

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

Fifty-eighth Legislative Day

Thursday, March 8, 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 Melissa Ralston and Rebecca Harrison,
6 Colorado State University, Fort Collins.
7
8 The roll was called with the following result:
9
10 Present--63.
11 Absent--Representative(s) Casso, Schafer--2.
12 Present after roll call--Representative(s) Casso, Schafer.
13

14 The Speaker declared a quorum present.
15
16

17 On motion of Representative Ryden, the reading of the journal of
18 March 7, 2012, was declared dispensed with and approved as corrected
19 by the Chief Clerk.
20
21

CONSIDERATION OF RESOLUTION(S)

22
23
24
25 **HJR12-1015** by Representative(s) Sonnenberg; also Senator(s)
26 Schwartz--Concerning recognition of March 8, 2012, as
27 "National Agriculture Day".
28

29 (Printed and placed in members' file)
30

31 On motion of Representative Sonnenberg, the resolution was read at
32 length and **adopted** by **viva voce** vote.
33

34 Current Roll Call added as co-sponsor(s): Representative(s) Acree, Balmer,
35 Barker, Baumgardner, Becker, Beezley, Bradford, Brown, Casso, Conti, Coram,
36 Court, DelGrosso, Duran, Ferrandino, Fields, Fischer, Gardner B., Gerou,
37 Hamner, Holbert, Hullinghorst, Jones, Joshi, Kagan, Kefalas, Kerr A., Kerr J.,
38 Labuda, Lee, Levy, Liston, Looper, Massey, McCann, McKinley, Miklosi,
39 Murray, Nikkel, Pabon, Pace, Peniston, Priola, Ramirez, Ryden, Schafer S.,
40 Scott, Singer, Solano, Soper, Stephens, Summers, Swalm, Swerdfeger, Szabo,
41 Todd, Tyler, Vaad, Vigil, Waller, Williams A., Wilson, Young, Speaker.
42
43

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 **HB12-1261** be amended as follows, and as so amended, be referred to
8 the Committee on Appropriations with favorable
9 recommendation:

10
11 Amend printed bill, strike everything below the enacting clause and
12 substitute:

13
14 **"SECTION 1. Legislative declaration.** (1) The general assembly
15 hereby finds that:

16
17 (a) Research demonstrates that the negative effects of teacher and
18 principal shortages and distribution challenges have a disproportionate
19 impact on the nation's most disadvantaged students, leaving poor and
20 minority children more likely to be taught by less-qualified and
21 under-prepared teachers.

22
23 (b) Teachers who are truly highly qualified teach well-designed,
24 standards-based lessons and are able to teach those lessons successfully
25 because they know how and why their students learn. These teachers
26 work effectively with their colleagues to push and lead school
27 improvement and work steadily to sharpen their skills and increase their
28 knowledge because they believe it is part of their professional
29 responsibility to do so.

30
31 (c) National board certification is a nationally accepted sign of
32 quality in the education profession and offers a nationwide standard for
33 evaluating and encouraging quality teachers and principals. It is a means
34 to recognize and reward the accomplished teachers and principals the
35 state needs to build competitive, world-class schools. National board
36 certified teachers and principals advance the quality of teaching and
37 learning by maintaining high and rigorous standards for what
38 accomplished teachers and principals should know and be able to do.

39
40 (2) The general assembly further finds and declares that, for
41 purposes of section 17 of article IX of the state constitution,
42 implementation of measures designed to improve teacher and principal
43 quality, recruitment, and retention is a critical element of accountable
44 education reform, accountable programs to meet state academic
45 standards, and performance incentives for teachers and principals and,
46 therefore, may receive funding from the state education fund created in
47 section 17 (4) of article IX of the state constitution.

48
49 **SECTION 2.** In Colorado Revised Statutes, **amend** 22-2-502 as
50 follows:

51
52 **22-2-502. Definitions.** As used in this part 5, unless the context
53 otherwise requires:

54
55 (1) "Department" means the department of education created and
56 existing pursuant to section 24-1-115, C.R.S.

1 (2) "LOW-PERFORMING, HIGH-NEEDS SCHOOL" MEANS A SCHOOL
2 THAT IS REQUIRED TO SUBMIT A PRIORITY IMPROVEMENT OR TURNAROUND
3 PLAN PURSUANT TO SECTION 22-11-210.

4
5 **SECTION 3.** In Colorado Revised Statutes, 22-2-504, **amend** (1)
6 and (2) as follows:

7
8 **22-2-504. National board for professional teaching and**
9 **principal standards certification compensation - study.** (1) Beginning
10 with the 2009-10 school year ~~and ending with the 2011-12 school year,~~
11 the department, subject to available appropriations, shall award an annual
12 stipend of one thousand six hundred dollars to any teacher OR PRINCIPAL
13 who is employed ~~to teach~~ in a school district, a program operated by a
14 board of cooperative services, a charter school authorized by a school
15 district pursuant to part 1 of article 30.5 of this title, or a charter school
16 authorized by the state charter school institute pursuant to part 5 of article
17 30.5 of this title, and who holds a certification from the national board for
18 professional teaching OR PRINCIPAL standards. For any stipends that are
19 awarded, the department shall allocate the stipend moneys to the school
20 district that employs the teacher OR PRINCIPAL who is to receive the
21 stipend, and the school district shall then make payment directly to the
22 eligible teacher OR PRINCIPAL. A school district may, at its discretion,
23 withhold any required employer retirement and medicare contributions
24 associated with the stipend pursuant to this section from the one thousand
25 six hundred dollar stipend amount. For any stipends that are awarded, the
26 stipend shall be:

- 27
28 (a) Payable on May 1, 2009, and each May 1 thereafter;
29
30 (b) Prorated for less than full-time employment;
31
32 (c) Considered regular salary under section 24-51-101 (42) (a),
33 C.R.S.; and
34
35 (d) In addition to, and not in lieu of, any existing compensation
36 being awarded at the local level to a teacher OR PRINCIPAL who holds a
37 certification from the national board for professional teaching OR
38 PRINCIPAL standards.

39
40 (2) Beginning with the 2009-10 school year, ~~and ending with the~~
41 ~~2011-12 school year,~~ subject to available appropriations, an additional
42 annual stipend of three thousand two hundred dollars shall be awarded to
43 any teacher OR PRINCIPAL who meets the criteria set forth in subsection
44 (1) of this section and who is employed as of May 1 in a given school
45 year in a LOW-PERFORMING, HIGH-NEEDS school. ~~that is required to~~
46 ~~implement a priority improvement or turnaround plan pursuant to section~~
47 ~~22-11-405 or 22-11-406, respectively.~~ Subject to available appropriations,
48 a teacher OR PRINCIPAL shall continue to receive the additional stipend
49 award pursuant to this subsection (2) if he or she remains employed in a
50 school that was previously ~~required to implement a priority improvement~~
51 ~~or turnaround plan but improves~~ A LOW-PERFORMING, HIGH-NEEDS
52 SCHOOL BUT IMPROVED sufficiently to implement an improvement or
53 performance plan pursuant to section ~~22-11-404 or 22-11-403,~~
54 ~~respectively~~ 22-11-210. The additional stipend for such teachers AND
55 PRINCIPALS shall be subject to the same restrictions and requirements as
56 set forth in subsection (1) of this section.

1 **SECTION 4. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly (August
4 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a
5 referendum petition is filed pursuant to section 1 (3) of article V of the
6 state constitution against this act or an item, section, or part of this act
7 within such period, then the act, item, section, or part will not take effect
8 unless approved by the people at the general election to be held in
9 November 2012 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor."

11

12

13

14 **HB12-1306** be amended as follows, and as so amended, be referred to
15 the Committee on Appropriations with favorable
16 recommendation:

17

18 Amend printed bill, page 5, line 23, strike "AND".

19

20 Page 6, line 2, strike "COUNT." and substitute "COUNT;"

21

22 Page 6, after line 2, insert:

23

24 "(d) DETERMINE, FOR EACH PARTICIPANT SCHOOL DISTRICT AND
25 EACH PARTICIPANT INSTITUTE CHARTER SCHOOL IN WHICH THE TOTAL
26 NUMBER OF STUDENTS DESCRIBED IN PARAGRAPHS (a) AND (b) OF
27 SUBSECTION (3) OF THIS SECTION EXCEEDS THE TOTAL NUMBER OF
28 STUDENTS ENROLLED IN GRADES THREE THROUGH ELEVEN WHO WERE
29 INCLUDED IN THE OCTOBER 1 PUPIL ENROLLMENT COUNT, THE AVERAGE
30 PUPIL ENROLLMENT INCREASE FOR EACH SUCH GRADE;

31

32 (e) USING THE AVERAGE PUPIL ENROLLMENT INCREASE FOR EACH
33 OF GRADES THREE THROUGH ELEVEN, AS DETERMINED PURSUANT TO
34 PARAGRAPH (d) OF THIS SUBSECTION (3), PROJECT SUCH AVERAGE PUPIL
35 ENROLLMENT INCREASE FOR GRADES ONE, TWO, AND TWELVE; AND
36 PROJECT HALF OF SUCH AVERAGE PUPIL ENROLLMENT INCREASE FOR
37 KINDERGARTEN FOR EACH PARTICIPANT SCHOOL DISTRICT AND EACH
38 PARTICIPANT INSTITUTE CHARTER SCHOOL IN WHICH THE TOTAL NUMBER
39 OF STUDENTS DESCRIBED IN PARAGRAPHS (a) AND (b) OF SUBSECTION (3)
40 OF THIS SECTION EXCEEDS THE TOTAL NUMBER OF STUDENTS ENROLLED IN
41 GRADES THREE THROUGH ELEVEN WHO WERE INCLUDED IN THE OCTOBER
42 1 PUPIL ENROLLMENT COUNT; AND

43

44 (f) USING THE AVERAGE PUPIL ENROLLMENT INCREASE FOR EACH
45 OF GRADES THREE THROUGH ELEVEN, AS DETERMINED PURSUANT TO
46 PARAGRAPH (d) OF THIS SUBSECTION (3), AND THE AVERAGE PUPIL
47 ENROLLMENT INCREASE FOR GRADES ONE, TWO, AND TWELVE AND
48 KINDERGARTEN, AS DETERMINED PURSUANT TO PARAGRAPH (e) OF THIS
49 SUBSECTION (3), DETERMINE, FOR EACH PARTICIPANT SCHOOL DISTRICT
50 AND EACH PARTICIPANT INSTITUTE CHARTER SCHOOL IN WHICH THE TOTAL
51 NUMBER OF STUDENTS DESCRIBED IN PARAGRAPHS (a) AND (b) OF
52 SUBSECTION (3) OF THIS SECTION EXCEEDS THE TOTAL NUMBER OF
53 STUDENTS ENROLLED IN GRADES THREE THROUGH ELEVEN WHO WERE
54 INCLUDED IN THE OCTOBER 1 PUPIL ENROLLMENT COUNT, THE TOTAL
55 NUMBER OF STUDENTS IN GRADES ONE THROUGH TWELVE AND
56 KINDERGARTEN BY WHICH EACH SUCH SCHOOL DISTRICT'S AND EACH SUCH

1 INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT INCREASED."

2

3 Page 6, line 11, after "STUDENT" insert "IN GRADES ONE THROUGH
4 TWELVE AND KINDERGARTEN, AS DETERMINED PURSUANT TO PARAGRAPH
5 (f) OF SUBSECTION (3) OF THIS SECTION,".

6

7 Page 6, line 14, after "AVAILABLE" insert "FROM THE STATE EDUCATION
8 FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE
9 CONSTITUTION".

10

11 Page 6, line 25, after "STUDENT" insert "IN GRADES ONE THROUGH
12 TWELVE AND KINDERGARTEN, AS DETERMINED PURSUANT TO PARAGRAPH
13 (f) OF SUBSECTION (3) OF THIS SECTION,".

14

15 Page 7, line 1, after "AVAILABLE" insert "FROM THE STATE EDUCATION
16 FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE
17 CONSTITUTION".

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22 **FINANCE**

23 After consideration on the merits, the Committee recommends the
24 following:

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26 **HB12-1110** be amended as follows, and as so amended, be referred to
27 the Committee on Appropriations with favorable
28 recommendation:

29

30 Amend the Economic and Business Development Committee Report,
31 dated February 23, 2012, page 1, strike line 16 and substitute:

32

33 "Page 18, line 16 of the printed bill, after "ASSIGNMENT;" add "EXCEPT
34 THAT THIS PROVISION DOES NOT APPLY TO COMMUNICATIONS BETWEEN AN
35 APPRAISER AND AN APPRAISAL MANAGEMENT COMPANY'S CLIENT IF SUCH
36 CLIENT HAS ADOPTED AN EXPLICIT POLICY PROHIBITING SUCH
37 COMMUNICATION. IF THE CLIENT HAS ADOPTED AN EXPLICIT POLICY
38 PROHIBITING COMMUNICATION BY THE APPRAISER WITH THE CLIENT,
39 COMMUNICATION".

40

41 Page 1 of the committee report, line 17, strike "COMMUNICATION".

42

43 Page 2 of the committee report, after line 13, add:

44

45 "Amend printed bill, page 29, before line 19 insert:

46

47 "SECTION 18. Effective date. This act takes effect July 1,
48 2013."

49

50 Renumber succeeding section accordingly."

51

52

53

54 **HB12-1272** be amended as follows, and as so amended, be referred to
55 the Committee on Appropriations with favorable
56 recommendation:

1 Amend printed bill, page 2, line 3, strike "(6) introductory portion," and
2 substitute "(6)".

3

4 Page 4, after line 22 insert:

5

6 "(a) A demographic analysis of participants in the enhanced
7 unemployment insurance compensation benefits program under this
8 section, including ~~the number of claimants per North American industry~~
9 ~~classification system code~~ and the gender, race, age, and geographic
10 representation of participants;

11

12 (b) The duration of the enhanced unemployment insurance
13 compensation benefits claimed per eligible unemployment insurance
14 claimant;

15

16 (c) ~~An analysis of the training provided to participants, including~~
17 ~~the occupational category supported by the training, those participants~~
18 ~~who completed training in relationship to those that do not complete~~
19 ~~training, and the reasons for noncompletion of approved training~~
20 ~~programs;~~

21

22 (d) The employment and wage history of participants, including
23 the pre-training and post-training wage and whether those participating
24 in training return to their previous employer or occupation after training;

25

26 (e) ~~An identification and analysis of administrative costs at both~~
27 ~~the local and state level for administering the enhanced unemployment~~
28 ~~insurance compensation benefits program~~ A RETURN ON INVESTMENT
29 CALCULATION TO DETERMINE THE BENEFITS AND FISCAL CONTRIBUTION OF
30 UNEMPLOYMENT INSURANCE CLAIMANTS PARTICIPATING IN THE PROGRAM
31 WHO BECOME EMPLOYED. EMPLOYERS PARTICIPATING IN THE PROGRAM
32 SHALL PROVIDE THE DEPARTMENT INFORMATION ON PERMANENT HIRES OF
33 PROGRAM PARTICIPANTS, AS WELL AS FEEDBACK ON PROGRAM VALUE AND
34 ISSUES, FOR USE BY THE DEPARTMENT IN CALCULATING THE RETURN ON
35 INVESTMENT."

36

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38

39 **HB12-1302** be referred favorably to the Committee on Appropriations.

40

41

42 **HB12-1303** be amended as follows, and as so amended, be referred to
43 the Committee on Appropriations with favorable
44 recommendation;

45

46 Amend the Health and Environment Committee Report, dated February
47 28, 2012, page 1, line 12, strike "PATHOLOGISTS." and substitute
48 "PATHOLOGISTS, AS REQUIRED BY SECTION 24-34-105, C.R.S.".

49

50

51

52 **HB12-1308** be postponed indefinitely.

53

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1 **STATE, VETERANS, & MILITARY AFFAIRS**

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

4
5 **HB12-1128** be postponed indefinitely.

6
7
8 **HB12-1257** be postponed indefinitely.

9
10
11 **HB12-1267** be amended as follows, and as so amended, be referred to
12 the Committee of the Whole with favorable
13 recommendation:

14
15 Amend printed bill, page 2, line 8, strike "~~forwardable~~
16 NONFORWARDABLE" and substitute "EITHER forwardable OR
17 NONFORWARDABLE".

18
19 Page 2, line 9, strike "mail" and substitute "mail, IN THE DISCRETION OF
20 THE COUNTY CLERK AND RECORDER,".

21
22 Page 3, line 23, strike "~~forwardable~~ NONFORWARDABLE mail" and
23 substitute "EITHER forwardable OR NONFORWARDABLE mail, IN THE
24 DISCRETION OF THE COUNTY CLERK AND RECORDER,".

25
26 Page 4, line 20, after "BY" insert "EITHER FORWARDABLE OR" and strike
27 "MAIL" and substitute "MAIL, IN THE DISCRETION OF THE COUNTY CLERK
28 AND RECORDER,".

29
30 Page 5, strike lines 5 through 27.

31
32 Page 6, strike lines 1 through 7.

33
34 Renumber succeeding sections accordingly.

35
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38
39 **TRANSPORTATION**

40 After consideration on the merits, the Committee recommends the
41 following:

42
43 **HB12-1295** be referred favorably to the Committee on Finance.

44
45
46
47 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

48
49 The Speaker has signed: **HB12-1005, 1010, 1015, 1022, 1050, 1054,**
50 **1096, 1147, 1158.**

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DELIVERY OF BILLS TO GOVERNOR1
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The Chief Clerk of the House of Representatives reports the following bills have been delivered to the Office of the Governor: **HB12-1005, 1010, 1015, 1022, 1050, 1054, 1096, 1147, 1158** at 5:26 p.m. on March 7, 2012.

MESSAGE(S) FROM THE SENATE

The Senate has passed on Third Reading and transmits to the Revisor of Statutes:

HB12-1058 amended as printed in Senate Journal, March 7, 2012, page 392.
HB12-1249 amended as printed in Senate Journal, March 7, 2012, page 393.

The Senate has passed on Third Reading and returns herewith HB12-1247, HB12-1248.

The Senate has postponed indefinitely HB12-1040. The bills are returned herewith.

MESSAGE(S) FROM THE REVISOR

We herewith transmit:
Without comment, as amended, HB12-1058 and 1249.

MESSAGE FROM THE LIEUTENANT GOVERNOR

I certify I received the following on the 8th day of March, 2012, at 8:10 a.m. The original is on file in the records of the House of Representatives of the General Assembly.

Marilyn Eddins,
Chief Clerk of the House

March 7, 2012

To the Honorable House of Representatives
Sixty-Eighth General Assembly
Second Regular Session
State Capitol
Denver, CO 80203

1 Ladies and Gentlemen:

2

3 I have the honor to inform you that I have approved and filed with
4 the Secretary of State the following Act:

5

6 **HB12-1005** CONCERNING INVESTMENT OF PUBLIC FUNDS

7

8 Approved March 7, 2012 at 5:30 pm

9

10 Sincerely,
11 (signed)
12 Joseph A. Garcia
13 Lt. Governor

14

15

16

17

LAY OVER OF CALENDAR ITEM(S)

18

19 On motion of Representative Barker, the following item(s) on the
20 Calendar was (were) laid over until March 9, retaining place on Calendar:

21

22

23 Consideration of Third Reading--**HB12-1304, 1175.**
24 Consideration of General Orders--**HB12-1121, 1103, 1146, 1226, 1150,**
25 **SB12-020, HB12-1116, 1300, 1241, SB12-030, 072, 079, 146.**
26 Consideration of Senate Amendment(s)--**HB12-1078, 1055,**
27 **HJR12-1010, HB12-1177, 1212, 1221, 1074.**

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31 On motion of Representative Barker, the House adjourned until 9:00 a.m.,
32 March 9, 2012.

33

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Approved:
FRANK McNULTY,
Speaker

37

38 Attest:
39 MARILYN EDDINS,
Chief Clerk

