

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

107th Legislative Day

Thursday, April 29, 2010

Prayer	By the chaplain, Reverend Vern Rempel, First Mennonite Church of Denver.	10
Call to Order	By the President at 9:00 a.m.	12
Pledge	By Senator Spence.	15
Roll Call	Present--32. Absent--1, Penry. Excused--2, Lundberg, Mitchell. Present later--3, Lundberg, Mitchell, Penry.	17 18 19 20
Quorum	The President announced a quorum present.	21 22
Reading of Journal	On motion of Senator Carroll, reading of the Journal of Wednesday, April 28, 2010, was dispensed with and the Journal was approved as corrected by the Secretary.	24 25 26

COMMITTEE OF REFERENCE REPORTS

Agriculture and Natural Resources	The Committee on <u>Agriculture and Natural Resources</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	31 32 33
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**MEMBERS OF THE
BOARD OF PARKS AND OUTDOOR RECREATION**

for terms expiring June 30, 2014:

	Lenna M. Watson of Grand Junction, Colorado, to serve as a representative of the Western Region and as a Republican, reappointed;	40 41 42
	William G. Kane of Aspen, Colorado, to serve as a representative of the Northern Region, reappointed.	43 44 45

Agriculture and Natural Resources	After consideration on the merits, the Committee recommends that HB10-1398 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	46 47 48
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Education	After consideration on the merits, the Committee recommends that HB10-1375 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	49 50 51 52
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Trans- portation	After consideration on the merits, the Committee recommends that HB10-1238 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	53 54 55 56
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Amend reengrossed bill, page 3, line 3, after "WITH" insert "BOTH THE COLORADO STATE PATROL CREATED PURSUANT TO SECTION 24-33.5-201, C.R.S., AND".

Page 3, line 5, strike "WITHIN".

Page 3, strike line 6 and substitute "OF STATE HIGHWAY 82 BETWEEN GLENWOOD SPRINGS AND ASPEN AS WILDLIFE CROSSING ZONES.".

Page 3, line 7, strike "(a)".

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Page 3, line 8, strike "WITHIN A PUBLIC HIGHWAY OF THE STATE" and substitute "OF STATE HIGHWAY 82 BETWEEN GLENWOOD SPRINGS AND ASPEN".

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Page 3, line 10, strike "(I)" and substitute "(a)".

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Page 3, line 12, strike "(II)" and substitute "(b)".

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Page 3, strike lines 14 through 27.

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Page 4, strike lines 1 through 3.

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Renumber succeeding subsections accordingly.

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Page 4, line 5, strike "OR (3)".

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Page 5, line 8, strike "WITHIN THE PUBLIC HIGHWAYS" and substitute "OF STATE HIGHWAY 82 BETWEEN GLENWOOD SPRINGS AND ASPEN".

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Page 5, line 9, strike "OF THE STATE".

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Page 5, line 11, strike "WITHIN" and substitute "OF STATE HIGHWAY 82 BETWEEN GLENWOOD SPRINGS AND ASPEN".

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Page 5, line 12, strike "THE STATE".

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Page 5, line 18, strike "THE PUBLIC HIGHWAY" and substitute "STATE HIGHWAY 82".

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Page 5, line 24, strike "ZONES," and substitute "ZONES IN AREAS OF STATE HIGHWAY 82 BETWEEN GLENWOOD SPRINGS AND ASPEN; OR".

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Page 5, strike lines 25 and 26.

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Page 6, line 1, strike "PARAGRAPH (b) OF SUBSECTION (1) OF".

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Page 6, strike line 3 and substitute:

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"(7) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2011."

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Page 6, line 8, strike "**violations.**" and substitute "**violations - repeal.**".

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Page 6, line 16, after "TRANSPORTATION" insert "IN AN AREA OF STATE HIGHWAY 82".

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Page 6, line 20, after "TRANSPORTATION" insert "IN AN AREA OF STATE HIGHWAY 82".

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Page 7, line 2, strike "(a)".

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Page 7, line 6, strike "(I)" and substitute "(a)".

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Page 7, line 9, strike "(II)" and substitute "(b)".

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Page 7, strike lines 13 through 17.

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Page 8, after line 2 insert:

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"(5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2011."

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Page 8, after line 20 insert:

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"(III) (A) THIS PARAGRAPH (d.5) IS REPEALED, EFFECTIVE JULY 1, 2011.

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(B) ANY MONEYS REMAINING IN THE WILDLIFE CROSSING ZONE SAFETY ACCOUNT WITHIN THE HIGHWAY USERS TAX FUND ON JULY 1, 2011, SHALL BE CREDITED BY THE STATE TREASURER TO THE HIGHWAY

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USERS TAX FUND.".

Judiciary

The Committee on Judiciary has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
STATE BOARD OF PAROLE

effective May 1, 2010 for a term expiring July 1, 2012:

John M. O'Dell of Loveland, Colorado, to fill the vacancy occasioned by the resignation of David L. Michaud of Pueblo West, Colorado, and to serve as a law enforcement representative, appointed;

for terms expiring July 1, 2013:

Michael E. Anderson of Denver, Colorado, to serve as a law enforcement representative, reappointed;

Rebecca L. Oakes of Denver, Colorado, to serve as a citizen representative, reappointed;

Becky R. Lucero of Pueblo, Colorado, to serve as a citizen representative, reappointed;

further, effective May 1, 2010 for a term expiring at the pleasure of the Governor:

Becky R. Lucero of Pueblo, Colorado, to serve as Chairperson of the State Board of Parole, appointed.

Judiciary

After consideration on the merits, the Committee recommends that **HB10-1338** be referred to the Committee on Appropriations with favorable recommendation.

Judiciary

After consideration on the merits, the Committee recommends that **HB10-1364** 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, strike "DEPARTMENT" and substitute "DEPARTMENT;".

Page 6, strike lines 20 and 21.

Page 9, strike lines 19 through 21 and substitute "OFFENDERS ARE EXTREMELY HABITUATED AND CANNOT OR WILL NOT RESPOND TO TREATMENT. THE BOARD SHALL DEVELOP AND IMPLEMENT".

Page 30, line 19, before "this" insert "sections 3, 8, and 12 of".

Judiciary

After consideration on the merits, the Committee recommends that **SB10-199** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, strike lines 2 and 3 and substitute:

"2-5-102. Inclusions - nonstatutory. (11) THERE SHALL BE INCLUDED IN THE PUBLICATION OF THE".

Page 3, line 9, strike "OR COLORADO COMMENTS".

Health &
Human
Services

After consideration on the merits, the Committee recommends that **HB10-1027** be referred to the Committee on Appropriations with favorable recommendation.

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **HB10-1394** be referred to the Committee of the Whole with favorable recommendation.

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **SB10-201** be referred to the Committee of the Whole with favorable recommendation.

Health &
Human
Services

After consideration on the merits, the Committee recommends that **HB10-1022** be referred to the Committee on Appropriations with favorable recommendation.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SCR10-001** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed concurrent resolution, strike everything below the resolving clause and substitute:

"SECTION 1. At the next election at which such question may be submitted, there shall be submitted to the registered electors of the state of Colorado, for their approval or rejection, the following amendment to the constitution of the state of Colorado, to wit:

Article XIX of the constitution of the state of Colorado is amended BY THE ADDITION OF A NEW SECTION to read:

Section 3. Constitutional review commission. (1) Definitions.
AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "APPOINTMENT YEAR" MEANS 2011 OR EVERY SIXTH YEAR THEREAFTER.

(b) "COMMISSION" MEANS THE CONSTITUTIONAL REVIEW COMMISSION CREATED IN SUBSECTION (2) OF THIS SECTION.

(c) "COMMISSION ELECTION YEAR" MEANS 2012 OR EVERY SIXTH YEAR THEREAFTER.

(d) "MEASURE" MEANS A MEASURE TO AMEND THIS CONSTITUTION PROPOSED BY THE COMMISSION TO BE SUBMITTED TO THE REGISTERED ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT A GENERAL ELECTION IN ACCORDANCE WITH THIS SECTION.

(2) **Creation.** THE CONSTITUTIONAL REVIEW COMMISSION IS HEREBY CREATED FOR THE PURPOSE OF PERIODICALLY REVIEWING THIS CONSTITUTION. BEGINNING IN 2011, AND EVERY SIXTH YEAR THEREAFTER, THE COMMISSION SHALL DETERMINE AN AREA OF INTEREST IN THE CONSTITUTION AND REVIEW PROVISIONS INCLUDED WITHIN THE AREA. THE SCOPE OF AN AREA OF INTEREST SHALL BE IN THE SOLE DISCRETION OF THE COMMISSION. AFTER REVIEWING THE CONSTITUTION, THE COMMISSION MAY SUBMIT TO THE VOTERS, IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION, ONE OR MORE MEASURES TO AMEND THIS CONSTITUTION.

(3) **Appointments.** (a) THE COMMISSION SHALL CONSIST OF NINETEEN MEMBERS APPOINTED AS FOLLOWS:

(I) SIX MEMBERS APPOINTED BY THE GOVERNOR;

(II) THREE MEMBERS APPOINTED BY THE PRESIDENT OF THE SENATE;

(III) THREE MEMBERS APPOINTED BY THE MINORITY LEADER OF THE SENATE;

(IV) THREE MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;

(V) THREE MEMBERS APPOINTED BY THE MINORITY LEADER OF

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THE HOUSE OF REPRESENTATIVES; AND

(VI) ONE MEMBER APPOINTED BY THE CHIEF JUSTICE OF THE STATE SUPREME COURT.

(b) (I) THE FOLLOWING REQUIREMENTS SHALL APPLY TO APPOINTMENTS TO THE COMMISSION BY THE GOVERNOR:

(A) NO MORE THAN TWO OF THE MEMBERS SHALL BE REGISTERED WITH THE SAME POLITICAL PARTY; AND

(B) AT LEAST TWO OF THE MEMBERS SHALL BE PERSONS WHO ARE UNAFFILIATED WITH A POLITICAL PARTY.

(II) EXCEPT AS SET FORTH IN SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), AT LEAST ONE MEMBER APPOINTED BY EACH APPOINTING AUTHORITY PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL BE A PERSON WHO IS UNAFFILIATED WITH A POLITICAL PARTY.

(III) FOR PURPOSES OF THIS PARAGRAPH (b), A PERSON SHALL BE CONSIDERED TO BE UNAFFILIATED WITH A POLITICAL PARTY IF HE OR SHE IS UNAFFILIATED WITH A POLITICAL PARTY AT THE TIME OF THE APPOINTMENT AND HAS BEEN CONTINUOUSLY UNAFFILIATED SINCE THE LAST GENERAL ELECTION PRIOR TO THE APPOINTMENT. A PERSON SHALL BE CONSIDERED TO BE REGISTERED WITH A POLITICAL PARTY IF HE OR SHE IS REGISTERED WITH THE POLITICAL PARTY AT THE TIME OF THE APPOINTMENT AND HAS BEEN CONTINUOUSLY REGISTERED WITH THE POLITICAL PARTY SINCE THE LAST GENERAL ELECTION PRIOR TO THE APPOINTMENT.

(c) THE FOLLOWING PERSONS SHALL NOT BE ELIGIBLE FOR APPOINTMENT TO THE COMMISSION:

(I) A MEMBER OF THE GENERAL ASSEMBLY;

(II) A STATEWIDE OFFICEHOLDER; OR

(III) ANY PERSON WHO WAS PREVIOUSLY APPOINTED TO THE COMMISSION.

(d) APPOINTMENTS TO THE COMMISSION SHALL BE MADE ON OR AFTER MARCH 1 BUT BEFORE MARCH 15 OF AN APPOINTMENT YEAR AND MEMBERS SHALL SERVE UNTIL MARCH 15 OF THE FOLLOWING YEAR. THEREAFTER, NO MEMBERS SHALL BE APPOINTED UNTIL THE NEXT APPOINTMENT YEAR. A VACANCY DURING THE TERM OF THE COMMISSION SHALL BE FILLED BY THE ORIGINAL APPOINTING AUTHORITY.

(4) **Administration.** (a) THE COMMISSION SHALL MEET AS OFTEN AS NECESSARY TO COMPLETE ITS CHARGE. ALL MEETINGS SHALL BE OPEN TO THE PUBLIC.

(b) THE COMMISSION SHALL ELECT A CHAIRPERSON AND VICE-CHAIRPERSON FROM ITS MEMBERSHIP AND SHALL ADOPT ANY PROCEDURES NECESSARY TO PERFORM ITS CHARGE.

(c) A MEMBER OF THE COMMISSION SHALL NOT RECEIVE COMPENSATION FOR HIS OR HER SERVICE ON THE COMMISSION BUT MAY RECEIVE REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED WHILE PERFORMING DUTIES RELATED TO THE COMMISSION.

(d) THE OFFICE OF LEGISLATIVE LEGAL SERVICES AND LEGISLATIVE COUNCIL STAFF SHALL PROVIDE STAFF SUPPORT TO ASSIST THE COMMISSION IN ITS CHARGE.

(5) **Measures to amend this constitution.** (a) THE COMMISSION SHALL HAVE THE POWER TO PROPOSE ONE OR MORE MEASURES TO BE

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SUBMITTED TO THE REGISTERED ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT THE NEXT GENERAL ELECTION; EXCEPT THAT NO MEASURE SHALL BE SUBMITTED UNLESS:

(I) THE COMMISSION THAT RECOMMENDS THE MEASURE HAS CONDUCTED AT LEAST ONE MEETING IN EACH CONGRESSIONAL DISTRICT IN THE STATE PRIOR TO SUBMITTING THE MEASURE TO THE SECRETARY OF STATE PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (5);

(II) THE MEASURE IS APPROVED BY A TWO-THIRDS MAJORITY OF ALL THE MEMBERS APPOINTED TO THE COMMISSION;

(III) THE MEASURE IS LIMITED TO REPEALING OR AMENDING EXISTING PROVISIONS OF THIS CONSTITUTION; AND

(IV) THE MEASURE IS APPROVED BY THE GENERAL ASSEMBLY IN ACCORDANCE WITH SUBSECTION (6) OF THIS SECTION.

(b) NO LATER THAN FEBRUARY 1 OF A COMMISSION ELECTION YEAR, THE COMMISSION SHALL SUBMIT A COPY OF ANY MEASURE TO THE SECRETARY OF STATE FOR TITLE SETTING BY THE STATE TITLE BOARD. THE STATE TITLE BOARD SHALL DESIGNATE AND FIX A PROPER AND FAIR BALLOT TITLE FOR EACH MEASURE IN THE MANNER SET FORTH BY LAW; EXCEPT THAT THE BALLOT TITLE SHALL BE IN THE FOLLOWING STYLE:

(I) THE BALLOT TITLE SHALL BEGIN, "SHALL THE CONSTITUTION OF THE STATE OF COLORADO BE AMENDED AS RECOMMENDED BY THE CONSTITUTIONAL REVIEW COMMISSION AS FOLLOWS:"; AND

(II) THE INTRODUCTION REQUIRED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) SHALL BE FOLLOWED BY A DESCRIPTION OF EACH CHANGE TO THIS CONSTITUTION.

(c) A MEASURE MAY CONTAIN MORE THAN ONE SUBJECT AND SHALL NOT BE SUBJECT TO THE REQUIREMENTS SET FORTH IN SECTION 20 (3) OF ARTICLE X OF THIS CONSTITUTION.

(d) LEGISLATIVE COUNCIL STAFF SHALL:

(I) PUBLISH THE TEXT AND TITLE OF A MEASURE IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN SECTION 1 (7.3) OF ARTICLE V OF THIS CONSTITUTION; AND

(II) PREPARE AND MAKE AVAILABLE THE INFORMATION SET FORTH IN SECTION 1 (7.5) (a) OF ARTICLE V OF THIS CONSTITUTION FOR EACH MEASURE AS PART OF THE BALLOT INFORMATION BOOKLET.

(e) A MEASURE SHALL BE IDENTIFIED ON THE BALLOT AS A "COMMISSION AMENDMENT" AND SHALL BE NUMBERED CONSECUTIVELY IN REGULAR NUMERICAL ORDER BEGINNING WITH THE NUMBER ONE.

(f) EACH MEASURE SHALL BE PUBLISHED WITH THE LAWS OF THE SECOND REGULAR SESSION OF THE GENERAL ASSEMBLY CONVENING DURING THE COMMISSION ELECTION YEAR.

(g) EACH MEASURE APPROVED BY A MAJORITY OF THOSE VOTING THEREON SHALL BECOME PART OF THIS CONSTITUTION.

(6) **Approval by the general assembly.** (a) NO LATER THAN MARCH 1 OF A COMMISSION ELECTION YEAR, THE SECRETARY OF STATE SHALL NOTIFY THE GENERAL ASSEMBLY OF EACH MEASURE FOR WHICH A BALLOT TITLE HAS BEEN SET. THE GENERAL ASSEMBLY SHALL ESTABLISH A PROCEDURE FOR CONDUCTING ONE OR MORE PUBLIC HEARINGS FOR EACH MEASURE TO BE CONDUCTED IN EACH HOUSE OF THE GENERAL ASSEMBLY.

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(b) SUBSEQUENT TO ANY PUBLIC HEARING REQUIRED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (6), THE GENERAL ASSEMBLY SHALL BY A JOINT RESOLUTION EITHER APPROVE OR REJECT A MEASURE. IF THE MEASURE IS APPROVED BY THE MAJORITY OF ALL THE MEMBERS ELECTED TO EACH HOUSE, THE MEASURE SHALL BE SUBMITTED TO THE VOTERS AT THE NEXT GENERAL ELECTION. IF THE MEASURE IS REJECTED BY THE GENERAL ASSEMBLY, THE MEASURE SHALL NOT BE SUBMITTED TO THE VOTERS AT THE NEXT GENERAL ELECTION. IN NO CASE SHALL THE GENERAL ASSEMBLY HAVE THE POWER TO CHANGE A MEASURE IN ANY WAY.

(c) APPROVAL BY THE GENERAL ASSEMBLY PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (6) SHALL NOT CAUSE A MEASURE TO BE CONSIDERED AN AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY SUBJECT TO THE PROVISIONS OF SECTION 2 OF THIS ARTICLE.

SECTION 2. Each elector voting at said election and desirous of voting for or against said amendment shall cast a vote as provided by law either "Yes" or "No" on the proposition: "SHALL THERE BE AN AMENDMENT TO ARTICLE XIX OF THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING THE CREATION OF THE CONSTITUTIONAL REVIEW COMMISSION, AND, IN CONNECTION THEREWITH, ESTABLISHING A COMMISSION CONSISTING OF NINETEEN MEMBERS APPOINTED BY VARIOUS STATE OFFICIALS FOR THE PURPOSE OF PERIODICALLY REVIEWING AREAS OF INTEREST WITHIN THE STATE CONSTITUTION; PERMITTING THE COMMISSION TO PROPOSE MEASURES TO AMEND THE CONSTITUTION; AUTHORIZING PROPOSED COMMISSION MEASURES APPROVED BY THE GENERAL ASSEMBLY TO BE SUBMITTED TO THE VOTERS IN 2012 OR A GENERAL ELECTION EVERY SIXTH YEAR THEREAFTER; PERMITTING A MEASURE TO INCLUDE MORE THAN ONE SUBJECT; EXEMPTING A MEASURE FROM EXISTING CONSTITUTIONAL ELECTION REQUIREMENTS; AND REQUIRING EACH MEASURE TO BE PUBLISHED PRIOR TO THE ELECTION AND INCLUDED IN THE BALLOT INFORMATION BOOKLET?"

SECTION 3. The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress, and if a majority of the electors voting on the question shall have voted "Yes", the said amendment shall become a part of the state constitution."

Page 1, strike lines 104 through 113.

Page 2, strike lines 101 through 106 and substitute "CREATION OF THE CONSTITUTIONAL REVIEW COMMISSION, AND, IN CONNECTION THEREWITH, ESTABLISHING A COMMISSION CONSISTING OF NINETEEN MEMBERS APPOINTED BY VARIOUS STATE OFFICIALS FOR THE PURPOSE OF PERIODICALLY REVIEWING AREAS OF INTEREST WITHIN THE STATE CONSTITUTION; PERMITTING THE COMMISSION TO PROPOSE MEASURES TO AMEND THE CONSTITUTION; AUTHORIZING PROPOSED COMMISSION MEASURES APPROVED BY THE GENERAL ASSEMBLY TO BE SUBMITTED TO THE VOTERS IN 2012 OR A GENERAL ELECTION EVERY SIXTH YEAR THEREAFTER; PERMITTING A MEASURE TO INCLUDE MORE THAN ONE SUBJECT; EXEMPTING A MEASURE FROM EXISTING CONSTITUTIONAL ELECTION REQUIREMENTS; AND REQUIRING EACH MEASURE TO BE PUBLISHED PRIOR TO THE ELECTION AND INCLUDED IN THE BALLOT INFORMATION BOOKLET."

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB10-1392** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

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State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SCR10-003** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed concurrent resolution, page 4, line 15, strike "THAT".

Page 4, line 16, strike "WERE".

MESSAGE FROM THE HOUSE

April 28, 2010

The House has voted to concur in the Senate amendments to HB10-1160, 1348, and has repassed the bills as so amended.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1350, amended as printed in House Journal, April 27, pages 1433-1434.

MESSAGE FROM THE REVISOR OF STATUTES

April 28, 2010

We herewith transmit:

Without comment, as amended, HB10-1360 and 1374.

April 29, 2010

We herewith transmit:

Without comment, as amended, HB10-1350.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Third Reading of Bills -- Final Passage Calendar (SB10-185) of Thursday, April 29 was laid over until Friday, April 30, retaining its place on the calendar.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders -- Second Reading of Bills -- Consent Calendar (HB10-1395, HB10-1399) of Thursday, April 29 was laid over until Friday, April 30, retaining its place on the calendar.

Committee
of the Whole

On motion of Senator Carroll, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Carroll was called to the chair to act as Chairman.

GENERAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

SB10-191

by Senator(s) Johnston and Spence, Foster, Gibbs, Hodge, King K., Kopp, Newell, Penry, Romer, Scheffel; also Representative(s) Scanlan and Murray, Carroll T., Gerou, Massey, Rice, Summers--Concerning ensuring quality instruction through educator effectiveness (EQUITEE).

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Amendment No. 1, Education Committee Amendment.
 (Printed in Senate Journal, April 26, page 1003-1013 and placed in members' bill files.)

Senator Morse moved that the Committee of the Whole rise, report progress, and beg leave to sit again at 9:30 a.m.. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.

Committee of the Whole in recess.

CONSIDERATION OF RESOLUTIONS

SJR10-041 by Senator(s) Boyd, Hodge, Tochtrop; also Representative(s) Riesberg, Gagliardi, Priola-- Concerning the designation of University of Colorado Hospital as a magnet hospital by the American Nurses Credentialing Center, which recognizes nursing excellence.

On motion of Senator Boyd, 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	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	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, Brophy, Cadman, Carroll M., Foster, Gibbs, Harvey, Heath, Hudak, Johnston, Keller, Kester, King K., Kopp, Lundberg, Mitchell, Morse, Newell, Penry, Renfroe, Romer, Sandoval, Scheffel, Schultheis, Schwartz, Shaffer B., Spence, Steadman, Tapia, White, Whitehead and Williams.

Committee of the Whole reconvened.

GENERAL ORDERS -- SECOND READING OF BILLS -- con't

SB10-191 by Senator(s) Johnston and Spence, Foster, Gibbs, Hodge, King K., Kopp, Newell, Penry, Romer, Scheffel; also Representative(s) Scanlan and Murray, Carroll T., Gerou, Massey, Rice, Summers--Concerning ensuring quality instruction through educator effectiveness (EQuITEE).

Amendment No. 2(L.061), by Senator Hudak.

Amend the Education Committee Report, dated April 23, 2010, page 11, line 23, strike "IS" and substitute "HAS COMPLETED THE INITIAL PHASE OF IMPLEMENTATION AND HAS BEEN".

Page 12, line 6, strike "IS" and substitute "HAS COMPLETED THE INITIAL PHASE OF IMPLEMENTATION AND HAS BEEN".

Page 12, line 14, strike "IS" and substitute "HAS COMPLETED THE INITIAL PHASE OF IMPLEMENTATION AND HAS BEEN".

Page 12, line 34, strike "IS" and substitute "HAS COMPLETED THE INITIAL

PHASE OF IMPLEMENTATION AND HAS BEEN".

Page 13, line 8, strike "IS" and substitute "HAS COMPLETED THE INITIAL PHASE OF IMPLEMENTATION AND HAS BEEN".

Page 13, line 17, strike "IS" and substitute "HAS COMPLETED THE INITIAL PHASE OF IMPLEMENTATION AND HAS BEEN".

Page 13, line 26, strike "IS" and substitute "HAS COMPLETED THE INITIAL PHASE OF IMPLEMENTATION AND HAS BEEN".

Page 14, line 14, strike "IS" and substitute "HAS COMPLETED THE INITIAL PHASE OF IMPLEMENTATION AND HAS BEEN".

Page 14, line 22, strike "IS" and substitute "HAS COMPLETED THE INITIAL PHASE OF IMPLEMENTATION AND HAS BEEN".

Page 15, line 11, strike "IS" and substitute "HAS COMPLETED THE INITIAL PHASE OF IMPLEMENTATION AND HAS BEEN".

Amendment No. 3(L.070), by Senator Hudak.

Amend the Education Committee Report, dated April 23, 2010, page 7, line 24, strike "YEAR." and substitute "YEAR.

(3.5) THE RECOMMENDATIONS MADE BY THE COUNCIL TO THE STATE BOARD PURSUANT TO THIS SECTION SHALL REFLECT A CONSENSUS VOTE. FOR ANY ISSUE THAT THE COUNCIL WAS UNABLE TO REACH A CONSENSUS, THE COUNCIL SHALL PROVIDE TO THE STATE BOARD THE REASONS IT WAS UNABLE TO REACH A CONSENSUS.".

Amendment No. 4(L.059), by Senators Keller, Hudak, and Williams.

Severed section #1 -- page 1, lines 1 thru 8

Amend the Education Committee Report, dated April 23, 2010, page 1, after line 5 insert:

"Page 3 of the bill, after line 25 insert:

"(3) THE GENERAL ASSEMBLY FURTHER DECLARES THAT THE INVOLVEMENT AND SUPPORT OF PARENTS OF CHILDREN IN PUBLIC SCHOOLS, ACTING AS PARTNERS WITH TEACHERS AND PUBLIC SCHOOL ADMINISTRATORS, ARE KEY TO THE EDUCATIONAL PROGRESS OF THEIR CHILDREN.".

Severed section #3 -- page 1, lines 12 thru 18

Page 6 of the report, strike line 28 and substitute:

"SECTION.

(b.5) ON OR BEFORE MARCH 1, 2011, TO MAKE RECOMMENDATIONS TO THE STATE BOARD CONCERNING THE INVOLVEMENT AND SUPPORT OF PARENTS OF CHILDREN IN PUBLIC SCHOOLS, TO THE EFFECT THAT PARENTS SHOULD ACT AS PARTNERS WITH TEACHERS AND PUBLIC SCHOOL ADMINISTRATORS;".

Amendment No. 5(L.072), by Senator Hudak.

Amend the Education Committee Report, dated April 23, 2010, page 2, line 23, strike "22-9-105.5 (4)." and substitute "22-9-105.5".

Page 6 of the report, strike lines 30 and 31.

Page 7 of the report, strike lines 1 through 24.

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Page 7 of the bill, strike lines 24 through 27.

Page 8 of the bill, strike lines 1 through 15 and substitute:

"(c) ON OR BEFORE MARCH 1, 2011, TO PROVIDE THE GOVERNOR, STATE BOARD, AND GENERAL ASSEMBLY WITH RECOMMENDATIONS THAT WILL ENSURE DEVELOPMENT OF A SET OF GUIDELINES FOR ESTABLISHING PERFORMANCE STANDARDS FOR EACH CATEGORY OF LICENSED PERSONNEL TO BE EVALUATED PURSUANT TO THIS ARTICLE. THE GUIDELINES SHALL OUTLINE CRITERIA TO BE APPLIED IN ASSIGNING EDUCATORS TO APPROPRIATE PERFORMANCE STANDARDS, WHICH SHALL INCLUDE MEASURES OF STUDENT LONGITUDINAL ACADEMIC GROWTH.

(d) ON OR BEFORE MARCH 1, 2011, TO DEVELOP AND RECOMMEND TO THE GOVERNOR, STATE BOARD, AND GENERAL ASSEMBLY STATEWIDE DEFINITIONS OF PRINCIPAL EFFECTIVENESS AND TEACHER EFFECTIVENESS, EACH OF WHICH SHALL BE CENTERED ON AN EDUCATOR'S DEMONSTRATED ABILITY TO ACHIEVE AND SUSTAIN ADEQUATE STUDENT GROWTH AND SHALL INCLUDE A SET OF PROFESSIONAL SKILLS AND COMPETENCIES RELATED TO IMPROVED STUDENT OUTCOMES;

(e) ON OR BEFORE MARCH 1, 2011, TO DEVELOP AND RECOMMEND TO THE GOVERNOR, STATE BOARD, AND GENERAL ASSEMBLY GUIDELINES FOR ADEQUATE IMPLEMENTATION OF A HIGH-QUALITY EDUCATOR EVALUATION SYSTEM THAT SHALL ADDRESS, AT A MINIMUM, THE FOLLOWING ISSUES:

(I) ONGOING TRAINING ON THE USE OF THE SYSTEM THAT IS SUFFICIENT TO ENSURE THAT ALL EVALUATORS AND EDUCATORS HAVE A FULL UNDERSTANDING OF THE EVALUATION SYSTEM AND ITS IMPLEMENTATION. THE TRAINING MAY INCLUDE SUCH ACTIVITIES AS CONDUCTING JOINT TRAINING SESSIONS FOR EVALUATORS AND EDUCATORS.

(II) EVALUATION RESULTS THAT ARE NORMED TO ENSURE CONSISTENCY AND FAIRNESS;

(III) EVALUATION RUBRICS AND TOOLS THAT ARE DEEMED FAIR, TRANSPARENT, RIGOROUS, AND VALID BY THE LOCAL TRANSFORMATION COUNCIL;

(IV) EVALUATIONS THAT ARE CONDUCTED USING SUFFICIENT TIME AND FREQUENCY, AT LEAST ANNUALLY, TO GATHER SUFFICIENT DATA UPON WHICH TO BASE THE RATINGS CONTAINED IN AN EVALUATION;

(V) PROVISION OF ADEQUATE TRAINING AND COLLABORATIVE TIME TO ENSURE THAT EDUCATORS FULLY UNDERSTAND AND HAVE THE RESOURCES TO RESPOND TO STUDENT ACADEMIC GROWTH DATA; AND

(VI) STUDENT DATA THAT IS MONITORED AT LEAST ANNUALLY TO ENSURE THE CORRELATION BETWEEN STUDENT ACADEMIC GROWTH AND OUTCOMES WITH EDUCATOR EFFECTIVENESS RATINGS;

(f) ON OR BEFORE MARCH 1, 2011, TO ADOPT AND RECOMMEND TO THE GOVERNOR, STATE BOARD, AND GENERAL ASSEMBLY A RUBRIC FOR IDENTIFYING MULTIPLE ADDITIONAL QUALITY STANDARDS, IN ADDITION TO STUDENT ACADEMIC GROWTH, THAT ARE RIGOROUS, TRANSPARENT, VALID, AND FAIR;

(g) ON OR BEFORE MARCH 1, 2011, TO MAKE RECOMMENDATIONS TO THE GOVERNOR, STATE BOARD, AND GENERAL ASSEMBLY FOR POLICY CHANGES, AS APPROPRIATE, THAT WILL SUPPORT LOCAL SCHOOL DISTRICTS' USE OF EVALUATION DATA FOR DECISIONS IN AREAS SUCH AS COMPENSATION, PROMOTION, RETENTION, REMOVAL, EARNING AND RETAINING NONPROBATIONARY STATUS, AND PROFESSIONAL DEVELOPMENT; AND

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(h) ON OR BEFORE MARCH 1, 2011, TO MAKE RECOMMENDATIONS TO THE GOVERNOR, STATE BOARD, AND GENERAL ASSEMBLY FOR POLICY CHANGES, AS APPROPRIATE, THAT WILL ENSURE THAT THE STANDARDS AND CRITERIA APPLICABLE TO TEACHER AND PRINCIPAL LICENSURE AND THE ACCREDITATION OF PREPARATION PROGRAMS ARE DIRECTLY ALIGNED WITH AND SUPPORT THE PREPARATION AND LICENSURE OF EFFECTIVE EDUCATORS.

(4) THE COUNCIL'S RECOMMENDATIONS SHALL CONSIST, AT A MINIMUM, OF RECOMMENDATIONS THAT ARE APPLICABLE TO SCHOOL PRINCIPALS AND CLASSROOM TEACHERS.

(5) THE COUNCIL'S RECOMMENDATIONS MAY INCLUDE CHANGES TO EXISTING STATUTES OR RULES, IF APPROPRIATE, AS WELL AS RECOMMENDATIONS FOR LOCAL IMPLEMENTATION.

(6) IN MAKING ITS RECOMMENDATIONS, THE COUNCIL SHALL INCLUDE THE EFFECT OF DISTRICT- AND SCHOOL-LEVEL CONDITIONS, AS MEASURED BY THE NINE PERFORMANCE STANDARDS SET FORTH IN THE COMPREHENSIVE APPRAISAL FOR THE DISTRICT IMPROVEMENT RUBRIC AND BIENNIAL TEACHING, EMPOWERING, LEADING, AND LEARNING INITIATIVE SURVEY OF SCHOOL WORKING CONDITIONS, AS WELL AS ANY ADDITIONAL METHODS OF ASSESSING SUCH CONDITIONS IDENTIFIED BY THE COUNCIL AS VALID, TRANSPARENT, AND RELIABLE.

(7) THE COUNCIL MAY ESTABLISH WORKING GROUPS, TASK FORCES, OR OTHER STRUCTURES FROM WITHIN ITS MEMBERSHIP OR OUTSIDE ITS MEMBERSHIP AS NEEDED TO ADDRESS SPECIFIC ISSUES OR TO ASSIST IN ITS WORK.

(8) ALL RECOMMENDATIONS MADE BY THE COUNCIL PURSUANT TO THIS SECTION SHALL REFLECT A CONSENSUS OF ITS MEMBERS.

(9) UNLESS OTHERWISE PROVIDED FOR BY AN INDEPENDENT RESEARCH AND DATA ANALYSIS ENTITY, THE OFFICE OF THE GOVERNOR AND THE DEPARTMENT SHALL PROVIDE THE COUNCIL WITH THE SUPPORT, INFORMATION, DATA, ANALYTICAL INFORMATION, AND ADMINISTRATIVE SUPPORT NECESSARY TO DO ITS WORK."

Renumber succeeding subsections accordingly.

Page 8 of the bill, line 18, strike "(d)" and substitute "(h)".

Page 8 of the bill, line 21, strike "(d)" and substitute "(h)".

Page 8 of the report, line 3, strike ""(e)"" and substitute ""(h)"".

Page 8 of the report, line 4, strike "(4)," and substitute "(10),".

Page 8 of the report, line 13, strike "(4)." and substitute "(10).".

Page 8 of the report, line 15, strike "(4)." and substitute "(10).".

Page 8 of the report, line 18, strike "(4)," and substitute "(10),".

Page 8 of the report, line 24, strike "(4)," and substitute "(10),".

Page 9 of the report, line 3, strike "(4)," and substitute "(10),".

Page 11 of the report, line 5, strike ""22-9-105.5 (4),"." and substitute "22-9-105.5;".".

Page 11 of the report, line 10, strike ""22-9-105.5 (4);"." and substitute "22-9-105.5;".".

Page 11 of the report, line 15, strike ""22-9-105.5".

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Page 11 of the report, line 16, strike "(4).". and substitute "22-9-105.5.". 1

Page 11 of the report, line 23, strike "(4)". 2

Page 12 of the report, line 6, strike "(4)". 3

Page 12 of the report, line 14, strike "(4)". 4

Page 12 of the report, line 34, strike "(4)". 5

Page 13 of the report, line 8, strike "(4)". 6

Page 13 of the report, line 17, strike "(4)". 7

Page 13 of the report, line 26, strike "(4)". 8

Page 14 of the report, line 14, strike "(4)". 9

Page 14 of the report, line 22, strike "(4)". 10

Page 15 of the report, line 11, strike "(4)". 11

Page 15 of the report, line 22, strike "22-9-105.5 (4).". and substitute "22-9-105.5.". 12

Page 16 of the report, line 4, strike "22-9-105.5 (4).". and substitute "22-9-105.5.". 13

Amendment No. 6(L.065), by Senator Steadman. 14

Amend printed bill, page 7, line 18, after "GROWTH." insert "THE COUNCIL SHALL INCLUDE IN ITS RECOMMENDATIONS A DEFINITION OF EFFECTIVENESS AND ITS RELATION TO QUALITY STANDARDS. THE DEFINITION OF EFFECTIVENESS SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, CRITERIA THAT WILL BE USED TO DIFFERENTIATE BETWEEN PERFORMANCE STANDARDS. THE DEFINED PERFORMANCE STANDARDS SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, "HIGHLY EFFECTIVE", "EFFECTIVE", AND "INEFFECTIVE". THE COUNCIL SHALL CONSIDER WHETHER ADDITIONAL PERFORMANCE STANDARDS SHOULD BE ESTABLISHED." 15

Amendment No. 7(L.064), by Senator Steadman. 16

Amend the Education Committee Report, dated April 23, 2010, page 1, strike line 11. 17

Page 1 of the committee report, strike lines 13 and 14. 18

Page 2 of the committee report, line 1, strike "(2.5)" and substitute ""(2.5)". 19

Page 2 of the committee report, after line 3, insert: 20

"(2.6) "PRINCIPAL" MEANS A PERSON WHO IS EMPLOYED AS THE CHIEF EXECUTIVE OFFICER OR AN ASSISTANT CHIEF EXECUTIVE OFFICER OF A SCHOOL IN THE STATE AND WHO ADMINISTERS, DIRECTS, OR SUPERVISES THE EDUCATION PROGRAM IN THE SCHOOL." 21

Page 2 of the committee report, line 6, strike "22-9-105.5.". and substitute "22-9-105.5 22

(5) "TEACHER" MEANS A PERSON WHO HOLDS AN ALTERNATIVE, INITIAL, OR PROFESSIONAL TEACHER LICENSE ISSUED PURSUANT TO THE PROVISIONS OF ARTICLE 60.5 OF THIS TITLE AND WHO IS EMPLOYED BY A SCHOOL DISTRICT OR A CHARTER SCHOOL IN THE STATE TO INSTRUCT, DIRECT, OR SUPERVISE AN EDUCATION PROGRAM." 23

Page 3 of the committee report, line 29, strike "EVERY EDUCATOR IS:" and substitute "ALL LICENSED PERSONNEL ARE:".

Page 5 of the committee report, line 12, strike "EVERY EDUCATOR IS:" and substitute "ALL LICENSED PERSONNEL ARE:".

Page 7 of the committee report, after line 6, insert:

"Page 8 of the bill, line 1, strike "EDUCATORS" and substitute "LICENSED PERSONNEL"."

Page 13 of the committee report, after line 29, insert:

"Page 14 of the bill, line 4, strike "TEACHER OR PRINCIPAL" and substitute "LICENSED PERSONNEL"."

Page 13 of the committee report, line 33, strike "EDUCATOR'S" and substitute "LICENSED PERSONNEL'S".

Page 14 of the committee report, after line 9, insert:

"Page 14 of the bill, line 8, strike "TEACHER OR PRINCIPAL." and substitute "LICENSED PERSONNEL"."

Page 14 of the committee report, line 29, strike "EDUCATOR'S" and substitute "PERSON'S".

Page 15 of the committee report, line 5, strike "AN EDUCATOR" and substitute "A PERSON".

Amendment No. 8(L.066), by Senator Steadman.

Amend the Education Committee Report, dated April 23, 2010, page 7, strike lines 21 through 24 and substitute:

"(e) ON OR BEFORE JULY 1, 2013, AND JULY 1 EACH YEAR THEREAFTER DURING THE IMPLEMENTATION OF THE PERFORMANCE EVALUATION SYSTEM, THE DEPARTMENT SHALL REPORT TO THE COUNCIL THE RESULTS OF THE IMPLEMENTATION AND TESTING OF THE PERFORMANCE EVALUATION SYSTEM. BASED ON THE RESULTS OF THE REPORTS, THE COUNCIL MAY MAKE ADDITIONAL RECOMMENDATIONS TO BE INCORPORATED IN THE FOLLOWING STAGE OF IMPLEMENTATION."

Senator Morse moved that the Committee of the Whole rise, report progress, and beg leave to sit again at 4:30 p.m. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.

Committee of the Whole in recess.

MESSAGE FROM THE HOUSE

April 29, 2010

The House has adopted and transmits herewith HJR10- 1029.

The House has adopted and returns herewith SJR10-041.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1404, amended as printed in House Journal, April 28, page 1470. HB10-1405, amended as printed in House Journal, April 28, page 1471.

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MESSAGE FROM THE REVISOR OF STATUTES

April 29, 2010

We herewith transmit:

Without comment, as amended, HB10-1404 and 1405.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR10-048 by Senator(s) Shaffer B.; also Representative(s) Primavera--Concerning recognition of military personnel from Colorado who served in the Vietnam war and honoring those who were injured or who died while serving their country.

Laid over one day under Senate Rule 30(b).

SENATE SERVICES REPORT

Correctly Printed: SB10-206.

Correctly Engrossed: SJR10-046.

Correctly Reengrossed: SB10-064, 184, 185 and 194.

Correctly Rerevised: HB10-1035, 1045, 1051, 1053, 1106, 1125, 1161, 1210, 1224, 1228, 1243, 1260, 1267, 1291, 1330, 1333, 1335, 1341, 1348, 1359, 1362 and 1363.

Correctly Enrolled: SB10-177; SJR10-032, 036, 037, 038 and 046.

CHANGE IN SPONSORSHIP

Upon announcement of President Shaffer, Senator Penry was added as a joint prime sponsor on SB10-003 and Representatives Middleton and May replaced Representative Ferrandino as the House prime sponsor on SB10-003.

Call of the Senate. Call raised.

COMMITTEE OF REFERENCE REPORTS

Local Government and Energy

The Committee on Local Government and Energy has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND

for a term expiring April 15, 2013:

Alan E. Schwartz of Snowmass Village, Colorado, a Democrat and resident of the 3rd Congressional District, to fill the vacancy occasioned by the resignation of James S. Lochhead of Glenwood Springs, Colorado, appointed.

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Agriculture and Natural Resources The Committee on Agriculture and Natural Resources has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

**MEMBER OF THE
STATE BOARD OF
STOCK INSPECTION COMMISSIONERS**

for a term expiring May 1, 2014:

Marla A. Rock of Wray, Colorado, to represent the confinement cattle industry, appointed.

Health & Human Services The Committee on Health and Human Services has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

**MEMBERS OF THE
COLORADO TRAUMATIC BRAIN INJURY BOARD**

for a term expiring June 30, 2011:

Timothy R. Hurtado, D.O. of Parker, Colorado, to fill the vacancy occasioned by the resignation of Dr. David T. Matero of Denver, Colorado, and to serve as a neurologist, appointed;

for a term expiring on June 30, 2012:

Laetitia L. Thompson, Ph.D. of Denver, Colorado, to serve as a neuropsychologist, appointed.

Health & Human Services The Committee on Health and Human Services has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

University of Colorado Hospital Authority Board of Directors:

From the Sixth Congressional District: Mary K. Rhinehart, for a term effective June 1, 2009, and continuing until May 31, 2013 (or until her successor is appointed by the Board of Regents).

Health & Human Services The Committee on Health and Human Services has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

**MEMBERS OF THE
COVERCOLORADO BOARD OF DIRECTORS**

effective July 2, 2010 for terms expiring July 1, 2014:

Leo Tokar of Englewood, Colorado, a representative of insurance carriers, reappointed;

Cynthia Palmer of Monte Vista, Colorado, a representative of insurance carriers, appointed.

Health & Human Services After consideration on the merits, the Committee recommends that **SJR10-035** be referred to the Senate for final action.

Health & Human Services After consideration on the merits, the Committee recommends that **HB10-1146** be referred to the Committee on Appropriations with favorable recommendation.

Health & Human After consideration on the merits, the Committee recommends that **SB10-197** be referred to the Committee of the Whole with favorable recommendation and with a

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Services	recommendation that it be placed on the Consent Calendar.	1
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Finance	After consideration on the merits, the Committee recommends that SB10-206 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	4
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Finance	The Committee on <u>Finance</u> has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:	7
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	MEMBER OF THE	10
	<u>PUBLIC EMPLOYEES' RETIREMENT BENEFIT PLANS</u>	11
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	for a term expiring July 10, 2014:	13
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	Lynn E. Turner of Broomfield, Colorado, to serve as a representative with experience and competence in investment, management, finance, banking, economics, accounting, pension administration, or actuarial analysis, and as a Democrat, appointed.	15
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Finance	After consideration on the merits, the Committee recommends that HB10-1277 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	18
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Finance	After consideration on the merits, the Committee recommends that HB10-1081 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	23
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Finance	After consideration on the merits, the Committee recommends that HB10-1176 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	26
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	Amend reengrossed bill, strike everything below the enacting clause and substitute:	30
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	" SECTION 1. Part 2 of article 30 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:	33
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	24-30-203.5. Recovery audits - legislative declaration - definitions - contracting - reporting. (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:	37
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	(I) OVERPAYMENTS ARE A SERIOUS PROBLEM FOR STATE AGENCIES GIVEN THE MAGNITUDE AND COMPLEXITY OF STATE OPERATIONS;	40
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	(II) OVERPAYMENTS WASTE TAX DOLLARS AND DETRACT FROM THE EFFICIENCY AND EFFECTIVENESS OF STATE AGENCY OPERATIONS BY DIVERTING RESOURCES FROM THEIR INTENDED USES;	45
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	(III) AN OVERPAYMENT OCCURS WHEN AN INDIVIDUAL, VENDOR, OR OTHER ENTITY RECEIVES A PAYMENT FROM A STATE AGENCY IN ERROR OR IN EXCESS OF THE LEGAL AMOUNT TO WHICH THE INDIVIDUAL, VENDOR, OR OTHER ENTITY IS ENTITLED.	49
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	(b) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:	54
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	(I) RECOVERY AUDITS ARE A NATIONALLY RECOGNIZED BEST PRACTICE FOR DISBURSEMENTS MANAGEMENT AND PROVIDE INSIGHT FOR IMPROVING OPERATIONAL EFFICIENCY AND INTERNAL CONTROLS IN THE DISBURSEMENT OF TAX DOLLARS;	56
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	(II) IN ORDER TO IMPROVE THE ECONOMY AND EFFICIENCY OF STATE AGENCY OPERATIONS, IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTERESTS OF THE STATE TO REQUIRE THE STATE CONTROLLER TO CONTRACT FOR RECOVERY AUDITS TO RECOUP OVERPAYMENTS BY STATE AGENCIES OF STATE OR FEDERAL TAX DOLLARS; AND	61
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	(III) RECOVERY AUDITS WILL NOT COST THE STATE ANY MONEY	67

BECAUSE THE CONTRACTOR'S COSTS ARE DEDUCTED FROM ANY DOLLARS RECOVERED, WHICH MAKES RECOVERY AUDITS SELF-FUNDING.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CONSULTANT" MEANS A PRIVATE CONTRACTOR THAT HAS RECOVERY AUDIT EXPERTISE.

(b) "OVERPAYMENT" MEANS A PAYMENT BY A STATE AGENCY TO AN INDIVIDUAL, VENDOR, OR OTHER ENTITY THAT IS MADE IN ERROR OR IS IN EXCESS OF THE AMOUNT TO WHICH THE RECIPIENT IS ENTITLED, INCLUDING, BUT NOT LIMITED TO:

(I) A PAYMENT TO A RECIPIENT WHO DOES NOT MEET APPLICABLE ELIGIBILITY REQUIREMENTS FOR RECEIVING THE PAYMENT;

(II) A DUPLICATE PAYMENT;

(III) A PAYMENT RESULTING FROM AN INVOICE OR PRICING ERROR;

(IV) A PAYMENT RESULTING FROM A FAILURE TO APPLY AN APPLICABLE DISCOUNT, REBATE, OR OTHER ALLOWANCE;

(V) A PAYMENT RESULTING FROM A FAILURE TO COMPLY WITH A PURCHASING AGREEMENT; AND

(VI) A PAYMENT RESULTING FROM ANY OTHER INADVERTENT ERROR.

(c) "RECOVERY AUDIT" MEANS A FINANCIAL MANAGEMENT TECHNIQUE USED TO IDENTIFY OVERPAYMENTS MADE BY A STATE AGENCY TO VENDORS AND OTHER ENTITIES IN CONNECTION WITH THE PAYMENT ACTIVITIES OF THE STATE AGENCY.

(d) "STATE AGENCY" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-3-101.

(3) (a) ON OR BEFORE JANUARY 1, 2011, THE STATE CONTROLLER SHALL CONTRACT WITH ONE OR MORE EXPERIENCED CONSULTANTS TO CONDUCT RECOVERY AUDITS FOR THE 2007-08, 2008-09, AND 2009-10 FISCAL YEARS.

(b) A CONTRACT WITH A CONSULTANT ENTERED INTO AS REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL:

(I) PROVIDE FOR REASONABLE COMPENSATION FOR THE RECOVERY AUDIT SERVICES PROVIDED UNDER THE CONTRACT, WHICH, NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SHALL INCLUDE COMPENSATION DETERMINED BY THE APPLICATION OF A SPECIFIED PERCENTAGE TO THE TOTAL AMOUNT COLLECTED BY THE CONSULTANT IN THE COURSE OF THE CONSULTANT'S RECOVERY AUDIT AND RELATED COLLECTION ACTIVITIES; AND

(II) SPECIFY LIMITATIONS ON THE SCOPE OF THE POWERS THAT MAY BE EXERCISED BY THE CONSULTANT AND PROCEDURES TO BE FOLLOWED BY THE CONSULTANT IN CONDUCTING RECOVERY AUDITS TO THE EXTENT DEEMED NECESSARY AND APPROPRIATE BY THE STATE CONTROLLER AND THE CONSULTANT TO ENSURE THAT THE DUE PROCESS RIGHTS OF ANY PERSON FROM WHOM THE CONSULTANT SEEKS RECOVERY OF AN OVERPAYMENT ARE ADEQUATELY PROTECTED.

(c) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY AND EXCEPT TO THE EXTENT PROHIBITED BY FEDERAL LAW OR REGULATIONS OR BY AN AGREEMENT BETWEEN THE STATE OR A STATE AGENCY AND THE FEDERAL GOVERNMENT, THE GOVERNMENT OF ANOTHER STATE, OR AN AGENCY OR OTHER GOVERNMENT ENTITY OF

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ANOTHER STATE, THE STATE CONTROLLER OR A STATE AGENCY BEING
 SUBJECTED TO A RECOVERY AUDIT, AND ANY CONTRACTOR OR VENDOR
 THAT HAS A CONTRACT WITH SUCH A STATE AGENCY, SHALL PROVIDE A
 CONSULTANT ACTING UNDER A CONTRACT REQUIRED BY PARAGRAPH (a)
 OF THIS SUBSECTION (3) WITH ANY CONFIDENTIAL INFORMATION IN THE
 CUSTODY OF THE STATE CONTROLLER, THE STATE AGENCY, OR THE
 CONTRACTOR OR VENDOR THAT IS NECESSARY FOR THE PERFORMANCE OF
 THE RECOVERY AUDIT. A CONSULTANT ACTING UNDER SUCH A CONTRACT,
 OR ANY EMPLOYEE OR AGENT OF THE CONSULTANT, IS SUBJECT TO ALL
 PROHIBITIONS AGAINST THE DISCLOSURE OF CONFIDENTIAL INFORMATION
 OBTAINED FROM THE STATE OR THE CONTRACTOR OR VENDOR IN
 CONNECTION WITH THE CONTRACT THAT APPLY TO THE STATE
 CONTROLLER, THE APPLICABLE STATE AGENCY, THE CONTRACTOR OR
 VENDOR, OR AN EMPLOYEE THEREOF AND TO ALL CIVIL OR CRIMINAL
 PENALTIES THAT APPLY TO A VIOLATION OF ANY SUCH PROHIBITION.

(4) (a) THE STATE CONTROLLER SHALL REQUIRE RECOVERY
 AUDITS TO BE PERFORMED ON THE PAYMENTS TO INDIVIDUALS, VENDORS,
 AND OTHER ENTITIES MADE BY ALL STATE AGENCIES; EXCEPT THAT THE
 STATE CONTROLLER MAY, SUBJECT TO THE REVIEW PROVIDED FOR IN
 PARAGRAPH (b) OF THIS SUBSECTION (4), EXEMPT A STATE AGENCY FROM
 THE RECOVERY AUDITS OTHERWISE REQUIRED BY THIS SECTION IF THE
 STATE CONTROLLER DETERMINES THAT SUBJECTING THE STATE AGENCY
 TO A RECOVERY AUDIT IS NOT LIKELY TO YIELD SIGNIFICANT NET
 BENEFITS TO THE STATE OR THAT THE STATE AGENCY IS ALREADY
 SUBJECTED TO RECOVERY AUDITS UNDER ANY FEDERAL LAW OR
 REGULATION OR STATE LAW, RULE, OR POLICY. THE STATE CONTROLLER
 MAY PROMULGATE RULES IN ACCORDANCE WITH THE PROVISIONS OF
 ARTICLE 4 OF THIS TITLE TO ESTABLISH ADDITIONAL SPECIFIC CRITERIA
 FOR EXEMPTING STATE AGENCIES FROM RECOVERY AUDITS. EACH STATE
 AGENCY FOR WHICH RECOVERY AUDITS ARE REQUIRED SHALL PROVIDE
 THE RECOVERY AUDIT CONSULTANT WITH ALL INFORMATION AND
 COOPERATION DESIRABLE OR NECESSARY FOR PERFORMANCE OF THE
 RECOVERY AUDITS.

(b) THE STATE CONTROLLER SHALL PROVIDE THE STATE AUDITOR
 AND THE LEGISLATIVE AUDIT AND JOINT BUDGET COMMITTEES WITH A
 REPORT BY OCTOBER 1, 2010, THAT DETAILS ANY EXEMPTIONS FROM
 RECOVERY AUDITS PROPOSED TO BE ALLOWED BY THE STATE
 CONTROLLER. THE LEGISLATIVE AUDIT AND JOINT BUDGET COMMITTEES
 MAY VETO ANY EXEMPTION FROM RECOVERY AUDITS PROPOSED BY THE
 STATE CONTROLLER BY MAJORITY VOTES OF THE MEMBERS OF EACH OF
 THE COMMITTEES TAKEN BEFORE DECEMBER 1, 2010.

(5) THE STATE CONTROLLER MAY RETAIN A PORTION OF THE NET
 AMOUNT RECOVERED DUE TO A RECOVERY AUDIT IN ORDER TO DEFRAY
 THE REASONABLE AND NECESSARY ADMINISTRATIVE COSTS, INCLUDING
 REIMBURSEMENT PAID TO OTHER STATE AGENCIES REQUIRED BY THIS
 SUBSECTION (5), INCURRED BY THE STATE CONTROLLER AND THE DIVISION
 OF ACCOUNTS AND CONTROL IN CONTRACTING FOR AND PROVIDING
 OVERSIGHT OF THE RECOVERY AUDIT OR ANY ADDITIONAL COSTS
 INCURRED BY ANY OTHER STATE AGENCY IN RELATION TO THE
 PERFORMANCE OF THE RECOVERY AUDITS REQUIRED BY THIS SECTION.
 THE STATE CONTROLLER SHALL REIMBURSE ANY STATE AGENCY THAT
 INCURS ADDITIONAL COSTS IN RELATION TO THE RECOVERY AUDITS FOR
 SUCH COSTS FROM THE PORTION OF ANY AMOUNTS RECOVERED FROM
 RECOVERY AUDITS THAT THE STATE CONTROLLER RETAINS.

(6) (a) THE STATE CONTROLLER SHALL PROVIDE COPIES,
 INCLUDING ELECTRONIC COPIES, OF ANY REPORTS RECEIVED FROM A
 CONSULTANT PERFORMING RECOVERY AUDITS PURSUANT TO THIS
 SECTION TO:

(I) THE GOVERNOR;

(II) THE STATE AUDITOR; AND

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(III) THE LEGISLATIVE AUDIT AND JOINT BUDGET COMMITTEES OF THE GENERAL ASSEMBLY.

(b) THE STATE CONTROLLER SHALL PROVIDE THE COPIES OF REPORTS REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (6) NOT LATER THAN THE SEVENTH BUSINESS DAY AFTER THE DATE THE STATE CONTROLLER RECEIVES THE CONSULTANT'S REPORT.

(c) NOT LATER THAN DECEMBER 31, 2011, THE STATE CONTROLLER SHALL ISSUE A REPORT TO THE GENERAL ASSEMBLY SUMMARIZING THE CONTENTS OF ALL REPORTS RECEIVED FROM CONSULTANTS THAT PERFORMED RECOVERY AUDITS CONTRACTED FOR PURSUANT TO THIS SECTION. THE REPORT SHALL ALSO BE POSTED ON THE WEB SITE OF THE STATE CONTROLLER.

SECTION 2. 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."

Trans-
portation

After consideration on the merits, the Committee recommends that **HB10-1268** be referred to the Committee on Appropriations with favorable recommendation.

Trans-
portation

After consideration on the merits, the Committee recommends that **HB10-1172** be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 5, line 20, before "TWENTY-FOUR" insert "A".

Page 5, line 21, strike "HOURS," and substitute "HOUR PERIOD AT THE SITE WHERE IT IS USED FOR NONAGRICULTURAL PURPOSES,".

Page 6, strike lines 1 through 14 and substitute:

"(6) (a) IF A VEHICLE AND THE EQUIPMENT MOUNTED ON THE VEHICLE ARE THE SAME MODEL YEAR:

(I) THE OWNER OF THE VEHICLE AND THE MOUNTED EQUIPMENT MAY REGISTER BOTH AS CLASS F PERSONAL PROPERTY; OR

(II) THE OWNER OF THE VEHICLE MAY REGISTER THE VEHICLE AS CLASS A, CLASS B, CLASS C, OR CLASS D PERSONAL PROPERTY AND THE MOUNTED EQUIPMENT MAY BE REGISTERED AS CLASS F PERSONAL PROPERTY.

(b) IF A VEHICLE AND THE EQUIPMENT MOUNTED ON THE VEHICLE ARE DIFFERENT MODEL YEARS:

(I) THE OWNER OF THE VEHICLE SHALL REGISTER THE VEHICLE AS CLASS A, CLASS B, CLASS C, OR CLASS D PERSONAL PROPERTY; AND

(II) THE OWNER OF THE VEHICLE SHALL REGISTER THE MOUNTED EQUIPMENT AS CLASS F PERSONAL PROPERTY."

Trans-
portation

After consideration on the merits, the Committee recommends that **HB10-1287** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 6, line 1, after "(b)" insert "(I)".

Page 6, after line 5 insert:

"(II) REIMBURSEMENT SHALL NOT BE REQUIRED FOR AN EMPLOYEE OF THE DEPARTMENT OF TRANSPORTATION WHOSE POSITION DESCRIPTION QUESTIONNAIRE INCLUDES THE PROVISION OF PUBLIC SAFETY OR EMERGENCY RESPONSE SERVICE ON THE STATE HIGHWAY SYSTEM OUTSIDE OF BUSINESS HOURS."

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INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

- SB10-207** by Senator(s) Johnston and Romer; --Concerning authorization for the state treasurer to enter into lease-purchase agreements on behalf of the state to finance capital construction projects proposed by the governor's energy office that improve the energy efficiency of state capital facilities.
Finance
- HB10-1200** by Representative(s) Hullinghorst; also Senator(s) Heath--Concerning a temporary requirement that a taxpayer defer claiming any amount of an enterprise zone investment income tax credit that exceeds two hundred fifty thousand dollars.
Finance
- HB10-1285** by Representative(s) Priola, Casso, Kefalas, Looper, McFadyen, Rice, Acree, Apuan, Bradford, Frangas, Kerr A., Kerr J., Lambert, Liston, Massey, Middleton, Nikkel, Schafer S., Stephens, Summers, Vaad, Waller; also Senator(s) Tapia, Hudak, Hodge--Concerning an increase in fines to fund tax incentives for commercial vehicles, and making an appropriation in connection therewith.
Finance
- HB10-1349** by Representative(s) Fischer and Pace; also Senator(s) Schwartz and Tapia--Concerning the use of renewable energy resources to supply the energy needs of state government, and, in connection therewith, commissioning the creation of a statewide map of available renewable energy generation areas on state lands and establishing the "Re-energize Colorado" program in the division of parks and outdoor recreation in the department of natural resources, and making an appropriation therefor.
Local Government and Energy
- HB10-1360** by Representative(s) Pace, Apuan, Casso, Court, Ferrandino, Fischer, Kagan, Kefalas, Levy, Looper, McCann, McFadyen, Merrifield, Miklosi, Ryden, Vigil, Weissmann; also Senator(s) Steadman, Carroll M., Foster, Hudak, Morse, Newell, Romer, Tapia--Concerning changes to certain parole-related statutes to reduce the number of parolees who return to the department of corrections, and making an appropriation in connection therewith.
Judiciary
- HB10-1374** by Representative(s) Ferrandino, Levy, Waller; also Senator(s) Penry, Morse, Steadman--Concerning parole.
Judiciary
- HB10-1402** by Representative(s) Riesberg, McFadyen; also Senator(s) Bacon, Schwartz--Concerning legislative authorization of a privately run fund-raising campaign using cause-related marketing for the essential restoration of the cast iron structure of the Colorado state capitol dome, and making an appropriation therefor.
Finance

Committee of the Whole reconvened.

GENERAL ORDERS -- SECOND READING OF BILLS -- con't

- SB10-191** by Senator(s) Johnston and Spence, Foster, Gibbs, Hodge, King K., Kopp, Newell, Penry, Romer, Scheffel; also Representative(s) Scanlan and Murray, Carroll T., Gerou, Massey, Rice, Summers--Concerning ensuring quality instruction through educator effectiveness (EQUITEE).

Amendment No. 8(L.048), by Senator Newell.

Amend printed bill, page 13, line 23, strike "principal." and substitute "principal AND SHALL INCLUDE PROFESSIONAL DEVELOPMENT OPPORTUNITIES THAT ARE INTENDED TO HELP THE TEACHER OR PRINCIPAL

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TO ACHIEVE AN EFFECTIVE RATING IN HIS OR HER NEXT PERFORMANCE EVALUATION."

Page 14, line 8, strike "PRINCIPAL." and substitute "PRINCIPAL AND SHALL INCLUDE PROFESSIONAL DEVELOPMENT OPPORTUNITIES THAT ARE INTENDED TO HELP THE TEACHER OR PRINCIPAL TO ACHIEVE AN EFFECTIVE RATING IN HIS OR HER NEXT PERFORMANCE EVALUATION."

Amendment No. 9(L.053), by Senator Steadman.

Amend the Education Committee Report, dated April 23, 2010, page 12, strike line 18 and substitute:

"Page 12, line 16, after "AND" insert "SHALL REQUIRE THAT"

Amendment No. 10(L.058), by Senator Steadman.

Amend the Education Committee Report, dated April 23, 2010, page 2, line 3, strike "22-9-105.5." and substitute "22-9-105.5 (4)."

Page 2 of the report, line 6, strike "22-9-105.5." and substitute "22-9-105.5 (4)."

Page 5 of the printed bill, line 3, strike "21," and substitute "24,"

Page 6 of the bill, strike lines 20 and 21 and substitute:

"(c) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT IT IS IN THE BEST INTERESTS OF THE PEOPLE OF THE STATE OF COLORADO TO CODIFY IN STATUTE THE GOVERNOR'S COUNCIL FOR EDUCATOR EFFECTIVENESS BECAUSE OF THE SIGNIFICANT ADDITIONAL STATUTORY DUTIES AND RESPONSIBILITIES THAT THE GENERAL ASSEMBLY IS ASSIGNING TO SAID COUNCIL."

Page 3 of the report, strike lines 4 through 29.

Page 4 of the report, strike lines 1 through 8.

Page 4 of the report, line 10, strike ""(2.5)" and substitute ""(2)".

Amendment No. 11(L.054), by Senator Steadman.

Amend printed bill, page 7, line 6, strike "LEVELS OF EFFECTIVENESS" and substitute "PERFORMANCE STANDARDS".

Page 7 of the bill, line 7, strike "MULTIPLE MEASURES" and substitute "QUALITY STANDARDS FOR".

Page 7 of the bill, line 8, strike "TO DETERMINE EFFECTIVENESS OF".

Page 6 of the Education Committee Report, dated April 23, 2010, line 12, strike "MEASURING EFFECTIVENESS," and substitute "QUALITY STANDARDS,".

Page 7 of the bill, line 15, strike "MULTIPLE MEASURES OF EFFECTIVENESS" and substitute "QUALITY STANDARDS".

Page 6 of the report, line 23, strike "MEASURES OF EFFECTIVENESS" and substitute "QUALITY STANDARDS".

Page 7 of the report, line 9, strike "MEASURING EFFECTIVENESS," and substitute "QUALITY STANDARDS,".

Page 8 of the report, line 9, strike "MEASURES OF" and substitute "QUALITY STANDARDS,".

Page 8 of the report, strike line 10.

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Page 8 of the report, line 19, strike "MEASURES OF EFFECTIVENESS" and substitute "QUALITY STANDARDS". 1
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Page 8 of the report, line 26, strike "MEASURES OF" and substitute "QUALITY STANDARDS". 4
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Page 8 of the report, line 27, strike "EFFECTIVENESS". 7
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Page 8 of the report, line 31, strike "MEASURES OF EFFECTIVENESS." and substitute "QUALITY STANDARDS.". 9
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Page 8 of the report, line 32, strike "LEVELS OF". 12
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Page 9 of the report, line 6, strike "MEASURES OF EFFECTIVENESS" and substitute "QUALITY STANDARDS". 14
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Page 9 of the report, line 9, strike "MEASURES OF EFFECTIVENESS." and substitute "QUALITY STANDARDS.". 17
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Page 9 of the report, line 10, strike "LEVELS OF". 20
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Page 11 of the report, line 20, strike "MEASURES OF" and substitute "QUALITY STANDARDS". 22
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Page 11 of the report, line 21, strike "EFFECTIVENESS". 25
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Page 12 of the report, line 3, strike "MEASURES OF" and substitute "QUALITY STANDARDS". 27
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Page 12 of the report, line 4, strike "EFFECTIVENESS". 30
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Page 12 of the report, line 11, strike "MEASURES OF" and substitute "QUALITY STANDARDS". 32
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Page 12 of the report, line 12, strike "EFFECTIVENESS". 35
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Page 12 of the report, line 23, strike "MEASURING EFFECTIVENESS," and substitute "QUALITY STANDARDS,.". 37
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Page 12 of the report, line 31, strike "MEASURES OF" and substitute "QUALITY STANDARDS". 40
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Page 12 of the report, line 32, strike "EFFECTIVENESS". 43
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Page 13 of the bill, line 10, strike "LEVELS OF" and substitute "PERFORMANCE STANDARDS". 45
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Page 13 of the bill, line 11, strike "EFFECTIVENESS" and strike "MEASURES OF EFFECTIVENESS" and substitute "QUALITY STANDARDS". 48
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Page 13 of the report, line 5, strike "MEASURES OF" and substitute "QUALITY STANDARDS". 51
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Page 13 of the report, line 6, strike "EFFECTIVENESS". 54
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Page 13 of the report, line 14, strike "MEASURES OF" and substitute "QUALITY STANDARDS". 56
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Page 13 of the report, line 15, strike "EFFECTIVENESS". 59
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Page 13 of the report, line 23, strike "MEASURES OF" and substitute "QUALITY STANDARDS". 61
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Page 13 of the report, line 24, strike "EFFECTIVENESS". 64
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Page 14 of the report, line 11, strike "MEASURES OF" and substitute "QUALITY STANDARDS". 66
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Page 14 of the report, line 12, strike "EFFECTIVENESS".

Page 14 of the report, line 20, strike "MEASURES OF EFFECTIVENESS" and substitute "QUALITY STANDARDS".

Page 15 of the report, line 9, strike "MEASURES OF EFFECTIVENESS" and substitute "QUALITY STANDARDS".

Page 16 of the bill, line 10, strike "MULTIPLE".

Page 16 of the bill, line 11, strike "MEASURES OF EFFECTIVENESS" and substitute "QUALITY STANDARDS".

Page 16 of the report, line 2, strike "MEASURES OF" and substitute "QUALITY STANDARDS".

Page 16 of the report, strike "EFFECTIVENESS".

Amendment No. 12(L.073), by Senator Heath.

Amend the Education Committee Report, dated April 23, 2010, page 16, line 20, strike "EMPLOYMENT." and substitute "EMPLOYMENT. THIS PARAGRAPH (a.5) SHALL BE REPEALED AFTER THE PERFORMANCE EVALUATION SYSTEM BASED ON QUALITY STANDARDS HAS BEEN IMPLEMENTED PURSUANT TO SECTION 22-9-105.5.".

Amendment No. 13(L.074), by Senator Johnston.

Amend printed bill, page 17, line 9, after "(c.5)" insert "(I)".

Page 17, line 12, after "WHO" insert "HAVE DEMONSTRATED EFFECTIVENESS, HAVE UNIQUE QUALIFICATIONS AND TEACHING EXPERIENCES THAT".

Page 17, line 13, strike "SCHOOL." and substitute "SCHOOL, AND ARE ALIGNED TO THE SCHOOL'S CULTURE AND MISSION.".

Page 17, line 16, strike "SCHOOL." and substitute "SCHOOL AFTER A REVIEW OF THE TEACHER'S DEMONSTRATED EFFECTIVENESS, UNIQUE QUALIFICATIONS AND POTENTIAL CONTRIBUTIONS TO THE SCHOOL'S EDUCATIONAL PROGRAMS, SUCCESSFUL YEARS OF TEACHING EXPERIENCE, AND FIT WITH THE SCHOOL'S CULTURE AND MISSION.

(II) ANY ACTIVE NONPROBATIONARY TEACHER WHO DURING THE PRIOR YEAR WAS DEEMED SATISFACTORY, OR WAS DEEMED EFFECTIVE IN A DISTRICT THAT HAS IMPLEMENTED A MULTI-TIERED EVALUATION SYSTEM AND HAS IDENTIFIED RATINGS EQUIVALENT TO EFFECTIVE, AND HAS NOT SECURED A MUTUAL CONSENT PLACEMENT SHALL BE A MEMBER OF A PRIORITY HIRING POOL, WHICH SHALL ENSURE A FIRST OPPORTUNITY TO INTERVIEW FOR AVAILABLE POSITIONS FOR WHICH HE OR SHE IS QUALIFIED IN THE SCHOOL DISTRICT. THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE MARCH 1, 2011, OR AT SUCH TIME AS THE STATE BOARD PROMULGATES RULES ESTABLISHING THE GUIDELINES FOR MEASURES OF EFFECTIVENESS PURSUANT TO SECTION 22-9-104 (2) (f), WHICHEVER OCCURS FIRST.

(III) ANY ACTIVE NONPROBATIONARY TEACHER WHO WAS DEEMED EFFECTIVE DURING THE PRIOR YEAR AND HAS NOT SECURED A MUTUAL CONSENT PLACEMENT SHALL BE A MEMBER OF A PRIORITY HIRING POOL, WHICH SHALL ENSURE A FIRST OPPORTUNITY TO INTERVIEW FOR AVAILABLE POSITIONS FOR WHICH HE OR SHE IS QUALIFIED IN THE SCHOOL DISTRICT. THIS SUBPARAGRAPH (III) SHALL TAKE EFFECT MARCH 1, 2011, OR AT SUCH TIME AS THE STATE BOARD PROMULGATES RULES ESTABLISHING THE GUIDELINES FOR MEASURES OF EFFECTIVENESS PURSUANT TO SECTION 22-9-104 (2) (f), WHICHEVER OCCURS FIRST.

Page 17, strike line 17 and substitute:

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"(IV) IF A NONPROBATIONARY TEACHER IS UNABLE TO SECURE A MUTUAL CONSENT ASSIGNMENT AT A SCHOOL OF".

Page 17, line 24, after the period add "NOTHING IN THIS SECTION SHALL LIMIT THE ABILITY OF SCHOOL DISTRICTS TO PLACE TEACHERS IN TWELVE-MONTH OR OTHER LIMITED TERM ASSIGNMENTS, INCLUDING, BUT NOT LIMITED TO, TEACHING ASSIGNMENTS, SUBSTITUTE ASSIGNMENTS, OR INSTRUCTIONAL SUPPORT ROLES, DURING THE PERIOD IN WHICH THE TEACHER IS ATTEMPTING TO SECURE A MUTUAL CONSENT ASSIGNMENT. SUCH AN ASSIGNMENT SHALL NOT CONSTITUTE A MUTUAL CONSENT ASSIGNMENT AND SHALL NOT BE DEEMED TO INTERRUPT THE PERIOD IN WHICH THE TEACHER IS REQUIRED TO SECURE A MUTUAL CONSENT ASSIGNMENT BEFORE THE DISTRICT SHALL PLACE THE TEACHER ON UNPAID LEAVE."

Amendment No. 14(L.076), by Senator Hudak.

Amend the Education Committee Report, dated April 23, 2010, page 6, line 7, strike "MAY" and substitute "SHALL".

Page 6, line 8, strike "AND" and substitute "OR".

Amendment No. 15(L.087), by Senator Johnston.

Amend the Hudak floor amendment (SB191_L.072), page 2, line 14, strike "VALID BY THE LOCAL TRANSFORMATION".

Page 2, strike line 15 and substitute "VALID;".

Page 3, line 1, strike "EARNING AND".

Page 3, strike line 2 and substitute "AND PROFESSIONAL".

Page 3, line 13, strike "CLASSROOM".

Page 3, line 31, strike "FOR BY AN INDEPENDENT".

Page 3, line 32, strike "RESEARCH AND DATA ANALYSIS ENTITY," and substitute "FOR,".

Amendment No. 16(L.083), by Senator Johnston.

Amend printed bill, page 17, line 24, after "LEAVE." insert "THE PROVISIONS OF THIS PARAGRAPH (c.5) MAY BE WAIVED IN WHOLE OR IN PART FOR A RENEWABLE FOUR-YEAR PERIOD BY THE STATE BOARD OF EDUCATION PURSUANT TO SECTION 22-2-117, PROVIDED THAT THE LOCAL SCHOOL BOARD APPLYING FOR THE WAIVER, IN CONJUNCTION WITH THE SUPERINTENDENT AND TEACHERS ASSOCIATION, IF APPLICABLE, DEMONSTRATES THAT THE WAIVER IS IN THE BEST INTEREST OF STUDENTS ENROLLED IN THE SCHOOL DISTRICT, SUPPORTS THE EQUITABLE DISTRIBUTION OF EFFECTIVE TEACHERS, AND WILL NOT RESULT IN PLACEMENT OTHER THAN BY MUTUAL CONSENT OF THE TEACHER IN A SCHOOL DISTRICT OR PUBLIC SCHOOL THAT IS REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT PLAN OR TURNAROUND PLAN PURSUANT TO ARTICLE 11 OF THIS TITLE. NOTWITHSTANDING THE PROVISIONS OF THIS PARAGRAPH (c.5), A WAIVER SHALL NOT BE GRANTED FOR A REQUEST THAT PERMITS A HIRING CYCLE EXCEEDING TWO YEARS".

Amendment No. 17(L.088), by Senator Steadman.

Amend the Education Committee Report, dated April 23, 2010, page 2, after line 6 insert:

"(3.5) "PRINCIPAL DEVELOPMENT PLAN" MEANS A WRITTEN

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AGREEMENT DEVELOPED BY A PRINCIPAL AND DISTRICT ADMINISTRATION THAT OUTLINES THE STEPS TO BE TAKEN TO IMPROVE THE PRINCIPAL'S EFFECTIVENESS. THE PRINCIPAL DEVELOPMENT PLAN SHALL INCLUDE PROFESSIONAL DEVELOPMENT OPPORTUNITIES."

(5) "TEACHER DEVELOPMENT PLAN" MEANS A WRITTEN AGREEMENT MUTUALLY DEVELOPED BY A TEACHER AND HIS OR HER PRINCIPAL THAT OUTLINES THE STEPS TO BE TAKEN TO IMPROVE THE TEACHER'S EFFECTIVENESS. THE TEACHER DEVELOPMENT PLAN MAY INCLUDE BUT NEED NOT BE LIMITED TO CONSIDERATION OF INDUCTION AND MENTORSHIP PROGRAMS, USE OF HIGHLY EFFECTIVE TEACHERS AS INSTRUCTIONAL LEADERS OR COACHES, AND APPROPRIATE PROFESSIONAL DEVELOPMENT ACTIVITIES."

Page 6, after line 18 insert:

"(a.5) EVERY PRINCIPAL IS EVALUATED USING MULTIPLE FAIR, TRANSPARENT, TIMELY, RIGOROUS, AND VALID METHODS. THE RECOMMENDATIONS PURSUANT TO THIS PARAGRAPH (a.5) SHALL REQUIRE THAT EVERY PRINCIPAL IS PROVIDED WITH A PRINCIPAL DEVELOPMENT PLAN."

Amendment No. 18(L.089), by Senators Schwartz and Steadman.

Amend the Education Committee Report, dated April 23, 2010, page 12, line 20, after "STUDENTS." insert "THE DISTRICT ACCOUNTABILITY COMMITTEE SHALL PROVIDE INPUT AND RECOMMENDATIONS CONCERNING THE ASSESSMENT TOOLS USED TO MEASURE STUDENT ACADEMIC GROWTH AS IT RELATES TO TEACHER EVALUATIONS."

Page 16 of the report, line 18, strike "'SCHOOL.'" and substitute "'SCHOOL. THE SCHOOL ACCOUNTABILITY COMMITTEE FOR THE PRINCIPAL'S SCHOOL DISTRICT SHALL PROVIDE INPUT AND RECOMMENDATIONS TO THE DISTRICT ACCOUNTABILITY COMMITTEE AND THE DISTRICT ADMINISTRATION CONCERNING THE PRINCIPAL'S EVALUATION.'"

Page 16 of the bill, after line 21 insert:

SECTION 6. 22-11-302 (1), Colorado Revised Statutes, is amended by THE ADDITION OF A NEW PARAGRAPH to read:

22-11-302. School district accountability committees - powers and duties. (1) Each school district accountability committee shall have the following powers and duties:

(d) TO PROVIDE INPUT AND RECOMMENDATIONS ON AN ADVISORY BASIS TO PRINCIPALS CONCERNING THE DEVELOPMENT AND USE OF ASSESSMENT TOOLS USED FOR THE PURPOSE OF MEASURING AND EVALUATING STUDENT ACADEMIC GROWTH AS IT RELATES TO TEACHER EVALUATIONS."

SECTION 7. 22-11-402 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-11-402. School accountability committee - powers and duties - meetings. (1) Each school accountability committee shall have the following powers and duties:

(e) TO PROVIDE INPUT AND RECOMMENDATIONS ON AN ADVISORY BASIS TO DISTRICT ACCOUNTABILITY COMMITTEES AND DISTRICT ADMINISTRATION CONCERNING:

(I) PRINCIPAL DEVELOPMENT PLANS FOR THEIR PRINCIPAL PURSUANT TO SECTION 22-9-106; AND

(II) PRINCIPAL EVALUATIONS CONDUCTED PURSUANT TO SECTION

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22-9-106."

Renumber succeeding sections accordingly.

Amendment No. 19(L.084), by Senator Johnston.

Amend the Education Committee Report, dated April 23, 2010, page 7, strike lines 21 through 24 and substitute:

""(e) THE COUNCIL SHALL DEVELOP AN IMPLEMENTATION PLAN FOR ITS RECOMMENDATIONS, AND WILL IDENTIFY TASKS AND THE ASSOCIATED COSTS AT THE STATE AND DISTRICT LEVELS. THE RECOMMENDATIONS SHALL INCLUDE AN IMPLEMENTATION COST ANALYSIS, INCLUDING ASSESSMENT CHANGES, ASSESSMENT PILOT STUDY, STAFF TRAINING, RESEARCH, DATA REVIEW, AND ANY OTHER TASKS INCLUDED IN THE COUNCIL'S RECOMMENDATIONS. IT IS INCUMBENT ON THE COUNCIL TO CONSULT WITH A GROUP OF EXPERT PRACTITIONERS FAMILIAR WITH SCHOOL FINANCE AND TO REPORT BY MARCH 1, 2011, ON THE COSTS TO IMPLEMENT THE COUNCIL'S RECOMMENDATIONS."."

Amendment No. 20(L.090), by Senator Steadman.

Amend printed bill, page 7, line 5, strike "GROWTH" and substitute "TEACHER DEVELOPMENT".

Amendment No. 21(L.093), by Senators Williams and Newell.

Amend the Education Committee Report, dated April 23, 2010, page 14, line 7, after "SUPERINTENDENT" insert "OR HIS OR HER DESIGNEE".

Amendment No. 22(L.097), by Senator Steadman.

Amend the Education Committee Report, dated April 23, 2010, page 14, line 9, strike "APPROPRIATE." and substitute "APPROPRIATE. THE SUPERINTENDENT'S DESIGNEE SHALL NOT BE THE PRINCIPAL WHO CONDUCTED THE EVALUATION.".

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

HB10-1351 by Representative(s) Ferrandino, Apuan, Curry, Gagliardi, Hullinghorst, Kerr A., McCann, Merrifield, Miklosi, Pace, Pommer, Ryden, Scanlan, Solano, Tyler, Vigil; also Senator(s) Romer, Carroll M., Foster, Keller, Morse--Concerning the maximum authorized interest rate for a payday loan.

Amendment No. 1(L.023), by Senators Heath, Tapia, and Boyd.

Amend reengrossed bill, page 2, line 5, strike "The".

Page 2, strike lines 6 through 8.

Page 2, line 9, strike "forty-five percent.".

Page 3, after line 6 insert:

SECTION 3. 5-3.1-103, Colorado Revised Statutes, is amended to read:

5-3.1-103. Written agreement requirements. Each deferred deposit loan transaction and renewal shall be documented by a written agreement signed by both the lender and consumer. The written agreement shall contain the name of the consumer; the transaction date; the amount of the instrument; the annual percentage rate charged; a statement of the total amount of finance charges charged, expressed both as a dollar amount and an annual percentage rate; and the name, address, and telephone number of any agent or arranger involved in the

transaction. In addition, the written agreement shall include all disclosures required by section 5-3-101 (2). The written agreement shall set a date upon which the instrument may be deposited or negotiated. There shall be no ~~minimum~~ MAXIMUM loan term or minimum finance charge. ~~The maximum loan term shall not be more than forty days after the loan transaction date, and the maximum finance charge shall not exceed the finance charge set forth in section 5-3.1-105. The due date shall be set on or after the consumer's next payday or the date the consumer is scheduled to receive benefits, a commission, or any other payment; or after an income event for the consumer unless the consumer voluntarily requests a shorter loan term, the consumer's request is documented in a written statement signed and dated by the consumer and is separate from the loan agreement, the written statement is retained by the lender, and the loan cannot be renewed and shall be paid in cash or its equivalent.~~ THE MINIMUM LOAN TERM SHALL BE SIX MONTHS FROM THE LOAN TRANSACTION DATE. THE LENDER SHALL ACCEPT PREPAYMENT FROM A CONSUMER PRIOR TO THE LOAN DUE DATE AND SHALL NOT CHARGE THE CONSUMER A PENALTY IF THE CONSUMER OPTS TO PREPAY THE LOAN. A lender may hold an instrument and delay completion of the transaction beyond the loan due date without any additional written agreement or new disclosure, but the lender may not charge any additional fees for holding the instrument or delaying the completion of the transaction."

Renumber succeeding sections accordingly.

Page 3, line 9, strike "a" and substitute "a".

Page 3, strike lines 10 through 21 and substitute:

"finance charge for each deferred deposit loan OR PAYDAY LOAN that may not exceed twenty percent of the first three hundred dollars loaned plus seven and one-half percent of any amount loaned in excess of three hundred dollars. Such charge shall be deemed fully earned as of the date of the transaction. THE LENDER MAY CHARGE AN ANNUAL PERCENTAGE RATE OF FORTY-FIVE PERCENT FOR EACH DEFERRED DEPOSIT LOAN OR PAYDAY LOAN. IF THE LOAN IS PREPAID PRIOR TO THE MATURITY OF THE LOAN TERM, THE LENDER SHALL REFUND TO THE CONSUMER A PRORATED PORTION OF THE ANNUAL PERCENTAGE RATE BASED UPON THE RATIO OF TIME LEFT BEFORE MATURITY TO THE LOAN TERM. IN ADDITION, THE LENDER MAY CHARGE A MONTHLY MAINTENANCE FEE FOR EACH OUTSTANDING DEFERRED DEPOSIT LOAN, NOT TO EXCEED SEVEN DOLLARS AND FIFTY CENTS PER ONE HUNDRED DOLLARS LOANED, UP TO THIRTY DOLLARS PER MONTH. THE MONTHLY MAINTENANCE FEE MAY BE CHARGED FOR EACH MONTH THE LOAN IS OUTSTANDING THIRTY DAYS AFTER THE DATE OF THE ORIGINAL LOAN TRANSACTION. The lender shall charge only those charges authorized in this article in connection with a deferred deposit loan."

Page 3, line 27, strike everything after "consumer." and substitute "~~No instrument held as a result of a deferred deposit~~".

Page 4, strike line 1 and substitute "~~loan shall exceed five hundred seventy-five dollars.~~ NOTHING IN THIS SUBSECTION (1) SHALL PRECLUDE A LENDER FROM MAKING MORE THAN ONE LOAN TO A CONSUMER SO LONG AS THE TOTAL AMOUNT FINANCED DOES NOT EXCEED FIVE HUNDRED DOLLARS AT ANY ONE TIME AND THERE IS AT LEAST A THIRTY-DAY WAITING PERIOD BETWEEN LOANS."

Page 4, after line 1 insert:

SECTION 6. 5-3.1-108 (2), (3), and (5), Colorado Revised Statutes, are amended to read:

5-3.1-108. Renewal - new loan - consecutive loans - payment plan - definitions. (2) Upon renewal of a deferred deposit loan, the lender may assess AN additional finance ~~charges~~ CHARGE not to exceed

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~~twenty~~ AN ANNUAL PERCENTAGE RATE OF FORTY-FIVE percent. ~~of the first three hundred dollars loaned plus seven and one-half percent of any amount loaned in excess of three hundred dollars.~~ If the deferred deposit loan is renewed prior to the maturity date, the lender shall refund to the consumer a prorated portion of the finance charge based upon the ratio of time left before maturity to the loan term.

(3) A transaction is completed when the lender presents the instrument for payment or the consumer redeems the instrument by paying the full amount of the instrument to the holder. ~~Once THIRTY DAYS AFTER~~ the consumer has completed the deferred deposit transaction, the consumer may enter into a new deferred deposit agreement with the lender. If the consumer's instrument is dishonored by the payor financial institution after the transaction is complete and, before the lender receives a notice of dishonor, the lender makes a new loan that does not exceed the maximum allowable loan, the lender shall not be in violation of the maximum loan amount provisions in section 5-3.1-106.

~~(5) (a) At the time of origination of a fourth consecutive deferred deposit loan made to a consumer by a lender or an affiliate of the lender; and at the time of origination of any subsequent consecutive deferred deposit loans, the lender shall offer the consumer in writing the option to participate in a voluntary payment plan.~~

~~(b) To convert a deferred deposit loan into a payment plan, the consumer shall return to the lender's point of sale location and request a payment plan prior to the close of business on the business day prior to the maturity date of the loan.~~

~~(c) The payment plan shall provide the consumer with the option to pay off the existing debt, both the principal and the fee, in at least six equal payments that coincide with the consumer's periodic pay dates or the date the consumer is scheduled to receive benefits. The payments made pursuant to the voluntary payment plan shall be applied directly to the existing debt, and the lender shall not charge the consumer any additional fee for participation in the payment plan.~~

~~(d) The lender shall provide a written copy of the payment plan agreement to the consumer. The lender shall be prohibited from engaging in collection activities while the consumer continues to make payments in accordance with the payment plan. The lender or affiliate of the lender is prohibited from making any additional deferred deposit loans to the consumer prior to the consumer's completion of the payment plan.~~

~~(e) The lender may require the consumer to provide a post-dated check or electronic authorization for funds transferred for each payment due under the payment plan. If any check or electronic authorization accepted by the lender is dishonored, the lender may not charge the consumer a fee for the dishonored instrument.~~

~~(f) If the consumer fails to make payments in accordance with a payment plan under paragraph (a) of this subsection (5), the lender is entitled to take action as allowed under this article to collect the remaining funds due and may charge the consumer a one-time default fee of twenty-five dollars.~~

~~(g) For the purposes of this subsection (5):~~

~~(I) "Affiliate" means any entity owned by a lender, an entity that owns the lender, an entity that is under common ownership with the lender, or an entity that is a person related to the lender.~~

~~(II) "Consecutive deferred deposit loan" means a deferred deposit loan made by a lender within five calendar days after the repayment of a previous deferred deposit loan by renewal or otherwise.~~

~~(III) "Lender's point of sale location" means:~~

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- ~~(A) The lender's store where the consumer originated the loan;~~
- ~~(B) Another store operated by the lender in this state; or~~
- ~~(C) A web site, telephone number, or other remote location where the consumer originated the loan.~~
- ~~(IV) "Person related to" shall have the same meaning as in section 5-1-301 (34) (b)."~~

Renumber succeeding sections accordingly.

On a substitute motion, Senator King moved that the Senate lay over **HB10-1351** to May 13. Less than a majority of all members elected to the Senate having voted in the affirmative, the motion was **lost**.

As amended, ordered revised and placed on the calendar for third reading and final passage.

(For further action, see amendments to the report of the Committee of the Whole.)

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (HB10-1271, HB10-1141, SB10-167, HB10-1336, HB10-1354) of Thursday, April 29, was laid over until Friday, April 30, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB10-1351 by Representative(s) Ferrandino, Apuan, Curry, Gagliardi, Hullinghorst, Kerr A., McCann, Merrifield, Miklosi, Pace, Pommer, Ryden, Scanlan, Solano, Tyler, Vigil; also Senator(s) Romer, Carroll M., Foster, Keller, Morse--Concerning the maximum authorized interest rate for a payday loan.

Senator Brophy moved to amend the Report of the Committee of the Whole to show that the following amendment to HB 10-1351 did pass.

Amend reengrossed bill, page 4, strike lines 13 through 22 and substitute:

"SECTION 6. Act subject to petition - specified effective date - applicability. (1) This act shall take effect December 31, 2010; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor."

A majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was **passed** on the following roll call vote:

YES	21	NO	14	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	N	Spence	Y
Boyd	Y	Hudak	N	Newell	Y	Steadman	N
Brophy	Y	Johnston	N	Penry	Y	Tapia	Y
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	Y
Carroll M.	N	Kester	Y	Romer	N	White	Y
Foster	N	King K.	Y	Sandoval	N	Whitehead	N
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Carroll, the report of the Committee of the Whole was **adopted** on the following roll call vote:

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

The Committee of the Whole took the following action:

Passed on second reading: SB10-191 as amended, HB10-1351 as amended.
Laid over until Friday, April 30: HB10-1271, HB10-1141, SB10-167, HB10-1336, HB10-1354.

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

SB10-208 by Senator(s) Keller; also Representative(s) Acree--Concerning repealing references to the referral and placement committee to reflect current usage of interdisciplinary teams in developing individualized plans for persons with developmental disabilities.
Health and Human Services

SB10-209 by Senator(s) Schwartz, Gibbs, Hodge, Kester, Penry, Scheffel, Steadman, White, Whitehead; also Representative(s) Vigil--Concerning the allocation of 2009 national forest payments in counties as said payments relate to federal payments in lieu of taxes.
Local Government and Energy

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Thursday, April 29 was laid over until Friday, April 30, retaining its place on the calendar.

Consideration of Resolutions: SJR10-033, SJR10-039, SJR10-041, SJR10-042, SJR10-043, SR10-009, SJR10-047, HJR10-1021.

Consideration of Memorials: SJM10-002.

Consideration of House Amendments to Senate Bills: SB10-071, SB10-153, SB10-159, SB10-162.

Consideration of Governor's Appointments:

Board of Directors of Denver Metropolitan Major League Stadium District

Members of the Colorado Channel Authority Board of Directors

Members of the Charter School Institute Board

Members of the Board of Assessment Appeals

Consideration of Conference Committee Reports: SB10-109.

Conference Committees to Report: HB10-1273, HB10-1252, HJR10-1015.

Request for Conference Committee: HB10-1188.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, April 30, 2010.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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