

HOUSE JOURNAL
SIXTY-EIGHTH GENERAL ASSEMBLY
STATE OF COLORADO
Second Regular Session

Sixteenth Legislative Day

Thursday, January 26, 2012

1 The Speaker called the House to order at 9:00 a.m.

2

3 Prayer by Rabbi Joseph Black, Temple Emanuel, Denver.

4

5 Pledge of Allegiance led by Christine Chitechi, University of Colorado,
6 Denver.

7

8 The roll was called with the following result:

9

10 Present--64.

11 Vacancy--1.

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative A. Williams, the reading of the journal of
17 January 25, 2012, was declared dispensed with and approved as corrected
18 by the Chief Clerk.

19

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21 House in recess. House reconvened.

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25 **MESSAGE(S) FROM THE SENATE**

26

27 The Senate has adopted and transmits herewith: SJR12- 010.

28

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31 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

32

33 On motion of Representative Stephens, the rules were suspended and the
34 following resolution was given immediate consideration.

35

36 **SJR12-010** by Senator(s) Scheffel and Harvey; also Representative(s)
37 McNulty and Murray, Holbert--Concerning the tenth
38 anniversary of the Partnership of Douglas County
39 Governments.

40

41 (Printed and placed in member's file).

42

43 On motion of Representative McNulty, the resolution was **adopted** by
44 **viva voce** vote.

45

1 Co-sponsor(s) added: Representative(s) Balmer, Barker, Baumgardner,
2 Bradford, Brown, Conti, Coram, Court, Ferrandino, Fischer, Joshi, Kerr J.,
3 Labuda, Liston, Massey, Miklosi, Pace, Priola, Ryden, Schafer S., Scott,
4 Stephens, Tyler, Vaad, Waller.

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8 On motion of Representative DelGrosso, the House resolved itself into
9 Committee of the Whole for consideration of General Orders, and he was
10 called to the Chair to act as Chairman.

11

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14

GENERAL ORDERS--SECOND READING OF BILLS

15

16 The Committee of the Whole having risen, the Chairman reported the
17 titles of the following bills had been read (reading at length had been
18 dispensed with by unanimous consent), the bills considered and action
19 taken thereon as follows:

20

21 (Amendments to the committee amendment are to the printed committee
22 report which was printed and placed in the members' bill file.)

23

24 **HB12-1028** by Representative(s) Gerou; also Senator(s) Steadman--
25 Concerning the continuation of energy-related assistance
26 to low-income households from the operational account of
27 the severance tax trust fund.

28

29 Ordered engrossed and placed on the Calendar for Third Reading and
30 Final Passage.

31

32 **HB12-1068** by Representative(s) McKinley--Concerning the
33 administration of a nonprofit cemetery corporation by
34 persons who own the right to bury a deceased person
35 within the cemetery.

36

37 Laid over until January 31, retaining place on Calendar.

38

39 **HB12-1010** by Representative(s) Baumgardner, Sonnenberg,
40 Swerdfeger, Vigil, Wilson; also Senator(s) Giron, Brophy,
41 Hodge, Roberts, Schwartz--Concerning the reissuance of
42 a lost share certificate of a mutual ditch company.

43

44 Ordered engrossed and placed on the Calendar for Third Reading and
45 Final Passage.

46

47 **HB12-1022** by Representative(s) Sonnenberg, Baumgardner,
48 Swerdfeger, Vigil, Wilson; also Senator(s) Schwartz,
49 Brophy, Giron, Hodge, Roberts--Concerning the amount
50 of water that permitted mining operations that construct
51 impermeable areas that eliminate preexisting natural
52 evapotranspiration are required to replace.

53

54 Ordered engrossed and placed on the Calendar for Third Reading and
55 Final Passage.

56

1 **HB12-1001** by Representative(s) Murray and Gardner B., Labuda,
 2 Levy, Waller; also Senator(s) Johnston and Spence,
 3 Brophy, Carroll, Morse, Roberts, Schwartz--Concerning
 4 legislative review of rules of the state board of education
 5 to implement the statewide system to evaluate the
 6 effectiveness of licensed educators.

7
 8 Amendment No. 1, Legal Services Report, dated January 23, 2012, and
 9 placed in member's bill file; Report also printed in House Journal,
 10 January 24, page 76.

11
 12 As amended, ordered engrossed and placed on the Calendar for Third
 13 Reading and Final Passage.

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 16
 17 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

18
 19 Passed Second Reading: **HB12-1028, 1010, 1022, 1001 amended.**

20
 21 Laid over until date indicated retaining place on Calendar: **HB12-1068--**
 22 January 31, 2012.

23
 24 The Chairman moved the adoption of the Committee of the Whole
 25 Report. As shown by the following roll call vote, a majority of those
 26 elected to the House voted in the affirmative, and the Report was
 27 **adopted.**

28
 29

YES	64	NO	0	EXCUSED	0	ABSENT	0	VACANCY	1
Acree		Y	Fischer	Y	Liston	Y	Solano	Y	
Balmer		Y	Gardner B.	Y	Looper	Y	Sonnenberg	Y	
Barker		Y		V	Massey	Y	Soper	Y	
Baumgardner	Y		Gerou	Y	McCann	Y	Stephens	Y	
Becker	Y		Hamner	Y	McKinley	Y	Summers	Y	
Beezley	Y		Holbert	Y	Miklosi	Y	Swalm	Y	
Bradford	Y		Hullinghorst	Y	Murray	Y	Swerdfeger	Y	
Brown	Y		Jones	Y	Nikkel	Y	Szabo	Y	
Casso	Y		Joshi	Y	Pabon	Y	Todd	Y	
Conti	Y		Kagan	Y	Pace	Y	Tyler	Y	
Coram	Y		Kefalas	Y	Peniston	Y	Vaad	Y	
Court	Y		Kerr A.	Y	Priola	Y	Vigil	Y	
DelGrosso	Y		Kerr J.	Y	Ramirez	Y	Waller	Y	
Duran	Y		Labuda	Y	Ryden	Y	Williams A.	Y	
Ferrandino	Y		Lee	Y	Schafer S.	Y	Wilson	Y	
Fields	Y		Levy	Y	Scott	Y	Young	Y	
							Speaker	Y	

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 51 House in recess. House reconvened.
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1 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

2
3 **EDUCATION**

4 After consideration on the merits, the Committee recommends the
5 following:

6
7 **HB12-1013** be amended as follows, and as so amended, be referred to
8 the Committee of the Whole with favorable
9 recommendation:

10
11 Amend printed bill, page 3, after line 15, insert:

12
13 "(c) IF A SCHOOL DISTRICT BOARD OF EDUCATION ADOPTS
14 PROCEDURES PURSUANT TO THIS SUBSECTION (2), THE SCHOOL DISTRICT
15 SHALL NOTIFY A STUDENT'S PARENTS AS SOON AS POSSIBLE AFTER THE
16 SCHOOL DISTRICT IDENTIFIES THE STUDENT AS BEING AT GREATER RISK OF
17 DROPPING OUT OF SCHOOL. THE SCHOOL DISTRICT SHALL PROVIDE TO THE
18 STUDENT'S PARENTS A DESCRIPTION OF THE INTERVENTIONS THAT THE
19 SCHOOL DISTRICT INTENDS TO IMPLEMENT FOR THE STUDENT, IF ANY. THE
20 PARENT MAY APPROVE OR REJECT THE DESCRIBED INTERVENTIONS. IF THE
21 PARENT REJECTS THE INTERVENTIONS, THE SCHOOL DISTRICT SHALL NOT
22 IMPLEMENT THE INTERVENTIONS. THE PARENT MAY TERMINATE THE
23 INTERVENTIONS AT ANY TIME AFTER THE SCHOOL DISTRICT BEGINS
24 PROVIDING THE INTERVENTIONS.
25

26 (d) A PARENT MAY CONTACT THE SCHOOL DISTRICT IN WHICH HIS
27 OR HER STUDENT IS ENROLLED TO REQUEST INTERVENTIONS PURSUANT TO
28 THIS SUBSECTION (2) IF THE PARENT DETERMINES THAT THE STUDENT IS AT
29 GREATER RISK OF DROPPING OUT OF SCHOOL."
30

31 Page 4, after line 8, insert:

32
33 "(3) IF AN INSTITUTE CHARTER SCHOOL ADOPTS PROCEDURES
34 PURSUANT TO THIS SECTION, THE INSTITUTE CHARTER SCHOOL SHALL
35 NOTIFY A STUDENT'S PARENTS AS SOON AS POSSIBLE AFTER THE INSTITUTE
36 CHARTER SCHOOL IDENTIFIES THE STUDENT AS BEING AT GREATER RISK OF
37 DROPPING OUT OF SCHOOL. THE INSTITUTE CHARTER SCHOOL SHALL
38 PROVIDE TO THE STUDENT'S PARENTS A DESCRIPTION OF THE
39 INTERVENTIONS THAT THE INSTITUTE CHARTER SCHOOL INTENDS TO
40 IMPLEMENT FOR THE STUDENT, IF ANY. THE PARENT MAY APPROVE OR
41 REJECT THE DESCRIBED INTERVENTIONS. IF THE PARENT REJECTS THE
42 INTERVENTIONS, THE INSTITUTE CHARTER SCHOOL SHALL NOT IMPLEMENT
43 THE INTERVENTIONS. THE PARENT MAY TERMINATE THE INTERVENTIONS
44 AT ANY TIME AFTER THE INSTITUTE CHARTER SCHOOL BEGINS PROVIDING
45 THE INTERVENTIONS.
46

47 (4) A PARENT MAY CONTACT THE INSTITUTE CHARTER SCHOOL IN
48 WHICH HIS OR HER STUDENT IS ENROLLED TO REQUEST INTERVENTIONS
49 PURSUANT TO THIS SECTION IF THE PARENT DETERMINES THAT THE
50 STUDENT IS AT GREATER RISK OF DROPPING OUT OF SCHOOL."
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54 **HB12-1061** be amended as follows, and as so amended, be referred to
55 the Committee of the Whole with favorable
56 recommendation:

1 Amend printed bill, page 2, line 7, strike "THE" and substitute "TO THE
2 EXTENT PRACTICABLE WITHIN AVAILABLE RESOURCES AND SUBJECT TO
3 THE AVAILABILITY OF DATA CURRENTLY COLLECTED BY AND ACCESSIBLE
4 TO STATE AGENCIES, THE".

5
6 Page 2, line 12, strike "FOR".

7
8 Page 2, line 13, strike "THE THREE-YEAR PERIOD FOLLOWING THE
9 REPORT".

10
11 Page 2, line 16, strike "AREA VOCATIONAL SCHOOLS, HIGH" and substitute
12 "AND AREA VOCATIONAL SCHOOLS".

13
14 Page 2, strike lines 17 through 19 and substitute "EXPECT TO ISSUE;
15

16 (b) TO THE EXTENT PROVIDED BY SOURCES EXTERNAL TO THE
17 DEPARTMENT, INDICATE THE STATE'S ANTICIPATED NUMBER OF DEGREES,
18 CERTIFICATES, AND OTHER CREDENTIALS THAT HIGH SCHOOL VOCATIONAL
19 PROGRAMS, APPRENTICESHIP PROGRAMS, AND OTHER PUBLIC OR PRIVATE
20 WORKFORCE TRAINING PROGRAMS EXPECT TO ISSUE."

21
22 Reletter succeeding paragraphs accordingly.

23
24 Page 3, line 1, strike "AND LEVELS OF EXPERIENCE".

25
26 Page 3, line 4, strike "CAN" and substitute "MAY".

27
28 Page 3, strike line 5 and substitute "PROJECTED WORKFORCE NEEDS".

29
30 Page 3, line 6, strike "BY DEVELOPING NEW PROGRAMS".

31
32 Page 3, strikes lines 14 through 16 and substitute:

33
34 "(3) THE DEPARTMENT SHALL SEND THE REPORT TO EVERY PUBLIC
35 POSTSECONDARY GOVERNING BOARD IN THE STATE."

36

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39 **HB12-1081** be amended as follows, and as so amended, be referred to
40 the Committee of the Whole with favorable
41 recommendation:

42

43 Amend printed bill, page 13, line 1, strike "7," and substitute "8,".

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48 **LOCAL GOVERNMENT**

49 After consideration on the merits, the Committee recommends the
50 following:

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52 **HB12-1082** be postponed indefinitely.

53

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55 **HB12-1159** be referred to the Committee of the Whole with favorable
56 recommendation.

1 **TRANSPORTATION**
 2 After consideration on the merits, the Committee recommends the
 3 following:

4
 5 **HB12-1016** be postponed indefinitely.

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 7
 8 **HB12-1019** be amended as follows, and as so amended, be referred to
 9 the Committee on Appropriations with favorable
 10 recommendation:

11
 12 Amend printed bill, page 5, after line 17 insert:

13
 14 "SECTION 5. In Colorado Revised Statutes, 24-60-2502, **amend**
 15 section 1 of article 12 as follows:

16
 17 **24-60-2502. Execution of agreement.** The general assembly
 18 hereby approves and the governor is authorized to enter into an agreement
 19 on behalf of this state with any other state or states legally joining therein
 20 in the form substantially as follows:

21
 22 **ARTICLE 12**

23
 24 **Funding**

25
 26 SECTION 1. Funds for the administration of this agreement,
 27 including participation in the cooperating committee and the actual
 28 expenses of the designated representatives, SHALL BE PROVIDED FROM THE
 29 FUNDS AVAILABLE TO THE COLORADO STATE PATROL FOR OPERATING
 30 EXPENSES AND MOTOR CARRIER SAFETY AND ASSISTANCE PROGRAM
 31 GRANTS AND shall be budgeted or expensed TO THE COLORADO STATE
 32 PATROL IN FURTHERANCE OF THE ADMINISTRATION OF THIS AGREEMENT
 33 as determined appropriate."
 34

35 Renumber succeeding sections accordingly.
 36

37
 38
 39 **PRINTING REPORT**

40
 41 The Chief Clerk reports the following bills have been correctly printed:
 42 **HB12-1178, 1179.**
 43

44
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 46 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

47
 48 The Speaker has signed: **SJR12-008**
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 52 **MESSAGE(S) FROM THE SENATE**

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 54 The Senate has adopted and transmits herewith: SJR12-003.
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INTRODUCTION OF BILL
First Reading

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The following bill was read by title and referred to the committee indicated:

HB12-1179 by Representative(s) Kerr J.--Concerning modifications to the composition of the board of trustees of the public employees' retirement association to ensure that the board has more diverse representation, and requiring a post-enactment review of the implementation of this act.

Committee on Finance

INTRODUCTION OF RESOLUTION

The following resolution was read by title and laid over one day under the rules:

SJR12-002 by Senator(s) Roberts, Giron, Schwartz; also Representative(s) Wilson, Baumgardner, Sonnenberg, Swerdfeger, Vigil--Concerning the adverse effects that the diversion of revenues has had on water infrastructure in Colorado.

On motion of Representative Nikkel, the House adjourned until 9:00 a.m., January 27, 2012.

Approved:
FRANK McNULTY,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk

