

CHAPTER 373

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 00-124

BY SENATORS Andrews, Anderson, Arnold, Blickensderfer, Chlouber, Dyer, Epps, Evans, Feeley, Hernandez, Lamborn, Martinez, Nichol, Owen, Phillips, Powers, Sullivant, Teck, Wattenberg, and Weddig;
also REPRESENTATIVES Tapia, Lawrence, Alexander, Allen, Bacon, Chavez, Clarke, Coleman, Dean, Fairbank, Gagliardi, George, Gordon, Gottlieb, Hagedorn, Hefley, Hoppe, Johnson, Kaufman, Keller, Kester, Larson, Lee, Mace, McElhany, McKay, Miller, Morrison, Plant, Ragsdale, Spence, Spradley, Stengel, Tate, Tochtrop, Tupa, Veiga, Vigil, S. Williams, T. Williams, Windels, Witwer, Young, and Zimmerman.

AN ACT

CONCERNING LITERACY IN EARLY ELEMENTARY GRADES, AND, IN CONNECTION THEREWITH,
ESTABLISHING A READ-TO-ACHIEVE PROGRAM, AND MAKING AN APPROPRIATION IN CONNECTION
THEREWITH.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Part 5 of article 7 of title 22, Colorado Revised Statutes, is amended
BY THE ADDITION OF A NEW SECTION to read:

22-7-506. Read-to-achieve grant program - board created - fund. (1) THERE IS HEREBY CREATED IN THE DEPARTMENT OF EDUCATION THE READ-TO-ACHIEVE GRANT PROGRAM, REFERRED TO IN THIS SECTION AS THE "PROGRAM". UNDER THIS PROGRAM, ANY PUBLIC SCHOOL, INCLUDING A CHARTER SCHOOL AS DEFINED IN SECTION 22-30.5-104, MAY APPLY FOR GRANTS TO FUND INTENSIVE READING PROGRAMS FOR SECOND-, AND THIRD-GRADE PUPILS AND PUPILS BETWEEN THE THIRD AND FOURTH GRADES WHOSE LITERACY AND READING COMPREHENSION SKILLS ARE BELOW THE LEVEL ESTABLISHED BY THE STATE BOARD OF EDUCATION FOR PUPILS AT EACH GRADE LEVEL.

(2) (a) THERE IS HEREBY CREATED THE READ-TO-ACHIEVE BOARD WHICH SHALL CONSIST OF ELEVEN MEMBERS, NO MORE THAN SIX OF WHOM ARE FROM THE SAME POLITICAL PARTY, AS FOLLOWS:

(1) THE COMMISSIONER OF EDUCATION;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(II) ONE MEMBER OF THE STATE BOARD OF EDUCATION SELECTED BY THE STATE BOARD OF EDUCATION;

(III) ONE MEMBER OF THE SENATE APPOINTED BY THE PRESIDENT OF THE SENATE;

(IV) ONE MEMBER OF THE HOUSE OF REPRESENTATIVES APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;

(V) SEVEN MEMBERS APPOINTED BY THE GOVERNOR, WITH THE CONSENT OF THE SENATE, AS FOLLOWS:

(A) TWO MEMBERS WHO ARE SECOND- OR THIRD-GRADE ELEMENTARY SCHOOL TEACHERS, ONE OF WHOM WORKS IN A RURAL SCHOOL DISTRICT;

(B) TWO MEMBERS WHO ARE ELEMENTARY SCHOOL PRINCIPALS, ONE OF WHOM WORKS IN A RURAL SCHOOL DISTRICT;

(C) ONE MEMBER WITH KNOWLEDGE OF AND EXPERIENCE IN PUBLIC EDUCATION IN ELEMENTARY GRADES;

(D) ONE MEMBER WHO IS A PERSON WITH KNOWLEDGE OF THE BEST PRACTICES IN READING AND READING INSTRUCTION; AND

(E) ONE MEMBER WHO, AT THE TIME OF APPOINTMENT, IS A PARENT OF A CHILD IN SECOND OR THIRD GRADE.

(b) (I) THE APPOINTED MEMBERS OF THE READ-TO-ACHIEVE BOARD SHALL SERVE TERMS OF THREE YEARS; EXCEPT THAT, OF THE MEMBERS FIRST APPOINTED, THE GOVERNOR SHALL SELECT THREE WHO SHALL SERVE TERMS OF TWO YEARS. NO MEMBER APPOINTED BY THE GOVERNOR SHALL SERVE MORE THAN TWO CONSECUTIVE THREE-YEAR TERMS.

(II) THE GOVERNOR, PRESIDENT OF THE SENATE, OR SPEAKER OF THE HOUSE OF REPRESENTATIVES MAY REMOVE ANY READ-TO-ACHIEVE BOARD MEMBER APPOINTED BY HIM OR HER FOR ANY CAUSE THAT RENDERS THE MEMBER INCAPABLE OR UNFIT TO DISCHARGE THE DUTIES OF THE OFFICE. WHENEVER A VACANCY ON THE READ-TO-ACHIEVE BOARD EXISTS, THE GOVERNOR, PRESIDENT OF THE SENATE, OR SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT A MEMBER FOR THE REMAINING PORTION OF THE UNEXPIRED TERM CREATED BY THE VACANCY.

(c) THE MEMBERS OF THE READ-TO-ACHIEVE BOARD SHALL SERVE WITHOUT COMPENSATION BUT SHALL BE REIMBURSED FROM MONEYS IN THE READ-TO-ACHIEVE FUND CREATED IN SUBSECTION (4) OF THIS SECTION FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES PURSUANT TO THIS SECTION.

(3) (a) THE READ-TO-ACHIEVE BOARD SHALL SOLICIT AND REVIEW APPLICATIONS FOR GRANTS PURSUANT TO THIS SECTION. GRANTS MAY BE FOR BETWEEN ONE AND THREE YEARS. EACH APPLICATION, AT A MINIMUM, SHALL DESCRIBE THE TYPE OF PROGRAM TO BE PROVIDED BY THE SCHOOL OR COLLABORATIVE GROUP OF SCHOOLS APPLYING JOINTLY TO ENHANCE THE LITERACY AND READING COMPREHENSION SKILLS

OF SECOND- AND THIRD-GRADE PUPILS AT THE SCHOOL. ANY SUCH GRANT SHALL BE USED TO SUPPLEMENT AND NOT SUPPLANT ANY MONEYS CURRENTLY BEING USED ON SUCH PROGRAMS. SUCH PROGRAMS MAY INCLUDE, BUT NEED NOT BE LIMITED TO:

(I) READING ACADEMIES OPERATED AS SCHOOLS WITHIN SCHOOLS FOR INTENSIVE READING INSTRUCTION;

(II) AFTER SCHOOL LITERACY PROGRAMS;

(III) SUMMER SCHOOL CLINICS;

(IV) ONE-ON-ONE OR GROUP TUTORING SERVICES;

(V) EXTENDED-DAY READING PROGRAMS.

(b) ANY INTENSIVE LITERACY PROGRAM FUNDED THROUGH THE PROGRAM FOR FOURTH-GRADE PUPILS MAY BE OFFERED ONLY BETWEEN THIRD AND FOURTH GRADE AND SHALL BE DESIGNED TO RAISE THE PARTICIPATING PUPILS' LITERACY AND READING COMPREHENSION SKILLS TO AT LEAST THE PROFICIENCY LEVEL ON THE THIRD-GRADE READING ASSESSMENT PRIOR TO BEGINNING FOURTH-GRADE CLASSES IN THE FALL SEMESTER.

(c) THE READ-TO-ACHIEVE BOARD SHALL RECOMMEND TO THE STATE BOARD OF EDUCATION THOSE PUBLIC SCHOOLS THAT SHOULD RECEIVE GRANTS PURSUANT TO THIS SECTION AND THE DURATION AND AMOUNT OF EACH GRANT. IN SELECTING THE RECOMMENDED SCHOOLS, THE READ-TO-ACHIEVE BOARD, AT A MINIMUM, SHALL TAKE INTO ACCOUNT THE FOLLOWING CRITERIA:

(I) THE NUMBER OF SECOND- AND THIRD-GRADE PUPILS ENROLLED AT THE SCHOOL OR COLLABORATIVE GROUP OF SCHOOLS APPLYING JOINTLY WHO HAVE BELOW GRADE LEVEL LITERACY AND READING COMPREHENSION SKILLS;

(II) WHETHER THE PROPOSED PROGRAM IS BASED ON A RESEARCH MODEL THAT HAS BEEN PROVEN TO BE SUCCESSFUL IN OTHER PUBLIC OR CHARTER SCHOOLS IN THE NATION; AND

(III) THE PER-PUPIL COST OF THE PROGRAM.

(d) THE READ-TO-ACHIEVE BOARD ANNUALLY SHALL SUBMIT TO THE STATE BOARD OF EDUCATION FOR APPROVAL A LIST OF RECOMMENDED GRANT RECIPIENTS AND THE AMOUNT TO BE AWARDED TO EACH RECOMMENDED GRANT RECIPIENT BY A DATE SPECIFIED BY RULE OF THE STATE BOARD OF EDUCATION. IN SELECTING GRANT RECIPIENTS, THE READ-TO-ACHIEVE BOARD, TO THE EXTENT POSSIBLE, SHALL ENSURE THAT GRANTS ARE AWARDED TO SCHOOLS IN A VARIETY OF GEOGRAPHIC AREAS OF THE STATE. THE STATE BOARD OF EDUCATION SHALL EITHER APPROVE OR DISAPPROVE THE ENTIRE LIST OF ENTITIES BY RESPONDING TO THE READ-TO-ACHIEVE BOARD WITHIN FORTY DAYS. IF THE STATE BOARD OF EDUCATION HAS NOT RESPONDED TO THE READ-TO-ACHIEVE BOARD WITHIN FORTY DAYS AFTER RECEIPT OF THE LIST, THE LIST SHALL BE DEEMED APPROVED. IF THE STATE BOARD OF EDUCATION DISAPPROVES A LIST, THE READ-TO-ACHIEVE BOARD MAY SUBMIT A REPLACEMENT LIST WITHIN SIXTY DAYS AFTER SUCH DISAPPROVAL.

(e) (I) IF A SCHOOL IS AWARDED A GRANT PURSUANT TO THIS SECTION FOR MORE THAN ONE YEAR, THE SCHOOL SHALL BE ELIGIBLE FOR MONEYS IN THE SECOND OR THIRD YEAR OF THE GRANT ONLY IF THE SCHOOL MEETS THE GOALS ESTABLISHED IN ITS APPLICATION INCLUDING THE DEMONSTRATION THAT AT LEAST TWENTY-FIVE PERCENT OF THE PUPILS ENROLLED IN THE INTENSIVE READING PROGRAM IN THE PRIOR YEAR IMPROVED THEIR READING SKILLS TO AT LEAST GRADE LEVEL OR ACHIEVED PROFICIENCY ON THE STATE ASSESSMENT IN READING FOR THEIR GRADE LEVEL.

(II) A SCHOOL THAT HAS PREVIOUSLY RECEIVED A GRANT PURSUANT TO THIS SECTION SHALL BE ELIGIBLE FOR SUBSEQUENT GRANTS ONLY IF IT IS ABLE TO DEMONSTRATE THAT AT LEAST TWENTY-FIVE PERCENT OF THE PUPILS ENROLLED IN THE INTENSIVE LITERACY PROGRAM IN THE PRIOR YEAR IMPROVED THEIR READING SKILLS TO AT LEAST GRADE LEVEL OR ACHIEVED PROFICIENCY ON THE STATE ASSESSMENT IN READING FOR THEIR GRADE LEVEL. IN RECOMMENDING SUBSEQUENT GRANTS, THE READ-TO-ACHIEVE BOARD SHALL ALSO CONSIDER THE CRITERIA SET FORTH IN PARAGRAPH (c) OF THIS SUBSECTION (3) AND ANY OTHER CRITERIA ESTABLISHED BY RULE OF THE STATE BOARD OF EDUCATION PURSUANT TO PARAGRAPH (f) OF THIS SUBSECTION (3).

(f) EACH SCHOOL THAT RECEIVES A GRANT PURSUANT TO THIS SECTION SHALL DEMONSTRATE THAT THE PUPILS ENROLLED IN THE INTENSIVE LITERACY PROGRAMS FUNDED BY THE GRANT WERE READING, AT THE TIME OF ENROLLMENT, BELOW GRADE LEVEL FOR SECOND- AND THIRD-GRADE PUPILS.

(g) THE STATE BOARD OF EDUCATION SHALL PROMULGATE RULES FOR THE ADMINISTRATION OF THIS SECTION, INCLUDING BUT NOT LIMITED TO:

(I) APPLICATION PROCEDURES BY WHICH A SCHOOL MAY APPLY FOR GRANTS PURSUANT TO THIS SECTION;

(II) ANY CRITERIA, IN ADDITION TO THOSE SPECIFIED IN PARAGRAPH (c) OF THIS SUBSECTION (3), FOR SELECTING THOSE SCHOOLS THAT SHALL RECEIVE GRANTS AND THE CRITERIA FOR DETERMINING THE AMOUNT TO BE GRANTED TO THE SELECTED SCHOOLS; AND

(III) PROCEDURES FOR REVIEWING THE SUCCESS OF THE INTENSIVE LITERACY PROGRAMS OPERATED BY SCHOOLS THAT RECEIVE GRANTS PURSUANT TO THIS SECTION.

(h) ON OR BEFORE FEBRUARY 1, 2004, THE READ-TO-ACHIEVE BOARD SHALL REPORT TO THE GOVERNOR AND TO EDUCATION COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES ON THE EFFECTIVENESS OF THE PROGRAM. THE REPORT SHALL INCLUDE BUT IS NOT LIMITED TO:

(I) THE NUMBER OF SCHOOLS THAT RECEIVED GRANTS UNDER THE PROGRAM AND THE AVERAGE AMOUNT OF THE GRANTS;

(II) THE NUMBER OF PUPILS ENROLLED IN INTENSIVE LITERACY PROGRAMS FUNDED BY THE PROGRAM, THE NUMBER OF PUPILS ENROLLED WHO IMPROVED THEIR READING SKILLS TO GRADE LEVEL OR ACHIEVED PROFICIENCY ON THE STATE ASSESSMENT IN READING FOR THEIR GRADE LEVEL IN THE YEAR AFTER STARTING THE INTENSIVE

LITERACY PROGRAM, AND THE PERCENTAGE OF PUPILS WHO ACHIEVED PROFICIENCY ON THE STATE ASSESSMENT FOR READING FOR THEIR GRADE LEVEL IN BOTH THE YEAR AFTER STARTING THE INTENSIVE LITERACY PROGRAM AND THE FOLLOWING YEAR; AND

(III) WHETHER ANY STATUTORY CHANGES ARE RECOMMENDED, INCLUDING BUT NOT LIMITED TO THE APPROPRIATENESS OF THE REQUIREMENTS IN SUBPARAGRAPHS (I) AND (II) OF PARAGRAPH (e) OF THIS SUBSECTION (3) THAT TO BE ELIGIBLE IN SUBSEQUENT YEARS, SCHOOLS MUST SHOW THAT TWENTY-FIVE PERCENT OF THE STUDENTS ENROLLED IN THE INTENSIVE LITERACY PROGRAM IMPROVED THEIR READING SKILLS TO GRADE LEVEL OR ACHIEVED PROFICIENCY ON THE STATE ASSESSMENT IN READING FOR THEIR GRADE LEVEL.

(4) (a) THERE IS HEREBY ESTABLISHED IN THE STATE TREASURY THE READ-TO-ACHIEVE CASH FUND, REFERRED TO IN THIS SECTION AS THE "FUND". THE FUND SHALL CONSIST OF MONEYS APPROPRIATED THERETO AND ANY OTHER MONEYS THAT MAY BE MADE AVAILABLE BY THE GENERAL ASSEMBLY. ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY AMOUNT REMAINING IN THE FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR TO ANY OTHER FUND.

(b) SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY, MONEYS IN THE FUND SHALL BE USED TO PROVIDE GRANTS TO SCHOOLS PURSUANT TO THIS SECTION. IN ADDITION, UP TO ONE PERCENT OF THE MONEYS IN THE FUND MAY BE USED FOR THE EXPENSES INCURRED BY THE READ-TO-ACHIEVE BOARD IN ADMINISTERING THIS SECTION. IF THE READ-TO-ACHIEVE BOARD IS UNABLE TO ADMINISTER THIS PROGRAM WITH EXISTING PERSONNEL, THE READ-TO-ACHIEVE BOARD SHALL CONTRACT WITH PRIVATE SOURCES FOR SUCH SERVICES. ANY MONEYS NOT PROVIDED AS GRANTS TO SCHOOLS MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED IN SECTION 24-36-113, C.R.S.

(5) (a) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2008.

(b) PRIOR TO SAID REPEAL, THE READ-TO-ACHIEVE BOARD APPOINTED PURSUANT TO THIS SECTION SHALL BE REVIEWED AS PROVIDED FOR IN SECTION 24-34-104, C.R.S.

SECTION 2. The introductory portion to 22-7-504 (3) and 22-7-504 (4) and (5) (a), Colorado Revised Statutes, are amended to read:

22-7-504. Pupil assessments - individual literacy plans. (3) If a pupil's reading readiness or literacy and reading comprehension, as measured by the assessment, is below the level established by the state board for pupils at that grade, the pupil's parents or legal guardian and teacher and the school administration shall formulate an individual literacy plan for the pupil OR, IF THE PUPIL IS ELIGIBLE, ENROLL THE PUPIL IN AN INTENSIVE LITERACY PROGRAM FUNDED THROUGH THE READ-TO-ACHIEVE PROGRAM PURSUANT TO SECTION 22-7-506. For compliance with this section, a literacy plan may be incorporated into the individual education plan for special education students. The plan shall include, but need not be limited to, the following:

(4) The school district shall reassess each pupil's progress in the individual literacy

plan OR THE INTENSIVE LITERACY PROGRAM each semester. The PUPIL'S INDIVIDUAL LITERACY plan OR THE PUPIL'S ENROLLMENT IN THE INTENSIVE LITERACY PROGRAM, WHICHEVER IS APPLICABLE, shall continue until the pupil is reading at or above grade level.

(5) (a) In no case shall a school district permit a pupil to pass from the third grade to the fourth grade for reading classes unless the pupil is assessed as reading at or above the reading comprehension level established by the state board. ANY PUPIL WHO PARTICIPATES IN AN INTENSIVE LITERACY PROGRAM BETWEEN THIRD AND FOURTH GRADE SHALL BE ASSESSED IN READING AT THE COMPLETION OF THAT PROGRAM AND MAY BE ALLOWED TO PASS FOR READING CLASSES FROM THE THIRD GRADE TO THE FOURTH GRADE ONLY IF HE OR SHE IS READING AT OR ABOVE THE READING COMPREHENSION LEVEL FOR THIRD GRADE ESTABLISHED BY THE STATE BOARD.

SECTION 3. 22-7-505 (1) (b), Colorado Revised Statutes, is amended to read:

22-7-505. School district responsibilities and incentives. (1) Each school district shall annually report to the department of education:

(b) The number and percentage of pupils enrolled in the school district who have an individual literacy plan OR ARE ENROLLED IN AN INTENSIVE LITERACY PROGRAM FUNDED THROUGH THE READ-TO-ACHIEVE PROGRAM CREATED IN SECTION 22-7-506;

SECTION 4. 24-34-104 (39) (b), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (39) (b) The following agencies, functions, or both, shall terminate on July 1, 2008:

(X) THE READ-TO-ACHIEVE BOARD, CREATED PURSUANT TO SECTION 22-7-506, C.R.S.

SECTION 5. Relationship to Senate Bill 00-071. (1) If both this act and Senate Bill 00-071 are enacted and become law, the provisions of both bills, including the appropriations contained therein, shall be given effect and harmonized except as follows:

(a) The introductory portion to 22-7-506 (3) (a) and 22-7-506 (5) (a), Colorado Revised Statutes, as enacted in this act shall supersede the provisions of the introductory portion to 22-7-506 (3) (a) and 22-7-506 (5) (a), Colorado Revised Statutes, as enacted in Senate Bill 00-071;

(b) 24-34-104 (36), Colorado Revised Statutes, as amended in Senate Bill 00-71, is amended to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (36) The following agencies, functions, or both, shall terminate on July 1, 2005: The fire suppression program of the division of fire safety created pursuant to sections 24-33.5-1204.5,

24-33.5-1206.1, 24-33.5-1206.2, 24-33.5-1206.3, 24-33.5-1206.4, 24-33.5-1206.5, 24-33.5-1206.6, and 24-33.5-1207.6, C.R.S. and the read-to-achieve board created pursuant to section 22-7-506, C.R.S.

(c) 22-7-506 (4), Colorado Revised Statutes, as enacted in both this act and in Senate Bill 00-071 is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

22-7-506. Read-to-achieve grant program - board created - fund.

(4) (a) (I) THERE IS HEREBY ESTABLISHED IN THE STATE TREASURY THE READ-TO-ACHIEVE CASH FUND, REFERRED TO IN THIS SECTION AS THE "CASH FUND". THE CASH FUND SHALL CONSIST OF MONEYS APPROPRIATED THERETO PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (4) AND ANY OTHER MONEYS THAT MAY BE MADE AVAILABLE BY THE GENERAL ASSEMBLY. SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY, MONEYS IN THE CASH FUND SHALL BE USED TO PROVIDE GRANTS TO SCHOOLS PURSUANT TO THIS SECTION. ANY MONEYS NOT PROVIDED AS GRANTS TO SCHOOLS MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED IN SECTION 24-36-113, C.R.S. ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE CASH FUND SHALL BE CREDITED TO THE CASH FUND. ANY AMOUNT REMAINING IN THE CASH FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE CASH FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR TO ANY OTHER FUND.

(II) UP TO ONE PERCENT OF THE MONEYS IN THE CASH FUND MAY BE USED FOR THE EXPENSES INCURRED BY THE READ-TO-ACHIEVE BOARD IN ADMINISTERING THIS SECTION. IF THE READ-TO-ACHIEVE BOARD IS UNABLE TO ADMINISTER THIS PROGRAM WITH EXISTING PERSONNEL, THE READ-TO-ACHIEVE BOARD SHALL CONTRACT WITH PRIVATE SOURCES FOR SUCH SERVICES.

(b) (I) BEGINNING WITH THE 2000-01 FISCAL YEAR, AND FOR EACH FISCAL YEAR THEREAFTER SO LONG AS THE STATE RECEIVES MONEYS PURSUANT TO THE MASTER SETTLEMENT AGREEMENT, THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE TO THE FUND NINETEEN PERCENT OF THE AMOUNT OF MONEYS TRANSMITTED TO THE STATE TREASURER IN ACCORDANCE WITH THE MASTER SETTLEMENT AGREEMENT, OTHER THAN ATTORNEY FEES AND COSTS, FOR THE PRECEDING FISCAL YEAR; EXCEPT THAT THE AMOUNT SO APPROPRIATED TO THE FUND IN ANY FISCAL YEAR SHALL NOT EXCEED NINETEEN MILLION DOLLARS. THE GENERAL ASSEMBLY SHALL APPROPRIATE THE AMOUNT SPECIFIED IN THIS PARAGRAPH (c) FROM MONEYS CREDITED TO THE TOBACCO LITIGATION SETTLEMENT CASH FUND CREATED IN SECTION 24-22-115, C.R.S.

(II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), FOR THE FISCAL YEAR IN WHICH THE FIRST PAYMENT OF MONEYS PURSUANT TO THE MASTER SETTLEMENT AGREEMENT IS RECEIVED, THE PERCENTAGE APPROPRIATED TO THE FUND SHALL BE CALCULATED ON THE TOTAL AMOUNT OF MONEYS RECEIVED BY THE STATE PURSUANT TO THE MASTER SETTLEMENT AGREEMENT, OTHER THAN ATTORNEY FEES AND COSTS, DURING THAT FISCAL YEAR, MINUS THIRTY-THREE MILLION DOLLARS.

(2) This section 5 shall take effect only if Senate Bill 00-071 is enacted and becomes law.

SECTION 6. Appropriation - adjustments to the 1999 long bill. For implementation of this act, appropriations made in Part VII of section 2 of chapter 364, Session Laws of Colorado 1999, shall be adjusted as follows:

(1) The appropriation to the department of human services, division of self-sufficiency, for the short-term works emergency fund, shall be reduced by seven million dollars (\$7,000,000). Said sum shall be from federal temporary assistance for needy families block grant funds.

(2) The appropriation to the department of human services, division of children, youth and families, for child welfare services, shall be amended as follows:

(a) The appropriation from the general fund shall be reduced by seven million dollars (\$7,000,000).

(b) The appropriation from federal funds shall be increased by seven million dollars (\$7,000,000). Said sum shall be from federal temporary assistance for needy families block grant funds that have been transferred to programs funded by Title XX of the federal Social Security Act, as authorized under federal law.

SECTION 7. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the read-to-achieve cash fund created in section 22-7-506, Colorado Revised Statutes, for the fiscal year beginning July 1, 1999, the sum of seven million dollars (\$7,000,000) to be used for purposes consistent with creation of the fund.

(2) In addition to any other appropriation, there is hereby appropriated, out of the read-to-achieve cash fund created in section 22-7-506, Colorado Revised Statutes, to the department of education, for the fiscal year beginning July 1, 1999, the sum of seven million dollars (\$7,000,000), or so much thereof as may be necessary, for the implementation of this act.

SECTION 8. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 2, 2000