

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

104th Legislative Day Monday, April 26, 2010

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Prayer	By Dr. Stuart C. Lord, President, Naropa University, Boulder	11
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Call to Order	By the President at 10:00 a.m.	13
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Pledge	By Senator Spence.	16
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Roll Call	Present--34.	18
	Absent-- 1, King.	19
	Present later-- 1, King.	20
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Quorum	The President announced a quorum present.	22
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Reading of Journal	On motion of Senator Carroll, reading of the Journal of Friday, April 23, 2010, was dispensed with and the Journal was approved as corrected by the Secretary.	24
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COMMITTEE OF REFERENCE REPORTS

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Education	The Committee on <u>Education</u> has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:	31
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Education	After consideration on the merits, the Committee recommends that SB10-191 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	43
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"(1.3) "EDUCATOR" MEANS A TEACHER, PRINCIPAL, OR ANY OTHER LICENSED PERSONNEL.

(2.5) "PERFORMANCE STANDARDS" MEANS THE LEVELS OF EFFECTIVENESS ESTABLISHED BY RULE OF THE STATE BOARD PURSUANT TO SECTION 22-9-105.5.

(2.7) "QUALITY STANDARDS" MEANS THE ELEMENTS AND CRITERIA ESTABLISHED TO MEASURE EFFECTIVENESS AS ESTABLISHED BY RULE OF THE STATE BOARD PURSUANT TO SECTION 22-9-105.5."

Page 4, line 25, strike "MEET OR EXCEED".

Page 4, strike lines 26 and 27 and substitute "WILL SATISFY QUALITY STANDARDS IN A MANNER THAT IS APPROPRIATE TO THE SIZE, DEMOGRAPHICS, AND LOCATION OF THE SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES, AND THAT IS CONSISTENT WITH THE PURPOSES OF THIS ARTICLE; AND".

Page 5, line 1, after "(f)" insert "(I)", and strike "MARCH 1," and substitute "SEPTEMBER 1,".

Page 5, line 4, strike "(2)" and substitute "(3)".

Page 5, line 6, strike "DECEMBER 31, 2010," and substitute "MARCH 1, 2011,".

Page 5, line 7, strike "(2)," and substitute "(3),".

Page 5, line 8, strike "MARCH 1," and substitute "SEPTEMBER 1,".

Page 5, line 9, strike "(2)" and substitute "(3)", and after "ADDRESS." add "IN PROMULGATING RULES PURSUANT TO THIS PARAGRAPH (f), THE STATE BOARD SHALL CONFORM TO THE TIMELINE SET FORTH IN SECTION 22-9-105.5 (4).

(II) THE GENERAL ASSEMBLY SHALL REVIEW THE RULES PROMULGATED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (f), IN A BILL THAT IS SEPARATE FROM THE ANNUAL RULE REVIEW BILL INTRODUCED PURSUANT TO SECTION 24-4-103 (8) (d), C.R.S., AND IN ACCORDANCE WITH THE CRITERIA AND PROCEDURES SPECIFIED IN SECTION 24-4-103 (8) (a) AND (8) (d), C.R.S.; EXCEPT THAT THE GENERAL ASSEMBLY RESERVES THE RIGHT TO REPEAL INDIVIDUAL RULES IN THE RULES PROMULGATED BY THE STATE BOARD."

Page 6, line 9, strike "Governor's" and substitute "State".

Page 6, line 10, strike "declaration - " and substitute "declaration - membership - ".

Page 6, line 21, strike "GOVERNOR." and substitute "GOVERNOR AS FOLLOWS:

(I) THE COMMISSIONER OF EDUCATION, OR HIS OR HER DESIGNEE;

(II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HIGHER EDUCATION, OR HIS OR HER DESIGNEE;

(III) FOUR TEACHERS, SELECTED WITH THE ADVICE OF A STATE ASSOCIATION THAT REPRESENTS EDUCATORS;

(IV) TWO PUBLIC SCHOOL ADMINISTRATORS AND ONE LOCAL SCHOOL DISTRICT SUPERINTENDENT, EACH SELECTED WITH THE ADVICE OF A STATE ASSOCIATION THAT REPRESENTS SCHOOL EXECUTIVES;

(V) TWO MEMBERS OF LOCAL SCHOOL BOARDS, SELECTED WITH THE ADVICE OF A STATE ASSOCIATION THAT REPRESENTS SCHOOL

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BOARDS;

(VI) ONE CHARTER SCHOOL ADMINISTRATOR OR TEACHER, SELECTED WITH THE ADVICE OF A STATE ADVOCACY GROUP FOR CHARTER SCHOOLS;

(VII) ONE PARENT OF A PUBLIC SCHOOL STUDENT, SELECTED WITH THE ADVICE OF A STATE PARENT AND TEACHERS ASSOCIATION;

(VIII) A CURRENT STUDENT OR RECENT GRADUATE OF A COLORADO PUBLIC SCHOOL, SELECTED WITH THE ADVICE OF A STATEWIDE STUDENT COALITION; AND

(IX) ONE AT-LARGE MEMBER WITH EXPERTISE IN EDUCATION POLICY.

(2) THE GENERAL ASSEMBLY FURTHER FINDS THAT THE PURPOSE OF THE COUNCIL SHALL BE TO CONSIDER OPTIONS AND MAKE RECOMMENDATIONS TO THE STATE BOARD AND GENERAL ASSEMBLY THAT SEEK TO ENSURE THAT EVERY EDUCATOR IS:

(a) EVALUATED USING MULTIPLE FAIR, TRANSPARENT, TIMELY, RIGOROUS, AND VALID METHODS, AT LEAST FIFTY PERCENT OF WHICH EVALUATION IS DETERMINED BY THE ACADEMIC GROWTH OF HIS OR HER STUDENTS;

(b) AFFORDED A MEANINGFUL OPPORTUNITY TO IMPROVE HIS OR HER EFFECTIVENESS; AND

(c) PROVIDED THE MEANS TO SHARE EFFECTIVE PRACTICES WITH OTHER EDUCATORS THROUGHOUT THE STATE."

Page 6, after line 21, insert:

"(2.5) (a) THERE IS HEREBY CREATED IN THE OFFICE OF THE GOVERNOR THE STATE COUNCIL FOR EDUCATOR EFFECTIVENESS, REFERRED TO IN THIS ARTICLE AS THE "COUNCIL".

(b) THE MEMBERS OF THE GOVERNOR'S COUNCIL FOR EDUCATOR EFFECTIVENESS, CREATED BY EXECUTIVE ORDER B 2010-001, SHALL SERVE ON THE COUNCIL, AS APPOINTED BY THE GOVERNOR, AND SHALL INCLUDE:

(I) THE COMMISSIONER OF EDUCATION, OR HIS OR HER DESIGNEE;

(II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HIGHER EDUCATION, OR HIS OR HER DESIGNEE;

(III) FOUR TEACHERS, SELECTED WITH THE ADVICE OF A STATE ASSOCIATION THAT REPRESENTS EDUCATORS;

(IV) TWO PUBLIC SCHOOL ADMINISTRATORS AND ONE LOCAL SCHOOL DISTRICT SUPERINTENDENT, EACH SELECTED WITH THE ADVICE OF A STATE ASSOCIATION THAT REPRESENTS SCHOOL EXECUTIVES;

(V) TWO MEMBERS OF LOCAL SCHOOL BOARDS, SELECTED WITH THE ADVICE OF A STATE ASSOCIATION THAT REPRESENTS SCHOOL BOARDS;

(VI) ONE CHARTER SCHOOL ADMINISTRATOR OR TEACHER, SELECTED WITH THE ADVICE OF A STATE ADVOCACY GROUP FOR CHARTER SCHOOLS;

(VII) ONE PARENT OF A PUBLIC SCHOOL STUDENT, SELECTED WITH THE ADVICE OF A STATE PARENT AND TEACHERS ASSOCIATION;

(VIII) A CURRENT STUDENT OR RECENT GRADUATE OF A

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COLORADO PUBLIC SCHOOL, SELECTED WITH THE ADVICE OF A STATEWIDE STUDENT COALITION; AND

(IX) ONE AT-LARGE MEMBER WITH EXPERTISE IN EDUCATION POLICY.

(c) THE PURPOSE OF THE COUNCIL SHALL BE THE SAME AS THAT OF THE GOVERNOR'S COUNCIL FOR EDUCATOR EFFECTIVENESS ESTABLISHED BY EXECUTIVE ORDER, AND SHALL BE TO CONSIDER OPTIONS AND MAKE RECOMMENDATIONS TO THE STATE BOARD AND THE GENERAL ASSEMBLY THAT SEEK TO ENSURE THAT EVERY EDUCATOR IS:

(I) EVALUATED USING MULTIPLE FAIR, TRANSPARENT, TIMELY, RIGOROUS, AND VALID METHODS, AT LEAST FIFTY PERCENT OF WHICH EVALUATION IS DETERMINED BY THE ACADEMIC GROWTH OF HIS OR HER STUDENTS;

(II) AFFORDED A MEANINGFUL OPPORTUNITY TO IMPROVE HIS OR HER EFFECTIVENESS; AND

(III) PROVIDED THE MEANS TO SHARE EFFECTIVE PRACTICES WITH OTHER EDUCATORS THROUGHOUT THE STATE."

Renumber succeeding subsections accordingly.

Page 6, strike line 22, and substitute:

"(3) THE".

Page 6, line 24, strike "DECEMBER 31, 2010," and substitute "MARCH 1, 2011,".

Page 6, line 25, strike "THAT:" and substitute "THAT EVERY TEACHER IS EVALUATED USING MULTIPLE FAIR,".

Page 6, strike line 26.

Page 7, line 1, strike "SUBPARAGRAPH (I)" and substitute "PARAGRAPH (a)".

Page 7, line 8, strike "INCLUDE, BUT NEED" and substitute "INCLUDE".

Page 7, line 9, strike "NOT BE LIMITED TO,".

Page 7, strike lines 11 through 14 and substitute "SECTION 22-11-204 (2)".

Page 7, line 15, strike "SUBJECT AND GRADE LEVEL." and substitute "AND SHALL INCLUDE STATEWIDE SUMMATIVE ASSESSMENTS AND MAY INCLUDE INTERIM ASSESSMENT RESULTS AND EVIDENCE OF STUDENT WORK, PROVIDED THAT ALL ARE RIGOROUS AND COMPARABLE ACROSS CLASSROOMS AND ALIGNED WITH STATE MODEL CONTENT STANDARDS AND PERFORMANCE STANDARDS DEVELOPED PURSUANT TO ARTICLE 7 OF TITLE 22. FOR THE PURPOSES OF MEASURING EFFECTIVENESS, EXPECTATIONS OF STUDENT ACADEMIC GROWTH SHALL TAKE INTO CONSIDERATION DIVERSE FACTORS, INCLUDING BUT NOT LIMITED TO SPECIAL EDUCATION, STUDENT MOBILITY, AND CLASSROOMS WITH A STUDENT POPULATION IN WHICH NINETY-FIVE PERCENT MEET THE DEFINITION OF HIGH-RISK STUDENT AS DEFINED IN SECTION 22-7-604.5 (1.5).".

Page 7, strike lines 19 through 23 and substitute:

"(b) ON OR BEFORE MARCH 1, 2011, THE COUNCIL SHALL PROVIDE THE STATE BOARD WITH RECOMMENDATIONS CONCERNING THE IMPLEMENTATION AND TESTING OF THE NEW PERFORMANCE EVALUATION SYSTEM THAT IS BASED ON MEASURES OF EFFECTIVENESS, AND WITH

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RECOMMENDATIONS FOR THE SUBSEQUENT STATEWIDE IMPLEMENTATION OF THE NEW PERFORMANCE EVALUATION SYSTEM. THE RECOMMENDATIONS MADE PURSUANT TO THIS PARAGRAPH (b) SHALL CONFORM TO THE TIMELINE SET FORTH IN SUBSECTION (3) OF THIS SECTION."

Reletter succeeding paragraphs accordingly.

Page 7, line 24, strike "DECEMBER 31, 2010," and substitute "MARCH 1, 2011,".

Page 7, strike line 25 and substitute "PERFORMANCE STANDARDS TO ESTABLISH LEVELS OF EFFECTIVENESS AND QUALITY STANDARDS TO MEASURE EFFECTIVENESS, TO BE USED BY SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE SERVICES, FOR EACH".

Page 7, line 27, strike "GUIDELINES" and substitute "QUALITY STANDARDS".

Page 8, line 3, strike "(2)." and substitute "(2) IN CONJUNCTION WITH EXPECTATIONS OF STUDENT ACADEMIC GROWTH. FOR THE PURPOSES OF MEASURING EFFECTIVENESS, EXPECTATIONS OF STUDENT ACADEMIC GROWTH SHALL TAKE INTO CONSIDERATION DIVERSE FACTORS, INCLUDING BUT NOT LIMITED TO SPECIAL EDUCATION, STUDENT MOBILITY, AND CLASSROOMS WITH A STUDENT POPULATION IN WHICH NINETY-FIVE PERCENT MEET THE DEFINITION OF HIGH-RISK STUDENT AS DEFINED IN SECTION 22-7-604.5 (1.5)."

Page 8, line 4, strike "DECEMBER 31, 2010," and substitute "MARCH 1, 2011,".

Page 8, line 5, after "THAT" insert "THE STATE PROVIDES".

Page 8, line 7, strike "SHALL HAVE ACCESS TO A CAREER LADDER" and substitute "WITH CAREER LADDERS".

Page 8, strike lines 12 through 15 and substitute:

"(e) ON OR BEFORE JULY 1, 2013, TO REPORT TO THE DEPARTMENT THE RESULTS OF THE INITIAL YEAR OF IMPLEMENTATION AND TESTING OF THE PERFORMANCE EVALUATION SYSTEM IN THE 2012-2013 SCHOOL YEAR."

Page 8, line 16, strike "(3)" and substitute "(4)(a)", and strike "MARCH 1, 2011," and substitute, "SEPTEMBER 1, 2011,".

Page 8, line 18, strike "(2)" and substitute "(3)".

Page 8, line 20, strike "DECEMBER 31, 2010," and substitute "MARCH 1, 2011,".

Page 8, line 22, strike "(2)" and substitute "(3)".

Page 8, line 23, strike "MARCH 1, 2011," and substitute, "SEPTEMBER 1, 2011,".

Page 8, line 24, strike "(d)" and substitute "(e)" and after "ADDRESS." add "IN PROMULGATING RULES PURSUANT TO THIS SUBSECTION (4), THE STATE BOARD SHALL CONFORM TO THE FOLLOWING TIMELINE:

(I) BEGINNING WITH THE 2011-2012 SCHOOL YEAR, THE DEPARTMENT SHALL WORK WITH SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE SERVICES TO ASSIST WITH THE DEVELOPMENT OF PERFORMANCE EVALUATION SYSTEMS THAT ARE BASED ON MEASURES OF EFFECTIVENESS.

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(II) ON OR BEFORE JANUARY 15, 2012, THE STATE BOARD SHALL PROVIDE TO THE GENERAL ASSEMBLY THE RULES PROMULGATED PURSUANT TO THIS SUBSECTION (4). ON OR BEFORE FEBRUARY 15, 2012, THE GENERAL ASSEMBLY SHALL REVIEW AND APPROVE SUCH RULES AS PROVIDED FOR IN PARAGRAPH (b) OF THIS SUBSECTION (4).

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(III) BEGINNING WITH THE 2012-2013 SCHOOL YEAR, IF THE GENERAL ASSEMBLY APPROVES THE RULES PROMULGATED PURSUANT TO THIS SUBSECTION (4), THE NEW PERFORMANCE EVALUATION SYSTEM THAT IS BASED ON MEASURES OF EFFECTIVENESS SHALL BE IMPLEMENTED AND TESTED AS RECOMMENDED BY THE COUNCIL PURSUANT TO PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION.

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(IV) (A) BEGINNING WITH THE 2013-2014 SCHOOL YEAR, IF THE GENERAL ASSEMBLY APPROVES THE RULES PROMULGATED PURSUANT TO THIS SUBSECTION (4), AND BASED ON THE RESULTS OF THE FIRST LEVEL OF IMPLEMENTATION IN THE 2012-2013 SCHOOL YEAR, THE NEW PERFORMANCE EVALUATION SYSTEM THAT IS BASED ON MEASURES OF EFFECTIVENESS SHALL BE IMPLEMENTED STATEWIDE IN A MANNER AS RECOMMENDED BY THE COUNCIL PURSUANT TO PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION.

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(B) DURING THE 2013-14 SCHOOL YEAR, TEACHERS SHALL BE EVALUATED BASED ON MEASURES OF EFFECTIVENESS. DEMONSTRATED LEVELS OF EFFECTIVENESS OR INEFFECTIVENESS SHALL BEGIN TO BE CONSIDERED IN THE ACQUISITION OF PROBATIONARY OR NONPROBATIONARY STATUS.

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(V) (A) BEGINNING WITH THE 2014-2015 SCHOOL YEAR, IF THE GENERAL ASSEMBLY APPROVES THE RULES PROMULGATED PURSUANT TO THIS SUBSECTION (4), AND BASED ON THE RESULTS OF THE FIRST AND SECOND LEVELS OF IMPLEMENTATION IN THE 2012-2013 AND 2013-2014 SCHOOL YEARS, THE NEW PERFORMANCE EVALUATION SYSTEM THAT IS BASED ON MEASURES OF EFFECTIVENESS SHALL BE FINALIZED ON A STATEWIDE BASIS.

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(B) DURING THE 2014-2015 SCHOOL YEAR, TEACHERS SHALL CONTINUE TO BE EVALUATED BASED ON MEASURES OF EFFECTIVENESS. DEMONSTRATED LEVELS OF EFFECTIVENESS OR INEFFECTIVENESS SHALL BE CONSIDERED IN THE ACQUISITION OR LOSS OF PROBATIONARY OR NONPROBATIONARY STATUS.

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(b) THE GENERAL ASSEMBLY SHALL REVIEW THE RULES PROMULGATED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4) IN A BILL THAT IS SEPARATE FROM THE ANNUAL RULE REVIEW BILL INTRODUCED PURSUANT TO SECTION 24-4-103 (8) (d), C.R.S., AND IN ACCORDANCE WITH THE CRITERIA AND PROCEDURES SPECIFIED IN SECTION 24-4-103 (8) (a) AND (8) (d), C.R.S.; EXCEPT THAT THE GENERAL ASSEMBLY RESERVES THE RIGHT TO REPEAL INDIVIDUAL RULES CONTAINED IN THE RULES PROMULGATED BY THE STATE BOARD.

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(5) ON OR BEFORE NOVEMBER 1, 2011, THE DEPARTMENT SHALL CREATE AND MAKE AVAILABLE TO SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE SERVICES A RESOURCE BANK THAT IDENTIFIES ASSESSMENTS, PROCESSES, TOOLS, AND POLICIES THAT A SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES MAY USE TO DEVELOP AN EVALUATION SYSTEM THAT ADDRESSES THE PROVISIONS OF THIS SECTION. THE DEPARTMENT SHALL INCLUDE RESOURCES THAT ARE APPROPRIATE TO SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE SERVICES OF DIFFERENT SIZES, DEMOGRAPHICS, AND LOCATIONS. THE DEPARTMENT SHALL UPDATE THE RESOURCE BANK AT LEAST ANNUALLY TO REFLECT NEW RESEARCH AND ONGOING EXPERIENCE IN COLORADO.

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(6) THE DEPARTMENT SHALL NOT BE OBLIGATED TO IMPLEMENT THE PROVISIONS OF THIS SECTION UNTIL SUFFICIENT FUNDS HAVE BEEN RECEIVED AND CREDITED TO THE GREAT TEACHERS AND LEADERS FUND, CREATED IN SECTION 22-9-105.7. THE DEPARTMENT IS HEREBY

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AUTHORIZED TO HIRE ANY EMPLOYEES NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION. ANY NEW POSITIONS CREATED PURSUANT TO THIS SECTION SHALL BE SUBJECT TO THE AVAILABILITY OF FUNDING AND SHALL BE ELIMINATED AT SUCH TIME AS MONEYS ARE NO LONGER AVAILABLE IN THE TEACHER EFFECTIVENESS EVALUATION FUND. ALL POSITION DESCRIPTIONS AND NOTICE TO HIRE FOR POSITIONS CREATED PURSUANT TO THIS SECTION SHALL CLEARLY STATE THAT SUCH POSITION IS SUBJECT TO AVAILABLE FUNDING.

SECTION 6. Article 9 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-9-105.7. Great teachers and leaders fund - created - gifts, grants, and donations. (1) THE DEPARTMENT IS AUTHORIZED TO SEEK, ACCEPT, AND EXPEND PUBLIC OR PRIVATE GIFTS, GRANTS, OR DONATIONS FOR THE IMPLEMENTATION OF SECTION 22-9-105.5; EXCEPT THAT THE DEPARTMENT MAY NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS OR ANY 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 GREAT TEACHERS AND LEADERS FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS SECTION AS THE "FUND". MONEYS IN THE FUND ARE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING SECTION 22-9-105.5.

(2) ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSES OF SECTION 22-9-105.5 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. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUN AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

(3) NOTHING IN THIS SECTION SHALL BE INTERPRETED TO REQUIRE THE DEPARTMENT TO SOLICIT GIFTS, GRANTS, OR DONATIONS FOR THE FUND."

Renumber succeeding sections accordingly.

Page 8, line 26, strike "(1)(d)(III),".

Page 9, strike line 18 and substitute "shall ADDRESS ALL OF THE PERFORMANCE STANDARDS".

Page 9, line 19, after "BOARD" insert "AND ADOPTED BY THE GENERAL ASSEMBLY".

Page 9, line 20, strike "22-9-104 (2) (f)," and substitute "22-9-105.5 (4),".

Page 10, line 6, strike "GUIDELINES FOR MEASURES OF" and substitute "PERFORMANCE STANDARDS".

Page 10, line 7, strike "EFFECTIVENESS" and after "BOARD" insert "AND ADOPTED BY THE GENERAL ASSEMBLY".

Page 10, line 8, strike "22-9-104 (2) (f);" and substitute "22-9-105.5 (4);".

Page 10, line 12, strike "GUIDELINES FOR MEASURES OF" and substitute "PERFORMANCE STANDARDS".

Page 10, line 13, strike "EFFECTIVENESS", and after "BOARD" insert "AND ADOPTED BY THE GENERAL ASSEMBLY".

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Page 10, line 14, strike "22-9-104 (2) (f)." and substitute "22-9-105.5 (4).".

Page 10, strike lines 21 through 27.

Page 11, strike lines 1 through 7.

Page 11, strike lines 11 through 14 and substitute "EFFECTIVE AT SUCH TIME AS THE PERFORMANCE EVALUATION SYSTEM BASED ON MEASURES OF EFFECTIVENESS ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5 (4) IS IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE NOTICE OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR BEFORE JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE IMPLEMENTATION OCCURS."

Page 11, line 16, strike "DISTRICT OR EMPLOYED BY A BOARD OF" and substitute "DISTRICT".

Page 11, line 17, strike "COOPERATIVE SERVICES."

Page 11, strike lines 18 through 21 and substitute "EFFECT AT SUCH TIME AS THE PERFORMANCE EVALUATION SYSTEM BASED ON MEASURES OF EFFECTIVENESS ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5 (4) IS IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE NOTICE OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR BEFORE JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE IMPLEMENTATION OCCURS."

Page 12, strike lines 6 through 9 and substitute "REPEALED AT SUCH TIME AS THE PERFORMANCE EVALUATION SYSTEM BASED ON MEASURES OF EFFECTIVENESS ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5 (4) IS IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE NOTICE OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR BEFORE JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE IMPLEMENTATION OCCURS."

Page 12, line 16, after "INSTRUCTION" insert "AND SHALL REQUIRE THAT AT LEAST FIFTY PERCENT OF THE EVALUATION IS DETERMINED BY THE ACADEMIC GROWTH OF THE TEACHER'S STUDENTS. THE STANDARDS".

Page 12, line 17, strike "PERFORMANCE." and substitute "PERFORMANCE IN CONJUNCTION WITH STUDENT GROWTH EXPECTATIONS. FOR THE PURPOSES OF MEASURING EFFECTIVENESS, EXPECTATIONS OF STUDENT ACADEMIC GROWTH SHALL TAKE INTO CONSIDERATION DIVERSE FACTORS, INCLUDING BUT NOT LIMITED TO SPECIAL EDUCATION, STUDENT MOBILITY, AND CLASSROOMS WITH A STUDENT POPULATION IN WHICH NINETY-FIVE PERCENT MEET THE DEFINITION OF HIGH-RISK STUDENT AS DEFINED IN SECTION 22-7-604.5 (1.5).".

Page 12, line 22, strike "MARCH 1,".

Page 12, strike lines 23 through 25 and substitute "AT SUCH TIME AS THE PERFORMANCE EVALUATION SYSTEM BASED ON MEASURES OF EFFECTIVENESS ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5 (4) IS IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE NOTICE OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR BEFORE JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE IMPLEMENTATION OCCURS."

Page 13, line 4, strike "MARCH 1, 2011,".

Page 13, strike lines 5 through 7 and substitute "AT SUCH TIME AS THE PERFORMANCE EVALUATION SYSTEM BASED ON MEASURES OF

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EFFECTIVENESS ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5 (4) IS IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE NOTICE OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR BEFORE JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE IMPLEMENTATION OCCURS."

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Page 13, line 9, strike "OR BOARD OF COOPERATIVE SERVICES".

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Page 13, strike lines 15 through 18 and substitute "EFFECT AT SUCH TIME AS THE PERFORMANCE EVALUATION SYSTEM BASED ON MEASURES OF EFFECTIVENESS ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5 (4) IS IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE NOTICE OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR BEFORE JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE IMPLEMENTATION OCCURS."

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Page 13, line 27, strike "MARCH 1,".

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Page 14, strike lines 1 through 3 and substitute "AT SUCH TIME AS THE PERFORMANCE EVALUATION SYSTEM BASED ON MEASURES OF EFFECTIVENESS ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5 (4) IS IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE NOTICE OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR BEFORE JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE IMPLEMENTATION OCCURS."

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Page 14, line 6, strike "BE GIVEN NOTICE OF DEFICIENCIES." and substitute "RECEIVE WRITTEN NOTICE THAT HIS OR HER PERFORMANCE EVALUATION SHOWS A RATING OF INEFFECTIVE, A COPY OF THE DOCUMENTATION RELIED UPON IN MEASURING THE EDUCATOR'S PERFORMANCE, AND IDENTIFICATION OF DEFICIENCIES. EACH SCHOOL DISTRICT SHALL ENSURE THAT A NONPROBATIONARY TEACHER WHO OBJECTS TO A RATING OF INEFFECTIVENESS HAS AN OPPORTUNITY TO APPEAL THAT RATING, IN ACCORDANCE WITH A FAIR AND TRANSPARENT PROCESS DEVELOPED, WHERE APPLICABLE, THROUGH COLLECTIVE BARGAINING. AT A MINIMUM, THE APPEAL PROCESS PROVIDED SHALL ALLOW A NONPROBATIONARY TEACHER TO APPEAL THE RATING OF INEFFECTIVENESS TO THE SUPERINTENDENT OF THE SCHOOL DISTRICT AND SHALL PLACE THE BURDEN UPON THE NONPROBATIONARY TEACHER TO DEMONSTRATE THAT A RATING OF EFFECTIVENESS WAS APPROPRIATE."

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Page 14, strike lines 13 through 15 and substitute "AT SUCH TIME AS THE PERFORMANCE EVALUATION SYSTEM BASED ON MEASURES OF EFFECTIVENESS ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5 (4) IS IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE NOTICE OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR BEFORE JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE IMPLEMENTATION OCCURS."

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Page 15, strike lines 11 through 14 and substitute "REPEALED, EFFECTIVE AT SUCH TIME AS THE PERFORMANCE EVALUATION SYSTEM BASED ON MEASURES OF EFFECTIVENESS ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5 (4) IS IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE NOTICE OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR BEFORE JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE IMPLEMENTATION OCCURS."

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Page 15, line 21, after "EFFECTIVELY," insert "HE OR SHE SHALL RECEIVE WRITTEN NOTICE THAT HIS OR HER PERFORMANCE EVALUATION SHOWS A RATING OF INEFFECTIVE, A COPY OF THE DOCUMENTATION RELIED UPON IN MEASURING THE EDUCATOR'S PERFORMANCE, AND IDENTIFICATION OF DEFICIENCIES. EACH SCHOOL DISTRICT SHALL ENSURE THAT A

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NONPROBATIONARY TEACHER WHO OBJECTS TO A RATING OF INEFFECTIVENESS HAS AN OPPORTUNITY TO APPEAL THAT RATING, IN ACCORDANCE WITH A FAIR AND TRANSPARENT PROCESS DEVELOPED, WHERE APPLICABLE, THROUGH COLLECTIVE BARGAINING. AT A MINIMUM, THE APPEAL PROCESS PROVIDED SHALL ALLOW A NONPROBATIONARY TEACHER TO APPEAL THE RATING OF INEFFECTIVENESS TO THE SUPERINTENDENT OF THE SCHOOL DISTRICT AND SHALL PLACE THE BURDEN UPON THE NONPROBATIONARY TEACHER TO DEMONSTRATE THAT A RATING OF EFFECTIVENESS WAS APPROPRIATE. THE APPEAL PROCESS SHALL TAKE NO LONGER THAN NINETY DAYS, AND THE NONPROBATIONARY TEACHER SHALL NOT BE SUBJECT TO A POSSIBLE LOSS OF NONPROBATIONARY STATUS UNTIL AFTER A FINAL DETERMINATION REGARDING THE RATING OF INEFFECTIVENESS IS MADE. FOR AN EDUCATOR WHO RECEIVES A PERFORMANCE RATING OF INEFFECTIVE, "

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Page 15, strike lines 26 and 27 and substitute "(b) SHALL TAKE EFFECT AT SUCH TIME AS THE PERFORMANCE EVALUATION SYSTEM BASED ON MEASURES OF EFFECTIVENESS ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5 (4) IS IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE NOTICE OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR BEFORE JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE IMPLEMENTATION OCCURS."

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Page 16, strike lines 1 and 2.

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Page 16, line 6, strike "SIXTY-SIX" and substitute "FIFTY".

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Page 16, line 7, strike "A COMBINATION OF".

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Page 16, line 8, strike "SCHOOL AND THE" and substitute "SCHOOL."

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Page 16, strike line 9.

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Page 16, line 10, strike "TEACHERS IN THE PRINCIPAL'S SCHOOL."

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Page 17, line 4, strike "PURSUANT TO" and substitute "ADOPTED BY THE GENERAL ASSEMBLY PURSUANT TO SECTION 22-9-105.5 (4)."

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Page 17, strike line 5.

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Page 19, strike lines 1 through 9 and substitute:

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"of employment contract - repeal. (1) (a) EXCEPT AS PROVIDED FOR IN PARAGRAPH (b) OF THIS SUBSECTION (1), the provisions of this section shall apply only to probationary teachers and shall no longer apply when the teacher has been reemployed for the fourth year, EXCEPT AS PROVIDED FOR IN PARAGRAPH (a.5) OF SUBSECTION (4) OF THIS SECTION. THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2014.

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(b) FOR ANY SCHOOL DISTRICT THAT HAS IMPLEMENTED THE PERFORMANCE EVALUATION SYSTEM BASED ON MEASURES OF EFFECTIVENESS PURSUANT TO SECTION 22-9-106 AND THE RULES ADOPTED BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5 (4), THE PROVISIONS OF THIS SECTION SHALL APPLY ONLY TO PROBATIONARY TEACHERS AND SHALL NO LONGER APPLY WHEN THE TEACHER HAS BEEN GRANTED NONPROBATIONARY STATUS AS A RESULT OF THREE CONSECUTIVE YEARS OF DEMONSTRATED EFFECTIVENESS, AS DETERMINED THROUGH HIS OR HER PERFORMANCE EVALUATIONS AND CONTINUOUS EMPLOYMENT."

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Page 19, after line 27 insert:

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"SECTION 12. 22-63-203 (4), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

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22-63-203. Probationary teachers - removal and nonrenewal

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of employment contract - repeal. (4) (a.5) BEGINNING WITH THE 2010-2011 SCHOOL YEAR, AN EMPLOYING SCHOOL DISTRICT MAY OPT TO RENEW THE TEACHER'S CONTRACT ON EITHER A PROBATIONARY OR NONPROBATIONARY STATUS OR TO NOT RENEW THE CONTRACT OF A PROBATIONARY TEACHER WHO HAS COMPLETED HIS OR HER THIRD YEAR OF EMPLOYMENT."

Renumber succeeding sections accordingly.

MESSAGE FROM THE HOUSE

April 23, 2010

The House has adopted and returns herewith SJR10-036, SJR10-037, SJR10-038.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1393, amended as printed in House Journal, April 16, page 1276.

The House has adopted the First Report of the First Conference Committee on HB10-1369, as printed in House Journal, April 23, and has repassed the bill as amended.

The House has voted not to concur in the Senate amendments to HB10-1188 and requests that a conference committee be appointed. The House has granted authorization to go beyond the scope of the differences. The bill is transmitted herewith.

MESSAGE FROM THE REVISOR OF STATUTES

April 23, 2010

We herewith transmit:

Without comment, as amended, HB10-1393.

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:

SB10-185 by Senator(s) Shaffer B., Bacon, Boyd, Carroll M., Foster, Heath, Hudak, Johnston, Keller, Morse, Sandoval, Schwartz, Steadman, Tapia, Tochtrop, Whitehead, Williams; also Representative(s) Merrifield, Apuan, Benefield, Casso, Ferrandino, Fischer, Gagliardi, Hullinghorst, Kagan, Kefalas, Kerr A., Labuda, Levy, McCann, Miklosi, Pace, Peniston, Pommer, Schafer S., Solano, Soper, Todd, Tyler, Vigil, Weissmann--Concerning modifications to the residential warranty of habitability for the purpose of protecting renters.

Laid over until Tuesday, April 27, retaining its place on the calendar.

HB10-1038 by Representative(s) Miklosi, Pace, Ryden; also Senator(s) Carroll M., Hodge, Tochtrop-- Concerning a brochure to describe the process for workers' compensation claims, and making adjustments to appropriations in connection therewith.

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

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YES	22	NO	13	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	N
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
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 passed.

Co-sponsors added: Boyd

SB10-012 by Senator(s) Tochtrop, Carroll M., Hodge; also Representative(s) Pace, Miklosi, Ryden-- Concerning increased penalties for violations of the workers' compensation laws.

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

YES	19	NO	15	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	White	N
Foster	Y	King K.	N	Sandoval	N	Whitehead	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	*	Mitchell	N	Schwartz	Y		

* Abstaining from voting under Senate Rule 17(c) -- Senator Heath

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

SB10-011 by Senator(s) Carroll M., Hodge, Tochtrop; also Representative(s) Miklosi, Pace, Ryden-- Concerning measures to reduce conflicts of interest in workers' compensation cases.

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

YES	18	NO	16	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	White	N
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	N	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	*	Mitchell	N	Schwartz	N		

* Abstaining from voting under Senate Rule 17(c) -- Senator Heath

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

HB10-1122 by Representative(s) Roberts and Merrifield, Gagliardi, Kefalas, Tyler; also Senator(s) Williams, Morse--Concerning medical orders determining the scope of treatment an adult wishes to receive under certain circumstances.

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

YES	22	NO	13	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	N	Sandoval	N	Whitehead	Y
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 passed.

Co-sponsors added: Bacon, Boyd, Foster, Heath, Keller, Newell, Romer, Steadman and Tochtrop.

Committee of the Whole On motion of Senator Hudak, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Hudak 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:

HB10-1009 by Representative(s) Miklosi, Pace, Ryden; also Senator(s) Hodge, Carroll M., Tochtrop-- Concerning the board of directors of Pinnacol Assurance.

Laid over until Tuesday, April 27, retaining its place on the calendar.

SB10-179 by Senator(s) Steadman; --Concerning the voting rights of persons involved in the criminal justice system.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, March 30, page 717-720 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 19, page 915-916 and placed in members' bill files.)

Amendment No. 3(L.003), by Senator Steadman.
Amend the Judiciary Committee Report, dated March 29, 2010, page 1, line 14, strike "AND".

Page 2 of the report, after line 10 insert:

"Page 5 of the bill, line 25, strike "(VII)" and substitute "(VI)"."

Page 2 of the report, strike lines 26 through 28 and substitute:

"Page 6 of the bill, strike lines 26 and 27.

Page 7 of the bill, strike line 1 and substitute:

"DESIGNEE SHALL PROVIDE THE INDIVIDUAL INFORMATION REGARDING HIS OR HER VOTING RIGHTS AND HOW THE INDIVIDUAL MAY REGISTER TO VOTE AND CAST A MAIL OR MAIL-IN BALLOT, PROVIDE".

Page 3 of the report, strike lines 1 and 2 and substitute:

"Page 7, strike lines 11 through 17 and substitute:

"(2) (a) IN THE CASE OF AN INDIVIDUAL ON PROBATION, THE PROBATION OFFICER ASSIGNED TO THE INDIVIDUAL SHALL PROVIDE THE INDIVIDUAL INFORMATION REGARDING HIS OR HER VOTING RIGHTS, HOW HE OR SHE MAY REGISTER TO VOTE AND CAST A BALLOT, AND HOW TO OBTAIN VOTER INFORMATION MATERIALS."."

Page 3 of the report, strike lines 5 and 6 and substitute:

"Page 7 of the bill, strike lines 21 through 26 and substitute:

"PAROLE OFFICER ASSIGNED TO THE INDIVIDUAL SHALL PROVIDE THE INDIVIDUAL INFORMATION REGARDING HIS OR HER VOTING RIGHTS, HOW HE OR SHE MAY REGISTER TO VOTE AND CAST A BALLOT, AND HOW TO OBTAIN VOTER INFORMATION MATERIALS."."

Page 3 of the report, strike lines 7 through 9 and substitute:

"Page 8 of the bill, strike lines 8 through 10 and substitute:

"ADMINISTRATOR SHALL PROVIDE THE INDIVIDUAL INFORMATION REGARDING HIS OR HER VOTING RIGHTS AND HOW THE INDIVIDUAL MAY REGISTER TO VOTE AND CAST A MAIL OR MAIL-IN BALLOT,."."

Page 3 of the report, strike lines 17 and 18 and substitute:

"Page 8 of the bill, strike lines 22 through 27 and substitute:

"THE ADMINISTRATOR'S DESIGNEE, SHALL PROVIDE THE INDIVIDUAL INFORMATION REGARDING HIS OR HER VOTING RIGHTS, HOW HE OR SHE MAY REGISTER TO VOTE AND CAST A BALLOT, AND HOW TO OBTAIN VOTER INFORMATION MATERIALS."."

Page 9 of the bill, strike lines 1 and 2.

Page 9 of the bill, strike lines 4 through 6 and substitute:

"OTHERWISE REQUIRES, "VOTER INFORMATION MATERIALS" SHALL MEAN THE"."

Page 3 of the report, line 25, strike "IN ORDER".

Page 4 of the report, line 1, strike "TO SATISFY THE REQUIREMENTS OF THIS SECTION,".

Page 4 of the report, strike lines 14 through 21 and substitute:

"Page 10 of the bill, strike lines 8 through 16 and substitute:

"PROBATION OFFICER, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 1-2-210.5 (2), C.R.S., TO PROVIDE AN INDIVIDUAL UNDER THE OFFICER'S SUPERVISION INFORMATION REGARDING THE INDIVIDUAL'S VOTING RIGHTS, HOW HE OR SHE MAY REGISTER TO VOTE AND CAST A BALLOT, AND HOW TO OBTAIN VOTER INFORMATION MATERIALS. FOR PURPOSES OF".

Page 10 of the bill, strike lines 26 and 27 and substitute:

"OFFICER, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 1-2-210.5 (3), C.R.S., TO PROVIDE AN INDIVIDUAL UNDER THE OFFICER'S SUPERVISION INFORMATION REGARDING THE INDIVIDUAL'S VOTING RIGHTS, HOW HE OR SHE MAY REGISTER TO VOTE AND CAST A BALLOT, AND HOW TO OBTAIN VOTER INFORMATION MATERIALS. FOR PURPOSES OF THIS SUBSECTION (11), "VOTER".

Page 11 of the bill, strike lines 1 through 7.".

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Page 4 of the report, strike lines 26 through 29 and substitute:

"Page 11 of the bill, strike lines 20 through 27 and substitute:

"THE ADMINISTRATOR'S DESIGNEE, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 1-2-210.5 (5), C.R.S., SHALL PROVIDE THE INDIVIDUAL INFORMATION REGARDING HIS OR HER VOTING RIGHTS, HOW HE OR SHE MAY REGISTER TO VOTE AND CAST A BALLOT, AND HOW TO OBTAIN VOTER INFORMATION MATERIALS. FOR PURPOSES OF".

Page 5 of the report, strike lines 1 through 6.

Page 5 of the report, strike lines 9 and 10 and substitute:

"Page 12 of the bill, strike lines 15 through 18 and substitute:

"CONNECTION WITH SUCH REQUIREMENTS, THE ADMINISTRATOR SHALL PROVIDE THE INDIVIDUAL INFORMATION REGARDING HIS OR HER VOTING RIGHTS AND HOW THE INDIVIDUAL MAY REGISTER TO VOTE AND CAST A MAIL OR MAIL-IN BALLOT, PROVIDE THE".

Page 5 of the report, strike lines 14 and 15 and substitute:

"Page 13 of the bill, strike lines 18 through 20 and substitute:

"SHALL PROVIDE TO THE INDIVIDUAL INFORMATION REGARDING HIS OR HER VOTING RIGHTS AND HOW THE INDIVIDUAL MAY REGISTER TO VOTE AND CAST A MAIL OR MAIL-IN BALLOT, PROVIDE THE".

Page 5 of the report, line 21, strike "AND".

Page 6 of the report, strike lines 5 and 6 and substitute:

"Page 14 of the bill, strike lines 24 through 27 and substitute:

"ADMINISTRATOR SHALL PROVIDE TO THE CONFINED PRISONER INFORMATION REGARDING HIS OR HER VOTING RIGHTS AND HOW THE INDIVIDUAL MAY REGISTER TO VOTE AND CAST A MAIL OR MAIL-IN BALLOT, PROVIDE THE INDIVIDUAL WITH VOTER INFORMATION MATERIALS".

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

HB10-1342 by Representative(s) Levy, Benefield, Court, Ferrandino, Fischer, Gagliardi, Hullinghorst, Kagan, Merrifield, Peniston, Pommer, Primavera, Solano, Tyler; also Senator(s) Williams, Newell--Concerning measures to encourage additional investment in solar energy generation facilities, and, in connection therewith, authorizing the creation of community solar gardens.

Amendment No. 1, Local Government & Energy Committee Amendment.
(Printed in Senate Journal, April 14, page 884 and placed in members' bill files.)

Amendment No. 2(L.023), by Senator Penry.

Amend reengrossed bill, page 9, strike lines 12 and 13 and substitute "COMMUNITY SOLAR GARDEN BY THE QUALIFYING RETAIL UTILITY'S TOTAL AGGREGATE RETAIL RATE AS CHARGED TO THE SUBSCRIBER, MINUS A REASONABLE CHARGE AS".

Page 9, line 18, after the period insert "THE COMMISSION SHALL ENSURE THAT THIS CHARGE DOES NOT REFLECT COSTS THAT ARE ALREADY RECOVERED BY THE UTILITY FROM THE SUBSCRIBER THROUGH OTHER CHARGES".

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

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- SB10-161**

by Senator(s) King K.; also Representative(s) Massey--Concerning authorizing charter schools to enter into contractual agreements.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, April 16, pages 903-905 and placed in members' bill files.)

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

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- HB10-1355**

by Representative(s) Gagliardi, Merrifield; also Senator(s) Kopp--Concerning the off-label use of a prescription drug for a specific type of cancer for which the drug is recognized for treatment in the reference compendia as identified by the secretary of the United States department of health and human services.

Ordered revised and placed on the calendar for third reading and final passage.

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- HB10-1221**

by Representative(s) Curry; also Senator(s) Schwartz--Concerning the continuation of the licensing of river outfitters by the board of parks and outdoor recreation, and, in connection therewith, implementing the sunset review recommendations of the department of regulatory agencies.

Amendment No. 1, Agriculture & Natural Resources Committee Amendment.
(Printed in Senate Journal, April 19, page 914-915 and placed in members' bill files.)

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

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- SB10-180**

by Senator(s) Williams, Penry, Schwartz, Kester, Boyd, Carroll M., Hudak, Johnston, Morse, Romer, Bacon, Heath, Hodge, Keller, Newell, Shaffer B., Tapia; also Representative(s) Kerr A., Casso, Court, Curry, Fischer, Hullinghorst, Miklosi, Solano--Concerning the development of a smart grid for Colorado, and, in connection therewith, convening a task force to recommend legislative and administrative measures to encourage the orderly implementation of smart grid technology in Colorado.

Amendment No. 1, Local Government & Energy Committee Amendment.
(Printed in Senate Journal, March 25, pages 661-662 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 19, page 915 and placed in members' bill files.)

Amendment No. 3(L.009), by Senator Williams.

Amend the Local Government and Energy Committee report, dated March 23, 2010, page 1, after line 6 insert:

"Page 3 of the bill, line 15, strike "NINE" and substitute "ELEVEN".

Page 3 of the bill, line 23, strike "ONE MEMBER" and substitute "TWO MEMBERS".

Page 3 of the bill, line 27, strike "AND".

Page 4 of the bill, line 2, after the semicolon add "AND".

Page 4 of the bill, after line 2 insert:

"(E) ONE MEMBER WITH EXPERTISE IN ENVIRONMENTAL ISSUES."."

Page 1 of the report, line 8, strike "FOUR" and substitute "SIX".

Page 1 of the report, line 14, after "REPRESENTING" insert "COMMERCIAL".

Page 1 of the report, line 15, strike "SERVICES;" and substitute "SERVICES AND WITH A BACKGROUND IN CAPITAL AND BUSINESS DEVELOPMENT;".

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Page 3 of the report, line 1, strike "25" and substitute "21".

Page 3 of the report, line 3, strike ""(a)" and substitute:

""(6) **Definition.** AS USED IN THIS SECTION, "SMART GRID" MEANS A SYSTEM FOR ELECTRIC TRANSMISSION OR DISTRIBUTION WITHIN THE CERTIFICATED SERVICE TERRITORY OF AN ELECTRIC UTILITY THAT INCORPORATES ONE OR MORE OF THE FOLLOWING FUNCTIONALITIES:

(a)".

Page 3 of the report, after line 9 insert:

"Page 7 of the bill, line 16, strike "MAXIMIZING" and substitute "OPTIMIZING".".

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

SB10-144 by Senator(s) Scheffel; also Representative(s) Rice--Concerning the registration of equipment mounted on a motor vehicle.

Amendment No. 1, Transportation Committee Amendment.

(Printed in Senate Journal, February 19, pages 298-299 and placed in members' bill files.)

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

SB10-084 by Senator(s) Tochtrop, Carroll M.; also Representative(s) Gagliardi--Concerning the creation of a Colorado peace officers' bill of rights.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, April 13, pages 862-864 and placed in members' bill files.)

As amended, laid over until Thursday, May 13.

SB10-013 by Senator(s) Hodge, Carroll M., Tochtrop; also Representative(s) Ryden, Miklosi, Pace--Concerning accountability for workers' compensation insurers.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 19, pages 919-920 and placed in members' bill files.)

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

SB10-002 by Senator(s) Steadman and Keller; also Representative(s) Looper and Primavera, Acree, Todd--Concerning the denial of benefits by health coverage plans, and, in connection therewith, increasing recoveries to the medicaid program and establishing a long-term care ombudsman office.

Amendment No. 1, Health & Human Services Committee Amendment.

(Printed in Senate Journal, March 4, pages 422-423 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, April 19, page 922 and placed in members' bill files.)

Amendment No. 3(L.008), by Senator Steadman.

Amend the Appropriations Committee Report, dated April 16, 2010, page 1, line 4, after "**Appropriation.**" insert "(1)".

Page 1 of the Committee Report, after line 12, insert:

"(2) It is the intent of the general assembly that the general fund appropriation in subsection (1) of this section shall be derived from savings generated from the implementation of the provisions of Senate Bill 10-167, as enacted during the Second Regular Session of the Sixty-seventh General Assembly.".

Page 1 of the Committee Report, line 15, strike "July" and substitute "September".

Page 1 of the Committee Report, line 17, strike "reflected in" and substitute "determined from".

Page 1 of the Committee Report, line 18, strike "clause for said act," and substitute "enacted in said bill," and strike "general fund savings" and substitute "reduction in the amount of general fund revenues appropriated for state fiscal year 2010-11,".

Page 1 of the Committee Report, line 19, strike "final general fund fiscal estimate for" and substitute "amount of the general fund appropriation made for the implementation of this act for state fiscal year 2010-11, ".

Page 2 of the Committee Report, line 1, strike "this act,".

Amendment No. 4(L.009), by Senator Steadman.

Amend the Health and Human Services Committee Report, dated March 3, 2010, page 2, strike line 15 and substitute "SECTION 25.5-4-301 (3) (b) (I) FOR AGREEMENTS INCLUDING THIS PROCESS SHALL BE INCREASED TO TWENTY-FIVE PERCENT.".

Amendment No. 5(L.010), by Senator Steadman.

Amend printed bill, page 6, line 15, after "(b)" insert "(I)".

Page 6, after line 20, insert:

"(II) THE STATE DEPARTMENT MAY CONTRACT WITH AN INDEPENDENT CONTRACTOR TO ACT AS THE DESIGNATED REPRESENTATIVE OF A PERSON WHO APPLIES FOR MEDICAL ASSISTANCE.".

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

HB10-1334 by Representative(s) King S.; also Senator(s) Steadman--Concerning changes to indecency crimes.

Laid over until Tuesday, April 27, retaining its place on the calendar.

HB10-1060 by Representative(s) Kagan; also Senator(s) Steadman--Concerning the creation of a penalty for the failure to comply with severance tax withholding requirements.

Amendment No. 1, Agriculture & Natural Resources Committee Amendment.
(Printed in Senate Journal, April 21, page 969 and placed in members' bill files.)

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

HB10-1348 by Representative(s) McFadyen, Massey; also Senator(s) Kester and Bacon--Concerning increased regulatory authority regarding radioactive materials.

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, April 22, page 976 and placed in members' bill files.)

As amended, laid over until Tuesday, April 27, retaining its place on the calendar.

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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Hudak, the report of the Committee of the Whole was **adopted** on 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		

The Committee of the Whole took the following action:

Passed on second reading: SB10-179 as amended, SB10-161 as amended, SB10-180 as amended, SB10-144 as amended, SB10-013 as amended, SB10-002 as amended, HB10-1342 as amended, HB10-1355, HB10-1221 as amended, HB10-1060 as amended.
 Laid over until Tuesday, April 27: HB10-1009, HB10-1334, HB10-1348 as amended .
 Laid over until Thursday, May 13: SB10-084 as amended.

MESSAGE FROM THE HOUSE

April 26, 2010

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1032, amended as printed in House Journal, April 20, pages 1337-1338.
 HB10-1373, amended as printed in House Journal, April 23, pages 1390-1391.
 HB10-1181, amended as printed in House Journal, April 23, page 1391.
 HB10-1400, amended as printed in House Journal, April 23, pages 1391-1392.
 HB10-1019, amended as printed in House Journal, April 23, page 1392.
 HB10-1103, amended as printed in House Journal, April 23, page 1392.
 HB10-1349, amended as printed in House Journal, April 23, page 1393.
 The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB10-153, amended as printed in House Journal, April 23, pages 1393-1394.
 SB10-159, amended as printed in House Journal, April 23, page 1391.

MESSAGE FROM THE GOVERNOR

Appointment Letters of designation and appointment from Governor Ritter were read and assigned to committees as follows:

April 21, 2010

To the Honorable
 Colorado Senate
 Colorado General Assembly
 State Capitol Building
 Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, reappoint and submit to your consideration, the following:

**MEMBER OF THE
 PUBLIC EMPLOYEES' RETIREMENT BENEFIT PLANS**

for a term expiring July 10, 2014:

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.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 4/21/10
Karen Goldman, Secretary of the Senate

Committee on Finance

April 19, 2010

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration, the following:

MEMBERS OF THE
PINNACOL ASSURANCE BOARD OF DIRECTORS

for terms expiring January 1, 2012:

Gary O. Johnson of Lakewood, Colorado, who has experience in the management and operation of insurance companies, not competing with Pinnacol Assurance, reappointed;

Ryan L. Hettich of Colorado Springs, Colorado, an employer whose liability is insured by Pinnacol Assurance, reappointed;

for terms expiring January 1, 2013:

Robert C. McDaniel of Denver, Colorado, who has experience in finance or investments, but is not an employer whose liability is insured by Pinnacol Assurance, appointed;

Holman F. Carter of Boulder, Colorado, an employee of an employer whose liability is insured by Pinnacol Assurance, appointed;

Nonie Rivale Willisich of Evergreen, Colorado, an employee of an employer whose liability is insured by Pinnacol Assurance, appointed;

for a term expiring January 1, 2015:

Dr. Richard Rivera of Pueblo, Colorado, an employer whose liability is insured by Pinnacol Assurance, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 4/21/10
Karen Goldman, Secretary of the Senate

Committee on Judiciary

April 20, 2010

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To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint, and submit to your consideration, the following:

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.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 4/21/10
Karen Goldman, Secretary of the Senate

Committee on Health and Human Services

April 12, 2010

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, and submit to your consideration, the following:

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.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 4/21/10
Karen Goldman, Secretary of the Senate

Committee on Agriculture and Natural Resources

April 19, 2010

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building

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Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint, and submit to your consideration, the following:

MEMBERS OF THE READ-TO-ACHIEVE BOARD

for terms expiring April 1, 2013:

Deborah L. Middel-Katzenmeyer of Broomfield, Colorado, to serve as a member with knowledge of best practices in reading and reading instruction, appointed;

Pamela L. Robinson of Colorado Springs, Colorado, to serve as a parent of a child who is enrolled in a public school at the time of appointment, appointed;

Joel A. Albers of Limon, Colorado, to serve as an elementary school principal, reappointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 4/21/10
Karen Goldman, Secretary of the Senate

Committee on Education

April 19, 2010

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint, and submit to your consideration, the following:

MEMBERS OF THE COLORADO CHILDREN'S TRUST FUND BOARD

for a term expiring November 7, 2011:

Hilary A. Silver of Denver, Colorado, to fill the vacancy occasioned by the resignation of Frances H. Cosby of Denver, Colorado, and to serve as a member with knowledge of child abuse prevention/social work, appointed;

for terms expiring November 7, 2012:

Kathryn M. Wells, M.D. of Denver, Colorado, to serve as a member with knowledge of child abuse prevention/medicine, appointed;

Tara L. Trujillo of Aurora, Colorado, to serve as a member with knowledge of child abuse prevention, reappointed;

Jacalyn M. Reynolds of Sterling, Colorado, to serve as a member with knowledge of child abuse prevention, reappointed.

Sincerely,
(signed)

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Bill Ritter, Jr.
Governor
Rec'd: 4/21/10
Karen Goldman, Secretary of the Senate

Committee on Health and Human Services

April 19, 2010

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, reappoint and submit to your consideration, the following:

**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;

William G. Kane of Aspen, Colorado, to serve as a representative of the Northern Region, reappointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 4/21/10
Karen Goldman, Secretary of the Senate

Committee on Agriculture and Natural Resources

SENATE SERVICES REPORT

Correctly Printed: SB10-198, 199, 200 and 201; SCR10-005, 006, 007, 008 and 009; SJR10-040, 041, 042, 043, 044 and 045.
Correctly Engrossed: SB10-011 and 012; SJR10-036, 037 and 038.
Correctly Reengrossed: SB10-190.
Correctly Revised: HB10-1038 and 1122.
Correctly Rerevised: HB10-1160 and 1332.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Friday, April 23, 2010, at 2:16 p.m.:
SB10-082, 098, 155, 166, 172 and 176.

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 Monday, April 26 was laid over until Tuesday, April 27, retaining its place on the calendar.

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General Orders -- Second Reading of Bills -- Consent Calendar: HB10-1362, HB10-1359. 1
 Consideration of Resolutions/Memorials: SJR10-033, SJR10-039, SJR10-041, SJR10-042, SJR10-043, SR10-009. 2
 Consideration of House Amendments to Senate Bills: SB10-71, SB10-110. 3
 Consideration of Governor's Appointments: 4
 Members of Directors of Denver Metropolitan Major League Stadium District 5
 Consideration of Conference Committee Reports: HB10-1171, HB10-1383, HB10-1388, HB10-1098, SB10-109. 6
 Conference Committees to Report: HB10-1273, HB10-1252. 7
 Request for Conference Committees: HJR10-1015. 8

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Senate in recess. Senate reconvened.

MESSAGE FROM THE REVISOR OF STATUTES

April 26, 2010

We herewith transmit:

Without comment, as amended, HB10-1019, 1032, 1103, 1181, 1349, 1373, and 1400.
 Without comment, as amended, SB10-153 and 159.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR10-046 by Senator(s) Newell; also Representative(s) Miklosi--Concerning the value of conflict resolution, and, in connection therewith, recognizing October as "Conflict Resolution Month".

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

INTRODUCTION OF BILLS -- FIRST READING

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

SB10-202 by Senator(s) Whitehead; --Concerning savings accounts for job retraining.
 Education

SB10-203 by Senator(s) Carroll M., Morse, Shaffer B.; also Representative(s) Weissmann and Middleton--Concerning independent expenditures in Colorado elections after the United States supreme court case of Citizens United v. Federal Election Comm'n.
 State, Veterans & Military Affairs

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, April 27, 2010.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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