the applicant is employed does not offer an induction program, but requires the applicant to complete whatever training requirements the school district may have.

Prohibits the state board of education from requiring any applicant for a professional educator license to demonstrate professional competencies if the applicant demonstrated professional competencies prior to obtaining a provisional educator license.

Authorizes the department of education to issue a professional teacher license to any person who obtains national certification. Broadens the provisional principal license requirements to allow 3 years' experience working with students as a licensed or certificated professional in a school, rather than considering only teaching experience. For purposes of identifying licensed administrators who may teach occasionally without maintaining a valid teachers license, broadens the requirements to allow 3 years' experience working with students as a licensed or certificated professional in a school, rather than considering only teaching experience. Deletes the provisions that require the state board of education to respond in writing to the professional standards boards when referring recommendations back to the boards. Repeals the minority alternative teachers fellowship program.

Appropriates \$25,550 to the department of education for implementation of the act.

EFFECTIVE June 5, 1997

Amended, added to and repealed various portions of 22-60 and 22-60.5.

H.B. 97-1108 Educators - approved program of preparation - requirements. Specifies that approved preparation programs for school principals and school district administrators shall include proficiencies in the principles of business management and budgeting practices and in the analysis of student assessment data and its use in planning for student instruction.

Instructs the Colorado commission on higher education to adopt policies requiring any

institution of higher education that offers such an approved preparation program to include said proficiencies. Prohibits the institution from increasing either the amount of course work in the program or the cost of the program as a result of including said proficiencies.

EFFECTIVE March 20, 1997

Amended 22-60.5-102(8); added 23-1-121.3.

H.B. 97-1117 Teachers - contracts - resignation, renewal, and nonrenewal.

Provides that a teacher or chief administrative officer must give written notice to a school district that he or she will not fulfill the obligations of said person's employment contract for the succeeding academic year no later than 30 days prior to the commencement of the succeeding academic year.

Provides that a full-time probationary teacher must notify a school board of his or her rejection of reemployment for the succeeding academic year no later than 30 days prior to the commencement of the succeeding academic year.

EFFECTIVE August 15, 1997

Amended 22-63-202(2)(a); 22-63-203(3).

H.B. 97-1146 Educational interpreters for the deaf - standards.

Creates an interpreter standards committee in the department of education for the purpose of making recommendations to the state board of education on the minimum standards for educational interpreters for the deaf in the public schools. Lists the items to be studied by the committee. Requires the committee to submit a final report to the state board of education on or before December 31, 1997. Abolishes the committee on July 1, 1998.

Directs the state board of education to promulgate rules setting minimum standards for persons employed by or in school districts as educational interpreters for the deaf.

On or after July 1, 2000, requires any person employed as an interpreter for deaf students in the public schools on a full-time or part-time basis to meet the minimum standards for educational interpreters for the deaf as

established by rules of the state board of education.

EFFECTIVE March 24, 1997

Added 22-20-116.

H.B. 97-1174 Exceptional children - placement - disruptive students - pilot schools. Provides that the "least restrictive environment" does not include an environment in which the nature or severity of a child's disability is so disruptive that the education of other students in a regular classroom would be significantly impaired, even when the disabled child is provided supplementary aids and services.

Requires that the placement committee utilize guidelines recommended by the department of education to determine the least restrictive environment for placement of a child with a disability. Allows the placement committee to consider the cost to the school district when choosing between 2 or more appropriate placements for a child with a disability.

If the teacher determines that the presence of a child with a disability in the classroom is so disruptive that the education of other children is being significantly impaired, the teacher may use the district's regular in-school disciplinary procedure unless it would be inconsistent with the child's individual educational program or may request a review of the individual education program or behavior plan to consider changes in services or placement.

Reduces the cap on the number of full-time residential pilot schools for students who are expelled from 2 to 1. Increases the cap on the number of year-round nonresidential pilot schools from 2 to 3.

EFFECTIVE July 1, 1997

Amended 22-20-103(5.5); 22-20-108(1); 22-20-108(5); added 22-20-108(9); amended 22-38-104 IP(1); 22-38-104(2); 22-38-104(3).

H.B. 97-1200 School finance - special building and technology fund.

Expands the school district special building fund to allow moneys in the fund, which are generated by a 10-mill maximum property tax levy, to be used for acquiring, as well as constructing, a building and for purchase and installation of instructional and informational technology. Specifies that

purchase of such technology includes expenditures for software and staff training related to the new technology. Changes the name of the fund to the special building and technology fund.

EFFECTIVE March 24, 1997

Amended 22-45-103(1)(a)(I); 22-45-103(1)(d)(I); 22-45-103(1)(d)(II); 22-40-102(1)(b)(I); 22-40-102(1.5)(a); 22-40-102(1.5)(d); 22-44-112(2)(a).

H.B. 97-1203 School district reorganization - requirements - full 12-grade education program.

Requires that a school district plan of organization include a provision that the reorganized school district or districts will provide a full 12-grade education within the boundaries of the reorganized district.

EFFECTIVE March 24, 1997

Added 22-30-114(1.5)

H.B. 97-1219 Educational accountability - consolidation of statutes - abolition of state accountability advisory committee.

Consolidates the statutory sections on educational achievement with the sections on educational accountability. Abolishes the state accountability advisory committee.

EFFECTIVE August 6, 1997

NOTE: This act was passed without a safety clause. It shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Amended 22-7-0 (entire article); 22-2-106(2)(b); 22-2-117(1); 22-5-103(2.5); 22-5-115(4); 22-30.5-204(1); 22-32-109(1)(aa); repealed 22-32-110(3.5)(b); amended 22-44-203(2); 22-60.5-203(2)(j); 22-60.5-303(2)(h); 22-60.5-308(2)(h);

23-1-119(1); 23-1-121; 23-1-122(2)(a)(I); repealed 22-53-0 (entire article).

H.B. 97-1249 School finance - extracurricular activities - PERA contributions - charter school approval - expelled students services - special education - assessments - appropriations.

Increases statewide base per pupil funding from \$3,568 to \$3,667. Deletes the provision requiring the minimum per pupil funding amount to be increased annually by an amount equal to at least 85% of the percentage increase in statewide base per pupil funding. Requires that, for the 1997-98 budget year, such amount be increased by the difference between the district's per pupil funding for the 1997-98 budget year and the school district's per pupil funding for the 1996-97 budget year as determined under the regular formula. Sets forth the formula for determining such increase for the 1998-99 budget year and thereafter. Defines "per pupil funding".

Increases the at-risk factor from 11% to 11.5% for purposes of determining the amount of funding a school district will receive for its at-risk pupils. Stipulates that every school district receiving at-risk funding for the 1997-98 budget year and thereafter expend no less than 75% of such funding on direct instruction or staff development, or both, for teaching at-risk pupils.

Replaces current provisions in the school finance act (the act) relating to the determination of a reorganized district's size factor with new provisions based upon whether the size factor of the new district or districts is less than or greater than the size factor of the original district or districts.

Deletes the provision that allows school board members and other officers or employees to be held personally liable for knowingly and willfully certifying a levy in excess of that allowed by the act.

Allows the state treasurer, in accordance with written directions from a school district, to make a distribution from the state public school fund directly to an account designated by the district that allows the district to retain title to the funds.

For purposes of the definition of "at-risk pupils", changes the definition of "district pupils eligible for free lunch" to exclude the restriction that eligibility be determined based upon the federal

law in effect on July 1, 1994. Deletes the provision allowing school districts to elect to count at-risk pupils on October 15 of the applicable year or the school day nearest that date.

Modifies the definition of "funded pupil count" to mean the greater of the district's pupil enrollment for the applicable budget year or the average of the district's pupil enrollment for the applicable budget year and the district's pupil enrollment for the 2 immediately preceding budget years.

Modifies the provision concerning the insurance reserve requirement to allow school districts to establish a separate fund or account in the general fund for risk management purposes.

For the 1997-98 budget year, increases the amount required to be allocated to instructional supplies and materials, capital outlay, and other instructional purposes from \$130 to \$134 per pupil. For the 1998-99 budget year and budget years thereafter, requires that such amount be increased by the same percentage as statewide base per pupil funding. Reduces the amount of such moneys that may be used for staff development from 20% to 10%. For the 1997-98 budget year, increases the amount required to be allocated to the capital reserve fund, to a fund or account within the general fund for the purpose of risk management, or among such fund or accounts from \$210 to \$216 per pupil. For the 1998-99 budget year and budget years thereafter, requires such amount to be increased by the same percentage as the statewide base per pupil funding.

Prohibits any school or school district that receives funds under the act from belonging to an organization or association or enforcing a rule of a coach or principal that would deny a student the ability to participate in any school or interscho-lastc activity due to the student's participation in lawful activities during out-of-school hours and off of school property.

Directs the Colorado economic development commission, on or before October 1, 1997, to make recommendations to the governor and general assembly regarding methods of evaluating the need to limit state economic development programs that allow decisions made by local governments to adversely affect the amount of general fund revenue that would otherwise be used to finance public schools.

Decreases the employer contribution rate to the public employees' retirement association (PERA) from 11.6% to 11.5% for the school division. For the 1997-98 budget year and budget years thereafter, requires the difference between the district's total employer contribution rate to PERA as calculated at 11.6% and as calculated at 11.5% to be credited to a capital construction account in the general fund.

Modifies the provision requiring interest earned on certain moneys transferred to the public school fund to be retained in the fund. Requires all interest earned on the fund to be credited to the public school income fund and periodically transferred therefrom to the state public school fund.

For the 1997-98 budget year, permits districts to certify their eligibility for additional school finance revenues: (1) Under their constitutional fiscal year spending limits; and (2) in excess of their constitutional fiscal year spending limits with voter approval but in no event more than the district could receive under the school finance formula. Requires that such certifications be submitted no later than December 1, 1997, and that they be reviewed and approved by an auditor for the district.

Amends the "Charter Schools Act" to provide that a charter school must apply to, and be granted a charter from, a school district. Prohibits a charter school from applying to or being granted a charter from a school district unless a majority of the charter school's pupils reside in the chartering school district or in school districts contiguous thereto.

Requires a school district, upon request of a student or the student's parent or guardian, to provide services to any student expelled from such school district to enable the student to return to school or complete the GED. Provides that such services shall be provided by the expelling school district unless such district expelled less than 50 students the preceding year. Allows a school district that expelled less than 50 students the preceding year to provide such services in conjunction with one or more school districts, boards of cooperative services, or pilot schools. Establishes in the department of education the expelled student services grant program to provide moneys to school districts and pilot schools for purposes of funding said services for expelled students. Sets forth the

criteria for the state board of education to consider when awarding such grants.

Amends the "Colorado Pilot Schools Act" to allow pilot schools to enter into agreements with a school district or board of cooperative services to provide services to expelled students to enable such students to return to school or complete the GED. Clarifies that students receiving educational services from a pilot school pursuant to such agreement shall not be considered enrolled at the pilot school or subject to the pilot school's admission requirements. Allows pilot schools to apply for grants under the expelled student services grant program.

For the 1997-98 budget year, provides for the distribution of \$49,800,756 to each school district or board of cooperative services that maintain special education programs in proportion to the amount of funding appropriated and received by the district or board for the 1994-95 budget year. Establishes a formula for distributing any increase in the appropriation made to the department of education for special education programs for the 1997-98 budget year and budget years thereafter based on the percentage of children with disabilities residing in the school district divided by the total number of children with disabilities statewide.

Creates the Colorado assessment program and, in connection therewith, directs the department of education to implement, beginning with the 1997 spring semester, statewide assessments adopted by the board of education in the areas of reading, writing, mathematics, and science. Directs the state standards and assessments development and implementation council to develop and recommend to the board state assessments in said subject areas. Establishes an implementation schedule for the administration of assessments under the program. Requires the department to prepare an annual report on the assessments and submit such report to the education committees of the house of representatives and the senate and to the governor. Specifies the contents of the report. Requires the board to specify the time by which a district shall begin to assess students in subject matters other than reading, writing, mathematics, and science.

Allows the department to fund the student assessment program with moneys appropriated by the general assembly for public school

finance, total program, subject to the limitation set forth in the annual general appropriations bill. Appropriates \$1,600,000 to the department of education for the implementation of the student assessment program for the 1996-97 fiscal year and \$1,800,000 for the 1997-98 fiscal year.

Adjusts the appropriation for the state aid school finance payments for the 1997-98 budget year to decrease the general fund appropriation, total program, by \$9,237,485 and to increase cash fund exempt appropriations, total program, by \$9,025,872 and by \$6,406,731 from reserves in school lands and federal mineral lease revenues. Increases the appropriation for special education by \$4,737,485. Increases the appropriation for gifted and talented children by \$1,000,000. Appropriates \$3,500,000 for the expelled student services grant program.

EFFECTIVE April 30, 1997

Amended, added to and repealed and reenacted various portions of title 22, articles 7, 20, 30.5, 32, 33, 38, 41, 44, 45, 46, 51, 53, and 54.

H.B. 97-1253 Commission for achievement in education - abolition. Abolishes the Colorado commission for achievement in education. Includes the graduate education and research study in the statewide higher education enrollment plan to be adopted by the Colorado commission on higher education.

EFFECTIVE August 6, 1997

NOTE: This act was passed without a safety clause. It shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Repealed 22-53-300 (entire part 3); 22-5-103(2.5); amended 22-44-105 IP(1); 22-44-105(1)(d); added 23-13-108(2); amended 22-53-402(3); 22-53-405 IP(1)(d); 22-53-405(1)(c); 22-

53-406(1); 22-53-406(4); 22-53-409(4)(a); 22-53-410; 23-1-119(1); 23-1-121.

ELECTIONS

S.B. 97-31 Recall elections - petition requirements - election date and cost - candidate's statement - constitutional requirements. Prohibits the filing of a recall petition against an elected officer whose term will expire within 6 months. Eliminates the inconsistency regarding where a petition to recall a state officer should be filed. Requires a petition to recall a school district officer to be signed by 40% of the eligible electors of the school district who voted in such district, rather than who voted for school directors, at the last preceding election at which the director to be recalled was elected. If no such election was held, requires the petition to be signed by at least 10% of the eligible electors residing within such district on the date the petition form is approved.

Specifies that the number of signatures required for a petition to recall nonpartisan officers other than state or county officers or school district officers is determined at the time the petition form is approved. Eliminates the duty of the secretary of state to approve or disapprove the form of recall petitions other than petitions to recall state officers. Allows a recall petition to be filed at any time during the 60-day period after the designated election official has approved the petition form. Requires the designated election official to determine the sufficiency or insufficiency of the petition within 10 working days following the initial filing thereof. Changes the filing period for a petition protest from 15 days after the petition or an amendment is filed to 15 days after the determination of the sufficiency or insufficiency of the petition. Rather than allowing a committee named on the petition to withdraw an insufficient petition, allows a petition to be amended once at anytime within 60 days from the date the petition form was approved. Before an election official certifies the sufficiency of a petition, clarifies that the time for protest must elapse.

Requires a governing body to set a recall election date not less than 45 days, rather than 30, and not more than 75 days, rather than 60, from the date of the determination of sufficiency. Specifies when a statement of

justification may be filed by the officer sought to be recalled. Changes the filing period for nomination petitions and affidavits of intent to run as a write-in candidate from no later than 15 days after the petition is found to be sufficient to 15 days after the date on which the governing body convenes and sets the election date.

To the extent that the statutory provisions governing the recall of state officers conflict with the constitutional provisions relating thereto, specifies that the constitutional provisions will control.

EFFECTIVE May 27, 1997

Added 1-12-102(4); amended 1-12-104(1); 1-12-105; 1-12-106; 1-12-108(4); 1-12-108(7); added 1-12-108(7.5); amended 1-12-108(8)(c); 1-12-108(9)(a); 1-12-108(9)(c); 1-12-111; 1-12-112(1); 1-12-117; 1-12-120(2); added 1-12-123.

GOVERNMENT - STATE

S.B. 97-59 Open meetings - list of finalists for chief executive officer - public notice. Requires state and local public bodies to make public the list of finalists being considered for a chief executive officer position no later than 14 days before appointing or employing someone to fill the position rather than no later than 14 days before conducting the first interview for the position.

EFFECTIVE April 14, 1997

Amended 24-6-402(3.5).

H.B. 97-1055 Library services - payment of election costs - petition and election requirements. Allows boards of county commissioners of counties having territory within a library service area of a proposed library district to waive the bonding requirement for the costs of an election to establish such library district and, with the consent of the board of trustees of an existing library, to pay for such election costs.

Requires the board of county commissioners to fund at least fifty percent of the election costs of the proposed library district if such district includes only one county and if the petition

submitted for district organization is signed by registered electors residing in the proposed library district in an amount equal to at least five percent of the total number of votes cast in any precinct in the proposed library district for all candidates for the office of secretary of state at the previous general election. Stipulates that, where the library service area of a proposed library district includes two or more counties, such election costs shall be prorated based upon population. Provides that no board of county commissioners shall be required to pay such election costs more than once every four years.

Sets forth election requirements for the establishment of public libraries and library districts. NOTE: School districts are eligible entities to participate in the forming of a library district.

Repeals provisions containing election notice requirements and mandatory ballot language for questions concerning the establishment of public libraries and library districts.

EFFECTIVE April 24, 1997

Amended 24-90-107(3)(c); 24-90-107(3)(d); 24-90-107(3)(e); 24-90-107(3)(f).

H.B. 97-1082 Public employees' retirement association - divisions - composition - benefit calculation - short-term disability. Combines the public employees' retirement association (PERA) state division and the PERA school division into a state and school division.

Changes the definition of "highest average salary" for members of the judicial division retiring on or after July 1, 1997, and provides that their benefits be calculated based on the highest annual salary upon which contributions were paid for 12 consecutive months, rather than for 3 periods of 12 consecutive months.

Specifies that employers designated as school employers by rule of the PERA board of trustees and municipal division employers must forward a monthly contribution report and the full amount of employer and member contributions to the association by the date established by PERA board rule rather than by the tenth day of each month.

Decreases the employer contribution rate for members of the state and school division.

Allows interest to be assessed pursuant to PERA board rules, rather than automatically, on late contributions submitted to the association.

Changes the benefit formula for PERA members and benefit recipients to 2% of highest average salary per year for all years of service from the current formula of 2% per year for each of the first 20 years and 1% per year for years in excess of 20 years. Provides that retired justices, judges, and other members of PERA will have their benefits recalculated prospectively for benefit payments payable on or after July 1, 1997, to reflect the change in the benefit formula. Limits the amount of the option 1 benefit to 100% of the highest average salary and the amount permitted by federal law.

Provides for short-term disability payments and disability retirement benefits for members of PERA who apply for disability payments on or after January 1, 1999, upon a finding of a disability. Changes the definition of "disability" for purposes of eligibility for disability retirement benefits from incapacitation from performance of regularly assigned employment duties to incapacitation from regular and substantial gainful employment. Provides short-term disability payments for eligible members who are found to be mentally or physically incapacitated from performance of the essential functions of their jobs but who are not totally and permanently incapacitated from gainful employment.

Provides that any member's application for disability retirement benefits or short-term disability payments must be received by the association within 90 days after the date of termination of employment. Provides that PERA will contract with a disability program administrator to determine disability of members, to provide short-term disability insurance coverage, and to administer the short-term disability program pursuant to a contract conforming to PERA board rules. Specifies that various standards and requirements be provided in these rules. Provides that members approved for short-term disability payments shall be provided with reasonable income replacement, rehabilitation or retraining services, or a combination thereof under a program provided by the disability program administrator for a period specified in PERA board rules.

Specifies that the cost of the short-term disability program shall be funded by PERA. Provides that if any disability is the direct result of any intentionally self-inflicted injury, the member shall not be eligible for short-term disability payments or disability retirement benefits. Provides that the reduction in disability retirement benefits for disability retirees with earned income above a certain level shall apply only to retirees whose disability retirement date is on or after July 1, 1988, and whose application for disability retirement was received by PERA prior to January 1, 1999. Provides that members who are receiving short-term disability payments are eligible to enroll in the PERA health care program.

Specifies that contributions to the voluntary investment program must be received by PERA by the date specified in PERA board rules rather than the 10th calendar day of each month.

Provides that the expense, subsistence, and travel allowance received by members of the general assembly shall be considered salary for PERA purposes. Allows members serving on July 1, 1997, to have any such allowance paid between January of 1992 and May of 1994 considered salary.

PORTIONS EFFECTIVE July 1, 1997
January 1, 1999

Amended 24-51-101(16); 24-51-101(17); 24-51-101(18); added 24-51-101(25)(a)(IV); repealed 24-51-101(38); amended 24-51-201(2); 24-51-203(1); 24-51-208(1)(a); 24-51-208(1)(b); 24-51-208 IP(2); 24-51-211; 24-51-305(2); 24-51-401(1.7); 24-51-401(2); 24-51-401(3); 24-51-603; repealed and reenacted 25-51-700 (entire part 7); amended 24-51-1101 IP(1); 24-51-1104; added 24-51-1204(1)
(e); amended 24-51-402(4); 23-21-508(3)(b); 2-2-317(1)(a).

HEALTH AND ENVIRONMENT

S.B. 97-82 Immunization of children - school entry. Requires every student except those exempted pursuant to law to submit an up-to-date certificate of immunization at the time of school registration. If the student presents an out-of-date certificate, requires the parent or guardian to submit, within 14 days after receiving direct personal notification that the

certificate is not up-to-date, documentation that the next required immunization has been given and a written plan for completion of all required immunizations. States that the scheduling of immunizations shall follow medically recommended minimum intervals approved by the state board of health. If the student begins but does not continue or complete the written plan, he or she shall be suspended or expelled for noncompliance with immunization requirements. Eliminates the ability to present at school registration a written plan signed by the parent or guardian or emancipated child demonstrating that the required immunizations will be resumed within 30 days after the plan is signed.

Eliminates the 60-day provisional period that is currently allowed for transfer students to submit their immunization record for entry into school. Relocates requirements that provide that students expelled for violations of the school immunization laws shall not be counted in calculating the school dropout rate.

Mandates that all information distributed to parents by school districts regarding immunization inform them of their rights regarding exemptions from immunization requirements.

EFFECTIVE July 1, 1997

Amended 25-4-902; 25-4-903; 25-4-907; 22-33-105(2.5).

S.B. 97-136 Lead-based paint - creation of lead hazard reduction program - abatement of lead-based paint hazards - certification and training requirements - appropriation.

Establishes the lead hazard reduction program in the department of public health and environment. Requires the de-partment, on or before July 1, 1998, to establish a comprehensive plan to reduce elevated blood lead levels in children and control exposure to lead-based paint hazards in residences and child-occupied facilities. Requires that such plan include:

- Standards for the screening of young children for elevated blood lead levels;
- A comprehensive education program;

- Case management and environmental follow-up services;
- Proposed regulations governing environmental investigations and interventions;
- Recommendations for further legislative action; and
- A fiscal analysis of the lead hazard reduction program.

Requires the department of public health and environment, on or before October 1, 1998, to submit a report to the general assembly on the plan for implementation of the lead hazard reduction program. Creates the lead hazard reduction cash fund.

Directs the air quality control commission to promulgate rules regarding lead-based paint abatement, including:

- Procedures for training and certification of persons and companies involved in abatement of lead-based paint in housing and child-occupied facilities;
- Performance standards and practices for lead abatement;
- Procedures for the approval of persons and companies who train or accredit persons performing lead-based paint abatement activities;
- Procedures for notifying appropriate persons regarding lead-based paint abatement activities; and
- Establishment of fees for certification, monitoring, and approval activities.

Prohibits training and certification requirements that are more stringent than required by federal law or are more stringent than the requirements of any program approved by the federal environmental protection agency. Requires that prior experience in abatement of lead-based paint hazards be considered in establishing training and certification requirements.

Requires the air pollution control division to certify persons or companies involved in lead-based paint abatement. Allows the division to delegate duties regarding enforcement of lead-based paint standards, other than training and

certification duties, to local health or building departments. Authorizes the division to commence enforcement actions for violations under the lead hazard reduction program.

Directs the air quality control commission to promulgate rules to establish required fees for the lead hazard reduction program. Requires the commission to adjust such fees to cover the direct and indirect costs to implement the lead hazard reduction program.

Appropriates \$66,395 and 1.5 FTE to the department of public health and environment, air quality control division, for the implementation of the act.

EFFECTIVE July 1, 1997

Added 25-5-1100 (entire part 11); 25-7-1100 (entire part 11); amended 25-7-115(1)(a).

H.B. 97-1095 Newborn hearing screening - advisory committee - repeal. Establishes the advisory committee on hearing in newborn infants to collect data concerning newborn hearing screening, to report such information to the general assembly, and to provide recommendations to hospitals, other health care institutions, the department of public health and environment, and the public concerning hearing testing in newborns. Specifies what the recommendations are to address. Provides that the committee shall be comprised of at least 7 members appointed by the executive director of the department of public health and environment. Directs that the committee members shall serve without compensation. Repeals the committee on July 1, 2005.

On and after July 1, 1997, requires every licensed or certified hospital to educate the parents of infants born in such hospitals about newborn infant hearing screening and follow-up care. Specifies that such education shall not be considered a substitute for actual screening. Directs the hospitals to report annually to the advisory committee concerning the number of infants born in the hospital, the number of infants screened, and the number of infants who passed and the number who failed to pass the screening. Subject to available appropriations, requires the advisory committee to make its report available throughout the state

specifically to physicians caring for newborn infants, consumer groups, managed care organizations, and the media.

Directs the state board of health to promulgate rules requiring hearing screening of newborn infants if, by July 1, 1999, the number of infants screened does not equal or exceed 85% of all infants born in hospitals. Requires such rules, if promulgated, to identify institutions that due to a low volume of births at such institutions may be allowed to otherwise assure hearing screening is conducted on newborns.

Directs a physician, nurse, midwife, or other health professional attending a birth outside a hospital to provide information to parents of newborn infants regarding places where they may have their infants' hearing tested and the importance of such testing. Requires the department to encourage the cooperation of local health departments, health care clinics, school districts, and other appropriate resources to promote the testing of infants' hearing.

EFFECTIVE July 1, 1997

Added 25-4-1004.7; 2-3-1203(3)(r).

HUMAN SERVICES - SOCIAL SERVICES

S.B. 97-101 Medical assistance - federal matching funds for school districts - report.

Authorizes school districts, boards of cooperative services, and state K-12 educational institutions to enter into contracts with the department of health care policy and financing to receive federal matching funds for amounts spent in providing health services to students who are medicaid recipients. Clarifies that such contracts are voluntary and subject to availability of state and federal funds. Specifies the procedure for entering into contracts.

Requires contracting entities to develop a services plan that identifies the health services needed by their students and the services they anticipate providing. Limits the medical services that may be provided without parental consent and the use of family health questionnaires and personally identifiable data. Requires contracting entities to perform an assessment of the needs of uninsured and underinsured students, and authorizes the contracting entities

to spend up to 30% of the federal funds received on health care for low-income students.

Specifies that a contracting entity will receive an amount of federal funds up to the amount specified in the contract, less administrative costs. Places a cap on administrative costs. Requires the medical services board to specify the health services that contracting entities may provide.

Authorizes contracting entities to provide services directly or by contract with other entities.

Directs the department of health care policy and financing to apply for a waiver of federal requirements, as may be necessary to implement the contracting provisions. Requires the department to work with the office of state planning and budgeting and the joint budget committee in implementing contracts. Authorizes the department and the department of education to enter into an interagency agreement to implement the contracting provisions, and authorizes the medical services board and the state board of education to adopt rules as necessary under the agreement.

Requires the department of health care policy and financing to hold annual public hearings to receive comments on the contracting process. Requires the department to submit a formal evaluation of the program to the senate and house committees on education and health, environment, welfare, and institutions after the program has been in effect 5 years.

Appropriates \$17,854,326 and 2.0 FTE to the department of health care policy and financing, of which \$8,564,720 shall be from amounts provided by school districts and \$9,289,606 from federal matching funds. Appropriates \$90,288 to the department of health care policy and financing and \$99,399 to the department of education for administrative costs. Transfers \$9,099,919 of the federal funds to the department of education for distribution to contracting entities.

EFFECTIVE May 28, 1997

Added 26-4-531; amended 26-4-103(13.5); added 26-4-203(1)(f); 26-4-513(6); 22-2-112(1)(n); 22-5-108(1)(h); 22-32-110(1)(ii);

amended 22-80-103; repealed 22-82-0 (entire article).

S.B. 97-174 Child care services - consolidation. Establishes a pilot program for community consolidated child care services that shall be implemented and monitored by the state department of human services, with input and cooperation from the state department of education. Requires the state department of human services to develop a request for proposals on or before July 1, 1997, to be distributed to the governing bodies of municipalities, counties, and school districts to design consolidated programs of comprehensive early childhood care and education services intended to serve children in low-income families, with a special emphasis on families participating in work activities related to welfare reform.

Specifies criteria for selecting the pilot site agencies. Identifies the program goals of the pilot site agencies, including minimum program components and consolidation of state and federal funding sources.

Requires the state department of human services to designate not more than 12 pilot site agencies on or before October 1, 1997. Requires the state department of human services to evaluate the pilot program no later than March 1, 1999.

EFFECTIVE May 28, 1997

Added 26-6.5-0 (entire article).

H.B. 97-1079 Homeless youth - family reconciliation services - taking youth into custody - licensed homeless youth shelters - voluntary alternative residences - harboring a minor. **Homeless Youth Act.** Adopts the "Homeless Youth Act", which act allows any homeless youth or family member in conflict or experiencing problems with a homeless youth, to receive family reconciliation services from the county department of social services if the county elects to establish such a program. Defines "homeless youth" as a youth who is at least 15 years of age but less than 18 years of age and who has certain residential needs.

NOTE: Among many other provisions of the bill, requires county departments that elect to provide educational reconciliation services to work cooperatively with school district boards of education in fashioning educational programs for homeless youth.

EFFECTIVE May 22, 1997

Amended 18-6-601; added 26-5.7-0 (entire article); amended 22-33-103.5; added 26-6-102(5.1).

MOTOR VEHICLES AND TRAFFIC REGULATIONS

A summary of any new laws in this category will be sent to school districts by the CDE Transportation Unit.

NATURAL RESOURCES

S.B. 97-206 Management of state lands - state land board - implementation of amendments to state constitution - appropriation. Conforms provisions in the statutes governing the state board of land commissioners (land board) with the provisions of Amendment 16, adopted by the voters at the November 1996 general election, that amended sections 3, 9, and 10 of article IX of the state constitution.

Changes provisions related to the appointment of members of the land board to conform to the amended provisions of section 9 of article IX of the state constitution. Conforms statutory provisions related to a director and staff for the land board to the amended provisions of section 9 (4) of article IX of the state constitution.

Changes provisions related to leases of mineral land and agricultural land and rentals therefrom to include incentives and lease rates to "promote sound stewardship and land management practices, long-term agricultural productivity, and community stability", as required by the amended provisions of section 10 of article IX of the state constitution. Changes provisions related to lease terms to reflect the land board's responsibility to comply with the provisions of sections 9 and 10 of article IX of the state constitution rather than the current responsibility to "produce an optimum long-term revenue".

Under amended section 10 of article IX of the state constitution, directs the land board to establish a long-term stewardship trust of up to 300,000 acres of land determined by the board to be valuable primarily to preserve long-term benefits and returns to the state. Specifies that the board should establish such trust through a statewide public nomination process. Provides that land may only be removed from the trust upon an affirmative vote of 4 of the 5 members of the land board and a designation or exchange of other land of an equal or greater amount into the trust. Requires that no land included as part of the long-term stewardship trust may be sold unless such lands are removed from the trust.

Prior to the lease, sale, or exchange of any lands for commercial, residential, or industrial development, pursuant to amended section 10 of article IX of the state constitution, specifies that the land board shall determine whether the income from the proposed transaction can reasonably be anticipated to exceed the fiscal impact of the development on local school districts and state funding of education from increased school enrollment associated with the development.

Consistent with the amended provisions of section 10 of article IX of the state constitution, changes provisions related to leases of state land within corporate city limits to reflect that such provisions must comply with the provisions of sections 9 and 10 of article IX of the state constitution rather than the current responsibility of producing "the greatest annual revenue".

Under amended section 9 (7) of article IX of the state constitution, authorizes the land board to undertake nonsimultaneous exchanges or dispositions of state lands and provides that the proceeds of such dispositions are not part of the public school fund until such a transfer is actually completed.

Updates provisions related to the mineral section of the land board and the superintendent thereof and repeals a provision specifically authorizing acquisition of a right-of-way in 1964.

Clarifies that moneys allocated to the land board trust administration fund shall be from the income generated by the state trust lands.

Pursuant to amended section 10 of article IX of the state constitution, authorizes the land board

to sell or lease conservation easements on state lands, allow school districts access to state lands without charge if such access does not interfere with other approved uses, and provide school districts the opportunity to lease, purchase, or otherwise use state lands as school building sites.

Specifically authorizes the state treasurer to invest public school fund moneys in bonds issued by school districts and to make direct loans to school districts pursuant to the amended provisions of section 3 of article IX of the state constitution. Permits the state to guarantee school district bonds pursuant to the amended provisions of section 3 of article IX of the state constitution.

Appropriates \$40,684 to the department of natural resources for allocation to the state land board from the state land board trust administration fund for the implementation of this act. Out of such appropriation, appropriates \$22,776 and 0.3 FTE to the department of law for the provision of legal services related to the implementation of this act.

Makes provisions of this act severable in the event any provision of the act is found to be held invalid if other provisions can be given effect without the invalid provision.

EFFECTIVE May 21, 1997

Added, amended and repealed various parts of title 36; added 22-41-101(3); amended 22-41-104 IP(1); added 22-41-104(1)(c.3); 22-41-104.5(1) (b.5); recreated and reenacted 22-41-109; repealed 24-9-102(1)(c).

TAXATION

H.B. 97-1152 Income tax - credit for school-to-career programs. Beginning with the 1997 income tax year, allows a credit against state income taxes for 10% of the total qualified investment made in a qualified school-to-career program. Allows the amount of excess credit to be carried forward as a credit against subsequent years' tax liability for up to 5 years.

Repeals the existing income tax credit for investments in school-to-career programs in

which students work predominately in
enterprise zones.

EFFECTIVE June 3, 1997

Added 39-22-520; repealed 39-30-104(5);
amended 39-30-103(4)(b)(VIII).