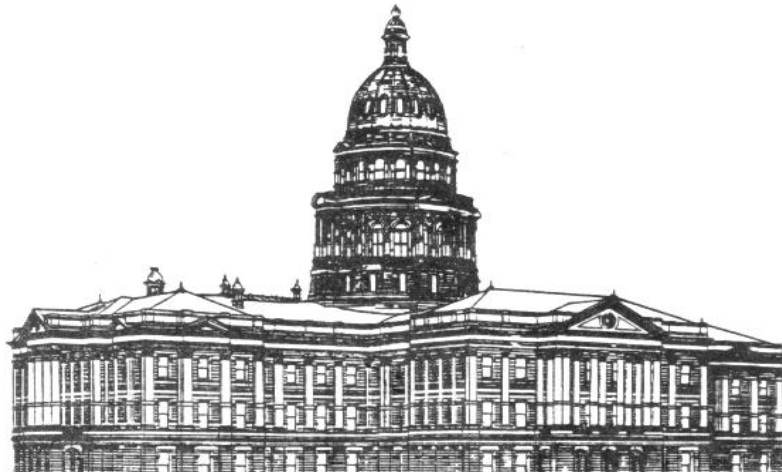


**Colorado Department of Education**

# **LEGISLATIVE**

# **SUMMARY**

# **1999**



**Sixty-Second General Assembly, First Regular Session**



**COLORADO DEPARTMENT OF EDUCATION**

201 E. COLFAX AVE.  
DENVER, COLORADO 80203-1704  
FAX (303)830-0793

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

A summary of the legislation affecting education  
that passed the Sixty-Second General Assembly,  
First Regular Session in 1999,  
along with the statutory citations

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

Karen L. Stroup, Chief of Staff and Legislative Liaison

William J. Moloney  
Commissioner of Education  
State of Colorado

August, 1999

COLORADO STATE BOARD OF EDUCATION						
Clair Orr Chairman Fourth Congressional Dist. Kersey	Patricia M. Chlouber Vice Chairman Third Congressional Dist. Leadville	Ben W. Alexander Member-at-Large Montrose	John Burnett Fifth Congressional Dist. Colorado Springs	Randy DeHoff Sixth Congressional Dist. Littleton	Patti Johnson Second Congressional Dist. Broomfield	Gully Stanford First Congressional Dist. Denver

NOTE: The summary is provided annually on the Colorado Department of Education Home Page at:  
<http://www.cde.state.co.us/> (Click on Laws and Regulations, then under Links click on State Education  
Legislation.)

## I N D E X

### APPROPRIATIONS

S.B. 99-215	General appropriations . . . . .	1
-------------	----------------------------------	---

### CHILDREN AND DOMESTIC MATTERS

H.B. 99-1173	Educational requirements for certain youthful offenders . . . . .	2
H.B. 99-1174	Prevention programs funded through state agencies . . . . .	2
H.J.R. 99-1052	National Civility Week . . . . .	2

### CRIMINAL LAW AND PROCEDURE

S.B. 99-106	Prohibit hazing . . . . .	3
-------------	---------------------------	---

### EDUCATION - PUBLIC SCHOOLS

S.B. 99-39	Reporting of dropout rates of students in secondary schools . . . . .	3
S.B. 99-52	Charter schools . . . . .	3
S.B. 99-68	Sanctions on students for failure to return textbooks . . . . .	4
H.B. 99-1037	Prohibit expelled students from enrolling in certain schools . . . . .	4
H.B. 99-1039	Background checks for prospective school employees . . . . .	4
H.B. 99-1040	Retirement plans for school district employees . . . . .	5
H.B. 99-1041	Boards of cooperative services video teleconference meetings . . . . .	6
H.B. 99-1096	Employment of probationary teachers . . . . .	6
H.B. 99-1113	Increase in funding for charter schools . . . . .	6
H.B. 99-1171	Election of school district directors . . . . .	7
H.B. 99-1209	Financing of public schools . . . . .	8
H.B. 99-1274	Charter schools . . . . .	8
H.B. 99-1308	Teacher licensure and immunity . . . . .	9
H.B. 99-1367	Deconsolidation of school districts . . . . .	9
H.B. 99-1375	Creation of excellent schools program . . . . .	9

### EDUCATION - UNIVERSITIES AND COLLEGES

S.B. 99-51	Reduce dropout rates through crime prevention and intervention . . .	10
S.B. 99-154	Performance-based teacher education programs . . . . .	10
S.B. 99-163	Colorado Institute for Telecommunication Education . . . . .	12
H.B. 99-1359	Abolish Colorado Advanced Technology Institute . . . . .	12

### ELECTIONS

S.B. 99-25	Election law modifications . . . . .	13
------------	--------------------------------------	----

### GOVERNMENT - LOCAL

S.B. 99-20	Hazardous substance incidents . . . . .	13
H.B. 99-1056	Emergency response to hazardous substance incidents . . . . .	13

### GOVERNMENT - STATE

S.B. 99-90	PERA benefits . . . . .	14
S.J.R. 99-49	Interim study of telecommunications issues . . . . .	15
H.B. 99-1079	Use of digital signatures . . . . .	15
H.B. 99-1080	Purchase of service credit for PERA . . . . .	16
H.B. 99-1102	Private sector telecommunications investment . . . . .	16
H.B. 99-1337	Electronic transactions . . . . .	17
H.B. 99-1372	Office of Innovation and Technology . . . . .	18
<b>HUMAN SERVICES - INSTITUTIONS</b>		
H.B. 99-1116	Provision of mental health treatment services . . . . .	19
<b>HUMAN SERVICES - SOCIAL SERVICES</b>		
H.B. 99-1090	Protection of persons from restraint . . . . .	20
H.B. 99-1227	Definition of residential child care facility . . . . .	20
<b>MOTOR VEHICLES AND TRAFFIC REGULATION</b>		
S.B. 99-79	Disabled parking privileges . . . . .	20
H.B. 99-1158	Operation of motor vehicles of persons under 18 . . . . .	20
H.B. 99-1165	Unlawful use of tax exempt fuel . . . . .	21
H.B. 99-1181	Emissions control requirements for government-owned vehicles . . . . .	21
H.B. 99-1366	Child restraints in motor vehicles . . . . .	22
<b>PUBLIC UTILITIES</b>		
S.B. 99-165	Reading services for the blind . . . . .	22
<b>TAXATION</b>		
H.B. 99-1271	Financial incentives for clean fuel vehicles . . . . .	22

The following are summaries of 1999 bills as prepared by the General Assembly Office of Legislative Services with selected clarification or notation by the Department of Education.

## APPROPRIATIONS

**S.B. 99-215** 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, 1999. Sets the grand total of the operating budget at \$10,920,964,143 of which \$5,019,303,413 is from the general fund, \$3,500,971,169 is from cash funds, and \$2,400,689,561 is from federal funds.

EFFECTIVE May 3, 1999

PORTION VETOED May 3, 1999

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

	<u>1998-99</u> <u>Appropriation</u>	<u>1999-00</u> <u>Appropriation</u>
General Fund	\$ 1,914,410,751	\$ 2,033,784,557
Cash Funds	7,360,153	11,338,796
Cash Funds Exempt	90,290,198	57,374,804
Federal Funds	227,696,517	245,074,844
<u>Grand Total</u>	<u>\$ 2,239,757,619</u>	<u>\$ 2,347,573,001</u>

a/ Includes \$528,961 appropriated by H.B. 99-1209.

b/ Includes \$1,900 appropriated by H.B. 99-1039.

c/ Includes \$93,800 appropriated by H.B. 99-165.

## CHILDREN AND DOMESTIC MATTERS

**H.B. 99-1173** Youthful offenders - educational requirements for probation or parole. Authorizes the juvenile parole board and the juvenile parole hearing panel to require adjudicated juveniles to attend school or an educational program or to work toward the attainment of a high school diploma or a GED as a condition of parole. Specifies that the board shall not require a juvenile to attend a school from which he or she has been expelled without prior approval from that school's local board of education. Directs the board to notify the school district in which the juvenile delinquent is enrolled if attendance at school is a condition of parole.

States that the juvenile court shall not require a juvenile, as a condition of probation, to attend a school from which he or she has been expelled without prior approval from that school's local board of education.

Authorizes the court to order a criminal defendant who is less than 18 years of age at the time of sentencing, but who is being convicted and sentenced as an adult, to attend school or an educational program or to work toward the attainment of a high school diploma or a GED as a condition of probation. Specifies that the court shall not require a juvenile to attend a school from which he or she has been expelled without prior approval from that school's local board of education.

If a defendant who was convicted and sentenced as an adult is less than 18 years of age at the time of parole, authorizes the adult parole board to make school or educational attendance or work toward the attainment of a high school diploma or a GED a condition of parole. Specifies that the board shall not require a juvenile to attend a school from which he or she has been expelled without prior approval from that school's local board of education. Directs the court or parole board to notify the school district in which the defendant is enrolled if attendance at school is a condition of probation or parole.

Amends the "School Attendance Law of 1963" to require public schools to notify the court or parole board of a student's failure to attend school.

**EFFECTIVE** July 1, 1999

Amended 19-2-207; 19-2-925(2)(d); 19-2-1002(1); 19-2-1002(3); added 16-11-204(2.3); 17-22.5-404(4.5); amended 22-33-107.5 C.R.S.

**H.B. 99-1174** Prevention programs - listing. Lists in one place in the statutes the prevention programs for youth that are operated by or funded through state agencies. Beginning January 15, 2002, requires the legislative council staff to submit to the judiciary committees of the senate and house of representatives a triennial updated report of the prevention programs listed. Specifies the contents of the report. Instructs the legislative council staff in preparing the report to contact each state agency to obtain information concerning prevention programs operated by or funded through each state agency.

**EFFECTIVE** May 3, 1999

Added 19-1-400 (entire part 4).

**H.J.R. 99-1052** National Civility Week. Whereas, our civilization is founded upon the values of honesty, courtesy, and respectful consideration among its citizens; Our society as a whole is dependent on civil interaction between its people; It is in the best interest of the state and nation to support and encourage civility; A lack of civility in recent years has become apparent, as demonstrated in media coverage of road rage, violence occurring in schools, personal deceit, and public corruption; National Civility Week, Inc., strives to teach civility to Colorado's citizens; National Civility Week, Inc. is a nonpartisan Colorado nonprofit corporation devoted to strengthening civility within Colorado and in the nation; National Civility Week, Inc., has established the 19<sup>th</sup> through the 25<sup>th</sup> of September 1999 as National Civility Week in an effort to reaffirm

society's commitment to adhere to well-established rules of civil conduct;  
National Civility Week will draw attention to the behaviors and standards that we respect as people and will celebrate the conduct that ties together the threads of our social fabric;  
It is important to encourage programs that will assist those in Colorado that are having difficulty practicing civility;  
It would benefit Colorado and the nation to increase civility;  
Those who practice and teach civility to their fellow Coloradans should be rewarded and acknowledged;  
Colorado would serve as an example of civility to the rest of the world by recognizing National Civility Week; therefore,  
We the members of the 62<sup>nd</sup> general assembly, declare the 19<sup>th</sup> through the 25<sup>th</sup> of September 1999 is National Civility Week.

**ADOPTED** by the general assembly May 5, 1999.

## **CRIMINAL LAW AND PROCEDURE**

**S.B. 99-106** Hazing - penalties. Establishes a class 3 misdemeanor offense for engaging in hazing. Defines "hazing" as any activity that recklessly endangers the health or safety of or causes a risk of bodily injury to another person for the purpose of initiation or admission into any student organization.

**EFFECTIVE** July 1, 1999

Added 18-9-124.

## **EDUCATION - PUBLIC SCHOOLS**

**S.B. 99-39** Dropout rates - definition - reporting between school districts. Modifies the definition of a "dropout" to include a person who is the subject of notification to a school or school district that such person has left or will leave school for any reason, or such person has been absent from class for 6 consecutive weeks or more in any one school year. Specifies that a

student who is excused from school for a long-term illness or who is enrolled in an on-line educational program shall not be counted as a dropout.

Requires the state board of education to adopt rules requiring school districts to report the enrollment of students who have transferred to another school or school district in order to identify dropouts more accurately. Directs the state board of education to set standards for determining which school or school district shall count a dropout in its dropout count.

**EFFECTIVE** June 1, 1999

Amended 22-2-114.1(3); added 22-2-109(1)(q).

**S.B. 99-52** Charter schools - tax-exempt financing - extension of charter - educational programs - application - review and deadlines. Clarifies that, for purposes of tax-exempt financing, a charter school is a governmental entity. States that direct leases and financial obligations of a charter school do not bind the school district unless the district specifically assumes such obligations. Permits a charter school and the local board of education to extend the length of the charter beyond 5 years in order to enhance the terms of financing.

Authorizes a charter school to offer any educational program that may be offered by a school district unless expressly prohibited by the charter or state law.

Requires that, for purposes of reviewing charter school applications, a district accountability committee must have at least one member who is knowledgeable about charter schools and another who is a parent or legal guardian of a child enrolled in a charter school in the district or, if there are no charter schools in the district, a parent of a child enrolled in the district.

Requires the school district to rule upon the application within 75 days after receipt of the application. Directs that the contract between the charter school and the local board of education be concluded no later than 90 days after the local board of education rules on the

application for a charter school unless the parties mutually agree to waive the deadline.

**EFFECTIVE** August 4, 1999

Added 22-30.5-104(4.5); 22-30.5-104(8); 22-30.5-107(1.5).

**S.B. 99-68** School district boards of education - powers - sanctions for failure to return textbooks. Authorizes a school district to withhold the diploma, transcript, or grades of any student who fails to return or replace a textbook loaned to the student by the school district and to prevent the student from participating in any graduation or continuation ceremony. Requires the school district to make a reasonable effort to obtain payment for lost or damaged textbooks. For students who are unable to pay for textbooks, allows the school district to design an alternative payment plan that may include service within the school in which the student is enrolled.

**EFFECTIVE** April 14, 1999

Added 22-32-110(1)(jj).

**H.B. 99-1037** School district - grounds for expulsion - offense against the person - enrolling in victim's school - prohibited. Requires a school district to prohibit certain expelled students from enrolling or re-enrolling in the same school in which the student's victim or a member of the victim's immediate family is enrolled or employed. Where a school district does not have actual knowledge of the victim's name, provides that the provisions of the act shall be implemented only on request of the victim or a member of the victim's immediate family.

In any school district that has only one school in which the expelled student may enroll, requires the school district either to prohibit the expelled student from enrolling or re-enrolling as above or to design a schedule that minimizes the contact between the expelled student and the victim.

Specifies that the prohibition is limited to those students who were convicted, adjudicated a juvenile delinquent, received a deferred

judgement, or placed in a diversion program as a result of the offense for which they were expelled. Does not apply to expelled students who only commit an offense against property. Prior to implementing the provisions of the act, requires a school district to obtain information from the appropriate court to determine whether an expelled student is subject to the provisions of the act.

Permits any county or district court to issue a temporary or permanent civil restraining order to enjoin the expelled student from enrolling or re-enrolling as above, and provides for an expedited ex parte hearing on such matter.

Applies to offenses committed on or after July 1, 1999.

**EFFECTIVE** July 1, 1999

Added 22-33-106(4).

**H.B. 99-1039** School employees - background checks - disclosure of reasons for leaving employment - appropriation. Expands the criminal background checks for all prospective school employees to include whether the person has committed any felony. During a person's employment by a school district or nonpublic school, authorizes the school district or school to make an inquiry to the department of education to determine if the person has been convicted of a felony or a misdemeanor involving unlawful sexual behavior or unlawful behavior involving children or left employment with a school district or had a teaching certificate annulled, suspended, or revoked because of an allegation involving unlawful sexual behavior or unlawful behavior involving children.

Requires school districts to notify the department of education whenever it learns that a current or past employee has been convicted of any felony or a misdemeanor involving unlawful sexual behavior or unlawful behavior involving children.

Directs a nonpublic school to submit to the department of education a set of each applicant's fingerprints. Requires the department of education to transmit the fingerprints to the



Colorado bureau of investigation and to inform the school of the results of the investigation.

Adds entering into an agreement for a deferred prosecution to the definition of "conviction" for purposes of background checks and denying, annulling, suspending, or revoking teaching certificates.

Authorizes a school district to disclose to another district or to a school the reasons why a teacher or probationary teacher left employment with the district. Requires that such information only be disclosed to the teacher and to personnel authorized to review the teacher's personnel file. Prohibits including in a teacher's contract any provision that restricts the school district from disclosing to another school district or to a school the reasons why the teacher left employment with the school district.

Appropriates \$1900 from the nonpublic school fingerprint cash fund to the department of education for the implementation of this act. Appropriates \$1900 to the department of public safety, Colorado bureau of investigation, crime information center, from cash funds exempt received from the department of education for the implementation of this act.

Applies to persons employed by any school district or nonpublic school and prospective school employees applying on or after July 1, 1999.

**EFFECTIVE** July 1, 1999

Amended 22-32-109.7(1)(a); added 22-32-109.7(l.5); 22-32-109.7(3.5); amended 22-1-121(1)(a); added 22-1-121(l.5); 22-1-121(1.7); amended 22-2-119 IP(1); 22-2-119(1)(a); 22-60-105.2(2)(c); 22-60-110(2)(b); 22-60-110(2.1); 22-60.5-103(2)(c); 22-60.5-107(2)(b); 22-60.5-107(3); added 22-63-202(4); 22-63-203(6).

**H.B. 99-1040** School district benefit retirement systems. Authorizes a board of education of a school district to establish a comprehensive benefit retirement system for employees of the school district, employees of charter schools within the district, and other specified employees.

Provides that the benefit retirement system shall constitute a retirement association for such employees. Specifies that the board of education shall provide for the benefits to be furnished and for the organization and administration of the association in a plan. Specifies the benefits that may be paid in accordance with a plan document. Allows the board of education to authorize other programs, including programs providing health care benefits.

Specifies that all assets of the association shall be held in trust. Provides that a board of trustees shall have the exclusive authority to invest and manage the assets of the association, pay benefits, and otherwise administer the association.

Provides that any existing benefit retirement system created by a board of education under present law will become subject to this act on January 1, 2000, that the association will become the successor to the existing system whose separate existence then ceases, and that the assets of the existing system will become vested in the association which also succeeds to all contractual rights and obligations of the existing system.

Provides that a school district shall have the power to provide that school district employees who become employees of an association shall continue to receive certain employee fringe benefits from the school district, the funding of which shall be based upon the service accrued in the school district and in the association.

Specifies the membership and composition of the board of trustees. Provides that where a board of education has previously created a retirement system, members of any existing board of managers shall serve on a transitional board of trustees for the association until their terms on the board of managers would have expired. Provides that members of the board of trustees shall serve without compensation.

Specifies the powers and duties of the board of trustees. Requires the board of trustees to appoint an administrator to direct and administer the association. Allows the board to delegate

certain duties and authorities to the administrator. Requires the board to adopt rules governing the administration of the association. Requires the board of trustees to submit annual reports to the board of education.

Provides that the board of trustees has the authority to determine membership status in accordance with the law and plan provisions, exemptions from membership, eligibility, service credit, and salary used to determine benefits. Specifies procedures for appealing such decisions.

Allows the administrator to delegate duties and authorities to employees of the association. Specifies circumstances and procedures for the administrator to correct administrative errors.

Specifies that the board of trustees shall control the investment and management of funds, subject to certain requirements. Requires the board to adopt a statement of investment objectives and policies.

Further specifies:

- ◆ Fiduciary standards of conduct for the trustees of the board of trustees;
- ◆ Limitations on employment after retirement;
- ◆ That, with certain exceptions, moneys and benefits payable to members and beneficiaries of the association are not assignable or subject to legal process;
- ◆ That members of boards of education, as such, are not liable for investment losses of the association;
- ◆ A maximum amortization period for accrued benefit liabilities;
- ◆ That the records of members and others be kept confidential;
- ◆ The procedures for employers to make employee contributions.
- ◆ That existing legislation for such benefit retirement systems is superseded on January 1, 2000, but remains effective as to matters and transactions occurring prior to January 1, 2000.

**EFFECTIVE** January 1, 2000

Added 22-64-200 (entire part 2); 22-64-122.

**H.B. 99-1041** Boards of cooperative services - video teleconference meetings. Authorizes a board of cooperative services to adopt a policy to allow the board to conduct meetings using video teleconferencing technology. Requires the board to hold at least one of its quarterly meetings with all members gathered in one location. Requires the policy to address how the public will be allowed access to such meetings and to specify any topics that may not be discussed at such meetings. Prohibits a board of cooperative services from going into executive session during any video teleconference. Clarifies that a quorum shall be deemed to exist if the appropriate number of board members participate in a video teleconference.

**EFFECTIVE** March 24, 1999

Added 22-5-104(5); amended 22-5-105.

**H.B. 99-1096** Probationary teachers - continuous employment - full year - days of service required. Deems a probationary teacher's employment as a full school year if that teacher's employment includes the last 120 days of the academic year, instead of the last 90 days of the academic year.

**EFFECTIVE** July 1, 1999

Amended 22-63-203(2)(b)(II).

**H.B. 99-1113** Charter schools - funding. Beginning with the budget year 2000-01, and for budget years thereafter, raises the minimum level of per-pupil funding for charter schools to 95% of district per pupil revenues. Allows the school district to retain up to 5% of district per pupil revenues in payment for the charter school's share of central administrative overhead costs; except that, for school districts that enroll 500 or fewer students, allows a charter school to receive the greater of 100% of per pupil revenues minus the actual amount of the charter school's share of central administrative overhead costs or 85% of per pupil revenues.

Defines "district per pupil revenues" as the district's total program for any budget year, divided by the district's funded pupil count for that budget year. Requires charter schools to set aside for capital reserve purposes the same per pupil amount that school districts are required to set aside. Relieves school districts of the requirement to set aside the capital reserve amount for students who are enrolled in charter schools.

Requires the school district to provide federally required educational services for students in charter schools on the same basis that such services are provided to students enrolled in other public schools. Requires each charter school to pay its share of the district's per pupil cost of providing such services. At either party's request, however, allows the charter school and the school district to negotiate alternate arrangements for the provision of and payment for services. Clarifies that the school district shall forward to the charter school any moneys received by the school district to provide federally required educational services only if the school district and the charter school have negotiated to allow the charter school to provide such services.

Specifies that the charter school may contract with the school district to purchase support services in addition to those included in central administrative overhead costs. Specifies the method for calculating the cost of such services. Allows the charter school to agree with the school district to pay any actual costs incurred by the school district in providing unique support services to the charter school.

**EFFECTIVE** March 30, 1999

Amended 22-30.5-112(2)(a); added 22-30.5-112(2)(a.3); 22-30.5-112(2)(a.5); 22-30.5-112(2)(a.7); 22-30.5-112(2)(a.8); amended 22-30.5-112(2)(b); added 22-30.5-112(2)(b.5); amended 22-30.5-112(2)(c); 22-30.5-112(3)(a); added 22-54-105(2)(b)(III).

**H.B. 99-1171** School district directors - election. In school districts with fewer than 1000 students, requires a candidate for school district director to file a nominating petition signed by at least 25

eligible electors. In school districts with 1,000 or more students requires the signatures of at least 50 eligible electors. States that the signatures may be from throughout the school district, regardless of the school district's plan of representation.

Repeals outdated statutory provisions concerning election of school district directors, including provisions allowing a school district to adopt 6-year terms for its directors. Allows a school district to propose a change in the number of school district directors. If directors are elected from director districts and the school district proposes an increase in the number of directors, requires the school district to simultaneously propose an appropriate change in the plan of representation. Allows a school district to adopt a combined director district and at-large plan of representation. Requires any proposal for a change in the number of directors, in the length of directors' terms, or in the plan of representation to be adopted by resolution of the school district board of education or, if proposed by petition, submitted to the board of education at least 110 days prior to the election. Allows a school district to consider in a single election multiple changes in the manner of electing school district directors.

Instructs the board of education of school district number 1 in Denver to redraw the school district's director district boundaries within 120 days after publication of the 2000 decennial census. Requires the board of education to retain 5 director districts and 2 at-large directors in redrawing the boundaries. Provides that if, following redistricting, directors whose terms continue past the November 2001 election no longer reside within the districts from which they were originally elected, said directors shall be deemed to continue representing said districts. Repeals the existing statute that specifies director district boundaries for school district number 1 following the redistricting of said districts.

**EFFECTIVE** April 30, 1999

Amended 1-4-803(1); repealed and reenacted 22-31-105; amended 22-31-107(1); repealed 22-31-108; amended 22-31-109; 22-31-110(1); 22-

31-129(1)(d); 22-31-129(4); 22-31-131(1.5)(c)(II); added 22-31-131(12).

**H.B. 99-1209** School finance - English language proficiency program - preschool program - school district budgets and audits - appropriations. Increases statewide base per pupil funding from \$3,783 to \$3,878. Increases the minimum per pupil funding to \$4,675 and provides for annual increases thereafter by the inflation rate applied to the statewide base per pupil funding amount. Requires a legislative council staff study of the definition of "at-risk pupil". For FY 1999-2000 and thereafter, permits a school district to reduce or eliminate the capital reserve/risk management transfer if the district has a capital reserve fund that is at least 5 times the required minimum per pupil transfer multiplied by the district's funded pupil count. Allows a district to apply for contingency reserve funds to offset financial burdens caused for a decline in pupil enrollment due to a school district reorganization plan.

Effective January 1, 2000, reduces the fee charged by the county treasurer for collection of moneys for school districts from 1/2% to 1/4%.

Provides that any increase in the appropriation for the English language proficiency program over the 1998-99 appropriation be distributed to students with little or no proficiency in English. Adjusts the 1999 long bill to increase the appropriation for this program by \$500,000 and provides money for the increase by reducing the FY 1999-2000 appropriation for expelled student services by \$500,000 from the FY 1998-99 appropriation level. Increases the maximum number of children that may participate in the preschool program by 200 for a total of 9,050 for FY 1999-2000 and thereafter.

Alters the date for making changes in school district budgets from September 30 to October 15 and eliminates the requirement that a copy be submitted to the department of education. Amends a provision in the "Colorado Local Government Audit Law" to modify the requirement that a school district's audit report include a calculation of the district's fiscal year spending under TABOR if the school district has received voter approval to retain revenue in

excess of its TABOR spending limits.

Adjusts the 1999 long bill to increase the appropriation for small attendance centers by \$28,961 to fund the estimated entitlement level.

**PORTIONS EFFECTIVE** March 30, 1999 and January 1, 2000

Added 22-54-104(5)(a)(VI); 22-54-103(1)(d); 22-54-117(1)(f); amended 22-54-119(1); 30-1-102(1)(a); 29-1-603(5); 22-24-104(4)(c)(I); 22-28-104(2)(d)(I); 22-44-110(5); repealed 22-44-111(2); amended 22-54-104(2)(a)(III); added 22-54-104(2)(a)(III.5); 22-54-104(2)(a)(III.6); amended 22-54-104(2)(a)(IV)(C); 22-54-105(2)(a); added 22-54-105(2)(c).

**H.B. 99-1274** Charter schools - dispute resolution - provision of personal identifying information - enforcement of contracts - publication of educational options - financing. Requires each charter school to include in its charter a process for resolving disputes between the charter school and the authorizing school district. For any charter that does not include a dispute resolution process, requires the state board of education to direct the department of education to provide dispute resolution services at the request of the charter school or the school district. Requires the charter school and the school district to equally divide the department's costs in providing the services, as said costs are set by rule of the state board of education. Allows for appeal to the state board of education if either the charter school or the school district fails to participate in or comply with the dispute resolution process.

Specifies that a charter school applicant does not have to provide personal identifying information concerning any teacher, parent, or prospective pupil prior to the time that the charter is approved and the charter school either employs the teacher or enrolls the pupil. Requires the charter school, upon request of the school district, to provide aggregate information concerning grade levels and schools in which prospective pupils are enrolled. Grants a charter school authority to sue and be sued for enforcement of the terms of any contract for

services to which the charter school may be a party. Prohibits a school district from discriminating against a charter school in publicizing information concerning educational options available through the school district, provided the charter school pay for its share of such publicity.

Specifies that any moneys received by a charter school and remaining in the charter school's accounts at the end of a budget year shall remain in such accounts for use by the charter school in subsequent budget years and shall not revert to the school district or to the state.

Clarifies that, beginning in the 2000-01 budget year and for budget years thereafter, the proportionate share of state and federal resources generated by students who receive federally required educational services and who are enrolled in a charter school shall be directed to the charter school only if the charter school and the school district have negotiated to allow the charter school to provide such services.

**EFFECTIVE** June 2, 1999

Added 22-30.5-106(1)(m); 22-30.5-107.5; 22-30.5-106(3); amended 22-30.5-104(7)(b); added 22-30.5-109(6); 22-30.5-112(4.5); repealed and reenacted 22-30.5-112(3)(a).

**H.B. 99-1308** Teacher licensure - demonstration of professional competencies. Requires an applicant for a provisional teacher license who has 3 years or more of teaching experience in another state or country that has reciprocity to be licensed without having to demonstrate professional competencies if such person meets all the other qualifications for a provisional teacher license or a professional teacher license and is qualified to teach in that state or country.

**EFFECTIVE** May 24, 1999

Amended 22-60.5-201(3).

**H.B. 99-1367** School finance - reorganized school districts - calculation of size factor. Specifies that, following the deconsolidation of a school district that enrolls fewer than 15,000 students during the 2000-01 budget year and

that includes a small attendance center that provides a kindergarten through twelfth grade education program, where the deconsolidation is approved in the 2000 general election, the size factor used in determining the total program funding for the resulting school districts shall be recalculated, even though the recalculation would result in a size factor for the new school districts that is higher than that of the old school district.

**EFFECTIVE** July 1, 1999

Amended 22-54-104(5)(b)(II).

**H.B. 99-1375** Excellent schools program - annual awards - gifts and donations. Creates an excellent schools program to be administered by the department of education ("department"). Requires the state board of education annually to present awards to the top scoring schools in the state based on an index developed by the department.

Requires the department to include in the index:

The degree to which the school has achieved specified performance goals on statewide assessments;

- ◆ Information relating to literacy education;
- ◆ Achievement of accreditation indicators pursuant to the state board of education's accreditation policy; and
- ◆ Evidence of community satisfaction with school performance and of parental involvement.

Requires the department to give great weight to the factors in the index that are based on statewide assessments. Requires the state board of education annually to review the percentage goals in the index, and permits the board to raise those percentage goals. Clarifies that any moneys awarded are in addition to funds received through the school finance act or the school district's taxing authority and are to be spent as the school's advisory accountability committee deems fit. Authorizes the department to receive public and private moneys for use in making financial awards.

**EFFECTIVE** July 1, 1999

Added 22-11-300 (entire part 3).

## **EDUCATION - UNIVERSITIES AND COLLEGES**

**S.B. 99-51** Youth crime prevention and intervention - Colorado student dropout prevention and intervention program - appropriation. Adds the reduction of dropout rates in secondary schools to the purposes of the existing youth crime prevention and intervention program to create the youth crime and student dropout prevention and intervention program. Adds 4 members to the youth crime and student dropout prevention and intervention program board who have knowledge and awareness of student issues, including the causes of student dropout in secondary schools. Specifies that not less than 20% of the total appropriation for the youth crime and student dropout prevention and intervention program shall be used for programs designed to prevent minority students from dropping out of secondary school. Adds to the list of entities that may apply for a grant from the board.

Adds new criteria for the board to consider in awarding grants that address student dropout issues. Directs that the outcome measurement criteria for a student dropout prevention and intervention program include a method by which to track the students served by the program for at least 2 years or through high school graduation, whichever occurs first.

Authorizes the executive director of the department of local affairs to accept funds, grants, gifts, or donations for student dropout prevention and intervention programs. Creates the student dropout prevention and intervention fund.

Adjusts the 1999 long bill by decreasing the appropriation to the department of local affairs for prevention and intervention program grants by \$25,000 and increasing the appropriation to the department of local affairs, community development, division of local government, local government and community services by the

same amount.

**EFFECTIVE** May 29, 1999

Added 24-32-2806; amended 24-32-2801(4); 24-32-2802(1)(a); 24-32-2802(1)(b); 24-32-2802(2)(b)(III); 24-32-2802(2)(c).

**S.B. 99-154** Teacher preparation programs - standards - approval - on-going review - resident teacher programs. On or before July 1, 2000, instructs the Colorado commission on higher education ("commission"), working in cooperation with the state board of education ("state board") to adopt policies specifying requirements for teacher preparation programs, including procedures for monitoring and improving the effectiveness of the programs. Specifies the minimum requirements for teacher preparation programs.

Beginning July 1, 2000, and prior to July 1, 2001, requires the commission, in conjunction with the state board, to review each existing teacher preparation program to ensure that it meets the statutory requirements. Discontinues any teacher preparation program that is not reapproved prior to July 1, 2001. Following the initial review of teacher preparation programs, instructs the commission to establish a schedule to ensure that each teacher preparation program is reviewed at least once every 5 years. Requires the commission to review each new teacher preparation program and each significant modification to an existing program. Directs the commission, in reviewing teacher preparation programs, to consider the recommendations of the state board and prohibits approval of any program that the state board does not approve. Requires each institution of higher education that offers a teacher preparation program to submit to the commission an annual report to assist in program review.

Requires the commission to place a teacher preparation program on probation if it determines the program does not meet the standards. Instructs the commission to adopt policies for placing a program on probation and subsequently terminating the program, including procedures for an appeal. If the commission places a program on probation based on a

recommendation of the state board, requires the commission to consult with the state board in determining whether to remove the program from probation or terminate the program.

Requires the commission to approve a teacher preparation program provided by a nonpublic institution of higher education, if the program content has been reviewed and approved by the state board.

Beginning January 2002, requires the commission to annually submit to the senate and house education committees a report concerning the effectiveness of the review of teacher preparation programs. Specifies other contents of the report.

Repeals the state board's existing authority to approve teacher preparation programs. On or before July 1, 2000, requires the state board by rule to adopt performance-based teacher licensure standards, and specifies the minimum requirements for said standards. Directs the state board to review the content of teacher preparation programs to ensure that each program is designed to enable graduates from the programs to meet the teacher licensure standards. For any teacher preparation program whose content is not so designed, instructs the state board to recommend to the commission that the program not be approved.

Clarifies the existing requirement that each teacher and each employing school district evaluate the teacher preparation programs during the 1<sup>st</sup> and 3<sup>rd</sup> years that the teacher is employed following graduation. Allows teachers who graduate from out-of-state programs and the school districts that employ them to review the out-of-state programs. Allows, rather than requires, the educator professional standards board to review the evaluations. Allows the department of education to provide copies of the compiled evaluations to each school district and to the commission.

Requires the house and senate education committees to hold biannual meetings to assess the reports received concerning the effectiveness of the teacher preparation programs. Instructs the committees to take

testimony at the meetings and to assess whether the approved teacher preparation programs are adequately preparing teacher candidates to meet the teacher licensure standards. If the committees determine that a teacher preparation program is not performing adequately, requires the committees to instruct the commission to reduce the funding received by the institution providing the program.

Deletes the state board's authority to waive any requirement concerning approved teacher preparation programs. Requires approval by a simple majority of the board, rather than a two-thirds majority, for granting a waiver concerning an alternative teacher program or an approved induction program.

Authorizes school districts and boards of cooperative services to establish teacher in residence programs that meet the requirements established for teacher preparation programs provided by institutions of higher education. Allows a school district to hire as a resident teacher a person who does not have a teacher license or a teacher authorization. Specifies requirements for the teacher in residence program. Requires a resident teacher to pass a basic competency test in reading, writing, and mathematics and in the resident teacher's subject matter area in order to remain in a teacher in residence program. Requires any person who completes a teacher in residence program to obtain a provisional teacher license in order to remain employed by the school district as a teacher. Specifies that the final year of employment as a resident teacher may count as one of the 3 years of continuous employment necessary to achieve nonprobationary teacher status. Directs the school district to notify the department of education of the name and address of and other pertinent information concerning persons employed as resident teachers, and requires the department to provide to such persons information concerning teacher licensure requirements. Requires each teacher in residence program to be approved by the state board of education. Requires any teacher in residence program that is disapproved by the state board of education to be discontinued upon termination of the academic year, unless the program is redesigned to meet the statutory requirements and is subsequently approved by

the state board.

Requires a school district to demonstrate good cause for not establishing an alternative teacher program or teacher in residence program prior to obtaining an emergency authorization for a nonlicensed person to teach.

**EFFECTIVE** June 1, 1999

Repealed and reenacted 23-1-121; amended 22-2-109; 22-60.5-116(2); 22-60.5-116(4); added 22-60.5-116.5; amended 22-60.5-102(8)(a); repealed 22-60.5-215(1)(f); 22-60.5-215(1)(g); 22-60.5-402(1)(f); 22-60.5-402(1)(g); amended 22-60.5-114(1); added 22-32-110.3; amended 22-60.5-111 IP (1); 22-60.5-111(1)(c); 22-60.5-201 IP (1)(b)(l); added 22-60.5-201(1)(b)(II.5); amended 22-63-201; 22-63-402.

**S.B. 99-163** Institute for telecommunication education - establishment - advisory board - appropriation. Establishes the Colorado institute for telecommunication education (the "institute") as an auxiliary unit of the university of Colorado. Directs the institute to develop partnerships between participating higher education institutions in Colorado and participating telecommunications and information technology industries and businesses in Colorado. Instructs the institute to act as an interface between such partners.

Requires that the executive director of the institute be appointed by and report to the president of the university of Colorado. Establishes an advisory board of representatives of the university of Colorado, other higher education partners, and industry partners. Authorizes the advisory board to create an executive committee. Requires the advisory board to report annually to the Colorado commission on higher education.

Requires the executive director of the institute, with the assistance of the advisory board, to prepare and submit a plan to the board of regents and the Colorado commission on higher education. Specifies that the plan should include a description of the educational programs to be offered by the institute and the estimated revenue and capital and operating costs for the

institute for a period of at least 5 years. Requires the executive director of the institute to adopt policies and procedures governing the institute.

Appropriates \$354,000 and 4.0 FTE from cash exempt funds received by the university of Colorado from gifts, grants, and donations.

**EFFECTIVE** August 4, 1999

Added 23-20.3-0 (entire article).

**H.B. 99-1359** Colorado advanced technology institute - abolition - transfer of functions to Colorado commission on higher education - transfer of appropriation. Repeals statutory provisions creating the Colorado advanced technology institute (CATI) and the Colorado advanced technology institute commission. Transfers certain functions relating to advanced technology programs to the Colorado commission on higher education (CCHE). Provides for CCHE to consult with the governing boards of higher education institutions and with the office of innovation and technology in the governor's office in performing said functions. Transfers property and records belonging to CATI to CCHE and makes other conforming amendments.

Provides for the governor to appoint 2 additional members to CCHE for a 3-year period with one of the additional members being a former member of the CATI commission.

Of the appropriation to CATI for the 1999-2000 fiscal year, \$2,855,865 and 2.8 FTE are transferred to CCHE and \$371,225 and 4.0 FTE are transferred to the office of innovation and technology in the governor's office.

**EFFECTIVE** July 1, 1999

**NOTE:** The office of innovation and technology in the governor's office is created by House Bill 99-1372.

Repealed 23-11-0 (entire article); 24-1-114(2.5); added 23-1-106.7; 23-1-106.5; 23-1-102(8); amended 23-1-110(2); 22-84-101; 22-84-102(2);



23-1-118(6)(b); 23-5-121; 24-32-114(1)(a)(II); added 24-20-110.

## ELECTIONS

**S.B. 99-25** Election law modifications - adjustment of certain time requirements affecting elections. Amends the "Uniform Election Code of 1992" to adjust and, in some cases, eliminate various time requirements or deadlines on the election calendar. Changes time requirements or deadlines relating to elector registration, party affiliation, precinct caucuses, nomination of unaffiliated candidates, party assemblies and conventions, designation of candidates by convention and petition, vacancies in designating or nominating candidates, write-in candidates, ballot naming, presidential and other primary election ballots, minor party nominations, cancellation of elections, coordinated elections, preparation of election returns, preservation of election records, comments regarding ballot issues, and challenges to registration.

Changes the precinct caucus day from the first Tuesday in April in each even-numbered year to the second Tuesday in April of such year.

Clarifies requirements relating to the computation of time in the election code, registration records for nonpartisan elections, and absentee and early voters' counting procedures.

Specifies notice requirements for mail ballot elections and procedures for counting mail ballots.

**EFFECTIVE** May 20, 1999

Amended and added to various sections of Title 1.

## GOVERNMENT - LOCAL

**S.B. 99-20** Hazardous substances planning and response assistance fund - creation - appropriation. Creates the hazardous substances planning and response assistance fund in the state treasury. Specifies that the fund

shall be administered by the executive director of the department of public safety. Requires the executive director to solicit moneys from the federal government and from other public and private sources, which shall be credited to the fund.

Provides that moneys from the fund shall be used to provide grants to public entities and agencies in the state for emergency planning and response purposes. Requires the Colorado emergency planning commission to assess the emergency planning and response needs of the state and report its findings to the executive director of the department of public safety by June 1, 2000. Specifies that the executive director shall evaluate applications, taking into account the needs assessment findings and any other input of the Colorado emergency planning commission, and administer the grants. Requires grant applicants to obtain local funding or enter into an agreement to obtain funding in an amount of at least 25% of the grant. Allows the executive director of the department of public safety to promulgate rules governing the grant application and administration process. Requires the executive director to submit annual reports concerning grants made from the fund to the joint budget committee.

Adjusts the appropriation in the 1999 long bill to the department of public safety, hazardous materials equipment, by increasing the cash funds exempt appropriation from the highway users tax fund by \$60,000 for the purchase of a hazardous material training vehicle.

**EFFECTIVE** June 1, 1999

Added 29-22-106.5.

**H.B. 99-1056** Hazardous substance incidents - response - responsibilities - appropriation. Allows an emergency response authority to provide and maintain the capability for responding to hazardous substance incidents through mutual aid or other agreements. Absent one or more local agreements to the contrary, requires the first emergency response authority to arrive at the scene of a hazardous substance incident to be responsible for the emergency response to such incident until the emergency

response authority that has jurisdiction over the incident site arrives. Once the emergency response authority that has jurisdiction over the incident site arrives, requires unified command to be followed until the conclusion of the emergency response.

Specifies that the fire authority having emergency response responsibility for the corporate limits of any municipality is the designated emergency response authority for the municipality if the governing body of such municipality has not designated an emergency response authority of ordinance or resolution. Specifies that the county sheriff is the designated emergency response authority for any county if the board of county commissioners has not designated an emergency response authority by ordinance or resolution.

**EFFECTIVE** April 30, 1999

Amended 29-22-102; 29-22-103(1); 29-22-103(2)(b); 29-22-103(3); added 29-22-104(5); amended 24-33.5-1203(1)(i); 24-33.5-1203(1)(k); 25-1-107(1)(y); added 29-22-110; repealed 24-1-128.6(2)(g); 24-33.5-103(2)(g); 24-33.5-1300 (entire part).

## GOVERNMENT - STATE

**S.B. 99-90** Public employee's retirement association - health care program - state trooper contribution rates - return of matching employer contributions - matching employer contributions to retirement programs - benefit formula for judges. Makes the following changes to the public employees' retirement association (PERA) health care program:

- ◆ Changes the name of the health care fund to the health care trust fund;
- ◆ Increases the portion of the employer contribution that is contributed to the health care trust fund from .8% to 1.1%;
- ◆ Allows employers affiliated with PERA to voluntarily obtain health care coverage for members through the PERA health care program;
- ◆ Provides for a higher premium subsidy to be paid on behalf of benefit recipients

who do not meet specified age and medicare entitlement requirements.

Makes the following changes to PERA retirement benefits:

- ◆ Reduces the member contribution rate for state troopers from 11.5% to 10%;
- ◆ Increases the amount of matching employer contributions that may be paid to members after termination of employment or to survivors or beneficiaries of members. Provides for a higher amount of matching employer contributions to be paid to survivors or beneficiaries of members who die before retirement and for members of the municipal division in specified circumstances.
- ◆ Provides for matching employer contributions to tax-deferred retirement programs to which members voluntarily contribute. Allows the PERA board to establish the amount of the matching employer contribution subject to specified requirements. Provides that the matching employer contribution shall not begin until after January 1, 2001, and shall only begin if the amortization period for the association is zero years. Provides for modifying amounts available for matching contributions and contribution rates to avoid an amortization period either above or below 10 years. Reduces the amount of the employer contribution made for a member to PERA's retirement plan by any amount paid as a matching contribution to a tax-deferred retirement program. Requires employers to report to PERA concerning the amount of contributions made to tax-deferred programs. Further reduces the employer contribution rate to the PERA state and school division and the judicial division by 1% at the time the matching employer contributions begin.
- ◆ Modifies the benefit formula for judges hired before a specified date and provides for benefit recalculation for current benefit recipients using the new formula.

**PORTIONS EFFECTIVE** July 1, 1999, July 1, 2000, January 1, 2001

Amended and added to various sections of Title 24.

**S.J.R. 99-49** Telecommunications issues. There shall be a committee to meet in the 1999 interim after the 1st regular session of the 62<sup>nd</sup> general assembly to consider issues raised by the continuing evolution and deregulation of telecommunications services in Colorado. The issues to be considered by the committee shall include:

(a) The status of competition in Colorado telecommunications markets and the identification of any impediments to competition that may exist;

(b) The criteria to be used to determine when a telecommunications service is generally available;

(c) The advanced telecommunications services that are generally available in urban areas of the state;

(d) The advanced telecommunications services that are generally available in rural areas of the state;

(e) An identification of the costs associated with the deployment of access to advanced telecommunications services that are generally available in urban areas to rural areas of the state, including a cost-benefit analysis of policies encouraging "telecommuting" as a means of reducing suburban sprawl;

(f) Options that might be considered in establishing additional support mechanisms or other methods of shared payment for the costs of ensuring the availability of advanced telecommunications services throughout the state and avoiding the arbitrary division of communities into different local calling areas;

(g) An analysis of the level of competition existing for services such as interLATA toll, intraLATA toll, private line, and directory assistance to evaluate whether further deregulation of such services is warranted; and

(h) An analysis of privacy issues raised by the sharing of customer information and routing of calls by and among competing carriers, particularly in regard to the secure

conduct of electronic commerce.

In conducting such study, the interim committee shall consult with the Colorado public utilities commission and with representatives of counties, municipalities, telecommunications providers, consumer and environmental groups, chambers of commerce, and interested members of the public and may hold public hearings in locations outside the Denver metropolitan area as deemed necessary for purposes of the study. The study shall not require additional staff for any state agency or any additional appropriation to any such state agency.

The interim committee may recommend and develop legislation to help local governments reduce impediments to the provision of high-quality, affordable telecommunications service to their citizens or modify state policies and programs that promote competition both locally and statewide.

**ADOPTED** by the general assembly April 29, 1999

**H.B. 99-1079** Digital or electronic signatures - standards, rules, policies, and procedures.

Provides for but does not require, the use of digital or electronic signatures and gives them the same force and effect as manual signatures when the signature:

- ◆ Is unique to the person using it;
- ◆ Is capable of verification;
- ◆ Is under the sole control of the person using it;
- ◆ Is linked to data in such a manner that the signature is invalidated if any data is changed; and
- ◆ Conforms to regulatory provisions.

Directs the executive director of the department of personnel to adopt rules governing the requirements for digital or electronic signatures. Provides that any county, city, town, or city and county authorizing the use of digital or electronic signatures shall adopt their own rules, standards, policies, and procedures or shall follow those of the executive director of the department of personnel.

**EFFECTIVE** July 1, 1999

Added 24-71-0 (entire article); 24-30-1603(3); amended 24-30-1604 IP (1); 24-30-1604(1)(b); 4-9-413; 4-9-404(1); 4-9-405(2); 4-9-406.

**H.B. 99-1080** Public employees' retirement association - purchase of service credit. Modified the statutory provisions governing the purchase of service credit for members of the public employees' retirement association (PERA) who first become members on or after January 1, 1999, to conform to federal law. Requires that such members have 5 years of earned service credit before becoming eligible to purchase credit for noncovered employment that is "nonqualified service" as defined in section 415(n)(3)(C) of the federal internal revenue code. Limits purchases of service credit for "nonqualified service" by such members to a maximum of 5 years.

Specifies that no contributions by PERA members to purchase service credit or to make direct payments shall be made to cause the limits in section 415(n) of the federal internal revenue code to be exceeded.

**EFFECTIVE** February 19, 1999

Amended 24-51-505(1)(a); 24-51-611.

**H.B. 99-1102** Financial aid to local governments - telecommunications infrastructure - aggregation of demand - community-based access grant program - appropriations. Declares a need for rationally planned and coordinated purchases of telecommunications technology by public entities at the state and local level, in all geographic areas of the state, in order to achieve economies of scale and allow the state and localities to function as "anchor tenants" in encouraging private investment in telecommunications infrastructure throughout the state and within its local communities. Finds that statewide demand aggregation is proceeding under executive order and that a similar program of aggregation should be initiated at the local, community level.

Requires the departments of local affairs and personnel, working cooperatively, to accommodate local and community traffic on the state multi-use network. Creates a community

grant program, administered by the department of local affairs, under which communities will vie for state capital construction moneys to fund local programs to aggregate the telecommunications service requirements of "public offices" within those communities. Defines "public offices" to include public schools, colleges, libraries, hospitals, and offices of state and local government agencies.

Directs funding to projects that result in material improvements in availability and competitive cost of telecommunications infrastructure. Requires that public offices be linked using telecommunications services purchased from the private sector. Limits expenditures under the grant program to costs of connection and requires that public offices bear the capital costs of end-user equipment and the ongoing costs of operation and personnel. Excludes costs for public offices that have existing connections except as necessary to participate in aggregating their demand with that of other offices.

Establishes the goal of funding each community within the state that submits a proposal that is of high quality and competitive with those of communities of comparable size and characteristics. Gives priority to those communities that propose to aggregate the greatest proportion of public offices within the community and that propose an appropriate match, whether cash or in-kind, in relation to the resources of the community.

Allows for some financial assistance to communities for costs of technical assistance, engineering, and other components of proposals for funding. Requires coordination of grant awards with deployment of the state's digital networks. Requires the department of local affairs to report annually to legislative committees.

Appropriates to the department of local affairs \$3,176,000 in capital construction funds and \$124,000 in general funds. Directs that \$1,500,000 in cash funds exempt from the local government severance tax fund be made available to local governments for the community-based access grant program established by this act. Makes corresponding

reductions and transfers from the capital construction fund, the capital construction fund exempt appropriation to the department of transportation, and the Colorado advanced technology institute (CATI) commission share of proceeds from supernet.

**EFFECTIVE** May 17, 1999

Added 24-30-903(7); 23-11-104.5.

**H.B. 99-1337** Electronic transactions. Enacts statutory provisions to facilitate electronic transactions and on-line government. Permits, but does not require, the use of electronic records or electronic signatures by public entities. "Public Entity" means state agencies and every county, city and county, city, town, school district, special district, special improvement district, and every other kind of district, agency, instrumentality, political subdivision, or authority of the state organized pursuant to state law, whether or not it is subject to home rule. Requires state agencies utilizing electronic records or electronic signatures to comply with the rules of the executive director of the department of personnel ("director") or the Colorado supreme court. Allows local public entities to utilize electronic records and electronic signatures upon approval of the local public entity's governing body.

Establishes that a record or a signature may not be denied legal effect or enforceability solely because it is in the form of an electronic record or an electronic signature.

Provides that, in any governmental transaction in which a signature is required or used, any party to the transaction may use an electronic signature that complies with rules promulgated by either the director for governmental transactions with state agencies, by the supreme court for governmental transactions with the state judicial system, or by the applicable governing body for governmental transactions with local public entities. Requires the director or governing body to consider, among other appropriate factors, whether or not the electronic signature must be:

- ◆ Unique to the person using it;

- ◆ Capable of verification;
- ◆ Under the sole control of the person using it; and
- ◆ Linked to data in such a manner that the electronic signature is invalidated if any data is changed.

Permits public entities to require the use of electronic signatures for particular applications within their authority where such mandatory use does not conflict with state or federal law. Prohibits the department of revenue from selling or releasing to anyone, other than the person in interest or a criminal justice agency, any electronic signature filed with, maintained by, or prepared by the department of revenue.

Provides that electronic records or signatures are not inadmissible as evidence solely on the ground that they are in electronic form, are not in original form, or are not originals. Establishes that an electronic record meets the original form requirement if it accurately reproduces the original record as it existed at the time in question. Provides that record retention requirements are met by retaining an electronic record that accurately reproduces the original record as it existed at the time in question but allows a public entity to specify additional requirements for record retention.

Gives the director and the supreme court the authority to adopt rules, standards, policies, and procedures for public entity use of electronic records and signatures with differing levels of security for diverse applications. Requires the governing body of any local public entity authorizing the use of electronic records and signatures to adopt rules, standards, policies,

and procedures for their own use or to follow the rules adopted by the director.

Provides that section 2 of this act shall only take effect if House Bill 99-1079 is enacted at the First Regular Session of the Sixty-second General Assembly and becomes law.

**EFFECTIVE** July 1, 1999

**NOTE:** House Bill 99-1079 was signed by the Governor on June 2, 1999.

Added 24-71.1-0 (entire article); amended 24-71-101; 24-30-1604 IP (1); 24-30-1604(1)(b); added 13-25-134; 22-32-110(1)(kk); 30-11-107(1)(gg); 31-15-201(1)(h); 32-1-1001(1)(o).

**H.B. 99-1372** Office of innovation and technology - chief technology officer - information management commission. Creates the office of innovation and technology in the governor's office and creates the position of chief technology officer as head of the office. Transfers the rights, powers, duties, and functions of the commission on information management ("IMC") in the department of personnel to the newly-created office.

Specifies that the employees of the IMC whose employment is deemed necessary by the chief technology officer shall become employees of the office. Describes the responsibilities of the office of innovation and technology.

Authorizes the chief technology officer to:

- ◆ Monitor trends and advances in information technology, direct and approve a comprehensive, statewide, 4-year planning process, and plan for the acquisition, management, and use of information technology;
- ◆ Require state agencies to prepare and submit communications and data processing plans to the office;
- ◆ Direct the formulation and promulgation of policies, standards, specifications, and guidelines for communication and information resources and data processing in state agencies;
- ◆ Direct the development of policies and procedures, in consultation with the office of state planning and budgeting, that are integrated into the state's strategic planning and budgeting processes for state agencies to follow in developing communications and data processing plans and technology-related budget requests;
- ◆ Direct the development of policies and procedures for the effective management of technology investments throughout their entire life cycle, including, but not limited to, project definition, procurement,

development, implementation, operation, performance evaluation, and enhancement or retirement;

- ◆ Review budget requests for communication and information resources and data processing from state agencies;
- ◆ Direct the development of policies and procedures for review by the commission on information management of technology procurements, agreements, or contracts for amounts exceeding \$25,000;
- ◆ Subject to the review and approval of the IMC, aggregate communication and information resources and data processing procurements for one or more state agencies;
- ◆ Direct the development of policies and procedures for the effective management of technology investments throughout their entire life cycle;
- ◆ Direct the establishment of statewide standards for the efficient exchange of electronic information and technology, including infrastructure, between the public and private sectors in the state;
- ◆ Evaluate the feasibility of outsourcing communication and information resources and data processing resources and services and outsource those resources and services that would be beneficial to the state.

Abolishes the commission on information management and reestablishes the commission in the office of innovation and technology. Reduces private sector representation on the commission from 8 to 6 members. Specifies 4 additional members of the commission to be appointed from the general assembly. In addition to the current purposes, powers, and duties of the commission, authorizes the commission, except as otherwise directed by the chief technology officer, to recommend disapproval of state agency procurements of communication and information resources and data processing systems that do not conform to the state strategic communications and data processing plan.

**EFFECTIVE** July 1, 1999

Added 24-37.5-0 (entire article); repealed 24-1-128(7)(m); amended 16-20.5-102(2.3); repealed 24-30-1700 (entire part 17).

## HUMAN SERVICES - INSTITUTIONS

**H.B. 99-1116** Child mental health treatment act - provision of mental health treatment services - repeal - funding - appropriation. Creates the "Child Mental Health Treatment Act". Allows a parent or guardian to apply to a mental health agency on behalf of his or her minor child for mental health treatment services if the child is categorically eligible for medicaid under the capitated mental health system or if the parent believes the child is a child at risk of out-of-home placement. Defines the terms "mental health agency" and "child at risk of out-of-home placement". Requires the mental health agencies to evaluate and clinically assess the child's need for mental health services and, when warranted, provide the treatment services, subject to available appropriations, as may be necessary and in the best interests of the child and the child's family. Establishes an appeal process if residential services are denied.

Provides that if the mental health agency, in assessing the child, determines that there may be dependency or neglect issues involved that may warrant an investigation by the county department of social services, the mental health agency shall immediately contact the county department. Directs the mental health agency, the county department, and the family to meet within 10 days after the referral to the county. Upon referral, directs the county department to conduct an assessment to determine whether a dependency or neglect action is warranted. Directs the county department, upon determination that there may be mental health issues involved, to meet with a representative of the mental health agency and the family. Directs the county department, in conjunction with the mental health agency, to determine whether mental health services or county services are more appropriate.

Requires the mental health agencies to monitor certain information about services provided and

to report to the department of human services by September 1, 2002. Requires the department of human services to report such information in aggregate to the general assembly by December 1, 2002.

Identifies the funding for such mental health services, including private insurance, federal medicaid funding, service fees based on a sliding scale, and the general fund. Directs the state board of human services, in consultation with the department of health care policy and financing, to promulgate rules implementing a sliding scale for the payment of mental health treatment services.

Directs the department of human services to utilize, when appropriate, the established mental health and grievance processes to assure parents access to mental health services. Directs the state board of human services to promulgate rules to assure that a dispute resolution process is available for disputes between county departments of social services and mental health agencies.

Repeals the "Child Mental Health Treatment Act", effective July 1, 2003.

Appropriates \$226,545 to the department of human services for implementation of the act. Adjusts the general fund appropriation to the capital construction fund made in the annual general appropriations act \$226,545.

**EFFECTIVE** May 29, 1999

Added 27-10.3-0 (entire article); 19-3-308(1.5); 26-4-509.5; amended 26-4-527(1).

## HUMAN SERVICES - SOCIAL SERVICES

**H.B. 99-1090** Restraint of persons - limitations on use. Establishes minimum standards for the use of restraint on persons in certain public and private facilities. Defines "restraint" to include chemical restraint, mechanical restraint, physical restraint, and seclusion. Identifies the circumstances under which an agency may use

restraint. Excludes certain facilities and lawful restraint of certain persons from the requirements of the act. Specifies the duties of an agency when applying restraint. Requires that agency staff be appropriately trained in the use of restraint. Requires agencies to document the use of any type of restraint. Directs each agency to establish a review process for the appropriate use of restraint. Requires agencies to adopt rules establishing procedures for using restraint.

**EFFECTIVE** April 22, 1999

Added 26-20-0 (entire article).

**H.B. 99-1227** Child Care Licensing Act - Colorado Medical Assistance Act - residential child health care - definition of "residential child care facility". Clarifies that residential child care facilities, as that term is defined in the "Child Care Licensing Act", include publicly sponsored facilities. Adopts the same definition of "residential child care facilities" for purposes of the residential child health care program for medicaid-eligible children.

**EFFECTIVE** April 8, 1999

Amended 26-4-527(1); 26-6-102(8).

## **MOTOR VEHICLES AND TRAFFIC REGULATION**

**S.B. 99-79** Disabled parking plates and placards - use and penalties - appropriations. Requires the department of revenue to clearly identify on the vehicle registration card if the owners are persons with disabilities. Requires a disabled parking placard to have clearly printed on it the disabled person's driver's license number or identification card number. Requires the department to make an informational pamphlet about the rights and responsibilities of holders available to applicants for disabled license plates or placards.

Prohibits local governments from limiting such

disabled parking privilege to less than 4 hours on any public street and requires the posting of such time limits. Prohibits a person without a disability from using a disabled parking space unless it is for the direct benefit of a person with a disability to enter or exit the vehicle and a disabled license plate or placard is displayed in the vehicle.

States that any person who violates the disabled parking privilege shall receive the maximum fine identified for a class B traffic infraction. Authorizes up to twice such fine for a violation by the driver of a commercial vehicle (including school buses), or for the use of a disabled license plate or placard by a person who is not disabled.

States that, except as otherwise provided, the act applies to violations committed on or after July 1, 1999.

**EFFECTIVE** July 1, 1999

Added 42-3-112(13); amended 42-3-121; 42-4-1208; 42-4-1701(4)(a)(l)(M).

**H.B. 99-1158** Driver's licenses - minor drivers - restrictions - penalties. Declares that a graduated drivers licensing system is needed in Colorado to develop and improve the skills of its teenage drivers in order to reduce the incidence of collisions and fatalities among teenage drivers. Finds that additional training, restrictions, and increased penalties for violation of such restrictions is necessary to reinforce the importance of safe driving.

Reduces the age at which a minor may obtain a temporary instruction permit from a minimum of 15 years and 3 months of age to 15 years of age. Requires a minor to hold an instruction permit for at least 6 months before such minor may apply for a minor driver's license. Mandates that a minor submit a log or other written evidence signed by a parent, guardian, or other responsible adult certifying that such minor has at least 50 hours of actual driving experience, 10 of which were obtained while driving at night, before applying for a minor driver's license. Restricts the department of revenue from issuing



a minor driver's license to anyone under 16 years of age.

Prohibits a minor driver under 17 years of age from driving between the hours of midnight and 5 a.m. without a parent, guardian, or other responsible adult except in the case of emergency or driving to and from work. Requires a minor driver under 17 years of age to possess a written statement from the employer or parent if such minor driver is driving to or from work between the hours of midnight and 5 a.m. Makes the curfew inapplicable in areas where a local government has enacted its own curfew.

Requires occupants in vehicles driven by a minor driver under 17 years of age to wear seat belts or use child restraint systems in accordance with current law. Restricts the number of passengers in a vehicle driven by a minor driver under 17 years of age to no more than one passenger in the front seat and no more passengers than seat belts in the back seat.

Makes violation of the night-time driving or passenger restrictions or seat belt requirements a class A traffic infraction punishable, upon conviction, by a \$35 penalty, a \$4 surcharge, and an assessment of 2 points against a minor's driving record.

Applies to minors who apply for and receive instruction permits and minor driver's licenses on or after July 1, 1999.

**EFFECTIVE** July 1, 1999

Amended 42-2-104(4); added 42-5-105.5; amended 42-2-106(1)(a); 42-2-106(1)(b); added 42-2-127(5)(gg); 42-2-127(5)(hh); 42-2-127(5)(ii); amended 42-4-1701(4)(a)(I)(A); 42-4-236 IP (3); 42-4-237 IP (3).

**H.B. 99-1165** Use of dyed fuel on highway - prohibition - inspection - appropriation. Authorizes ports of entry weigh station personnel when inspecting a vehicle required to stop at a port of entry weigh station to check the fuel tank of the vehicle for tax-exempt diesel fuel dyed in accordance with federal regulations. Makes it unlawful for any person to operate a motor

vehicle on any public highway using such dyed fuel and specifies increasing penalties for multiple violations within a 12-month period. Allows the department of revenue to conduct audits of persons committing such violations.

Appropriates \$103,167 and 3.2 FTE out of moneys in the highway users tax fund to the department of revenue for implementation of the act.

**EFFECTIVE** May 18, 1999

Added 42-8-105(3.5); 42-4-1414; amended 42-4-1701(4)(a)(I)(N).

**H.B. 99-1181** Emissions control requirements - government-owned vehicles. Provides that motor vehicles in the program area that are owned by the federal government, the state, a state agency, or a political subdivision of the state are subject to the same emissions inspection requirements as privately owned motor vehicles, instead of subject to an annual inspection. Provides that 1982 and newer model vehicles that are owned or operated by any agency or political subdivision which is authorized and licensed to inspect its own fleet vehicles shall be inspected annually instead of every 2 years. Directs that vehicles suspected of having an emissions problem may undergo voluntary emissions testing. Prohibits motor vehicles owned by the state or any agency or political subdivision thereof that fail an emissions test from qualifying for emissions-related repair waivers.

**EFFECTIVE** May 28, 1999

Amended 42-4-310(1)(b)(I); 42-4-310(1)(d)(IV); 42-4-310(1)(d)(VI).

**H.B. 99-1366** Child restraint systems - exemption from required use - repeal. Repeals the exception to the mandatory use of child restraints or safety belts in motor vehicles that allows a child to be transported in a privately owned noncommercial vehicle without the use of a child restraint system or a safety belt system when all seating positions equipped with safety

belts or child restraint systems are occupied.

**EFFECTIVE** August 4, 1999

Repealed 42-4-236(3)(a).

## **PUBLIC UTILITIES**

**S.B. 99-165** Reading Services for the blind cash fund - appropriation. Requires the general assembly to make annual appropriations out of the Colorado disabled telephone users fund to the reading services for the blind cash fund for use by the state librarian in support of privately operated reading services for the blind.

Appropriates \$93,800 out of the Colorado disabled telephone users fund to the Colorado reading services for the blind cash fund. Further appropriates \$93,800 out of the reading services for the blind cash fund to the department of education for use by the state librarian in support of reading services.

**EFFECTIVE** May 28, 1999

Amended 40-17-104(1); added 40-17-104(3).

## **TAXATION**

**H.B. 99-1271** Sales and use tax exemption - clean fuel vehicles - eligibility of clean fuel fleet program vehicles for income tax credit or rebate. Creates a state sales and use tax exemption for the sale, storage, use or consumption of motor vehicles, motor vehicle power sources, or parts used for converting power sources for motor vehicles that meet specified emissions standards. Specifies a minimum weight for the motor vehicles to qualify for the exemption. Excepts local governments from granting the exemption.

Repeals the existing statutory provision prohibiting a person or qualified entity covered by the clean fuel fleet program from claiming an alternative fuels income tax credit or an alternative fuels rebate.

Applies to the sale, storage, use, or consumption of motor vehicles on and after July 1, 1999.

**EFFECTIVE** May 28, 1999

Added 39-26-114(22); 39-26-203(1)(II); amended 29-2-105(1)(d); 29-2-106(4)(a); 32-9-119(2)(a); 32-13-107(1)(a); 32-14-114(1); 32-15-110(1); 30-20.604.5(1); 39-22-516(2.5)(i); repealed 39-33-103(2)(f).