

SENATE JOURNAL
Sixty-seventh General Assembly
STATE OF COLORADO
First Regular Session

100th Legislative Day

Thursday, April 16, 2009

Prayer	By the chaplain, Rev. Paul Kottke, University Park United Methodist church, Denver.	11
Pledge	By Senator Tochtrop.	13
Call to Order	By the President at 9:00 a.m.	15
Roll Call	Present--31 Absent--2, Keller, Mitchell. Excused--2, Renfroe, Spence. Present later--4, Keller, Mitchell, Renfroe, Spence.	18 19 20 21
Quorum	The President announced a quorum present.	23
Reading of Journal	On motion of Senator Carroll, reading of the Journal of Wednesday, April 15, 2009, was dispensed with and the Journal was approved as corrected by the Secretary.	25 26

COMMITTEE OF REFERENCE REPORTS

Business, Labor, & Technology	After consideration on the merits, the Committee recommends that SB09-255 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	32 33 34
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Amend printed bill, page 3, after line 9, insert the following:

"(3) "CHIEF OPERATING OFFICER" MEANS THE CHIEF OPERATING OFFICER OF THE AUTHORITY APPOINTED PURSUANT TO SECTION 24-37.9-104 (1) (n)."

Re-number succeeding subsections accordingly.

Page 3, strike lines 12 and 13.

Re-number succeeding subsections accordingly.

Page 5, line 7, strike "THIRTEEN" and substitute "FOURTEEN";

after line 12, insert the following:

"(c) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL;"

Re-letter succeeding paragraphs accordingly.

Page 6, line 13, strike "(h)" and substitute "(i)".

Page 10, line 14, strike "AN EXECUTIVE DIRECTOR" and substitute "A CHIEF OPERATING OFFICER".

Page 18, line 12, strike "ENTER" and substitute "HAVE THE DISCRETION TO ENTER".

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MESSAGE FROM THE HOUSE

March 15, 2009

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1105, amended as printed in House Journal, April 15, pages 1216-1217.

COMMITTEE OF REFERENCE REPORTS

Health & Human Services

After consideration on the merits, the Committee recommends that **HB09-1196** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, line 11, strike "CREATED IN" and substitute "AUTHORIZED BY".

Page 7, strike lines 17 and 18 and substitute the following:

"THIS SUBSECTION (4):".

Page 8, after line 11, insert the following:

"(IV) IN DETERMINING HOW TO ALLOCATE THE MONEYS AUTHORIZED TO BE DISTRIBUTED PURSUANT TO THIS PARAGRAPH (d), THE DEPARTMENTS SHALL TAKE INTO CONSIDERATION THE RECOMMENDATIONS OF THE ACCOUNTABILITY BOARD MADE PURSUANT TO PARAGRAPH (c) OF SUBSECTION (6) OF THIS SECTION. IF THE DEPARTMENTS DISAGREE WITH THE RECOMMENDATIONS OF THE ACCOUNTABILITY BOARD, THEY SHALL MEET WITH THE ACCOUNTABILITY BOARD TO EXPLAIN THEIR RATIONALE AND SHALL SEEK TO ACHIEVE A COMPROMISE WITH THE ACCOUNTABILITY BOARD REGARDING THE ALLOCATION OF THE MONEYS. IF A COMPROMISE CANNOT BE ACHIEVED WITH REGARD TO ALL OR A PORTION OF THE MONEYS TO BE DISTRIBUTED, THE MEDICAL SERVICES BOARD CREATED PURSUANT TO SECTION 25.5-1-301, C.R.S., SHALL HAVE THE FINAL AUTHORITY REGARDING THE DISTRIBUTION OF MONEYS FOR WHICH A COMPROMISE HAS NOT BEEN REACHED.";

strike line 17 and substitute the following:

"ORGANIZATION; EXCEPT THAT UP TO TEN PERCENT OF THE MONEYS DISTRIBUTED PURSUANT TO PARAGRAPH (d) OF THIS SUBSECTION (4) MAY BE USED TO PAY THE COST TO ADMINISTER AND OPERATE THE ACCOUNTABILITY BOARD, INCLUDING EXPENSE REIMBURSEMENT FOR ACCOUNTABILITY BOARD MEMBERS.";

strike lines 19 through 22 and substitute the following:

"(6) (a) NO LATER THAN SEPTEMBER 1, 2009, THE NURSING FACILITY CULTURE CHANGE ACCOUNTABILITY BOARD SHALL BE ESTABLISHED AND OPERATED UNDER THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING EITHER DIRECTLY OR BY CONTRACT WITH OR GRANT TO ANY PUBLIC AGENCY OR APPROPRIATE PRIVATE NONPROFIT ORGANIZATION. THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, IN CONSULTATION WITH STAKEHOLDERS, SHALL DETERMINE THE APPROPRIATE ENTITY TO ADMINISTER THE ACCOUNTABILITY BOARD. THE";

line 23, strike "NINE" and substitute "TEN".

Page 9, line 4, strike "SIX" and substitute "SEVEN";

after line 8, insert the following:

"(C) ONE MEMBER REPRESENTING THE DISABILITY COMMUNITY WHO IS EITHER A RESIDENT OF A NURSING FACILITY OR A FAMILY MEMBER OF A NURSING FACILITY RESIDENT;"

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Reletter succeeding sub-subparagraphs accordingly.

Page 11, strike lines 5 through 14 and substitute the following:

"SECTION 4. 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."

Health &
Human
Services

After consideration on the merits, the Committee recommends that **HB09-1196** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, line 11, strike "CREATED IN" and substitute "AUTHORIZED BY".

Page 7, strike lines 17 and 18 and substitute the following:

"THIS SUBSECTION (4):".

Page 8, after line 11, insert the following:

"(IV) IN DETERMINING HOW TO ALLOCATE THE MONEYS AUTHORIZED TO BE DISTRIBUTED PURSUANT TO THIS PARAGRAPH (d), THE DEPARTMENTS SHALL TAKE INTO CONSIDERATION THE RECOMMENDATIONS OF THE ACCOUNTABILITY BOARD MADE PURSUANT TO PARAGRAPH (c) OF SUBSECTION (6) OF THIS SECTION. IF THE DEPARTMENTS DISAGREE WITH THE RECOMMENDATIONS OF THE ACCOUNTABILITY BOARD, THEY SHALL MEET WITH THE ACCOUNTABILITY BOARD TO EXPLAIN THEIR RATIONALE AND SHALL SEEK TO ACHIEVE A COMPROMISE WITH THE ACCOUNTABILITY BOARD REGARDING THE ALLOCATION OF THE MONEYS. IF A COMPROMISE CANNOT BE ACHIEVED WITH REGARD TO ALL OR A PORTION OF THE MONEYS TO BE DISTRIBUTED, THE MEDICAL SERVICES BOARD CREATED PURSUANT TO SECTION 25.5-1-301, C.R.S., SHALL HAVE THE FINAL AUTHORITY REGARDING THE DISTRIBUTION OF MONEYS FOR WHICH A COMPROMISE HAS NOT BEEN REACHED.";

strike line 17 and substitute the following:

"ORGANIZATION; EXCEPT THAT UP TO TEN PERCENT OF THE MONEYS DISTRIBUTED PURSUANT TO PARAGRAPH (d) OF THIS SUBSECTION (4) MAY BE USED TO PAY THE COST TO ADMINISTER AND OPERATE THE ACCOUNTABILITY BOARD, INCLUDING EXPENSE REIMBURSEMENT FOR ACCOUNTABILITY BOARD MEMBERS.";

strike lines 19 through 22 and substitute the following:

"(6) (a) NO LATER THAN SEPTEMBER 1, 2009, THE NURSING FACILITY CULTURE CHANGE ACCOUNTABILITY BOARD SHALL BE ESTABLISHED AND OPERATED UNDER THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING EITHER DIRECTLY OR BY CONTRACT WITH OR GRANT TO ANY PUBLIC AGENCY OR APPROPRIATE PRIVATE NONPROFIT ORGANIZATION. THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, IN CONSULTATION WITH STAKEHOLDERS, SHALL DETERMINE THE APPROPRIATE ENTITY TO ADMINISTER THE ACCOUNTABILITY BOARD. THE";

line 23, strike "NINE" and substitute "TEN".

Page 9, line 4, strike "SIX" and substitute "SEVEN";

after line 8, insert the following:

"(C) ONE MEMBER REPRESENTING THE DISABILITY COMMUNITY WHO IS EITHER A RESIDENT OF A NURSING FACILITY OR A FAMILY MEMBER OF A NURSING FACILITY RESIDENT;"

Reletter succeeding sub-subparagraphs accordingly.

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Page 11, strike lines 5 through 14 and substitute the following:

"SECTION 4. 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."

Health & Human Services

After consideration on the merits, the Committee recommends that **HB09-1314** be postponed indefinitely.

Health & Human Services

After consideration on the merits, the Committee recommends that **HB09-1119** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, line 17, strike "25-1-206." and substitute "25-1-206, INCLUDING BUT NOT LIMITED TO DETOXIFICATION PROGRAMS."

Health & Human Services

After consideration on the merits, the Committee recommends that **HB09-1282** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 6, line 19, before "NOTWITHSTANDING", insert "WITH OR WITHOUT STAFF, THE TASK FORCE MAY MEET, EXERCISE ITS POWERS, AND PERFORM ITS OBLIGATIONS NOTWITHSTANDING THE FACT THAT THE DEPARTMENT HAS NOT RECEIVED SUFFICIENT GIFTS, GRANTS, OR DONATIONS TO CARRY OUT THE PURPOSES OF THIS SECTION."

Education

After consideration on the merits, the Committee recommends that **SB09-257** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend printed bill, page 2, line 2, strike "22-43.7-104 (2) (b) (II)," and substitute "22-43.7-104 (2) (b) (I) and (2) (b) (II),";

line 3, strike the first "is" and substitute "are";

after line 9, insert the following:

"(I) (A) IF THE STATE TREASURER DETERMINES THAT THE INTEREST COMPONENT OF LEASE PAYMENTS UNDER A LEASE-PURCHASE AGREEMENT WILL QUALIFY FOR EXEMPTION FROM FEDERAL INCOME TAXATION OR THAT THE INTEREST COMPONENT OF LEASE PAYMENTS UNDER A LEASE-PURCHASE AGREEMENT IS INTENDED TO BE SUBJECT TO FEDERAL INCOME TAXATION, the greater of thirty-five percent of the gross amount of public school lands income received during the fiscal year or an amount of such income equal to the difference between the total amount of lease payments to be made by the state under the terms of lease-purchase agreements entered into pursuant to section 22-43.7-110 (2) and the total amount of matching moneys to be paid to the state as lease payments under the terms of sublease-purchase agreements entered into pursuant to section 22-43.7-110 (2). The moneys required to be credited to the assistance fund pursuant to this subparagraph (I) SUB-SUBPARAGRAPH (A) may be taken from any single source or combination of sources of public school lands income.

(B) IF THE STATE TREASURER DETERMINES THAT THE USE OF INTEREST OR INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF MONEYS IN THE PUBLIC SCHOOL FUND TO MAKE LEASE PAYMENTS UNDER A LEASE-PURCHASE AGREEMENT WILL PREVENT THE INTEREST COMPONENT OF THE LEASE PAYMENTS FROM QUALIFYING FOR EXEMPTION FROM FEDERAL INCOME TAXATION AS INTENDED BY THE STATE TREASURER, THE GREATER OF FIFTY PERCENT OF THE GROSS AMOUNT OF PUBLIC SCHOOL LANDS INCOME OTHER THAN INTEREST OR INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF MONEYS IN THE PUBLIC SCHOOL FUND RECEIVED DURING THE FISCAL YEAR OR AN AMOUNT OF SUCH PUBLIC SCHOOL LANDS INCOME EQUAL TO THE DIFFERENCE BETWEEN THE TOTAL AMOUNT OF LEASE PAYMENTS TO BE MADE BY THE STATE UNDER THE

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TERMS OF LEASE-PURCHASE AGREEMENTS ENTERED INTO PURSUANT TO SECTION 22-43.7-110(2) AND THE TOTAL AMOUNT OF MATCHING MONEYS TO BE PAID TO THE STATE AS LEASE PAYMENTS UNDER THE TERMS OF SUBLEASE-PURCHASE AGREEMENTS ENTERED INTO PURSUANT TO SECTION 22-43.7-110 (2). THE MONEYS REQUIRED TO BE CREDITED TO THE ASSISTANCE FUND PURSUANT TO THIS SUB-SUBPARAGRAPH (B) MAY BE TAKEN FROM ANY SINGLE SOURCE OR COMBINATION OF SOURCES OF PUBLIC SCHOOL LANDS INCOME OTHER THAN INTEREST OR INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF MONEYS IN THE PUBLIC SCHOOL FUND.";

line 12, strike "RENTALS AND OTHER" and substitute "LEASE".

Page 5, line 14, after "PAYMENTS", insert "OF PRINCIPAL AND INTEREST".

Education

After consideration on the merits, the Committee recommends that **HB09-1065** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, strike lines 21 through 27.

Strike pages 4 through 10 and substitute the following:

"SECTION 4. Title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

**ARTICLE 68.5
Educator Identifier System**

22-68.5-101. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COMMISSION" MEANS THE QUALITY TEACHERS COMMISSION CREATED PURSUANT TO SECTION 22-68-104.

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 24-1-115, C.R.S.

(3) "EDUCATOR" MEANS A TEACHER OR PRINCIPAL AS DEFINED IN THIS SECTION.

(4) "FUND" MEANS THE EDUCATOR IDENTIFIER FUND CREATED IN SECTION 22-68.5-103.

(5) "IDENTIFIER" MEANS A UNIQUE EDUCATOR IDENTIFIER ASSIGNED TO EACH LICENSED EDUCATOR PARTICIPATING IN THE PILOT PROGRAM AND SYSTEM PURSUANT TO SECTION 22-68.5-102.

(6) "PILOT PROGRAM" MEANS THE DEVELOPMENTAL PHASES OF THE EDUCATOR IDENTIFIER SYSTEM CREATED IN SECTION 22-68.5-102. THIS DEFINITION SHALL BE REPEALED BY THE GENERAL ASSEMBLY AFTER THE STATE BOARD CERTIFIES IN WRITING THAT THE SYSTEM IS FULLY OPERATIONAL AND AVAILABLE TO EACH SCHOOL DISTRICT OR LOCAL EDUCATION AGENCY IN THE STATE PURSUANT TO THE MINIMUM PROVISIONS OF THIS ARTICLE.

(7) "PRINCIPAL" MEANS A PERSON WHO IS EMPLOYED AS THE CHIEF EXECUTIVE OFFICER OR AN ASSISTANT CHIEF EXECUTIVE OFFICER OF A PUBLIC SCHOOL IN THE STATE AND WHO ADMINISTERS, DIRECTS, OR SUPERVISES THE EDUCATION INSTRUCTIONAL PROGRAM IN THE SCHOOL.

(8) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

(9) "SYSTEM" MEANS THE EDUCATOR IDENTIFIER SYSTEM CREATED AND DESCRIBED IN SECTION 22-68.5-102.

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(10) "TEACHER" MEANS A PERSON WHO:

(a) IS ENROLLED IN A TEACHER PREPARATION PROGRAM, HAS SUBMITTED HIS OR HER FINGERPRINTS TO THE DEPARTMENT PURSUANT TO SECTION 22-60.5-103, AND IS EMPLOYED IN A LOCAL EDUCATION AGENCY;

(b) HOLDS ANY ALTERNATIVE, INITIAL, OR PROFESSIONAL TEACHER LICENSE ISSUED PURSUANT TO THE PROVISIONS OF ARTICLE 60.5 OF THIS TITLE AND WHO IS EMPLOYED IN A LOCAL EDUCATION AGENCY TO INSTRUCT, DIRECT, OR SUPERVISE AN EDUCATION INSTRUCTIONAL PROGRAM; OR

(c) IS EMPLOYED BY A DISTRICT CHARTER SCHOOL OR AN INSTITUTE CHARTER SCHOOL TO INSTRUCT, DIRECT, OR SUPERVISE AN EDUCATION INSTRUCTIONAL PROGRAM.

(11) "TEACHER GAP" MEANS THE DOCUMENTED PHENOMENON THAT A POOR OR MINORITY STUDENT IS MORE LIKELY TO BE TAUGHT BY A LESS-QUALIFIED OR LESS-EXPERIENCED TEACHER THAN THE STUDENT'S MORE AFFLUENT OR WHITE PEERS.

22-68.5-102. Educator identifier system and pilot program - creation - purpose - scope - implementation. (1) (a) THERE IS HEREBY CREATED THE EDUCATOR IDENTIFIER SYSTEM AND PILOT PROGRAM IN THE DEPARTMENT TO ASSIGN UNIQUE IDENTIFIERS TO EDUCATORS EMPLOYED IN A SCHOOL DISTRICT OR LOCAL EDUCATION AGENCY. THE SYSTEM SHALL UTILIZE AVAILABLE CURRENT AND HISTORICAL DATA OBTAINED FROM WITHIN THE PAST FIVE YEARS AND SHALL BE DEVELOPED IN COLLABORATION WITH THE COMMISSION. THE DEPARTMENT SHALL DEVELOP THE SYSTEM BEFORE OR DURING THE 2009-2010 ACADEMIC YEAR.

(2) EACH EDUCATOR'S IDENTIFIER SHALL BE UNIQUE. THE IDENTIFIER SHALL NOT USE ANY PERSONAL IDENTIFYING INFORMATION, SUCH AS SOCIAL SECURITY NUMBERS OR CONTACT INFORMATION, EXCEPT FOR ALIGNMENT PURPOSES IN DATA PROCESSING. ANY SUCH PERSONAL IDENTIFYING INFORMATION THAT IS COLLECTED SHALL BE LINKED IN A SECURE DATA LOCATION SO DATA SETS CAN BE MATCHED BASED ON THE PERSONAL IDENTIFYING INFORMATION WHEN THE IDENTIFIER IS NOT INCLUDED.

(3) THE PURPOSE OF THE SYSTEM SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, PROVIDING INFORMATION FOR THE FOLLOWING USES:

(a) STUDYING THE TEACHER GAP AND IDENTIFYING ANY POSSIBLE SOLUTIONS TO THAT ISSUE;

(b) STUDYING EDUCATOR TRAINING PROGRAMS, EDUCATOR PROFESSIONAL DEVELOPMENT PROGRAMS, AND EDUCATOR MOBILITY AND RETENTION ISSUES;

(c) IMPROVING TEACHING AND STUDENT LEARNING, INCLUDING THE USE OF DATA TO RECOGNIZE, REWARD, AND DEVELOP THE CAREERS OF INDIVIDUAL EDUCATORS;

(d) USING DATA GLEANED FROM THE SYSTEM IN DEVELOPING THE STATE'S LONGITUDINAL DATA SYSTEM TO INCLUDE AN EDUCATOR IDENTIFIER SYSTEM WITH THE ABILITY TO MATCH EDUCATORS TO STUDENTS;

(e) ALLOWING THE STATE TO GATHER BASELINE DATA ABOUT THE DISTRIBUTION OF HIGHLY QUALIFIED TEACHERS, INCLUDING THE NUMBER AND PERCENT OF TEACHERS IN THE HIGHEST-POVERTY AND LOWEST-POVERTY SCHOOLS IN THE STATE WHO ARE HIGHLY QUALIFIED, AND TO TAKE ACTIONS TO ADDRESS ANY INEQUITIES IN THE DISTRIBUTION OF HIGHLY QUALIFIED TEACHERS THROUGHOUT THE STATE;

(f) ENABLING TEACHERS TO ENHANCE THEIR INSTRUCTION THROUGH THE USE OF TECHNOLOGICAL RESOURCES, INCLUDING THE

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COLORADO GROWTH MODEL, THAT PROVIDE TEACHERS WITH PERFORMANCE AND LONGITUDINAL GROWTH DATA FOR THEIR STUDENTS; AND

(g) GATHERING INFORMATION ABOUT THE NUMBER AND PERCENT OF TEACHERS AND PRINCIPALS RATED AT EACH PERFORMANCE LEVEL IN EACH LOCAL EDUCATION AGENCY'S TEACHER AND PRINCIPAL EVALUATION SYSTEM.

(4) THE SYSTEM SHALL INCLUDE, AT A MINIMUM, ALL OF THE FOLLOWING PROTECTIONS FOR EDUCATORS, SCHOOL DISTRICTS, AND EDUCATOR PREPARATION PROGRAMS:

(a) A SCHOOL DISTRICT OR LOCAL EDUCATION AGENCY MAY NOT USE DATA OBTAINED FROM THE SYSTEM CONCERNING SPECIFIC SCHOOLS, CLASSROOMS, OR TEACHERS OF OTHER SCHOOL DISTRICTS OR LOCAL EDUCATION AGENCIES TO NEGATIVELY SANCTION INDIVIDUAL TEACHERS;

(b) THE USE OF INFORMATION THAT SCHOOL DISTRICTS OBTAIN FROM ANY OTHER SOURCE OR ARE CURRENTLY USING SHALL NOT BE RESTRICTED BY THE PROVISIONS OF THIS SUBSECTION (4);

(c) NOTHING IN THIS SUBSECTION (4) IS INTENDED TO RESTRICT A SCHOOL DISTRICT'S EXISTING AUTHORITY TO:

(I) ASSIGN INDIVIDUAL EDUCATORS TO SPECIFIC GRADES, LEVELS, PROGRAMS, OR SCHOOLS;

(II) DIRECT THE PROFESSIONAL DEVELOPMENT OF INDIVIDUAL EDUCATORS; OR

(III) COLLABORATIVELY DESIGN AND DEVELOP, WITH REPRESENTATION FROM THE DISTRICT'S TEACHERS AND PRINCIPALS, ALTERNATIVE COMPENSATION PLANS THROUGH THE PROCEDURES ADOPTED BY THE DISTRICT FOR SETTING EDUCATOR COMPENSATION.

(d) THE DEPARTMENT AND THE DEPARTMENT OF HIGHER EDUCATION SHALL NOT USE THE DATA OBTAINED FROM THE SYSTEM TO SANCTION ANY SCHOOL DISTRICT, LOCAL EDUCATION AGENCY, OR EDUCATOR PREPARATION OR PROFESSIONAL DEVELOPMENT PROGRAM; HOWEVER, SAID DEPARTMENTS MAY PROVIDE THESE DATA TO DISTRICTS AND PROGRAMS TO BE USED FOR PROGRAM IMPROVEMENT AND MAY REQUIRE THAT THESE DATA BE CONSIDERED AND RESPONDED TO AS PART OF THE ACCREDITATION PROCESS ESTABLISHED PURSUANT TO PART 2 OF ARTICLE 11 OF THIS TITLE AND THE APPROVAL PROCESS ESTABLISHED PURSUANT TO SECTION 23-1-121, C.R.S. THE DEPARTMENT AND DEPARTMENT OF HIGHER EDUCATION, IN COLLABORATION WITH INSTITUTIONS OF HIGHER EDUCATION, SHALL SET UP PROTOCOLS FOR RELEASING SYSTEM DATA OF GRADUATES TO THEIR RESPECTIVE EDUCATOR PREPARATION PROGRAMS FOR THE PURPOSE OF SELF-EVALUATION. PROTOCOLS SHALL COMPLY WITH ALL FEDERAL LAWS. THE DEPARTMENT AND DEPARTMENT OF HIGHER EDUCATION MAY ALSO USE THESE DATA TO PRELIMINARILY IDENTIFY PRACTICES THAT MAY SHOW PROMISE, IF THE PRACTICES ARE VERIFIED BY ADDITIONAL EVIDENCE.

(e) DATA OBTAINED FROM THE SYSTEM SHALL BE AVAILABLE AT MULTIPLE LEVELS, INCLUDING STATE, SCHOOL DISTRICT, NONGOVERNMENTAL ENTITY, AND INDIVIDUAL, THROUGH VARYING DEGREES OF ACCESS, AS DESIGNED BY THE COMMISSION PURSUANT TO SECTION 22-68-104, AND IN THE SUBSEQUENT REPORT ADOPTED BY THE STATE BOARD.

(f) THE SYSTEM SHALL USE MULTIPLE DATA POINTS.

(g) THE SYSTEM SHALL COMPLY WITH ALL STATE AND FEDERAL PRIVACY LAWS IN ORDER TO ENSURE THE CONFIDENTIALITY AND APPROPRIATE USES OF INFORMATION FOUND IN THE SYSTEM.

(h) DATA ANALYSIS SHALL INCLUDE THE COMPLETE NUMBER OF

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EDUCATORS IN EACH PARTICIPATING SCHOOL DISTRICT. THE DATA SHALL BE REPORTED ONLY IF A SCHOOL DISTRICT OR LOCAL EDUCATION AGENCY INCLUDES A MINIMUM THRESHOLD IN THE NUMBER OF EDUCATORS TO ENSURE THAT IDENTIFIABLE INFORMATION OF INDIVIDUAL EDUCATORS IS NOT REPORTED.

(5) NOTWITHSTANDING ANY PROVISIONS OF THIS ARTICLE TO THE CONTRARY, A SCHOOL DISTRICT OR LOCAL EDUCATION AGENCY MAY USE THE SYSTEM TO MERGE, MANAGE, OR ACCESS ANY INFORMATION THAT IT IS OTHERWISE AUTHORIZED TO OBTAIN AND THE USE OF SUCH INFORMATION SHALL NOT BE RESTRICTED IN ANY WAY THAT IS OTHERWISE PERMITTED BY STATUTE. INFORMATION OBTAINED THROUGH THE SYSTEM THAT SCHOOL DISTRICTS OR LOCAL EDUCATION AGENCIES ARE NOT OTHERWISE AUTHORIZED TO OBTAIN MAY BE USED TO ACHIEVE THE PURPOSES DESCRIBED IN SUBSECTION (3) OF THIS SECTION, SO LONG AS IT IS NOT USED IN ANY WAY INCONSISTENT WITH THE PROTECTIONS DEFINED IN SUBSECTION (4) OF THIS SECTION.

(6) THE DEPARTMENT SHALL NOT BE OBLIGATED TO IMPLEMENT THE PROVISIONS OF THIS SECTION UNTIL SUFFICIENT FUNDS HAVE BEEN RECEIVED AND CREDITED TO THE FUND. NO GENERAL FUND MONEYS SHALL BE APPROPRIATED FOR THE IMPLEMENTATION OF THIS ARTICLE.

(7) THE GENERAL ASSEMBLY SHALL RECONSIDER THE APPROPRIATENESS OF THE PROVISIONS OF THIS ARTICLE AFTER THE STATE BOARD CERTIFIES IN WRITING THAT THE SYSTEM IS FULLY OPERATIONAL AND AVAILABLE TO EACH SCHOOL DISTRICT AND LOCAL EDUCATION AGENCY IN THE STATE PURSUANT TO THE PROVISIONS OF THIS ARTICLE.

22-68.5-103. Educator identifier fund created - gifts, grants, and donations. (1) THE DEPARTMENT IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS ARTICLE; EXCEPT THAT THE DEPARTMENT SHALL NOT ACCEPT A GIFT, GRANT, OR DONATION IF IT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS ARTICLE OR ANY OTHER LAW OF THE STATE. THE DEPARTMENT SHALL TRANSMIT ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE EDUCATOR IDENTIFIER FUND, WHICH FUND IS HEREBY CREATED.

(2) THE MONEYS CREDITED TO THE FUND SHALL BE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THIS ARTICLE.

(3) ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSES OF THIS ARTICLE MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND.

(4) ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND; EXCEPT THAT ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AS OF JUNE 30, 2012, SHALL BE TRANSFERRED TO THE GENERAL FUND.

22-68.5-104. Repeal of article. THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2012.

SECTION 5. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of education, management and administration, for the fiscal year beginning July 1, 2009, 3.0 FTE. These 3.0 FTE shall be supported by moneys in the educator identifier fund, created in section 22-68.5-103 (1), Colorado Revised Statutes. Moneys in the educator identifier fund are continuously appropriated pursuant to section 22-68.5-103 (2), Colorado Revised Statutes.

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SECTION 6. 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."

Page 1, line 103, strike "**PILOT PROGRAM,**" and substitute "**SYSTEM,**".

Judiciary

After consideration on the merits, the Committee recommends that **SB09-284** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 2, strike "18-9-312 (1)," and substitute "18-9-312,";

line 5, strike "**blocking**";

line 10, strike "~~previously designated~~" and substitute "previously designated";

line 11, strike "PREVIOUSLY DESIGNATED";

strike lines 12 and 13 and substitute the following:

"PROVIDER to arrange, TO THE EXTENT THE NECESSARY TECHNOLOGY IS REASONABLY AVAILABLE TO THE PROVIDER, to cut, reroute, or divert telephone lines OR CELLULAR OR DIGITAL COMMUNICATIONS SIGNALS".

Page 3, line 3, strike "BLOCKING OR INTERCEPTION OF";

after line 8, insert the following:

"(2) The serving ~~telephone company~~ COMMUNICATIONS OR INTERNET ACCESS PROVIDER within the geographical area of a law enforcement agency shall designate a ~~telephone company~~ security official EMPLOYED BY THE PROVIDER and an alternate to provide all required assistance to law enforcement officials to carry out the purposes of this section.

(3) Good faith reliance on an order by any supervising representative of a law enforcement agency shall constitute a complete defense to any action brought against a ~~telephone company~~ COMMUNICATIONS OR INTERNET ACCESS PROVIDER or any of its employees or agents in connection with actions taken under this section. A COMMUNICATIONS OR INTERNET ACCESS PROVIDER AND ITS EMPLOYEES OR AGENTS SHALL NOT BE LIABLE IN ANY CIVIL ACTION TO ANY PERSON OR ENTITY FOR INJURIES, DEATH, OR LOSS TO ANY PERSON OR PROPERTY INCURRED AS A RESULT OF ANY ACT OR OMISSION RESULTING FROM, CONNECTED WITH, OR INCIDENTAL TO COMPLIANCE WITH THIS SECTION."

Page 1, line 104, strike "**OFFICER BY BLOCKING COMMUNICATIONS.**" and substitute "**OFFICER.**".

MESSAGE FROM THE REVISOR OF STATUTES

April 16, 2009

We herewith transmit:

Without comment, as amended, HB09-1105.

SENATE SERVICES REPORT

Correctly Printed: SB09-285, 286, 287 and 288; SCR09-001; SJM09-003, 004, 005 and 006; SJR09-037, 038, 039, 040, 041 and 042.

Correctly Engrossed: SB09-163; SJR09-032.

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On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions--SJR09-038.

CONSIDERATION OF RESOLUTIONS

SJR09-038 by Senator(s) Romer; also Representative(s) Loooper--Concerning the recognition of organ and tissue donors through the observation of "Donate Life Colorado Month".

On motion of Senator Romer, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

Co-sponsors added: Bacon, Boyd, Brophy, Cadman, Carroll M., Foster, Gibbs, Groff, Harvey, Heath, Hodge, Hudak, Isgar, Keller, Kester, King K., Kopp, Lundberg, Mitchell, Morse, Newell, Penry, Renfroe, Sandoval, Scheffel, Schultheis, Schwartz, Shaffer B., Spence, Tapia, Tochtrop, Veiga, White and Williams.

COMMITTEE OF REFERENCE REPORTS

CORRECTED

Appropriations After consideration on the merits, the Committee recommends that **SB09-085** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 3, strike "**exemption.**" and substitute "**exemption - repeal.**";

line 8, strike "EXCEPT AS OTHERWISE SET FORTH IN PARAGRAPH (b) OF";

line 9, strike "THIS SUBSECTION (2), FOR" and substitute "FOR";

line 10, strike "2009," and substitute "2011,";

line 11, strike "PROPERTY" and substitute "PROPERTY, REGARDLESS OF THE PROPERTY TAX YEAR IN WHICH SUCH PROPERTY IS FIRST USED IN A BUSINESS,";

strike lines 14 through 27.

Page 3, strike lines 1 through 10 and substitute the following:

"(I) FOR THE PROPERTY TAX YEAR COMMENCING ON JANUARY 1, 2011, AND THE NEXT THREE PROPERTY TAX YEARS THEREAFTER, ONE PERCENT;

(II) FOR THE PROPERTY TAX YEAR COMMENCING ON JANUARY 1, 2015, AND THE NEXT THREE PROPERTY TAX YEARS THEREAFTER, THREE PERCENT;

(III) FOR THE PROPERTY TAX YEAR COMMENCING ON JANUARY 1, 2019, AND THE NEXT THREE PROPERTY TAX YEARS THEREAFTER, FOUR PERCENT;

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(IV) FOR THE PROPERTY TAX YEAR COMMENCING ON JANUARY 1, 2023, AND THE NEXT THREE PROPERTY TAX YEARS THEREAFTER, SEVEN PERCENT;

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(V) FOR THE PROPERTY TAX YEAR COMMENCING ON JANUARY 1, 2027, AND THE NEXT THREE PROPERTY TAX YEARS THEREAFTER, ELEVEN PERCENT;

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(VI) FOR THE PROPERTY TAX YEAR COMMENCING ON JANUARY 1, 2031, AND THE NEXT THREE PROPERTY TAX YEARS THEREAFTER, EIGHTEEN PERCENT;

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(VII) FOR THE PROPERTY TAX YEAR COMMENCING ON JANUARY 1, 2035, AND THE NEXT THREE PROPERTY TAX YEARS THEREAFTER, TWENTY-NINE PERCENT;

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(VIII) FOR THE PROPERTY TAX YEAR COMMENCING ON JANUARY 1, 2039, AND THE NEXT THREE PROPERTY TAX YEARS THEREAFTER, FORTY-SEVEN PERCENT;

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(IX) FOR THE PROPERTY TAX YEAR COMMENCING ON JANUARY 1, 2043, AND THE NEXT THREE PROPERTY TAX YEARS THEREAFTER, SEVENTY-SIX PERCENT; AND

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(X) FOR THE PROPERTY TAX YEAR COMMENCING ON JANUARY 1, 2047, AND EACH PROPERTY TAX YEAR THEREAFTER, ONE HUNDRED PERCENT.

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(b) (I) ON OR BEFORE JANUARY 1, 2013, LEGISLATIVE COUNCIL STAFF SHALL SUBMIT A REPORT TO THE BUSINESS AFFAIRS AND LABOR COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES, THAT SETS FORTH THE DECREASE IN REVENUE FOR THE PROPERTY TAX YEAR COMMENCING ON JANUARY 1, 2011, TO MUNICIPALITIES, COUNTIES, SPECIAL DISTRICTS, AND SCHOOL DISTRICTS BY OPERATION OF THE EXEMPTION CREATED IN PARAGRAPH (a) OF THIS SUBSECTION (2) BASED ON THE CERTIFIED MILL LEVY FOR EACH LOCAL GOVERNMENT.

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(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JANUARY 1, 2014.

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(3) THE EXEMPTION SET FORTH IN SUBSECTION (2) OF THIS SECTION SHALL NOT APPLY TO BUSINESS PERSONAL PROPERTY LOCATED IN A COUNTY IN WHICH THE ASSESSED VALUE OF BUSINESS PERSONAL PROPERTY FOR A PROPERTY TAX YEAR COMMENCING ON OR AFTER JANUARY 1, 2010, IS THIRTY PERCENT OR MORE OF THE TOTAL ASSESSED PROPERTY VALUE IN THE COUNTY FOR THE SAME YEAR. SUCH EXEMPTION SHALL NOT APPLY TO THE PROPERTY TAX LEVIED BY THE COUNTY OR A MUNICIPALITY, SPECIAL DISTRICT, OR SCHOOL DISTRICT LOCATED WITHIN THE COUNTY UNTIL THE FIRST YEAR SUBSEQUENT TO A PROPERTY TAX YEAR IN WHICH THE ASSESSED VALUE OF BUSINESS PERSONAL PROPERTY LOCATED IN THE COUNTY IS LESS THAN THIRTY PERCENT OF THE TOTAL ASSESSED PROPERTY VALUE IN THE COUNTY.

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SECTION 2. 39-4-102 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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39-4-102. Valuation of public utilities. (3) (e) BUSINESS PERSONAL PROPERTY OWNED BY A PUBLIC UTILITY SHALL BE EXEMPT FROM THE LEVY AND COLLECTION OF PROPERTY TAX PURSUANT TO SECTION 39-3-118.5 (2). THE VALUE OF THE EXEMPTION SHALL BE REMOVED FROM THE SYSTEM MARKET VALUE AND SHALL BE DETERMINED BY APPLYING THE MARKET TO BOOK RATIO TO THE NET OF THE HISTORICAL COST LESS DEPRECIATION OF THE BUSINESS PERSONAL PROPERTY."

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Renumber succeeding section accordingly.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SJR09-043 by Senator(s) Hudak, Bacon, Foster, Gibbs, Groff, Heath, Hodge, Newell, Sandoval, Schwartz, Shaffer B., Veiga, Williams; also Representative(s) Todd, Merrifield, Baumgardner, Benefield, Casso, Kagan, Kerr A., Massey, Middleton, Miklosi, Murray, Peniston, Priola, Scanlan, Schafer S., Solano, Summers--Concerning the recognition of public education and public school teachers in Colorado.

On motion of Senator Hudak, the resolution was read at length and **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

Co-sponsors added: Boyd, Brophy, Cadman, Carroll M., Harvey, Isgar, Keller, Kester, King K., Kopp, Lundberg, Mitchell, Morse, Penry, Renfroe, Romer, Scheffel, Schultheis, Spence, Tapia, Tochtrop and White.

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs The Committee on State, Veterans, and Military Affairs has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBER OF THE COLORADO LIMITED GAMING CONTROL COMMISSION

for a term expiring July 1, 2011:

Larry R. Gaddis of Colorado Springs, Colorado, a resident of the 5th Congressional District, an attorney admitted to the practice of law in Colorado for not less than five years who has experience in regulatory law, and a Democrat, appointed.

for a term expiring July 1, 2012:

Florence E. Hunt of Pueblo, Colorado to serve as a member from the 3rd Congressional District representing registered electors, and as a Democrat, reappointed.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **HB09-1307** be referred to the Committee of the Whole with favorable recommendation.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **HB09-1291** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **HB09-1205** be referred to the Committee of the Whole with favorable recommendation.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **HB09-1039** be amended as follows, and as so amended, be referred to the Committee on Appropriations

Military
Affairs

with favorable recommendation.

Amend reengrossed bill, page 2, before line 1, insert the following:

SECTION 1. 23-7-103 (1) (c) (I) (C), Colorado Revised Statutes, is amended to read:

23-7-103. Presumptions and rules for determination of status.

(1) Unless the contrary appears to the satisfaction of the registering authority of the institution at which a student is registering, it shall be presumed that:

(c) (I) (C) A member of the armed forces may apply for in-state tuition classification for any of his or her dependents, including but not limited to a spouse, upon meeting the requirements of this section. After qualifying as an in-state student and while continuously enrolled as an undergraduate or graduate student at an institution of higher education in Colorado, ~~a dependent of a member of the armed forces of the United States on active duty, OR THE MEMBER'S SPOUSE OR DEPENDENT,~~ shall not lose ~~the dependent's~~ HIS OR HER ELIGIBILITY FOR in-state tuition status if the member is transferred outside of Colorado OR IF THE MEMBER RETIRES OR SEPARATES FROM THE MILITARY AND REMAINS IN COLORADO. A person who is a dependent of a member of the armed forces of the United States who was on active duty in Colorado during the person's last year of high school, and who attends a public institution of higher education in Colorado within twelve months after graduating from a high school in Colorado, shall be eligible for in-state tuition, AND THE ELIGIBILITY SHALL NOT BE AFFECTED IF THE MEMBER IS TRANSFERRED OUTSIDE OF COLORADO OR IF THE MEMBER RETIRES OR SEPARATES FROM THE MILITARY AND REMAINS IN COLORADO; except that such a person is not eligible for in-state tuition under this provision if the person has attended an institution of higher education outside of Colorado."

Renumber succeeding sections accordingly.

THIRD READING OF BILLS -- FINAL PASSAGE

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

HB09-1180 by Representative(s) King S.; also Senator(s) Brophy--Concerning allowing valid Colorado concealed handgun permits to satisfy background check requirements for transfers of firearms.

A majority of those elected to the Senate having voted in the affirmative, Senator Brophy was given permission to offer a Third Reading amendment.

Laid over until Friday, April 17, retaining its place on the calendar.

SB09-235 by Senator(s) Gibbs and Isgar; also Representative(s) Merrifield--Concerning certain fees charged by the division of wildlife.

A majority of those elected to the Senate having voted in the affirmative, Senator Gibbs was given permission to offer a Third Reading amendment.

Third Reading Amendment No.1(L.023), by Senator Gibbs .

Amend engrossed bill, page 6, line 21, strike "THE CONSERVATION AND PROTECTION OF" and substitute "IMPROVE ACCESS FOR ANGLERS TO THE WATERS OF THE STATE AND TO CONSERVE AND PROTECT";

line 24, strike everything after the period;

strike lines 25 through 27.

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The amendment was declared **passed** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	24	NO	11	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	Y	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

SB09-180 by Senator(s) Tochtrop, Carroll M.; also Representative(s) Casso--Concerning collective bargaining by employees of public safety agencies.

A majority of those elected to the Senate having voted in the affirmative, Senator Heath was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 1(L.19), by Senator Heath.

Amend engrossed bill, page 17, strike lines 6 and 7 and substitute the following:

"VOLUNTARY RECOGNITION, ON THE EFFECTIVE DATE OF THIS PART 2, THIS PART 2 SHALL NOT APPLY."

The amendment was declared **passed** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of those elected to the Senate having voted in the affirmative, Senator Gibbs was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 2(L.20), by Senator Gibbs.

Amend engrossed bill, page 18, line 13, strike "THIRTY" and substitute "FIFTY";

line 14, strike "2 UNLESS";

strike lines 15 and 16 and substitute the following:

"2.".

The amendment was declared **passed** on the following roll call vote:

YES	33	NO	2	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	N	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	Y	Mitchell	Y	Schwartz	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	19	NO	16	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	N	Penry	N	Tapia	Y
Cadman	N	Keller	N	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	N	King K.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

IMMEDIATE RECONSIDERATION OF SB09-180

SB09-180 by Senator(s) Tochtrop, Carroll M.; also Representative(s) Casso--Concerning collective bargaining by employees of public safety agencies.

Having voted on the prevailing side, Senator Mitchell moved for immediate reconsideration of the last Senate action, Third Reading of Bills--Final Passage, on **SB09-180**. The roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

THIRD READING OF BILLS -- FINAL PASSAGE

SB09-180 by Senator(s) Tochtrop, Carroll M.; also Representative(s) Casso--Concerning collective bargaining by employees of public safety agencies.

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	18	NO	17	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	N	Penry	N	Tapia	Y
Cadman	N	Keller	N	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	N	King K.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **repassed**.

SB09-245 by Senator(s) Sandoval; also Representative(s) Schafer S.--Concerning changes to conform to portions of federal Public Law 110-351 relating to kinship.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Boyd, Newell, Tapia and Tochtrop.

SB09-135 by Senator(s) Penry; also Representative(s) Miklosi--Concerning information collection regarding parole decisions.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Boyd, Newell, Tapia and Tochtrop.

SB09-163 by Senator(s) Hudak and King K.; also Representative(s) Middleton and Massey--Concerning the education accountability system.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	28	NO	7	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Bacon, Boyd, Gibbs, Groff, Heath, Hodge, Morse, Newell, Romer, Sandoval, Schwartz, Shaffer B., Spence, Tochtrop and Williams.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB09-176 by Senator(s) Spence; also Representative(s) Casso and Massey--Concerning charter school participation in school district bond elections.

Senator Spence moved that the Senate concur in House amendments to **SB09-176**, as printed in House Journal, April 14, page 1168. The motion was passed by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

SB09-094 by Senator(s) Williams, Gibbs, Groff, Heath, Schwartz, Shaffer B.; also Representative(s) Levy, Green, Marostica, Merrifield, Middleton, Primavera, Rice, Ryden, Scanlan--Concerning the creation of a transit and rail division within the department of transportation.

Senator Williams moved that the Senate not concur in House amendments to **SB09-094**, as printed in House Journal, April 14, page 1169, and that a Conference Committee be appointed.

The motion was **adopted** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The President appointed Senators Williams, Chair, Gibbs, and Spence as Senate Conferees on the First Conference Committee on **SB09-094**.

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders--Second Reading of Bills--Consent Calendar (SB09-258, HB09-1120, SB09-283, HB09-1325, HB09-1315) of Thursday, April 16, was laid over until Friday, April 17, retaining its place on the calendar.

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders--Second Reading of Bills Calendar (HB09-1250, HB09-1299, HB09-1170, SB09-239, SB09-226, SB09-130, SB09-045 HB09-1305) of Thursday, April 16, was laid over until Friday, April 17, retaining its place on the calendar.

CONFERENCE COMMITTEE GRANTED FURTHER POWERS

HB09-1057 by Representative(s) Kerr A., Carroll T., Apuan; also Senator(s) Bacon, Groff--Concerning parental involvement in kindergarten through twelfth grade education.

Senator Bacon moved that the Senate Conferees on the First Conference Committee on **HB09-1057** be granted permission to go beyond the scope of the differences between the two Houses.

A majority of all members elected to the Senate having voted in the affirmative, the motion was declared **adopted**.

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Thursday, April 16 was laid over until Friday, April 17, retaining its place on the calendar.

Consideration of Resolutions: SR09-015, SJR09-036, SJR09-037, SJR09-039, SJR09-040, SJR09-041, SJR09-042.

Consideration of Memorials: SJM09-003, SJM09-004, SJM09-005, SJM09-006.

Consideration of Conference Committee Reports: SB09-148.

Conference Committees to Report: HB09-1057, SB09-101, SB09-131, SB09-013.

TRIBUTES

Honoring:

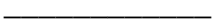
Daniel Rodriguez- Sen. Penry and Reps. Bradford and King

Matthew Gurule- Sen. Penry and Reps. Bradford and King

Paonia High School Wrestling Team- Sen. Penry and Reps. Bradford and King

Ryan Cramer- Sen. Penry and Reps. Bradford and King

- Taylor Termentozzi- Sen. Penry and Reps. Bradford and King 1
- Anthony Guillen- Sen. Penry and Reps. Bradford and King 2
- Ethan Alexander- Sen. Penry and Rep. Tipton 3
- Jesus Rodriguez- Sen. Penry and Reps. Bradford and King 4
- Kyle Piatt- Sen. Penry and Rep. Tipton 5
- Ty Sickels- Sen. Penry and Rep. Tipton 6
- Zach Shank- Sen. Penry and Rep. Tipton 7
- Christian Holcomb- Sen. Penry and White 8
- Hugh Hardman- Sen. Penry and Rep. Tipton 9
- Justin Iacovetto- Sen. Penry and Reps. Bradford and King 10
- Lucas Wiggins- Sen. Penry and Reps. Bradford and King 11
- Ty Spangler- Sen. Penry and Rep. Bradford 12
- David Rhodes- Sen. Penry and Rep. Tipton 13
- James Conrardy- Sen. Penry and White 14
- Justin Smith- Sen. Penry and Reps. Bradford and King 15
- Stryker Lane- Sen. Penry and Rep. Tipton 16
- Zach Rosales- Sen. Penry and Reps. Bradford and King 17
- Las Animas- Sen. Kester 18
- Kay Collins- Sen. Hodge 19
- Tech Sergeant Douglas S. Thomas-Schepeler- Sen. Carroll 20
- Rock Canyon High Varsity Boys Soccer Team- Sen. Harvey-- by Senator 21



On motion of Senator Shaffer, the Senate adjourned until 9:00 a.m., Friday, April 17, 2009. 22
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Approved: 26
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Peter C. Groff 33
President of the Senate 34
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Attest: 36
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Karen Goldman 41
Secretary of the Senate 42
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