

Colorado Department of Education

LEGISLATIVE

SUMMARY

2000

Sixty-First General Assembly, Second Regular Session



Colorado Department of Education
201 E. COLFAX AVE.
DENVER, COLORADO 80203-1799
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,
Second Regular Session in 2000,
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

September, 2000

COLORADO STATE BOARD OF EDUCATION						
Clair Orr Chairman Fourth Congressional Dist. Kersey	Patricia M. Chlouber Vice Chairman Third Congressional Dist. Leadville	Ben 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 published 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.)
To see complete bills: <http://www.state.co.us>, click on Legislature, then General Assembly Home Page.

INDEX

APPROPRIATIONS

H.B. 00-1451	General appropriations	1
--------------	------------------------------	---

CHILDREN AND DOMESTIC MATTERS

H.B. 00-1119	Exchange of information concerning children	2
H.B. 00-1318	Out-of-home placement of children	3
H.B. 00-1342	Provision of services to youth	3

CRIMINAL LAW AND PROCEDURE

H.B. 00-1247	Possession of handguns by juveniles	4
--------------	---	---

EDUCATION - PUBLIC SCHOOLS

S.B. 00-4	Performance grant program - mathematics and science	5
S.B. 00-39	Special building and technology fund	5
S.B. 00-49	Special education funding - children with disabilities	5
S.B. 00-98	Special building and technology fund	6
S.B. 00-124	Read-to-achieve program	6
S.B. 00-133	School safety issues	7
S.B. 00-160	Administrative personnel - qualifications for employment	8
S.B. 00-181	K-12 capital construction - state assistance in funding projects	9
S.B. 00-186	Education reform	9
S.B. 00-195	Professional competencies	12
S.J.R. 00-024	Character education	12
H.B. 00-1040	Waiver of statutes and rules	12
H.B. 00-1124	Charter school building	13
H.B. 00-1136	Learning improvement grant program	13
H.B. 00-1151	Professional educator licenses	14
H.B. 00-1159	School finance - special education funding	14
H.B. 00-1173	Teacher development schedules	15
H.B. 00-1202	Public schools - release of student information	16
H.B. 00-1222	PERA benefits for nonlicensed retirees	16
H.B. 00-1251	Magnet school - repeal of planning board	17
H.J.R. 00-1013	Character education	17

EDUCATION - UNIVERSITIES AND COLLEGES

S.B. 00-183	Colorado institute of technology	17
H.B. 00-1355	Colorado high technology scholarship program	17
H.B. 00-1464	Basic skills courses at institutions	18

ELECTIONS

H.B. 00-1100	Election expenses - state ballot measures	19
H.B. 00-1391	Election judges - appointment of high school students	19

GOVERNMENT - MUNICIPAL

H.B. 00-1095	Municipal elections - revisions and clarifications	20
--------------	--	----

GOVERNMENT - STATE

S.B. 00-71	Tobacco settlement moneys - read-to-achieve program	21
S.B. 00-73	Federal mandates act - repeal	21
S.B. 00-85	Library grants	22
S.B. 00-194	Individuals with hearing impairments	22
H.B. 00-1077	Bioterrorism expert emergency epidemic response committee creation	23
H.B. 00-1225	Deferred compensation committee	24
H.B. 00-1269	Information technology access for individuals who are blind	24
H.B. 00-1395	Personal privacy issues - information technology	25
H.B. 00-1458	PERA benefit changes	25

HUMAN SERVICES - SOCIAL SERVICES		
S.B. 00-19	Consolidated child care services	26
S.B. 00-20	Medicaid - clinic services to children in school-based clinics	27
S.B. 00-22	Inspections of child care facilities	27
S.B. 00-51	Child care omnibus	27
S.B. 00-88	Colorado Medicaid program	28
S.B. 00-223	Children's basic health plan.....	29
LABOR AND INDUSTRY		
H.B. 00-1455	Limitation of working hours for youth.....	30
MOTOR VEHICLES AND TRAFFIC REGULATION		
S.B. 00-11	Driver's licenses and identification cards.....	30
S.B. 00-53	Definition of a school bus	30
PROFESSIONS AND OCCUPATIONS		
H.B. 00-1226	Liquor licensed drug store - conversion to retail liquor store.....	30
PUBLIC UTILITIES		
S.B. 00-12	Deregulation of telecommunications services	31
H.B. 00-1011	Rural telecommunications providers	31
TAXATION		
H.B. 00-1067	Alternative fuels incentives	31
H.B. 00-1440	Internet access services.....	32

\\legisum\index

The following are summaries of 2000 bills as prepared by the General Assembly Office of Legislative Services with selected clarification or notation by the Department of Education.

APPROPRIATIONS

H.B. 00-1451 General appropriation act - long bill. Makes appropriations for the payment of expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2000. Sets the grand total for the operating budget at \$12,019,426,147, of which \$5,326,562,599 is from the general fund, \$1,183,576,976 is from cash funds, \$2,924,768,750 is from cash funds exempt, and \$2,584,517,822 is from federal funds.

EFFECTIVE April 28, 2000
PORTION VETOED April 28, 2000

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

	<u>1999-00</u> <u>Appropriation</u>	<u>2000-01</u> <u>Appropriation</u>
General Fund	\$ 2,033,784,557	\$2,156,185,711
Cash Funds	11,338,796	12,454,388
Cash Funds Exempt	57,374,804	102,925,749
Federal Funds	<u>245,074,844</u>	<u>265,669,040</u>
<u>Grand Total</u>	<u>\$ 2,347,573,001</u>	<u>\$2,537,234,888</u>

NOTE: The effective date for a bill enacted without a safety clause and without an effective date indicated in the bill is August 2, 2000, 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 unless a referendum petition is filed against the act within such time period. If a referendum petition is filed, the act, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

CHILDREN AND DOMESTIC MATTERS

H.B. 00-1119 Exchange of information concerning children - criminal justice agencies - schools and school districts - assessment centers for children.

Authorizes an exchange of information among schools and school districts and law enforcement agencies. Allows any criminal justice agency or assessment center for children to share any information or records, that rise to the level of a public safety concern except mental health or medical records, that the agency or center may have concerning a specific child with the principal of the school at which the child is or will be enrolled as a student and the superintendent of such school district, or with such person's designee. Allows a criminal justice agency or assessment center for children to share with a principal or superintendent any records, except mental health or medical records, of incidents that do not rise to the level of a public safety concern but that relate to the adjudication or conviction of a child for a municipal ordinance violation or that relate to the charging, adjudication, deferred prosecution, deferred judgment, or diversion of a child for an act that, if committed by an adult, would have constituted a misdemeanor or a felony. Requires the information so provided to be kept confidential.

Directs the principal of a school, or such person's designee, to provide disciplinary and truancy information concerning a child who is or will be enrolled as a student at the school to a criminal justice agency investigating a criminal matter that involves the child. Requires the criminal justice agency to maintain the confidentiality of the information received.

Authorizes assessment centers for children and the agencies, other than schools and school districts, participating in the local assessment centers for children to provide and share information, except mental health or medical records and information, with each other without the necessity of signed releases.

Eliminates the requirement that a child or the child's parent sign a waiver prior to release of information about the child to certain state agencies or the judicial department. Eliminates the notice and hearing procedure in those circumstances in which a waiver is not provided.

Limits the civil and criminal liability of school personnel, employees of the state judicial department, employees of the state agencies, employees of criminal justice agencies, and employees of assessment centers for children who share information concerning a child in good faith compliance with the provisions set forth in law. Specifies that any person who violates the confidentiality provisions associated with the sharing of such information shall be subject to a civil fine of up to \$1,000.

Allows the principal of a school and the superintendent of a school district, or such person's designee, to have access to juvenile delinquency court records, probation records, law enforcement records, and parole records without a court order.

Requires a municipal court that, as a condition of or in connection with any sentence it imposes, requires a child under the age of 18 to attend school to notify the school district in which the

child is enrolled of such requirement. Directs the school district to notify the municipal court if the student fails to attend all or any portion of a school day where the school district has received such notice from a municipal court. Directs that, whenever a petition is filed in juvenile court or charges are filed in district court alleging that a child who is at least 12 years of age but younger than 18 years of age has committed an offense that would constitute unlawful sexual behavior if committed by an adult, certain information concerning the child and the act or offense shall be provided to the school district in which the child is enrolled.

EFFECTIVE April 7, 2000

Amended 19-1-302; 19-1-303; 19-1-304 IP(1) (c); added 19-1-304(1)(c)(X); 19-1-304(2)(a)(XV); 19-1-304(2)(a)(XVI); 19-1-304(2.5); 19-1-103(10.5); 19-1-103(34.6); 19-1-103(94.3); 13-10-113(8); amended 19-1-304(5); 22-32-109.3(1); added 22-32-109.3(3); amended 22-33-105(5)(a); 22-33-106.5(2); 22-33-107.5(1) C.R.S.

H.B. 00-1318 Out-of-home placement of children - prior notification of relatives. Requires the court, at the temporary custody hearing in a dependency or neglect action, to advise the parents of a child who was taken into temporary custody that the child may be placed with a relative, if appropriate. Instructs the court to require the parents, within 15 days after the hearing, to provide the court with the names, addresses, and telephone numbers of any known relatives. Allows the court to order the county department of social services to make reasonable efforts to contact all of the identified relatives within 90 days after the hearing, unless the court determines there is good cause not to notify or to delay the notification of the relatives.

Permits the court to consider and give preference to giving temporary custody to a child's aunt, uncle, brother, or sister, in addition to considering temporary custody with the child's grandparent, when there is not a suitable birth or adoptive parent available.

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 1 of this report.

Amended 19-3-403(3.6).

H.B. 00-1342 Prevention, intervention, and treatment programs - division created - state plan - pilot program - transfer of programs - appropriation.

Creates the division of prevention and intervention services for children and youth ("division") in the department of public health and environment ("department"). Specifies the duties of the state board of health with regard to the new division, including adopting rules to standardize operating procedures, performance indicators and outcomes, and procedures for reviewing prevention, intervention, and treatment ("PIT") programs within the state.

Identifies the state board of health as the oversight board for the PIT programs operated by the division, except specified programs. Specifies the duties of the state board of health in overseeing the programs. Specifies the functions of the division, including adopting a state plan for delivery of PIT services, operating specified prevention and intervention programs, and reviewing all PIT programs operated by the division and by other state agencies.

Specifies the minimum contents of the state plan, including specifying the

standards and measurable outcomes for PIT programs that receive state or federal funds, identifying and scheduling a review of all PIT programs receiving state or federal funds, and identifying methods of collaboration among community-based PIT programs.

Requires, as a condition of receiving any state PIT funding, that each state agency that operates a PIT program enter into a memorandum of understanding with the executive director of the department, under which the agency, at a minimum, agrees to comply with the rules for PIT programs adopted by the executive director and comply with other PIT program requirements. Encourages the governor to deny federal PIT services funding to any state agency that does not enter into a memorandum of understanding with the executive director. Creates a procedure whereby, upon the creation of a new PIT program, the division notifies the agency operating the new program of the requirement of entering into a memorandum of understanding with the executive director. Requires the executive director to meet biannually with the governor, or his or her designee, and the executive directors of the other state agencies that operate PIT programs to discuss streamlining the PIT programs operated by state agencies in order to achieve greater efficiencies.

Specifies the information to be annually reported to the division by each state agency operating a PIT program and by each community-based PIT program that receives state or federal funding. Instructs a state agency that receives a comparable annual report from a community-based PIT program to forward the report to the division, in lieu of requiring the community-based PIT program to submit an additional report. Directs the division, at least every 4 years, to review all state and community-based PIT programs that

receive state and federal funding to determine whether the program is meeting its identified goals and outcomes and complying with all regulatory and statutory requirements. Requires the division to revoke a grant issued to any PIT program that is not meeting its goals or complying with regulatory or statutory requirements. Allows the division to contract with a public or private entity to assist in conducting the program reviews. Requires the division to prepare an annual executive summary of the PIT program reviews.

Identifies juvenile justice programs that are not subject to the requirements of the act.

Creates the comprehensive community-based prevention and intervention services pilot program ("pilot program") to be operated by the division. Instructs the division to solicit applications from local governments and prevention and intervention services providers throughout the state to participate in the pilot program. Directs the division to adopt time lines for implementation of the pilot program, ensuring that the pilot programs are operating by November 1, 2001. Specifies the application contents. Directs the division to select up to 12 pilot site communities to operate the pilot program, and specifies criteria for selecting sites. On or before June 1, 2002, requires the division to report an assessment of the pilot program to the joint budget committee and the health, environment, welfare, and institutions committees of the senate and the house of representatives.

Moves the existing youth crime prevention and intervention program, including the Colorado youth mentoring services program and the Colorado student dropout prevention and intervention program, from the

department of local affairs to the division. Renames the program as the Tony Grampsas youth services program. Renames the youth crime prevention and intervention program board as the Tony Grampsas youth services board and specifies that the board shall continue to have oversight over the programs. Repeals the early education and school readiness program.

Moves the existing family development center program from the department of human services to the division. Abolishes the state council on family development centers and grants oversight of the program to the state board of health.

Repeals the requirement that the state auditor conduct a programmatic review of all prevention programs every 3 years.

Makes adjustments in the general appropriations act to reflect the transfer of programs in the act. Increases the appropriation to the department of public health and environment by \$10,286,946 and 5.5 FTE and appropriates \$238,480 and 3.5 FTE from the general fund to the department of public health and environment for implementation of the act.

EFFECTIVE May 18, 2000

Added 25-20.5-0 (entire article); repealed 26-18-102(6); 26-18-103; amended 26-18-104(1); 26-18-104(2)(e); 26-18-105 IP(1); 26-18-105(2); 26-18-105(3); 26-18-106; repealed 2-3-112; 24-32-2800 (entire part 28); 19-1-400 (entire part 4); 2-3-204(2); 2-3-304(6); 19-1-310; added 24-1-110(5)(c).

CRIMINAL LAW AND PROCEDURE

H.B. 00-1247 Firearms - handguns - permitting possession by a juvenile -

appropriation. Makes it an offense for any person, not just a parent or legal guardian, to fail to make reasonable efforts to prevent a juvenile from committing a violation with a handgun or to provide a handgun to or permit a juvenile to possess a handgun even though he or she knows the juvenile is likely to use the handgun to commit an offense. Makes an exception if the person believes that the juvenile will physically harm the person if the person attempts to disarm the juvenile.

Makes a 5-year appropriation to the department of corrections for implementation of the act.

EFFECTIVE July 1, 2000

Amended 18-12-108.7; added 17-1-126; amended 24-75-302(2)(m); 24-75-302(2)(n); 24-75-302(2)(o); 14-2-104.

EDUCATION - PUBLIC SCHOOLS

S.B. 00-4 Performance grant program - mathematics and science - retention of excess state revenues - school performance grant fund - referred measure. Refers to the voters of the state at the 2000 general election the question of whether the state shall be authorized to retain the lesser of \$50,000,000 in excess state revenues or all excess state revenues for the 1999-2000 state fiscal year and for 4 succeeding state fiscal years for the purpose of funding performance grants for school districts to improve academic performance.

If the voters approve, creates the school performance grant fund (the fund) in the state treasury and requires the state treasurer annually to transfer to the fund the lesser of \$50,000,000 or all excess state revenues that the state is

authorized to retain for fiscal years 1999-2000 through 2003-04. Specifies that the transfers shall not be included in either state or local government fiscal year spending and that any transfer of revenue from the general fund to the fund is not an appropriation subject to the limitation on state general fund appropriations. Credits all interest earned on moneys in the fund to the fund and specifies that any moneys remaining in the fund at the end of any state fiscal year shall not revert or be transferred to the general fund.

Creates a performance grant review committee with the power to develop a performance grant application process through which school districts may apply for performance grants to fund programs that will improve academic performance in mathematics and science. Authorizes the committee to expend moneys from the school performance grant fund for performance grants for school districts to use to fund programs. Establishes the membership of the committee. Specifies the information school districts must include in grant applications. Requires the committee to consider specified criteria when considering a grant application, including criteria relating to the economic and academic status of the applicant school district, the likely effect of the applicable program on academic performance in mathematics and science, and the cost and cost-effectiveness of the applicable program.

EFFECTIVE upon the Governor's proclamation or thirty days after a canvass of the votes of the registered electors is completed, whichever occurs earlier.

Added 22-85-0 (entire article); referendum.

S.B. 00-39 Special building and technology fund - building security technology. Allows school districts to use moneys in the special building and technology fund for the purchase and installation of building security technology.
EFFECTIVE March 31, 2000

Amended 22-45-103(1)(d)(I); 22-45-103(1)(d)(II).

S.B. 00-49 Special education funding - children with disabilities - appropriation. Adjusts the 2000 long bill by increasing the general fund appropriation to the department of education, for public school finance, special education - children with disabilities, by \$1,600,000 to implement section 22-20-114 (1) (b.8), as enacted by House Bill 00-1159, to provide more state funding to administrative units serving children with disabilities with no identifiable district of residence. Specifies that, if the additional amount appropriated by the act is more than actually needed to fully fund said section, the excess amount shall be distributed by the department of education for the regular special education - children with disabilities program.

Allows for the additional appropriation by reducing the appropriation made in the 2000 long bill to the capital construction fund for further appropriation to the department of transportation for highway construction projects by \$1,600,000.

EFFECTIVE August 2, 2000

NOTE: (1) House Bill 00-1159 was signed by the Governor on April 28, 2000.

(2) This act was passed without a safety clause. For further explanation concerning the effective date, see page 1 of this report.

Special ed - funding.

S.B. 00-98 Special building and technology fund - expenditures.

Authorizes a school district to expend moneys in the school district's special building and technology fund for the maintenance of school structures in order to enhance the function, protect the value, and extend the economic life of the structures.

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 1 of this report.

Amended 22-45-103(1)(d).

S.B. 00-124 Read-to-achieve program - board - fund - appropriation. Establishes in the department of education a read-to-achieve program through which grants may be made to public schools to fund intensive reading programs for early elementary school pupils whose skills are below the level established for pupils at their grade level. Creates and specifies membership and terms for members of a board to solicit and review grant applications. Specifies minimum criteria for the board to consider in reviewing grants. Directs the board to submit to the state board of education a list of recommended schools to receive grants under the program. Requires the state board of education to approve or reject the entire list of recommended schools. Specifies additional requirements for schools to receive a subsequent grant.

Requires the read-to-achieve board to submit a report on or before February 4, 2004. Repeals the program on July 1, 2008, subject to a sunset review.

Establishes the read-to-achieve cash fund, and specifies that any unexpended moneys in the cash fund at the end of a fiscal year shall remain in the cash fund. Authorizes the state board of education to use up to 1% of the moneys in the cash fund for related expenses.

If a pupil is enrolled in a program after the 3rd grade level, authorizes the pupil to pass to the 4th grade for reading classes only if, at the end of the program, the pupil is assessed as reading at or above the 3rd grade level.

For the fiscal year beginning July 1, 1999, reduces by \$7,000,000 the amount of federal temporary assistance for needy families block grant funds appropriated to the short term works emergency fund in the department of human services. Replaces \$7,000,000 of general fund moneys appropriated to the department of human services for child welfare services with \$7,000,000 of federal temporary assistance for needy families block grant funds.

For the fiscal year beginning July 1, 1999, appropriates \$7,000,000 in general fund moneys to the read-to-achieve cash fund for implementation of the act.

EFFECTIVE June 2, 2000

Added 22-7-506; amended 22-7-504 IP(3); 22-7-504(4); 22-7-504(5)(a); 22-7-505(1)(b); added 24-34-104(39)(b)(X); repealed and reenacted 22-7-506(4); amended 24-34-104(36).

S.B. 00-133 School safety issues - safe school plan - reporting - information sharing - expulsion prevention programs - free speech limits - appropriation.

Requires each school district board of education ("district board") to adopt a mission statement that makes safety a priority in each public school of the

school district. Requires each district board to adopt a safe school plan, that includes a written conduct and discipline code that addresses several issues, including:

- A policy allowing teachers to remove disruptive students from the classroom, subject to due process requirements;
- Procedures for expulsion of habitually disruptive students;
- A policy concerning searches on school grounds;
- A dress code policy that may require students to wear a uniform.

Instructs each district board to adopt a policy requiring school principals to report specified information concerning the learning environment in the school, including demographic information, the average size of classes at the school, and information regarding discipline actions taken at the school. Requires each district board to compile the reports and make them publicly available.

Directs each district board to enter into agreements with law enforcement officials, the juvenile justice system, and social services to help maintain a safe school environment. Requires each district board to adopt the following policies:

- A crisis management policy;
- A policy requiring annual school building inspections;
- A policy to share and release information concerning students to the full extent allowed by state and federal law;
- An open school policy to allow parents and members of the district board reasonable access to observe classes, activities, and functions at each public school;
- A policy of screening licensed and nonlicensed employees for criminal activity.

Grants immunity from civil and criminal liability to teachers and other persons who act in good faith in implementing the safe school policies. Allows the state board of education ("state board") to withhold a school district's state share of total program funding if the school district is in willful noncompliance with the safe school reporting requirements.

Allows public schools and school districts to release information directly related to a student and maintained by a school or by a person acting for the school under conditions consistent with applicable provisions of the federal "Family Education Rights and Privacy Act of 1974" (FERPA) and all federal regulations adopted in relation thereto. Specifically allows release of information:

- To other school officials of the school in which the student is enrolled or to officials at a school at which the student is seeking enrollment, if a reasonable effort is made to notify the student's parent or legal guardian;
- To state or local officials if the disclosure concerns the juvenile justice system and the system's ability to serve the student;
- To comply with a judicial order or lawfully issued subpoena, if a reasonable effort is made to notify the student's parent or legal guardian;
- In connection with an emergency if necessary to protect the health or safety of the student or others.

Allows the principal of a school or the principal's designee access without a court order to juvenile court records of a juvenile who is or will be enrolled in such principal's school. Allows the principal of a school or the principal's designee access to a juvenile probation officer's records of a juvenile who is or

will be enrolled in such principal's school. Requires the prosecuting attorney to notify the principal of a juvenile's school when a petition is filed in juvenile court against a juvenile enrolled in the school and to disclose information contained in the arrest and criminal records information pertaining to that juvenile.

Allows a district board to adopt a dress code policy for teachers and other school employees. Allows a school district to disclose specified performance or disciplinary records of a teacher to a school district at which the teacher has applied for employment.

Specifies that a school district may provide educational services, similar to those services provided to expelled students, for students who are at risk of suspension or expulsion from school ("at-risk students"). Expands the entities with which the school district may contract for such educational services to include charter schools and nonpublic, nonparochial schools, so long as the services provided by a nonpublic, nonparochial school have been previously approved by the state board. Allows any school district, charter school, nonpublic, nonparochial school, board of cooperative services, or pilot school providing services to expelled or at-risk students to apply for moneys through the expelled and at-risk student services grant program ("grant program"). If an expelling school district contracts with another entity for provision of educational services to expelled students, increases the amount of school district funding that the expelling school district must transfer to the other entity from 80% of the district per pupil operating revenues to 95% of the district per pupil revenues.

Requires the state board to adopt rules specifying criteria to be used to measure the effectiveness of educational services

provided through the grant program. If a grant applicant has received funding through the grant program in the preceding 5 years, requires the grant applicant to provide information regarding the effectiveness of the applicant's educational services. Requires the state board to annually award at least 45% of the moneys appropriated to the grant program to applicants who provide services to students from multiple school districts.

States that any student enrolled in a public school may be subject to being declared an habitually disruptive student for purposes of suspension or expulsion. Requires each student who is declared an habitually disruptive student and the student's parent, legal guardian, or legal custodian to be notified in writing and by telephone or other means of the definition of "habitually disruptive student" and the mandatory expulsion of such students. Repeals the requirement that an habitually disruptive student receive a remedial discipline plan prior to expulsion.

Specifies that students' rights of free expression do not extend to expression that threatens violence to property or persons.

Appropriates \$2,000,000 to the department of education for implementation of the provisions of the act concerning educational services for expelled and at-risk students.

EFFECTIVE June 2, 2000

Added 22-32-109.1; 22-32-109(1)(cc); repealed 22-32-109(1)(w); 22-32-109(1)(x); 22-32-110(2); 22-32-110(3); 22-32-110(3.5); 22-32-110(4); added 24-72-204(3)(e); 19-1-304(1)(a)(XVI); amended 19-1-304 IP(1)(c); added 19-1-304(1)(c)(XI); amended 19-1-304(5.5); 19-1-103(94.3); amended 22-63-202(4); 22-33-200 (entire part 2); 22-33-

106(1)(c.5); 22-1-120(3); added 22-2-107(1)(s).

S.B. 00-160 Administrative personnel - qualifications for employment - exception from licensure. Allows the board of education of a school district to set its own qualifications for the hiring of administrators in the school district. Clarifies that licensure is not a condition of employment for administrators.

EFFECTIVE May 26, 2000

Added 22-63-103(1.5); 22-63-201(3).

S.B. 00-181 K-12 capital construction - state assistance in funding construction projects - appropriation. Makes legislative findings concerning K-12 capital construction funding. Establishes 3 methods for providing state assistance to school districts for capital improvements as follows:

- Implements the constitutional provision allowing the state treasurer to loan money from the permanent school fund to school districts to fund capital construction projects. Requires the state treasurer to determine procedures for the making of loans subject to conditions established by statute. Authorizes the state board of education ("state board") to evaluate loan applications and to present the state treasurer with a prioritized list of districts to receive loans. Allows the state treasurer to determine the amount of the permanent school fund that can be loaned out and the interest rate to be charged on the loans.
- Establishes the school capital construction expenditures reserve and authorizes the state board to order payments from the

reserve for capital expenditures of school districts that address immediate safety hazards or health concerns, that relieve excessive operating costs created by insufficient maintenance or construction spending, or that relieve conditions that detract from an effective learning environment. Requires the appropriation of \$5,000,000 for the 2000-01 fiscal year into the reserve with the appropriation increased to \$10,000,000 for fiscal years 2001-02 through 2010-11. Transfers any moneys not expended from such reserve by March 15 of each fiscal year to the school construction and renovation fund to be used for grants to school districts for capital construction projects.

- Directs the appropriation of \$5,000,000 for the 2002-03 fiscal year to the school construction and renovation fund with the appropriation increased to \$10,000,000 for fiscal years 2003-04 through 2010-11. Authorizes the use of those moneys for grants to school districts for capital construction projects as currently authorized by statute. Directs the state board to determine the local match for each grant. Authorizes the state board to ask for assistance from other state departments and agencies in evaluating grant and loan applications. Modifies the information required of grant and loan applicants and the criteria to be used by the state board in determining the prioritized list of applicants. Requires submittal of the prioritized list to the capital development committee for determination of how many projects can be funded within the available appropriation.

Appropriates \$5,000,000 from the capital expenditures reserve to the department of education for the 2000-01 fiscal year.

Makes the creation of the school capital construction expenditures reserve and the appropriation of general fund moneys to the reserve and to the school construction and renovation fund contingent on a final state court order under which the state will provide financial assistance to school districts for capital construction (thus allowing the general fund appropriation to be made outside the state's statutory appropriations limit) and under which the *Giardino v. Colorado State Bd. of Education* lawsuit is dismissed.

EFFECTIVE July 1, 2000

Added 24-75-201.1(4); 22-54-117(1.5); amended 22-54-117(2); 22-54-117(3); 22-54-117(6); 22-43.7-101(2); 22-43.7-101(3); 22-43.7-102(2); added 22-43.7-102(2.7); 22-43.7-103.5; amended 22-43.7-104; 22-43.7-103; 22-43.7-105; 22-43.7-106; added 2-3-1304(1)(a.6); amended 2-3-1304(1)(b).

S.B. 00-186 Education reform - academic performance and improvement grades - school report cards - school improvement plans - independent charter schools - transportation tokens - school awards - new assessments - accountability - home-based educational programs - opt-in for human sexuality and reproduction classes - college sophomore assessment - repeals.
Enacts education reform measures.

School report cards. Requires the department of education ("department") to establish a state data reporting system, including computer capabilities and procedures, to produce school report cards. Specifies how the school academic performance and school improvement grades and the

designations of school improvement will be calculated. Establishes the format of the school report cards.

Beginning August 2001, requires the department to deliver school report cards by August 15 of each year and requires the department to establish a web site on which school report card information will be placed. Authorizes the department to produce a school report card for a nonpublic school if the nonpublic school pays all costs associated with the report cards.

Authorizes the state board of education ("state board") to establish an assessment team for schools that receive an academic performance grade of "D". Requires other state departments and agencies to assist the department in coordinating services to such schools. Requires the state board to notify school districts by June 15 of any schools in the district that will receive an academic performance grade of "F". Authorizes the local school board to submit a school improvement plan and specifies when the state board may recommend that an "F" school be converted to an independent charter school. Requires the state board to notify the school district when a school within the district is entitled to an award under the school awards program.

Establishes as one of the duties of the commissioner of education, maintaining academic performance and safety environment records of all public schools. Prohibits the state board from waiving any requirements necessary to prepare the school report cards. Prohibits the state board from waiving requirements related to assessments and school report cards for charter schools.

Accreditation of school districts. Requires all school district accreditation indicators relating to statewide

assessments to be consistent with the methodology for determining academic performance grades. Specifies that initial school district accreditation contracts shall take effect July 1, 2001.

Independent charter schools.
Establishes a procedure for converting to independent charter schools those schools that receive a failing academic performance grade. Whenever the state board recommends that a school be converted to an independent charter school, requires the state board to issue a request for proposals. Requires the state board to specify what is to be included in the responses to the request for proposals. Establishes a review committee to review the requests for proposals and to make recommendations to the state board. Directs the state board to select one applicant to negotiate with the local school board for a charter for an independent charter school. Specifies the process for negotiating the independent charter.

Requires the local board of education to grant a charter by May 30. If the school improves its academic performance grade to a "D" or better, authorizes the independent charter school and the local board to agree that the school may stay under the supervision of the district rather than converting to an independent charter school. Specifies the options available to an independent charter school at the end of the term of the independent charter. Specifies that other provisions of the "Charter School Act" apply to independent charter schools.

Transportation token program. Creates a program to provide transportation assistance for eligible students who attend a school that receives an academic performance grade of "D" or "F".

School awards program. Amends the excellent schools program as follows:

- Directs one-third of the moneys available for awards to schools that receive an overall standardized, weighted total score for academic performance that is within the top 8% of all public schools;
- Makes moneys available first to schools that in the previous year received an academic performance grade of "D" or "F" and an academic improvement grade of "A";
- Directs remaining funds to other schools whose overall standardized, weighted total score for academic performance improves the most.

Assessments. Expands the Colorado student assessment program so that all students enrolled in public schools will take assessment tests in reading, writing, and mathematics every year from third grade through tenth grade. Requires all eleventh grade students enrolled in public schools to take a college entrance examination. Specifies those students whose grades are not counted for school report cards or accreditation.

Local accountability. Requires the board of education of each school district to appoint or create a process for the election of a school district accountability committee. Specifies the membership of the school district accountability committee. Waives this requirement for any school district that established a comparable committee prior to January 1, 2000. Requires the school district accountability committee to consult with school advisory councils before making recommendations to the state board.

Requires each public school to establish a school advisory council, and specifies

membership on the council. Waives this requirement for any school that established a comparable council prior to January 1, 2000. Establishes duties and a minimum number of meetings for school advisory councils.

Requires any pilot program established by the state board to focus on basic skills.

Non-public home-based educational programs. Authorizes parents who are providing a non-public home-based educational program to their children to report to any school district in the state, not just the school district in which they reside. Specifies that test scores for a child participating in a non-public home-based educational program shall not be considered for awarding school academic performance grades or accreditation. Requires the consent of the parent for determining placement of a child in a grade level whenever the child returns to public school. Specifies how a child participating in a non-public home-based program can participate in extracurricular or interscholastic activities at a public or private school.

Comprehensive health education. Requires prior written approval from a parent or guardian before a student can participate in a program discussing sexuality and human reproduction. As part of the law-related education program, requires instruction on the United States Constitution and the Declaration of Independence. Repeals the recommendation for the D.A.R.E. program as part of the law-related education program.

College sophomore assessment examination. Authorizes the Colorado commission on higher education to administer, during the spring semesters of 2000 and 2001, a standardized, college-level assessment to students at one or more state-supported institutions

of higher education during the second year of postsecondary education. Requires a report and a decision item if the test is to be administered in fiscal years thereafter.

Repeals. Repeals the authority of the state board to temporarily waive regulatory requirements. Repeals school district capital improvement zones. Repeals the duty of the state board to analyze the use of technology in schools and whether the education system addresses diverse learning needs and to make recommendations for incentives for school districts to achieve academic excellence. Repeals the requirement for an annual public meeting to discuss the effectiveness of standards-based education. Repeals the public education incentive program. Repeals the limitation that not more than 24 hours per year may be spent on parent-teacher conferences and in-service programs.

EFFECTIVE April 10, 2000

Added 22-7-600 (entire part 6); 22-30.5-300 (entire part 3); amended, added, repealed, and repealed and reenacted various sections of title 22, and added 23-1-124.

S.B. 00-195 Professional competencies - subject matter - special waiver - teacher preparation programs - nonpublic institutions - minimum hours. Requires the state board of education ("state board") to identify by rule those professional competencies required of applicants for provisional teacher licenses and professional teacher licenses. Limits those professional competencies to the scope of the subject matter to be taught and specifically to the state model content standards.

Upon application of a school district or board of cooperative services, allows the state board to grant a waiver of the

requirement that applicants for provisional teacher licenses demonstrate professional competencies. Such a waiver may be granted by a two-thirds vote of the state board if it is demonstrated that:

- The license applicant is employed under an authorization issued by the department of education;
- Enforcement of the requirement would cause extreme hardship to the school district, the board of cooperative services, or the license applicant; and
- Documentary evidence shows that the applicant's skill level is comparable to the skill level of an

Clarifies that teacher preparation programs provided by nonpublic institutions of higher education shall be approved if, in addition to current requirements, the program contains a requirement of a minimum of 800 hours of supervised, field-based experience.

EFFECTIVE May 26, 2000

Repealed and reenacted 22-60.5-203(2); amended 22-32-110.3(4)(d); added 22-60.5-114(3); amended 23-1-121(5); 23-1-121(6).

S.J.R. 00-024 Character education. The sixty-second general assembly of the state of Colorado hereby encourages each school district to work with parents to promote moral literacy, as well as academic literacy, in our public schools.

SIGNED by the president of the senate and the speaker of the house.

H.B. 00-1040 Waiver of statutes and rules - exceptions - request by school district or principal - notice and hearing - duration. Repeals and reenacts the provisions allowing waivers of statutory and regulatory requirements imposed on school districts. Allows the state board of education ("state board") to grant a

waiver if it determines that the waiver would enhance educational opportunity and quality within the school district and that the costs of complying with the requirements for which a waiver is requested significantly limit educational opportunity within the school district. Requires any school district applying for a waiver to specify how it will comply with the intent of the waived statute or rule. Prohibits the state board from granting waivers of the public school finance act or the exceptional children's educational act.

Permits a principal of a public school to initiate a request for a waiver. Allows the school district to either adopt such request and forward it to the state board or not adopt the request. Limits the scope of the request to the specific school where the request originated, unless otherwise designated by the school district. Requires any school district with a funded pupil count of 3,000 or more pupils to include with the waiver application evidence of the consent of a majority of the accountability committee, the licensed administrators, and the teachers.

Requires a school district board of education, in applying for a waiver, to adopt, in a public meeting that includes a public hearing, a resolution stating the intent to apply for a waiver and specifying the statutes and rules for which a waiver will be requested. Requires the school district to post notice of such meeting and publish such notice in a newspaper in the county. Requires the school district board of education to meet and consult with the school district accountability committee at least 60 days prior to the public meeting and hearing.

Specifies that a waiver shall remain in place until the school district holding the waiver requests revocation or until the state board of education receives

evidence of good and just cause for revocation. Directs that, if the state board of education revokes a waiver, the revocation must occur in a public meeting and hearing. Clarifies that waivers requested by charter schools are governed by the applicable provisions of the charter school act.

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 1 of this report.

Repealed and reenacted 22-2-117.

H.B. 00-1124 Charter school building - planning and siting - public school bonds or loans - capital expenditures.

Clarifies that all decisions regarding the planning, siting, and inspection of charter school facilities are made in the same manner as decisions regarding the planning, siting, and inspection of public schools generally and as specified by contract with the school district. Sets forth the time frame for submission of a site development plan and review and comment on the plan, including a public hearing, if any.

Limits the bringing of legal actions questioning the legality of school bonds or loans to within 30 days after the bonds are authorized or a loan is executed. Clarifies that the definition of "capital outlay expenditures" applies to expenditures by purchase or lease and includes software licensing agreements. Specifies that "equipment" includes items set forth in the administrative financial policies and procedures handbook.

Allows expenditures from the capital reserve fund for installment purchase agreements and leases with an option to purchase entered into by a charter

school and for leasing agreements without an option to purchase entered into by a school district or a charter school. Allows expenditures for software licensing agreements in excess of \$1,000.

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 1 of this report.

Added 22-30.5-104(9); 22-32-124(1.5); 22-42-129; 22-45-101(2); amended 22-45-103(1)(c)(I)(A); 22-45-103(1)(c)(I)(B); 22-45-103(1)(c)(I)(C); 22-45-103(1)(c)(I)(F); added 22-45-103(1)(c)(I)(G); amended 22-54-102(3)(a).

H.B. 00-1136 Learning improvement grant program - creation. Creates the learning improvement grant program to provide grants to schools for programs designed to enhance the literacy and reading comprehension skills of early elementary school students. Authorizes the read-to-achieve board ("board") to award the grants. Specifies some criteria for awarding grants and authorizes the board to adopt additional criteria. Directs the department of education to report to the education committees of the senate and the house of representatives on the effectiveness of the programs that receive grants. Instructs the department of education to seek any available funding for literacy programs. Creates the learning improvement fund for funding literacy programs.

EFFECTIVE June 2, 2000

Added 22-7-507.

H.B. 00-1151 Professional educator licenses - issuance to holders of

out-of-state licenses or certificates - comparable standards - experience. Permits the state board of education to grant professional licenses to teachers, special services providers, principals, and administrators if:

- The applicant is from another state and held a comparable license in the other state;
- The standards for the comparable license or certificate in the other state meet or exceed the standards for such a license in Colorado; and
- The applicant has had at least 3 years of continuous, successful, evaluated experience as a teacher, special services provider, principal, or administrator, as the case may be, in an established elementary or secondary school and can provide documentation of such experience on forms provided by the department.

Clarifies that such applicants need not have:

- Completed an approved induction program;
- Held a provisional license in the field; or
- Demonstrated professional competencies in subject areas as specified by rule of the state board of education.

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 1 of this report.

Amended 22-60.5-201 IP(1)(c)(I); added 22-60.5-201(1)(c)(II.5); amended 22-60.5-201(3); 22-60.5-210(3); 22-60.5-301(3); 22-60.5-306(3).

H.B. 00-1159 School finance - study of funding education programs for children with disabilities - special education funding - appropriation. Increases statewide base per pupil funding from \$3,878 to \$4,001.70. Changes the calculation of the minimum per pupil funding for the 2000-01 budget year and years thereafter. Provides that no district shall have a size factor of less than 1.0194 for the 2000-01 budget year and a size factor of less than 1.0268 for the 2001-02 budget year. Further modifies the size factor table for the 2002-03 budget year and budget years thereafter. Changes the calculation of a district's cost of living factor for the 2000-01 budget year and budget years thereafter. Changes the calculation of a district's at-risk factor to provide that districts with a funded pupil count of greater than 50,000 will receive a higher factor. Makes an additional appropriation to the department of education of \$8,963,832 to fund the school finance act for the 2000-01 fiscal year (this amount is in addition to the appropriation for school finance in the long bill).

Clarifies that school districts are not authorized to seek voter approval to impose additional mill levies except as authorized in the "Public School Finance Act of 1994" and that voter approval to receive additional revenues within its constitutional fiscal year spending limitations does not constitute voter approval to exceed said mill levies specified under the act.

Requires the department of education to conduct a study of funding education programs for children with disabilities and to report its findings, including any recommendations for legislation, to the general assembly by October 1, 2000. Makes an appropriation of \$50,000 to the department of education to fund the study.

For the 2000-01 budget year and budget years thereafter, provides that \$500,000 will be distributed to administrative units serving children with disabilities with no identifiable district of residence. Appropriates such amount to the department of education for the 2000-01 fiscal year.

Provides additional moneys to fund the school finance program for the 2000-01 fiscal year by:

- (1) Transferring an amount not to exceed \$2,000,000 to the state public school fund that would otherwise revert to the general fund at the end of the 1999-2000 fiscal year; and
- (2) Appropriating \$550,000 of general fund moneys that otherwise would be appropriated to the capital construction fund for further appropriation to the department of transportation for highway construction projects.

EFFECTIVE April 28, 2000

Amended 22-54-104(2)(a)(IV)(D); added 22-54-104(5)(a)(VII); amended 22-54-104(5)(b)(I.3)(A); added 22-54-104(5)(b)(I.3)(C); 22-54-104(5)(b)(I.4); amended 22-54-104(5)(c)(II)(B); added 22-54-104(5)(c)(II)(B.1); amended 22-54-104(5)(f); 22-54-106(5); added 22-20-117; 22-20-114(1)(b.8); 24-75-102(3).

H.B. 00-1173 Teachers - development activities - grant program - appropriation. Creates the teacher development grant program ("grant program") to provide moneys to schools for use in providing a teacher development schedule of activities. Specifies that teacher development activities shall be research-based activities that have been proven effective in improving teacher skills.

Beginning October 1, 2000, instructs the state board of education ("state board") annually to award teacher development grants to selected schools. Specifies that each grant shall continue for 2 years, subject to a one-year progress review. Limits each 2-year grant to a maximum of \$20,000. Allows a school to reapply upon expiration of a grant. Requires the state board to adopt rules for implementation of the grant program. Instructs the department of education ("department") to solicit public and private moneys for implementation of the grant program.

Allows any public school to participate voluntarily in the program by submitting a grant application. Requires a school, prior to submitting the application, to submit information concerning the proposed teacher development activities to the board of education of the school district in which the school is located. Requires the board of education to provide a statement of support or opposition for the application, including reasons underlying the board's support or opposition. Specifies the minimum information to be included in the grant application.

Creates the teacher development advisory council ("council"), appointed by the governor with the consent of the senate, to review the applications received and to submit a list of recommendations to the state board concerning selection of grant recipients. Identifies membership of the council. Requires the state board to either accept or reject the entire list of proposed grant recipients. Upon rejection of the list, allows the council to submit a replacement list. Specifies the criteria that the council shall apply in selecting recipients. Prohibits the council from awarding a grant to a school that has made ineffective use of federal funds. Directs the council to review the annual progress reports submitted by grant

recipients and to make recommendations to the state board concerning any recipients whose grant should be discontinued for failure to make adequate progress in achieving the goals identified in the grant application.

Requires each grant recipient to submit to the department a progress report after the first year of the grant and a final report upon expiration of the grant specifying the progress made in achieving the goals identified in the application. Specifies the minimum required contents of the reports. On or before January 15, 2002, and on or before each January 15 thereafter, instructs the department to submit to the governor, the education committees of the senate and the house of representatives, the council, and the board of education for each school district in which a grant recipient is located a state report on the grant program. Specifies the contents of the report. Creates the teacher development fund for payment of teacher development grants.

Appropriates \$2,000,000 to the teacher development fund for implementation of the grant program.

EFFECTIVE June 2, 2000

Added 22-7-700 (entire part 7); 2-3-1203(3)(w).

H.B. 00-1202 Public schools - release of student information - surveys - parental consent. Requires school districts to comply with the federal "Family Educational Rights and Privacy Act" regarding education records of students. Prohibits school districts from releasing education records or directory information of a student without first

receiving written consent of the student's parent or legal guardian.

Directs school districts to comply with the federal "Family and Educational Rights and Privacy Act" regarding surveys, analyses, or evaluations given to students. Requires a school or school district employee who requires participation in a survey, analysis, or evaluation in a public school's curriculum or other school activity to obtain the written consent of a student's parent or legal guardian before administering the survey, analysis, or evaluation designed to reveal certain information. Requires a parent or legal guardian to be given two weeks' notice to obtain information about the means, purposes of, and access to the information derived from the survey, analysis, or evaluation. Expects from the notice provisions: Public school employees releasing information in connection with an emergency, child abuse reporting requirements, or a court order; students preparing or participating in an survey, analysis, or evaluation while working under the supervision of a journalism teacher or sponsor; and health professionals acting as agents of a school district who are evaluating an individual child.

Requires a school district to provide a notice containing specified information to parents and legal guardians at the time of requesting consent for release of information. Limits the consent of a parent or legal guardian to the specific instance for which it was given. Requires the school district to retain consent forms.

Requires each school district annually to send notice of rights under the act to each student's parent or legal guardian. Specifies that any right accorded to a parent or legal guardian pursuant to the act transfers to the relevant student when the student attains 18 years of age.

Allows the department of education to suspend or revoke, for a period not less than 90 days, a license, certificate, endorsement, or authorization of an individual found by the state board to have violated the privacy rights established by the act.

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 1 of this report.

Added 22-1-123; amended 22-60.5-107(5).

H.B. 00-1222 School districts - hiring of nonlicensed employees during critical shortages - retirement benefits - employer contributions - PERA requirements. Empowers a school district board of education to adopt a resolution, effective for up to one year, declaring a critical shortage of nonlicensed employees. Permits a school district, after adoption of the resolution, to hire persons receiving retirement benefits from the public employees' retirement association ("PERA") or from the public school teachers retirement fund or the school district retirement plans, as nonlicensed employees. Permits the non-licensed employees hired to receive a salary from the school district without a reduction in the retirement benefits such persons already receive from PERA, the public school teachers retirement fund, or a school district retirement fund. Requires a school district to make employer contributions on such salaries under certain circumstances. Exempts PERA service retirees hired as nonlicensed employees pursuant to a critical shortage resolution from PERA membership requirements. Prohibits a PERA benefit recalculation upon the

termination of any such PERA service retiree's employment.

EFFECTIVE July 1, 2000

Amended 22-32-109(1)(f); 24-51-1101; added 24-51-1103.5; 22-64-111(4); 22-64-211(4); 22-64-218(5).

H.B. 00-1251 Magnet school - repeal of planning board. Sunsets the magnet school planning board.

EFFECTIVE July 1, 2000

Repealed 2-3-1203(3)(m)(l); 22-84-0 (entire article).

H.R. 00-1013 Character education. The house of representatives of the sixty-second general assembly of the state of Colorado hereby encourages each school district to work with parents and community members of each district to establish a character education program designed to help students cultivate the tools and ability to make wise decisions, strengthen their integrity, and choose positive life paths so that they may mature into competent, caring, honest, respectful, responsible, contributing members of society and further, that the house of representatives of the general assembly of the state of Colorado supports the continuing efforts of the department of education to obtain and distribute character education data.

SIGNED by the speaker of the house.

EDUCATION - UNIVERSITIES AND COLLEGES

S.B. 00-183 Colorado institute of technology - established - board. Repeals and reenacts in a new location, with amendments, the statutory authority

for the Colorado institute of technology ("institute"). Authorizes certain institutions and systems of higher education to incorporate the institute as a nonprofit corporation. Specifies that the institute is not a governmental entity and is not subject to laws applicable only to governmental agencies, but is subject to the Colorado open records and open meetings laws.

Specifies the membership on the board of directors of the institute, and directs the board to establish policies and direction for the institute. Establishes a mission for the institute. Authorizes private entities and institutions of higher education to participate with the institute.

APPROVED by Governor March 8, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 1 of this report.

Added 23-73-0 (entire article); repealed 23-20.3-0 (entire article).

H.B. 00-1355 Colorado high technology scholarship program - income tax credit - refund of excess state revenues to comply with TABOR. Creates the Colorado high technology scholarship program (the program) for the purpose of awarding scholarships to in-state students who enroll in Colorado institutions of higher education and pursue high technology related certificates or degrees.

Creates the high technology scholarship program advisory committee in the department of higher education (the department). Specifies the membership of the advisory committee and the terms of the appointed members of the

advisory committee. Requires the advisory committee to establish general guidelines for the department to use in awarding scholarships under the program. Eliminates the advisory committee on July 1, 2010, but provides for sunset review of the committee prior to that date.

Requires the Colorado commission on higher education (CCHE), in consultation with the high technology scholarship program advisory committee, to determine the eligibility requirements for scholarships to be awarded under the program.

Requires filing any application for a high technology scholarship with the department and specifies certain information to be included in the applications. Authorizes the executive director of CCHE to award scholarships to persons in amounts as determined by the department of higher education consistent with the general guidelines for awarding scholarships established by the high technology scholarship program advisory committee and any limitations imposed by an individual or entity that makes contributions to the program. Requires the executive director to give primary consideration to an applicant's financial need in awarding scholarships. Requires scholarships to be paid from moneys in a newly created high technology scholarship fund.

Authorizes the department to accept monetary contributions for scholarships to be awarded under the program. Requires the department to issue certificates to individuals and entities that make monetary contributions.

Specifies that monetary contributions received by the department for purposes of the program shall be credited to the high technology scholarship fund. States that moneys in the fund shall be

used to pay scholarships awarded through the program and the administrative costs of the department. Requires all interest earned on moneys in the fund to be credited to the fund and specifies that moneys in the fund shall not be credited or transferred to any other fund.

As a method of refunding state revenues in excess of the constitutional limitation on state fiscal year spending, for income tax years commencing on or after January 1, 2001, for which the amount of excess state revenues is at least \$330,000,000, as annually adjusted for inflation, establishes a credit against the state income tax for monetary contributions made to the program for which a certificate is issued by the department. Specifies that the credit shall be allowed in an amount equal to 25% of the total contributions made by a taxpayer in an income tax year, but prohibits the amount of the credit from exceeding 15% of the taxpayer's income tax liability for that tax year. If the income tax credit is claimed, requires the amount of any federal income tax deduction for monetary contributions to the program that may be allowed to be added back to federal taxable income for Colorado income tax purposes.

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 1 of this report.

Added 23-17-0 (entire article); 39-22-523; 39-22-104(3)(h); 39-22-304(2)(g); 2-3-1203(3)(w).

H.B. 00-1464 Basic skills courses - institutions offering - freshmen assessments - data and reporting. Requires the Colorado commission on higher education ("commission") to

adopt, and the governing boards of state institutions of higher education to implement, standards and procedures whereby basic skills courses may be offered by such institutions. Permits only community colleges, local community colleges, Adams state college, and Mesa state college to receive state reimbursement for offering basic skills courses. Prohibits all other institutions from offering basic skills courses, unless the courses are offered by contract through an institution authorized to offer the courses. Prohibits Metropolitan state college of Denver and the university of Colorado at Denver from either offering basic skills courses or contracting for such courses.

Requires institutions offering basic skills courses to track students who take the courses, compile specified data, and report annually to the commission. Directs the commission to report annually an analysis of the data regarding students who take basic skills courses, the costs of providing basic skills courses, and the ability of students taking such courses to complete successfully requirements for graduation. Requires the commission to disseminate the analysis to each school district and public high school.

Directs the governing board of each institution of higher education to adopt policies, beginning with the fall semester 2001, that ensure first-year students take basic skills assessment tests in English and math. Requires students whose scores indicate a need for remediation to take the appropriate basic skills course work before the end of their freshman year.

EFFECTIVE June 1, 2000

Added 23-1-113.3; amended 23-1-113(1)(b); 10-3-102(1)(b); 10-3-215(1)(h).

ELECTIONS

H.B. 00-1100 Election expenses - state ballot measures - state reimbursement to counties. Requires that the state reimburse a county for election costs that are directly attributable to conducting an election in an odd-numbered year in which the only item on the county ballot is a state ballot issue. For any other odd- or even-numbered year election in which a state ballot issue or state ballot question is on the ballot of a particular county, requires the state to reimburse that county for the cost of the duties performed by the county clerk and recorder that relate to conducting the election on the state ballot issue or ballot question at the following rates:

- I. \$0.45 for each active registered elector as of the time of the election for counties in which there are 10,000 or fewer active registered electors; and
- II. \$0.35 for each active registered elector as of the time of the election for counties with 10,001 or more active registered electors.

EFFECTIVE August 2, 2000

NOTE This act was passed without a safety clause. For further explanation concerning the effective date, see page 1 of this report.

Amended 1-5-505(1); added 1-5-505.5; amended 1-7-116(2)(b); 24-21-104.5.

H.B. 00-1391 Election judges - appointment of high school students. Commencing with the November 2000 general election, authorizes county clerks and recorders to appoint qualified high school students to serve as student election judges. Authorizes the clerks and recorders to work with school districts and individual public or private

secondary educational institutions to identify students willing and able to serve as student election judges. Specifies that the districts or educational institutions may submit the names of the students to the clerk and recorder of the county in which the school district or educational institution is located. Allows home-schooled students to apply to the county clerks and recorders for appointment as a student election judge.

Specifies the qualifications for appointment as a student election judge. Authorizes the county clerk and recorder to designate the precinct in which the student election judges shall serve. Limits the number of student election judges that may serve in any one precinct. Allows student election judges to receive up to 75% of the compensation received by a non-student election judge for their service.

Specifies that a student election judge may also be appointed to serve as a judge for the purpose of counting absentee and early ballots.

EFFECTIVE July 1, 2000

Amended 1-6-101(1); 1-6-101 IP(2); added 1-6-101(7); 1-6-104(4); amended 1-6-111(1); added 1-6-111(7); amended 1-6-115(1); 1-6-115(2); 1-6-115(3); added 1-8-301(4).

GOVERNMENT - MUNICIPAL

H.B. 00-1095 Municipal elections - revisions and clarifications. Makes revisions and clarifications to provisions governing municipal elections.

Generally. Allows a governing body to withdraw a ballot issue from the ballot without cancelling the election. Allows a governing body to cancel an

election for public officials and on ballot issues or ballot questions only if the candidates are unopposed and the ballot issues or ballot questions have been withdrawn. Establishes a closing date for local elections reporting periods under the “Fair Campaign Practices Act”. Excludes any election that is not a regularly scheduled municipal election from the definition of a “regular election”.

Municipal home rule. Requires the governing body of a municipality seeking a home rule charter to set the ballot title for the charter election within 60 days after the date that the proposed charter is submitted. Requires any ordinance adopted by a governing body for purposes of amending the home rule charter to include a ballot title for the proposed charter amendment. Requires a governing body to set the ballot title for a petition to amend a home rule charter at the body’s next meeting after the petition is deemed sufficient. Allows revisions to petitions deemed insufficient within 15 days after the inefficiency is declared. Removes the presumption that the signatures on a petition for the adoption, amendment, or repeal of a home rule charter are authentic if the petition is accompanied by an affidavit of the circulator of the petition. Requires the municipal clerk to inspect petitions for adoption, amendment, or repeal of a home rule charter and petitions for the nomination of a municipal officer and the affidavits attached to those petitions to ensure compliance with applicable laws. Removes the requirement that circulators of petitions be registered electors of the municipality.

Officers’ recall. Requires municipal clerks to mail a copy of any protest to a recall election to the officer who is the subject of the recall petition. Clarifies that the governing body of a municipality must set a recall election within 90 days from the date of submission of the recall petition. Limits

inclusion of a recall election as part of a coordinated election to cases where the recall election ballot has been determined by the date of certification of the ballot content for the election. Requires termination of the recall proceedings upon submission of a written resignation by the officer to the clerk prior to the election. Prohibits the counting of the votes cast on a recall question when the officer resigns at a time when the recall question cannot be removed from the ballot. Requires the absentee polling place for recall elections to be open between the 10th and 5th day before the election. Clarifies that the circulation or filing of a recall petition against an officer is prohibited until the officer has held office for at least 6 months following election or reelection to office, and prohibits the continuance of pending recall proceedings against an officer until the officer has held office for at least 6 months following the elections or reelection. Subjects officers and candidates involved in a recall election to the “Fair Campaign Practices Act” reporting requirements. Authorizes the municipal clerk or the deputy clerk to resolve controversies concerning recall questions and initiative and referendum petitions.

Municipal election code. Clarifies that special elections may be called either by ordinance or resolution of the municipal governing body. Modifies the signature requirements for petitions to nominate municipal officers and permits the use of abbreviations that reasonably identify the registered elector’s residence and date of signing. Authorizes the municipal clerk to determine the validity of or reject the signature of a registered elector that appears more than once on a nominating petition. Permits any registered elector in Colorado to serve as an election judge. Allows relatives of an applicant to sign an application for an absentee voter’s ballot on behalf of the applicant

and allow applicants who cannot sign to affix their mark on the application as long as such mark is witnessed by another person. Modifies provisions on when a recount is to be conducted. Starts the period within which an election contest must be filed on the date on which a recount must be requested or completed rather than the date on which the votes were canvassed.

Municipal initiatives, referenda, and referred measures. Modifies the municipal initiatives, referenda, and referred measures provisions relating to the computation of time, the submission of a proposed ordinance, petition forms and circulator affidavits, the protest period, and the duties of the clerk.

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 1 of this report.

Amended 1-5-208(2); 1-5-208(3); 1-5-208(4); 1-5-208(5); added 1-45-108(2)(e); and amended and added to various citations in title 31, sections 1, 2, 4, 10 and 11.

GOVERNMENT - STATE

S.B. 00-71 Tobacco settlement moneys - guidelines for use - program review - Colorado nurse home visitor program - children's basic health plan trust - tobacco-related and tobacco-focused research grant program - tobacco education, prevention, and cessation grant program - read-to-achieve program - Colorado state veterans trust fund - comprehensive primary and preventive care grant program - attorney general duties - appropriation.

Among the many provisions of the bill:

Creates the read-to-achieve grant program in the department of education under which schools may apply for grants to fund intensive reading programs for 2nd and 3rd grade students with low reading skills and students between 3rd and 4th grade with low reading skills. Creates the read-to-achieve board and specifies the membership. Instructs the board to review grant applications and make recommendations to the state board of education for grant awards. Specifies minimum requirements for grant applications and the criteria for awarding grants. Awards grants for up to 3 years that may be renewed unless the school fails to meet specified levels of improvement in students' reading skills. Directs the read-to-achieve board to adopt written guidelines for administration of the program. Creates the read-to-achieve fund. Allocates annually to the read-to-achieve fund 19% of the tobacco settlement moneys received by the state, up to \$19 million per year.

EFFECTIVE May 18, 2000

Added 22-7-506; 22-7-503(1.5); amended 22-7-504 IP(3); 22-7-504(4); 22-7-504(5)(a); 22-7-505(1)(b) for the read-to-achieve section.

S.B. 00-73 Federal mandates act - repeal. Repeals the "Federal Mandates Act", which at the present time:

- I. Requires any state officer, official, or employee charged with implementing any federal statute to implement such statute in good faith, but with a critical view toward any provision of any related federal regulation, guideline, or policy that is inconsistent with Colorado policy or that does not advance Colorado policy in a cost-effective manner;

- II. Requires any state executive agency that is authorized to develop a state program in response to a federal mandate to develop the program and any necessary regulations in accordance with criteria of: Good faith implementation of all applicable federal statutes with a critical view toward related federal regulations, guidelines, and policies; maximization of efficiency and consideration of the costs and benefits of the program; and the financial restraints of government and the citizens of Colorado;
- III. Allows state appropriations for a program authorized or mandated by a federal statute only if the program is necessary to implement the statute, protect the public health, safety, and welfare, or benefit the state by providing a cost-effective implementation of the statute or a cost-effective means to meet a higher state public health, safety, and welfare standard;
- IV. Provides procedures and requirements to be followed by state agencies in making budget requests for appropriations to be used for state programs authorized or mandated by federal statutes and requires review of such programs by the joint budget committee and the general assembly, and in certain instances the office of state planning and budgeting, before appropriations are made.

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 1 of this report.

Repealed 24-78-0 (entire article); 2-3-203(1)(f); 2-3-303(2)(e); amended 24-33-111(1); 33-2-105.5(1).

S.B. 00-85 Library grants - appropriation.

Establishes a program whereby the state librarian shall make grants to eligible public libraries, academic libraries, and school libraries for the purchase of educational resources. States qualifications and reporting requirements for the grants. Requires that participating school libraries and publicly-supported libraries other than a school library or an academic library providing public access computers:

- I. Equip each computer with software that will limit the ability of minors to gain computer access to material that is obscene or illegal;
- II. Purchase internet connectivity from an internet service provider that provides filter services to limit computer access of minors to material that is obscene or illegal; or
- III. Develop and implement a policy, adopted by the board of education or governing body of such library, as applicable, that establishes measures to restrict minors from obtaining computer information that is obscene or illegal.

Gives a school library or public library that complies with the public access computer requirements contained in the act, immunity from any criminal or civil liability resulting from access by a minor to obscene or illegal material through the use of a public access computer owned or controlled by the school or public library.

Expands the powers of the state librarian to make reasonable rules and regulations for the administration of the library grants program.

EFFECTIVE May 26, 2000

Amended 24-90-105(1)(a)(l); added 24-90-400 (entire part 4).

S.B. 00-194 Department of human services - Colorado commission for the deaf and hard of hearing - creation under sunset law - appointments - duties - appropriation. Declares that a commission for the deaf and hard of hearing would facilitate the provision of general governmental services to the deaf and hard of hearing community while making government more efficient. Creates the Colorado commission for the deaf and hard of hearing (the commission) within the department of human services. Requires the commission to consist of a deaf person, a hard of hearing person, a parent of a person who is deaf or hard of hearing, a professional in the field of deafness, a member of the public, a late deafened person, and an interpreter. Sets the procedures for operation of the commission and appointment of its members.

Requires the commission to:

- I. Act as a liaison between the deaf and hard of hearing community and the state government;
- II. Act as an informational resource for the deaf and hard of hearing community and the state;
- III. Serve as a referral agency for the deaf and hard of hearing and to the state agencies and institutions providing them services;
- IV. Assess how technology has affected the needs of the deaf and hard of hearing and the type and amount of equipment needed by low-income deaf and hard of hearing persons in order to interact with society; and
- V. Assess how the state can provide better and more efficient access to governmental services and submit a report with

recommendations including any proposed legislation, if necessary, to the general assembly.

Creates the Colorado commission for the deaf and hard of hearing cash fund (the fund). Authorizes the commission to approve expenditures from the fund, prepare budgets, and accept and expend gifts, grants, and donations to be deposited in the fund. Transfers \$500,000 from the Colorado disabled telephone users fund to the fund. Authorizes annual transfers of \$25,000 from the Colorado disabled telephone users fund to the fund.

Creates an automatic termination date for the Colorado commission for the deaf and hard of hearing of July 1, 2010, pursuant to the provisions of the sunset law.

Appropriates \$115,527 to the department of human services for allocation to the Colorado commission of the deaf and hard of hearing for the implementation of this act.

EFFECTIVE June 1, 2000

Added 26-21-0 (entire article); 24-34-104(41)(f); 24-1-120(5)(h); amended 40-17-104(1); added 40-17-104(4).

H.B. 00-1077 Bioterrorism expert emergency epidemic response committee - creation - duties - immunity for actions. Defines “bioterrorism”, “emergency epidemic”, and “pandemic influenza”.

Creates the governor’s expert emergency epidemic response committee (the committee) to address emergency needs of the state in case of an epidemic. Requires the committee to supplement the state disaster plan with suggested procedures for handling an

emergency epidemic by July 1, 2001. Requires the committee to provide expert advice to the governor for emergency epidemics or threats thereof. Encourages cooperation with the governor's disaster emergency council.

Establishes the membership of the committee. Specifies that the executive director of the department of public health and environment (the department) shall serve as the chair of the committee. Specifies that the executive director of the department of public safety shall serve ex officio and coordinate communications between the committee, the governor's disaster emergency council, and the Colorado emergency planning commission in the event of an emergency epidemic.

Requires the committee's supplement to the state disaster plan to include provisions for the prioritization, allocation, storage, protection, and distribution of antibiotic and antiviral medicines, antidotes, and vaccines for treatment during an emergency epidemic.

Requires the committee to convene upon a call by the governor or upon request by the executive director of the department to consider evidence of an occurrence or imminent threat of an emergency epidemic. Allows the committee to meet as necessary to address issues related to such an occurrence or threat and to advise the governor, who shall act by executive order, to take measures to protect the public health, including, but not limited to:

- I. Procuring supplies;
- II. Ordering physicians and hospitals to transfer or cease to admit patients or perform medical examinations;
- III. Isolating or quarantining persons or property;

- IV. Determining whether to seize, destroy, or decontaminate property or objects that threaten the public health;
- V. Determining how to dispose of corpses or objects that threaten the public health;
- VI. Assessing the adequacy and potential contamination of food and water supplies;
- VII. Providing mental health support for affected persons; and
- VIII. Informing Coloradans how to protect themselves, what actions are being taken to control the epidemic, and when the epidemic is over.

Limits liability for the members of the committee to willful and wanton misconduct or willful disregard of the public's best interests. Limits the amount of damages awardable to \$100,000 for an individual and \$300,000 for 3 or more individuals, but only allows \$100,000 to be awarded to any one individual as a result of willful and wanton misconduct or willful disregard by a member of the committee. Limits the liability of hospitals, physicians, health insurers or managed health organizations, health care providers, public health workers, or emergency medical service providers who act in good faith to comply completely with rules or executive orders issued in response to an emergency epidemic. Disallows compensation by government entities for personal services rendered in response to an emergency epidemic. Allows for compensation for property taken during an emergency epidemic pursuant to eminent domain laws.

Adds physicians, health care providers, public health workers, and emergency medical service providers to the definition of "civil defense worker" for the purposes of compensation under existing law. Adds illness caused by an emergency epidemic to the existing

grounds for compensation of volunteer civil defense workers.

Gives the department explicit authority to investigate, monitor, and control an emergency epidemic.

Requires the state board of health to promulgate rules regarding emergency epidemics.

EFFECTIVE March 15, 2000

Amended 24-32-2103(1); added 24-32-2103(1.3); 24-32-2103(1.5); 24-32-2103(1.7); 24-32-2103(1.9); 24-32-2104(8); 24-32-2111.5; amended 24-32-2202(3); 24-32-2202(4); added 25-1-107(1)(a.5); 25-1-108(1)(c)(VI).

H.B. 00-1225 Deferred compensation committee - authority to establish defined contribution plan to receive matching employer contributions.

Authorizes the state deferred compensation committee to establish a defined contribution plan pursuant to section 401(a) of the federal internal revenue code to receive matching employer contributions and other contributions authorized by law. Subjects any such plan, to the extent practicable and not prohibited by the internal revenue code, to the provisions governing the existing deferred compensation plan.

EFFECTIVE April 7, 2000

Added 24-52-104.

H.B. 00-1269 Blind or visually impaired persons - information technology access - nonvisual access standards - procurement by state agencies.

Directs the information management commission ("IMC") in the office of innovation and technology to develop for state agencies, on or before February 1,

2001, nonvisual access standards that allow blind or visually impaired individuals to gain access to information. Requires the IMC to approve minimum standards and criteria to be used in approving or rejecting procurements by state agencies for adaptive technologies for use by individuals who are blind or visually impaired. Requires the IMC to consult with state agencies and representatives of blind or visually impaired individuals in developing the nonvisual access standards.

Requires the head of each state agency to establish a written plan and proposed budget requests for implementing the nonvisual access standards for the agency.

States that nothing in the act requires the installation of software or peripheral devices used for nonvisual access when the information technology is being used by individuals who are not blind or visually impaired and that nothing in the act requires the purchase of nonvisual adaptive equipment. Requires state agencies to comply with the act when procuring upgrades or replacements of existing equipment or software.

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 1 of this report.

Added 24-85-0 (entire article); 24-37.5-202(1)(i).

H.B. 00-1395 Personal privacy issues - information technology - task force - interim study - report - appropriation. Creates a 21-member task force, comprising legislators and citizens from a variety of backgrounds, to hold public

meetings during the 2000 and 2001 interim and report its findings to the governor and the general assembly by December 1, 2001. Directs the task force to:

- I. Identify the types of personal information about individuals that is being collected by the state and its political subdivisions, the ways in which such information is used and disseminated, and the existing provisions of state law and administrative rules that protect individual privacy.
- II. Identify the benefits and detriments of information sharing by and among entities that collect, store, and disseminate information relating to individuals and businesses;
- III. Assess the impact of evolving technologies on the collection, dissemination, and use of personal data;
- IV. Educate and inform the public, focus public debate, and suggest personal privacy safeguards;
- V. Ascertain the proper role of government in accomplishing the desired outcomes;
- VI. Examine state and federal statutes and regulations that prohibit, require, or permit sharing of information; and
- VII. Identify any recommended legislation or changes in administrative policy governing the collection, storage, and transfer of data among and within public and private entities.

Assigns the secretary of state to provide staff support, meeting space, and other assistance to the task force once sufficient contributions are received from public and private sources to defray the secretary of state's expenses in doing so. Appropriates \$26,872 from such contributions, once received, for this purpose.

EFFECTIVE May 23, 2000

Added 24-37.5-300 (entire part 3).

H.B. 00-1458 State employees - converting sick leave to salary - PERA contributions and benefits - appropriation. Commencing July 1, 2000 and for a specified time period thereafter, allows state classified employees hired before July 1, 1988, to elect to convert all or a portion of their accumulated sick leave in excess of 360 hours into salary. Establishes the rate at which the leave may be converted. Specifies when and the manner in which the election is made and the salary is paid. Caps the amount of additional sick leave that may be accumulated in the future if an employee converts sick leave to salary. Excludes this amount paid as salary from the employee's base salary for salary adjustment purposes and requires the state and the employee to make contributions to the public employees' retirement association (PERA) on that amount. Allows PERA employers other than the state to allow sick leave to be converted to salary with specified restrictions.

Effective January 1, 2001, requires 30% of the amount of any reduction in the employer contribution rates to PERA resulting from the overfunding of the trust funds of PERA to be allocated to the PERA health care trust fund.

Effective July 1, 2000, reduces the contribution rate that is paid to PERA by state, school, and judicial employers by one percent of salary.

Effective January 1, 2001:

- I. Requires the actuary of PERA to determine the amount of any reduction in the employer contribution rates resulting from

the overfunding of a division by September 1 of each year.

- II. **Lowers the amount by which contribution rates for state and school division employers and judicial division employers are reduced to amortize any overfunding in their trust funds. Specified minimum percentages for those reductions for the 2001-02 fiscal year and fiscal years commencing on or after July 1, 2002.**
- III. **Makes the amount of reduction in the contribution rate for municipal division employers in PERA 20% of the reduction necessary to amortize any overfunding in the municipal division trust fund. Specifies that contribution rates shall change at the start of the fiscal year for municipal division employers that use a fiscal year that starts later than January 1.**

Allows PERA members who retire on and after June 1, 2000, to receive service retirement benefits, without the reduction currently required by statute, if their years of age plus years of service credit total 80 years or more and they are at least 55 years of age and have at least 5 years of service credit.

Effective March 1, 2001, makes the annual increase to PERA benefit recipients 3 1/2% of the base benefit rather than the lesser of 3 1/2% of the rate of inflation and redefines "base benefit" for purposes of the annual increase.

For purposes of implementing the 1% reduction in the contribution rate paid to PERA by state, school, and judicial employers, reduces the appropriations made in the 2000 long bill to the departments of state government by the sum of \$4,806,997.

PORTIONS EFFECTIVE June 1, 2000, July 2, 2000, January 1, 2001 and March 1, 2001

Added 24-50-104(7.5); amended 24-51-101(6.5); 24-51-101(12); 24-51-208(1)(f); 24-51-401(1.7); 24-51-408.5(5); 24-51-408.5(6)(a); added 24--51-408.5(6)(a.5); 24-51-602(1)(c); amended 24-51-1002(1).

HUMAN SERVICES - SOCIAL SERVICES

S.B. 00-19 Child care - community consolidated child care pilot site agencies - early childhood training plans - appropriation. Requires community consolidated child care pilot site agencies to identify and develop early childhood training plans based upon community needs and available resources. Specifies that such training plans shall include principal elements of recent credentialing models for early childhood educators when state moneys are a source of funding to the pilot site agency and shall be approved by the department of education or a not-for-profit association whose primary interest is the education of young children.

Directs the state department of human services ("state department") to establish a working group representative of the pilot site agencies to develop up to 4 models of improved methodologies for outcome-based licensing and monitoring of child care facilities and for provider support. Allows any of the pilot site agencies to implement one of the models. Directs the working group to evaluate the models after 3 years and to recommend which model or combination of models represents the best practices for statewide implementation. Directs the state department to implement the working group's recommendations and directs the state board of human services to promulgate rules facilitating such implementation.

Directs the state department to develop a child care voluntary credentialing

system that recognizes the training and educational achievements of persons providing early childhood care and education.

Urges counties, in cooperation with non-profit and not-for-profit organizations, to assess the success of pilot programs. Authorizes counties to match private contributions to the pilot programs with the county block grant moneys received pursuant to the Colorado works program. Establishes an exception to the limitation on the use of state moneys for pilot site agencies by allowing access to grants awarded by the youth crime prevention and intervention program board and by authorizing access to other already-appropriated state funds.

Increases the per pupil operating reimbursement provided to any community consolidated child care services pilot site agency that participates in the Colorado preschool program to allow a single child to use 2 positions in order to attend full-day preschool.

For the implementation of the act, appropriates \$1,029,930 to the department of human services, children, youth and families, child care, by adjusting the human services, children, youth and families, child care, child care grants line item by the same amount.

EFFECTIVE July 1, 2000

Amended 26-6.5-103(3); added 26-6.5-103(3.5); 26-6.5-103(7); 26-6.5-103(8); amended 26-6.5-104(4); added 26-6.5-104.5; 22-28-104(3.5).

S.B. 00-20 Medicaid - clinic services to children in school-based clinics - appropriation. Includes children under age 21 under the definition of "clinic

services" provided by school-based clinics under medicaid, thereby exempting such services from the physician-on-site rule for purposes of reimbursement under medicaid. Requires the department of health care policy and financing to submit a report to the education committees of the house of representatives and the senate on or before October 1, 2002, on the actual costs of implementing the act compared to the projected costs.

Appropriates \$18,019 to the department of health care policy and financing to implement the act. Adjusts the appropriations in the annual general appropriation act to implement the act.

EFFECTIVE June 1, 2000

Amended 26-4-513(5).

S.B. 00-22 Child care - additional contract facility inspectors - appropriation. Directs the state department of human services to respond within 48 hours to serious complaints lodged against a child care facility alleging immediate risk of health or safety. Instructs the state board of human services to adopt rules requiring child care facilities to post procedures for filing complaints with the state department. States the intent of the general assembly to increase the number of child care facility inspectors. Increases the number of contract child care facility inspectors by 18.

Appropriates \$955,314 from federal child care development funds to the department of human services for allocation to the division of children, youth, and families for the implementation of the act.

EFFECTIVE May 26, 2000

Added 26-6-107.5; amended 26-6-107(1)(b)(I).

S.B. 00-51 Child care - licensing - definitions - transfer of moneys - rules - family child care homes - tracking complaints - pilot sites - regulation.

Allows a county to transfer a portion of the county's Colorado works block grant to programs funded by Title XX of the federal "Social Security Act", within the limitations imposed by state and federal law on such transfers, in order to fund various programs for the improvement of child care.

Directs the state department of human services ("state department") to develop a statewide system of child care resource and referral services ("system") to assist in promoting the availability, accessibility, and quality of child care services in Colorado. Directs the executive director of the state department to designate, on a biennial basis, a public or private entity to be responsible for the administration of the system and permits the executive director to enter into a contract with the administering entity. Requires the state department to report to the general assembly regarding the system no later than December 1 of each year.

Authorizes the state board of human services to establish full and provisional license fees and fees for continuation of a full license for:

- Family child care homes, including any special type of family child care home designated by rule
- Homeless youth shelters;
- Day treatment centers; and
- Specialized group facilities.

Defines "day treatment center" and "specialized group facility". Allows the state board to establish rules governing different types of family child care homes. Exempts out-of-state employees

working in Colorado at a children's resident camp for fewer than 90 days from the state central registry review.

Directs the state department to track and record complaints brought against family child care homes and to identify which complaints were against licensed, unlicensed, or legally exempt family child care homes. Requires the 12 community consolidated child care pilot site agencies to explore new methods of regulating and deregulating family child care homes that maintain or increase current levels of safety while strengthening parental rights.

EFFECTIVE May 14, 2000

Added 26-2-714(9)(c); 26-6-116; 26-6-102 (2.5); amended 26-6-102(4); added 26-6-102 (10); amended 26-6-104(1); 26-6-105(1)(a)(I); added 26-6-105(1)(a)(VII); 26-6-105(1)(a)(VIII); 26-6-105(1)(a)(IX); amended 26-6-105(2)(b)(I)(D); 26-6-105(2)(b)(I)(E); added 26-6-106(2)(p); amended 26-6-107(1)(a)(I); added 26-6-108.5(3); 26-6.5-103(3)(b.5).

S.B. 00-88 Medical assistance - mental health capitation program - extension of pilot programs - extension of medical services board - miscellaneous changes.

Allows the mental health capitation program for mental health treatment services to apply to children and adolescents who are placed in residential treatment centers if there is a designated and contracted mental health assessment and services agency, and the department of health care policy and financing ("the department").

Extends the following pilot programs for 3 years:

- Home health aide pilot program;

- Teen pregnancy and dropout prevention program; and
- Consumer-directed attendant care program.

Makes a conforming amendment to continue an advisory committee that advises the department regarding the home health aide pilot program. Clarifies which laws do not apply to persons hired by a person with disabilities who is participating in the consumer-directed attendant care program.

Changes the age from 65 to 55 years of age for "frail elderly" under the program of all-inclusive care for the elderly to conform with the federal definition.

Directs the department to promulgate rules limiting eligibility for medical assistance if the applicant had made a voluntary assignment or transfer of property without fair and valuable consideration prior to applying for medical assistance. States that a contract for an exempt burial fund for an individual shall include a provision restricting the full amount to the costs of the burial and stating that any excess moneys shall be refunded to the department by the mortuary as reimbursement for the costs of medicaid provided to the individual.

Extends the automatic repeal date for the medical services board to July 1, 2007. EFFECTIVE April 13, 2000

Amended 26-4-113(1)(a); 26-4-529(3); 26-4-529(4); 26-4-529(6); 26-4-529(7); 26-4-804; 26-4-805; 26-4-903(1); 26-4-903(6); 26-4-903(8); 26-4-904; 26-4-124(6); 26-4-403.3; 25.5-1-304; 2-3-1203(3)(m)(III); added 2-3-1203(3)(p).

S.B. 00-223 Children's basic health plan - policy board and advisory board -

extension - study of administrative structure - reports - contract for billing and premium functions - pre-HMO enrollment period - appropriation.

Extends the automatic repeal date for the policy board and the advisory committee for the children's basic health plan to July 1, 2004. Eliminates the responsibility of the policy board for administering the children's basic health plan. Eliminates the ability of the executive directors of the state agencies on the policy board to appoint a designee to represent them on the board.

Directs the policy board to provide an annual report to the joint budget committee and the house and senate health, environment, welfare, and institutions committees on enrollment, streamlining children's program operations, concerns, and recommendations.

Requires the policy board to contract with an independent entity to study and report on the options, benefits, and merits of changing the administrative structure of the children's basic health plan, including a study of the merits of creating a separate instrumentality of the state to administer the children's basic health plan. States that such study shall only occur if sufficient private donations are received to pay for the study. Directs that such report be submitted to the joint budget committee and the health, environment, welfare, and institutions committees of the house of representatives and the senate on or before October 15, 2000.

Eliminates language specifying medicaid managed care savings as the primary funding source for the children's basic health plan. Consolidates statutes implementing the children's basic health plan. Eliminates obsolete language authorizing the department of health

care policy and financing (department) to contract with the administrator of the children's health plan.

Changes the eligibility for the children's basic health plan to the same standard of eligibility used for the medically indigent program. Allows the department to modify the basic and standard health benefit plans as used in designing the schedule of health care services to meet specific federal requirements or to accommodate changes necessary for a program designed for children. Directs the department to study the merits of eliminating the medically indigent program as an option for health care for children who are eligible for the children's basic health plan and instead requiring that such children enroll in the children's basic health plan.

Permits the department to contract with vendors of billing and premium collection services for other state insurance programs in order to consolidate billing and premium collection services if the department finds that doing so would be cost effective and efficient and that the work is similar.

Allows a pre-HMO enrollment period in which to provide health care services under the children's basic health plan to enrollees prior to the effective date of enrollment in the selected managed care plan.

Appropriates \$60,000 cash funds exempt to the department from gifts, grants, and donations to fund the independent study.

EFFECTIVE June 3, 2000

Amended 26-19-102(3); 26-19-103(2); 26-19-103(4); 26-19-104; 26-19-104.5(1); 26-19-104.5(3); 26-19-104.6; 26-10-104.7; 26-19-105(3); 26-19-105(4); repealed 26-19-

106(5); amended 26-19-107(1)(a); 26-19-107(1)(b); added 26-19-107(1)(h); amended 26-19-107(2); added 26-19-107(3); amended 26-19-108(1); 26-19-108(4); 26-19-109(3); 26-19-110(5.5); added 26-19-110(5.6); amended 26-4-113(7); 26-4-113(8).

LABOR AND INDUSTRY

H.B. 00-1455 Employment of youth - limitations on working hours - penalties. Raises the administrative penalties for violating the prohibition on persons under 16 working from 9:30 p.m. to 5 a.m. in the "Colorado Youth Employment Opportunity Act of 1971" from \$20 to a range of \$200 - \$500 for first time violators and of \$500 - \$1,000 for a subsequent violation within 6 months after the first offense. Adds penalties of \$1,000 - \$10,000 for all third and subsequent violations within 6 months after the first offense. Requires notice of the provisions of this act to be included in any wage order sent to the employer and posted in the employer's establishment.

EFFECTIVE July 1, 2000

Amended 8-12-115(4); 8-6-111(2).

MOTOR VEHICLES AND TRAFFIC REGULATION

S.B. 00-11 Driver's licenses and identification cards - confidentiality - term - renewals. Requires that the division of motor vehicles in the department of revenue ("division") keep confidential information relating to the identification of persons. Specifies persons who may have access to such information maintained by the division. **Authorizes persons to waive confidentiality.**

Beginning July 1, 2001, for persons 21 to 60 years of age, extends the term of a driver's license or an identification card from 5 to 10 years. Eliminates duplicate driver's licenses and identification cards except for persons under 21 years of age. Eliminates the provisional driver's license for persons 18 to 21 years of age and the need for renewal of an identification card at 18 years of age. Doubles the cost of a driver's license and identification card on and after July 1, 2006. Requires the division to report to the transportation legislation review committee concerning the effect that doubling the terms of driver's licenses and identification cards will have on the fee revenue of the division and its authorized agents.

Eliminates the requirement that an applicant submit an eye examination report for renewal of a driver's license by mail. Extends the maximum period of a temporary license from 90 days to one year.

PORTIONS EFFECTIVE May 30 and July 1, 2000 and July 1, 2001

Amended, repealed, and added to titles 12, 18, 24, 39, 42, and 43.

S.B. 00-53 Definition of school bus - school-sponsored activities - stopping at railroad crossings. Clarifies the definition of school bus to include leased vehicles and vehicles used in transporting children to school-sponsored activities.

Limits the provisions of the statute requiring certain vehicles to stop at railroad crossings to apply only to those school buses required to have school bus markings and visual signal lights.

EFFECTIVE March 9, 2000

Amended 42-1-102(88); 42-4-707(1); 42-4-707(5).

PROFESSIONS AND OCCUPATIONS

H.B. 00-1226 Liquor code - liquor-licensed drugstore - conversion to retail liquor store. Allows a licensee with a liquor-licensed drugstore license in effect on July 1, 2000, to convert or transfer such license to a retail liquor store license notwithstanding that the licensed premises is within 500 feet from a

public or parochial school or the principal campus of a college, university, or seminary.

Permits but does not require local licensing authorities to determine the needs and desires of the neighborhood with respect to the conversion or transfer of a liquor-licensed drugstore license to a retail liquor store license.

EFFECTIVE March 16, 2000

Added 12-47-407(5); 12-47-408(5); amended 12-47-312(2)(a).

PUBLIC UTILITIES

S.B. 00-12 Telecommunications - deregulation - retail private digital lines, retail directory assistance, and retail private lines. Removes directory assistance from the regulatory definition of operator services. Requires the public utilities commission (PUC) to adopt a single statewide benchmark rate applicable to nonoptional operator services. Exempts retail directory assistance services from regulation under the "Public Utilities Law".

Removes the PUC's authority to regulate the terms and conditions under which private line services, other than analog private line service with a capacity of less than 24 voice-grade circuits, are offered and provided at retail. Removes a provision for PUC review of private line services.

EFFECTIVE April 14, 2000

Amended 40-15-102(20); 40-15-301(2)(f); 40-15-302(5); repealed 40-15-308; amended 40-15-401(1).

H.B. 00-1011 Telecommunications - regulation - definitions - rural telecommunications provider. Defines a new term, "rural telecommunications provider", that conforms substantially with the definition of a "rural telephone company" in the federal "Telecommunications Act of 1996". Applies the new definition to the existing statutory sections concerning nondiscriminatory access charges, assurances of interconnections, simplified regulatory treatment for small local exchange providers, and consideration of opening of the competitive local exchange market.

EFFECTIVE March 10, 2000

Added 40-15-102(24.5); amended 40-15-105(2); 40-15-109(1); 40-15-201(1); 40-15-203.5; 40-15-302(1)(a); 40-15-302 IP(1)(b)(I); 40-15-302(1)(b)(II); 40-15-503(2)(d).

TAXATION

H.B. 00-1067 Income tax - modification of tax credit for alternative fuel vehicles and refueling facilities. Extends the following by a specified number of years.

- I. The state income tax credit for purchasing alternative fuel vehicles;
- II. The state income tax credit for constructing, reconstructing, or acquiring an alternative fuel refueling facility; and
- III. The state alternative fuel rebate program for governmental and nonprofit entities.

Eliminates the requirement that a vehicle be used in connection with a business to claim the alternative fuel income tax credit. Specifies that a vehicle using a hybrid propulsion system is a "motor vehicle" for the purpose of qualifying for the income tax credit or the rebate program.

Specifies that the alternative fuels rebate fund for governmental and nonprofit entities may receive moneys transferred from the AIR account. Requires the department of public health and environment, in preparing its annual budget request, to evaluate the projected amount of moneys available in and expenditures from the Air account for purposes of determining whether a portion of that account would be available for transfer to the fund.

EFFECTIVE August 2, 2000

NOTE: This act was passed with a safety clause. For further explanation concerning the effective date, see page 1 of this report.

Amended 39-22-516(2.5)(a)(III); 39-22-516(2.5)(b); 39-22-516(2.5)(d)(I); 39-22-516(2.5)(i); 39-22-516(2.7)(b); 39-22-516(2.7)(c); 39-22-516(4); 39-33-101(4); 39-33-102 IP(1); 39-33-103(2)(a)(I); 39-33-103(3); added 39-33-105(1)(c).

H.B. 00-1440 Internet access services - moratorium on taxing, regulating, or

charging a fee. Effective April 30, 2000, prohibits:

- I. The state from imposing, assessing, or collecting any tax, regulation, fee, or charge upon the direct charges for provision of internet access services, whether offered separately or as part of a package or bundle of services, or any provider of internet access services as a means of collecting sales or use taxes from persons who purchase taxable property or services through use of the internet unless the provider acts as a vendor of taxable property or services.
- II. A statutory or home rule city and county, county, city, or town, or any political subdivision of the state from imposing, assessing, or collecting any tax, fee, or charge upon the direct charges for provision of internet access services, whether offered separately or as part of a package or bundle of services. Excludes from the prohibition any taxes on internet access services actually collected and enforced by a home rule city on or before April 15, 1998, and any franchise fee on interactive computer services delivered through a cable television system.
- III. Requiring a provider of internet access services to collect sales or use taxes from persons who purchase taxable property or services through use of the internet unless the provider acts as a vendor of taxable property or services.

Makes legislative findings regarding access to the internet, internet taxation, and economic development. Declares that the imposition, assessment, or collection of any tax, fee, or charge upon the direct charges for the provision of internet access service is a matter of statewide concern and that the

provisions of the act preempt any local government ordinance, resolution, regulation, or other restriction to the contrary.

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page 1 of this report.

Added 24-79-102(1.5); amended 24-79-102(2)(b); added 29-1-1001(1.5); 29-1-1001(2.5); amended 29-1-1001(3)(b); added 29-1-1001(4); amended 39-26-114(1)(a)(XXVI); 39-26-203(1)(gg).

\\legisuml~legis2000.wpd