

HOUSE JOURNAL
SIXTY-SEVENTH GENERAL ASSEMBLY
STATE OF COLORADO
First Regular Session

Eighty-seventh Legislative Day

Friday, April 3, 2009

1 Prayer by Father Curtiss Dwyer, St. John Vianney Theological Seminary,
 2 Denver.

3
 4 The Speaker called the House to order at 9:00 a.m.

5
 6 Pledge of Allegiance led by Kristina Lucas, Melissa Ford, Civil Air
 7 Patrol, Westminster.

8
 9 The roll was called with the following result:

10
 11 Present--64.
 12 Excused--Representative(s) Pace--1.

13
 14 The Speaker declared a quorum present.

15
 16
 17 On motion of Representative Priola, the reading of the journal of
 18 April 2, 2009, was declared dispensed with and approved as corrected by
 19 the Chief Clerk.

20
 21
 22
 23 **CONSIDERATION OF MEMORIAL**

24
 25 **HM09-1001** by Representative(s) Gerou--Memorializing former
 26 Representative Jewell Ford.

27
 28 (Printed and placed in members file)

29
 30 On motion of Representative Gerou, the memorial was read at length.

31
 32 Representative Gerou introduced members of the family that were
 33 present.

34
 35 On motion of Representative Gerou, the memorial was **adopted** by the
 36 following roll call vote:

37
 38

	YES	64	NO	0	EXCUSED	1	ABSENT	0
39	Acree	Y	Green	Y	McCann	Y	Roberts	Y
40	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
41	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
42	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
43	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y

1	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
2	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
3	Court	Y	King S.	Y	Murray	Y	Stephens	Y
4	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
5	Ferrandino	Y	Lambert	Y	Pace	E	Swalm	Y
6	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
7	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
8	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
9	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
10	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
11	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
12							Speaker	Y

13 Current Roll Call added as Co-sponsor(s): Representative(s) Acree, Apuan,
 14 Balmer, Baumgardner, Benefield, Bradford, Casso, Court, Curry, Ferrandino,
 15 Fischer, Frangas, Gagliardi, Gardner B., Gardner C., Green, Hullinghorst, Judd,
 16 Kagan, Kefalas, Kerr A., Kerr J., King S., Labuda, Lambert, Levy, Liston,
 17 Looper, Marostica, Massey, May, McCann, McFadyen, McKinley, McNulty,
 18 Merrifield, Middleton, Miklosi, Murray, Nikkel, Peniston, Pommer, Primavera,
 19 Priola, Rice, Riesberg, Roberts, Ryden, Scanlan, Schafer S., Solano,
 20 Sonnenberg, Soper, Stephens, Summers, Swalm, Tipton, Todd, Vaad, Vigil,
 21 Waller, Weissmann, Speaker

22

23

24

CONSIDERATION OF RESOLUTION(S)

25

26 **SJR09-028** by Senator(s) Heath; also Representative(s) Primavera--
 27 Concerning recognition of Colorado's cool cities.

28

29 (Printed and placed in members file)

30

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

33

34 Co-sponsor(s) added: Representative(s) Apuan, Benefield, Casso, Court, Curry,
 35 Ferrandino, Fischer, Frangas, Gagliardi, Green, Hullinghorst, Judd, Kagan,
 36 Kefalas, Kerr A., Labuda, Levy, Massey, McFadyen, McKinley, Middleton,
 37 Miklosi, Nikkel, Peniston, Pommer, Riesberg, Roberts, Ryden, Scanlan,
 38 Schafer S., Solano, Soper, Tipton, Todd, Vigil, Weissmann, Speaker

39

40

41

THIRD READING OF BILLS--FINAL PASSAGE

42

43 The following bills were considered on Third Reading. The titles were
 44 publicly read. Reading of the bill at length was dispensed with by
 45 unanimous consent.

46

47 **SB09-119** by Senator(s) Harvey; also Representative(s) McNulty--
 48 Concerning a clarification of the enforcement of water
 49 quality laws relating to the discharge of certain hazardous
 50 pollutants.

51

52 The question being "Shall the bill pass?"

53 A roll call vote was taken. As shown by the following recorded vote, a
 54 majority of those elected to the House voted in the affirmative and the bill
 55 was declared **passed**.

56

	YES	64	NO	0	EXCUSED	1	ABSENT	0
1								
2	Acree	Y	Green	Y	McCann	Y	Roberts	Y
3	Apuan	Y	Hullingerhorst	Y	McFadyen	Y	Ryden	Y
4	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
5	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
6	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
7	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
8	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
9	Court	Y	King S.	Y	Murray	Y	Stephens	Y
10	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
11	Ferrandino	Y	Lambert	Y	Pace	E	Swalm	Y
12	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
13	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
14	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
15	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
16	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
17	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Curry, Fischer, Kerr J., Todd

20
 21 **HB09-1316** by Representative(s) Solano, King S.; also Senator(s)
 22 Shaffer B.--Concerning public dissemination of personal
 23 information of a person working in the criminal justice
 24 system.
 25

26 The question being "Shall the bill pass?".
 27 A roll call vote was taken. As shown by the following recorded vote, a
 28 majority of those elected to the House voted in the affirmative and the bill
 29 was declared **passed**.
 30

	YES	64	NO	0	EXCUSED	1	ABSENT	0
31								
32	Acree	Y	Green	Y	McCann	Y	Roberts	Y
33	Apuan	Y	Hullingerhorst	Y	McFadyen	Y	Ryden	Y
34	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
35	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
36	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
37	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
38	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
39	Court	Y	King S.	Y	Murray	Y	Stephens	Y
40	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
41	Ferrandino	Y	Lambert	Y	Pace	E	Swalm	Y
42	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
43	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
44	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
45	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
46	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
47	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
48							Speaker	Y

49 Co-sponsor(s) added: Representative(s) Acree, Baumgardner, Benefield,
 50 Frangas, Gardner B., Kerr J., Labuda, Primavera, Scanlan, Schafer S., Todd,
 51 Vigil, Speaker
 52

53 **HB09-1312** by Representative(s) Kerr A., Merrifield, Middleton,
 54 Scanlan, Todd; also Senator(s) Schwartz and Romer--
 55 Concerning the renewable energy and energy efficiency
 56 for schools loan program.

1 The question being "Shall the bill pass?".
 2 A roll call vote was taken. As shown by the following recorded vote, a
 3 majority of those elected to the House voted in the affirmative and the bill
 4 was declared **passed**.

	YES	43	NO	21	EXCUSED	1	ABSENT	0
7	Acree	N	Green	Y	McCann	Y	Roberts	Y
8	Apuan	Y	Hullingerhorst	Y	McFadyen	Y	Ryden	Y
9	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
10	Baumgardner	N	Kagan	Y	McNulty	N	Schafer S.	Y
11	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
12	Bradford	N	Kerr A.	Y	Middleton	Y	Sonnenberg	N
13	Casso	Y	Kerr J.	N	Miklosi	Y	Soper	Y
14	Court	Y	King S.	N	Murray	N	Stephens	N
15	Curry	Y	Labuda	Y	Nikkel	N	Summers	N
16	Ferrandino	Y	Lambert	N	Pace	E	Swalm	N
17	Fischer	Y	Levy	Y	Peniston	Y	Tipton	N
18	Frangas	Y	Liston	N	Pommer	Y	Todd	Y
19	Gagliardi	Y	Looper	N	Primavera	Y	Vaad	N
20	Gardner B.	N	Marostica	Y	Priola	Y	Vigil	Y
21	Gardner C.	N	Massey	Y	Rice	Y	Waller	N
22	Gerou	Y	May	N	Riesberg	Y	Weissmann	Y
23							Speaker	Y

24 Co-sponsor(s) added: Representative(s) Benefield, Court, Fischer, Frangas,
 25 Green, Kefalas, Labuda, Levy, McCann, Miklosi, Primavera, Riesberg, Ryden,
 26 Schafer S., Solano, Vigil

27
 28 On motion of Representative Apuan, the House resolved itself into
 29 Committee of the Whole for consideration of General Orders, and he was
 30 called to the Chair to act as Chairman.

33 GENERAL ORDERS--SECOND READING OF BILLS

34
 35 The Committee of the Whole having risen, the Chairman reported the
 36 titles of the following bills had been read (reading at length had been
 37 dispensed with by unanimous consent), the bills considered and action
 38 taken thereon as follows:

39
 40 (Amendments to the committee amendment are to the printed committee
 41 report which was printed and placed in the members' bill file.)

42
 43 **SB09-173** by Senator(s) Veiga; also Representative(s) Rice--
 44 Concerning the economic development of large-scale
 45 regional tourism projects to be partially financed with a
 46 portion of state sales tax revenue above an existing base
 47 amount.

48
 49 Referred to the Committee on Finance.

50
 51 **SB09-061** by Senator(s) Carroll M.; also Representative(s)
 52 Primavera--Concerning the qualifications of health care
 53 professionals who review claims for medical treatment
 54 under insurance policies.

55
 56 Laid over until April 6, retaining place on Calendar.

- 1 **HB09-1204** by Representative(s) Massey, McGihon--Concerning
2 health insurance coverage for preventive health care
3 services, and, in connection therewith, expanding required
4 coverage for certain preventive health care services that
5 receive high recommendations from the United States
6 preventive services task force and the national commission
7 on prevention priorities.
8
- 9 Amendment No. 1, Business Affairs & Labor Report, dated
10 March 31, 2009, and placed in member's bill file; Report also printed in
11 House Journal, April 1, pages 987-992.
12
- 13 As amended, ordered engrossed and placed on the Calendar for Third
14 Reading and Final Passage.
15
- 16 **HB09-1322** by Representative(s) Benefield, Massey, McFadyen,
17 Miklosi, Scanlan, Todd; also Senator(s) Schwartz--
18 Concerning access by motor vehicle repair shops to an
19 electronic system implemented by the department of
20 revenue for purposes of determining ownership and
21 lienholders of abandoned motor vehicles abandoned at
22 motor vehicle repair shops.
23
- 24 Ordered engrossed and placed on the Calendar for Third Reading and
25 Final Passage.
26
- 27 **HB09-1325** by Representative(s) Todd; also Senator(s) Bacon--
28 Concerning the governor's authority to activate the
29 National Guard.
30
- 31 Ordered engrossed and placed on the Calendar for Third Reading and
32 Final Passage.
33
- 34 **SB09-031** by Senator(s) Heath; also Representative(s) Riesberg--
35 Concerning the creation of the clean technology discovery
36 evaluation grant program, and making an appropriation
37 therefore.
38
- 39 Amendment No. 1, Transportation & Energy Report, dated
40 March 31, 2009, and placed in member's bill file; Report also printed in
41 House Journal, April 1, pages 995-996.
42
- 43 As amended, ordered revised and placed on the Calendar for Third
44 Reading and Final Passage.
45
- 46 **SB09-098** by Senator(s) Schwartz, Isgar, Brophy, Gibbs; also
47 Representative(s) Vigil--Concerning blending diesel fuels
48 after withdrawal at the rack, and making an appropriation
49 in connection therewith.
50
- 51 Laid over until April 6, retaining place on Calendar.
52
53
- 54 **SB09-171** by Senator(s) Schwartz, Heath, Veiga; also
55 Representative(s) Todd and Vigil, Liston, McFadyen,
56 Rice, Solano--Concerning the use of moneys in the

1 Colorado customized training program for new energy
2 economy training programs.

3
4 Amendment No. 1, Transportation & Energy Report, dated
5 March 31, 2009, and placed in member's bill file; Report also printed in
6 House Journal, April 1, pages 996-997.

7
8 As amended, ordered revised and placed on the Calendar for Third
9 Reading and Final Passage.

10
11
12
13 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

14
15 Passed Second Reading: **HB09-1204 amended, 1322, 1325, SB09-031**
16 **amended, 171 amended.**

17
18 Laid over until date indicated retaining place on Calendar: **SB09-061,**
19 **098--April 6, 2009.**

20
21 Referred to Committee indicated: **SB09-173--Finance.**

22
23 The Chairman moved the adoption of the Committee of the Whole
24 Report. As shown by the following roll call vote, a majority of those
25 elected to the House voted in the affirmative, and the Report was
26 **adopted.**

27
28

	YES	64	NO	0	EXCUSED	1	ABSENT	0
29	Acree	Y	Green	Y	McCann	Y	Roberts	Y
30	Apuan	Y	Hullingerhorst	Y	McFadyen	Y	Ryden	Y
31	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
32	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
33	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
34	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
35	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
36	Court	Y	King S.	Y	Murray	Y	Stephens	Y
37	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
38	Ferrandino	Y	Lambert	Y	Pace	E	Swalm	Y
39	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
40	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
41	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
42	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
43	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
44	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
45							Speaker	Y

46
47
48
49

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

51
52 The Senate has adopted and transmits herewith: SJR09-033.

53
54
55

1 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

2
3 On motion of Representative Weissmann, the rules were suspended and
4 the following resolution was given immediate consideration.

5
6 **SJR09-033** by Senator(s) Kopp, Harvey, Brophy, Kester, Cadman,
7 Scheffel, Spence, Newell, King K., Penry, Renfroe,
8 Schultheis, White; also Representative(s) Rice and
9 McNulty, Priola, Kerr J., Looper--Concerning the
10 designation of a portion of State Highway 85 as the "Navy
11 SEAL Danny Phillip Dietz, Jr., Memorial Highway".
12

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

14
15 On motion of Representatives Rice and McNulty, the resolution was read
16 at length and **adopted** by the following roll call vote:
17

	YES	64	NO	0	EXCUSED	1	ABSENT	0
19	Acree	Y	Green	Y	McCann	Y	Roberts	Y
20	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
21	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
22	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
23	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
24	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
25	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
26	Court	Y	King S.	Y	Murray	Y	Stephens	Y
27	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
28	Ferrandino	Y	Lambert	Y	Pace	E	Swalm	Y
29	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
30	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
31	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
32	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
33	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
34	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
35							Speaker	Y

36 Current Roll Call Co-sponsor(s) added: Representative(s) Acree, Apuan,
37 Balmer, Baumgardner, Benefield, Bradford, Casso, Court, Curry, Ferrandino,
38 Fischer, Frangas, Gagliardi, Gardner B., Gardner C., Gerou, Green,
39 Hullinghorst, Judd, Kagan, Kefalas, Kerr A., King S., Labuda, Lambert, Levy,
40 Liston, Marostica, Massey, May, McCann, McFadyen, McKinley, Merrifield,
41 Middleton, Miklosi, Murray, Nikkel, Peniston, Pommer, Primavera, Riesberg,
42 Roberts, Ryden, Scanlan, Schafer S., Solano, Sonnenberg, Soper, Stephens,
43 Summers, Swalm, Tipton, Todd, Vaad, Vigil, Waller, Weissmann, Speaker
44

45
46 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

47
48 **EDUCATION**

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

51
52 **HB09-1313** be amended as follows, and as so amended, be referred to
53 the Committee of the Whole with favorable
54 recommendation:
55

56 Amend printed bill, page 2, line 14, strike "THE GOVERNING BOARD" and

1 substitute "AN INSTITUTION";
2
3 line 18, strike "THE" and substitute "IF AN INSTITUTION ESTABLISHES AN
4 OPTIONAL FEE TO FUND STUDENT-DIRECTED PROGRAMS PURSUANT TO THIS
5 PARAGRAPH (i), THE INSTITUTION MAY";
6
7 line 19, strike "GOVERNING BOARD SHALL";
8
9 strike lines 21 through 24 and substitute the following:
10
11 "A REGULAR STUDENT ELECTION AND THAT THE OPTIONAL FEE MAY ONLY
12 BE COLLECTED IF THE STUDENT BODY APPROVES THE OPTIONAL FEE BY A
13 MAJORITY OF THE VOTES CAST AT A REGULARLY SCHEDULED ELECTION."
14
15
16
17 **HB09-1319** be amended as follows, and as so amended, be referred to
18 the Committee on Appropriations with favorable
19 recommendation:
20
21 Amend printed bill, page 4, line 18, strike "NEW" and substitute
22 "EXPANDED".
23
24 Page 6, line 18, strike the second "OR";
25
26 line 19, strike "COLLEGE" and substitute "COLLEGE, OR AREA VOCATIONAL
27 SCHOOL".
28
29 Page 7, strike lines 6 through 8 and substitute the following:
30
31 "(VI) MAINTAINS A PHYSICAL CAMPUS OR INSTRUCTIONAL
32 FACILITY IN COLORADO; AND";
33
34 line 15, strike "DIPLOMA OR ITS EQUIVALENT." and substitute "DIPLOMA,
35 ITS EQUIVALENT, OR THE ACHIEVEMENT OF A MINIMUM SCORE ON A
36 PLACEMENT ASSESSMENT THAT IS ADMINISTERED BY AN INSTITUTION OF
37 HIGHER EDUCATION, WHICH MINIMUM SCORE IS DETERMINED BY THE
38 INSTITUTION."
39
40 Page 8, strike lines 4 and 5 and substitute the following:
41
42 "OF THIS SECTION MAY REGISTER WITH AND CONCURRENTLY ENROLL IN AN
43 INSTITUTION OF HIGHER EDUCATION IN ACCORDANCE WITH".
44
45 Page 10, line 6, strike "THE APPLICATION" and substitute "IN CREATING
46 THE APPLICATION FORM, THE SCHOOL DISTRICT SHALL REFER TO THE
47 GUIDELINES ESTABLISHED BY RULES PROMULGATED BY THE STATE BOARD
48 PURSUANT TO SECTION 22-35-111 (1) (a). THE APPLICATION FORM";
49
50 line 18, after "STUDY.", add "IN APPROVING AN ACADEMIC PLAN OF STUDY,
51 A PRINCIPAL, COUNSELOR, OR TEACHER ADVISOR SHALL APPLY THE
52 GUIDELINES ESTABLISHED BY RULES PROMULGATED BY THE STATE BOARD
53 PURSUANT TO SECTION 22-35-111 (1) (b).".
54
55 Page 12, line 20, strike "STUDENT;" and substitute " STUDENT; EXCEPT
56 THAT A COOPERATIVE AGREEMENT NEED NOT INCLUDE THIS LANGUAGE IF

1 THE INSTITUTION OF HIGHER EDUCATION THAT IS A PARTY TO THE
2 COOPERATIVE AGREEMENT DOES NOT RECEIVE STIPENDS FROM THE
3 COLLEGE OPPORTUNITY FUND PROGRAM;".

4

5 Page 13, after line 10, insert the following:

6

7 "(8) (a) EACH PUBLIC INSTITUTION OF HIGHER EDUCATION IS
8 STRONGLY ENCOURAGED TO ALLOW THE CONCURRENT ENROLLMENT OF
9 QUALIFIED STUDENTS PURSUANT TO THIS ARTICLE.

10

11 (b) NOTHING IN THIS ARTICLE SHALL BE INTERPRETED TO REQUIRE
12 AN INSTITUTION OF HIGHER EDUCATION TO ALLOW THE CONCURRENT
13 ENROLLMENT OF QUALIFIED STUDENTS PURSUANT TO THIS ARTICLE OR TO
14 REQUIRE AN INSTITUTION OF HIGHER EDUCATION TO ENTER INTO A
15 COOPERATIVE AGREEMENT WITH A SCHOOL DISTRICT; EXCEPT THAT AN
16 INSTITUTION OF HIGHER EDUCATION THAT ELECTS TO ALLOW THE
17 CONCURRENT ENROLLMENT OF A QUALIFIED STUDENT PURSUANT TO THIS
18 ARTICLE SHALL ENTER INTO A COOPERATIVE AGREEMENT WITH THE
19 SCHOOL DISTRICT OF THE STUDENT AS DESCRIBED IN SUBSECTION (6) OF
20 THIS SECTION."

21

22 Renumber succeeding subsection accordingly.

23

24 Page 16, line 20, after "**duties -**", insert "**reports -**";

25

26 line 26, strike "OF EDUCATION".

27

28 Page 17, line 14, strike "COLLEGE" and substitute "COLLEGE, ONE MEMBER
29 WHO REPRESENTS A PUBLIC, FOUR-YEAR INSTITUTION OF HIGHER
30 EDUCATION,".

31

32 Page 18, strike lines 14 through 19.

33

34 Reletter succeeding paragraphs accordingly.

35

36 Page 18, line 20, strike "PROMULGATING RULES" and substitute
37 "ESTABLISHING GUIDELINES";

38

39 line 24, after "THE", insert "GENERAL ASSEMBLY, THE";

40

41 line 25, strike "BOARD" and substitute "BOARD,";

42

43 strike line 27 and substitute the following:

44

45 "PROGRAMS, INCLUDING BUT NOT LIMITED TO RECOMMENDATIONS OF
46 POLICIES THAT WILL ALLOW EVERY SCHOOL DISTRICT IN THE STATE TO
47 HAVE ADEQUATE RESOURCES TO ENTER INTO AT LEAST ONE COOPERATIVE
48 AGREEMENT.";

49

50 after line 27, insert the following:

51

52 "(7) ON OR BEFORE DECEMBER 1, 2010, AND ON OR BEFORE
53 DECEMBER 1 EACH YEAR THEREAFTER, THE BOARD SHALL PREPARE A
54 REPORT AND SUBMIT IT TO THE STATE BOARD AND THE COMMISSION. THE
55 REPORT, AT A MINIMUM, SHALL INCLUDE:

56

1 (a) ANY STANDARDS THAT THE BOARD HAS ESTABLISHED
2 PURSUANT TO PARAGRAPH (a) OF SUBSECTION (6) OF THIS SECTION;

3
4 (b) ANY GUIDELINES THAT THE BOARD HAS ESTABLISHED
5 PURSUANT TO PARAGRAPH (b) OF SUBSECTION (6) OF THIS SECTION; AND

6
7 (c) ANY RECOMMENDATIONS THAT THE BOARD ELECTS TO MAKE
8 PURSUANT TO PARAGRAPH (d) OF SUBSECTION (6) OF THIS SECTION."

9
10 Renumber succeeding subsection accordingly.

11
12 Page 20, line 2, strike "APPROPRIATIONS," and substitute
13 "APPROPRIATIONS AND THE DETERMINATIONS OF THE STATE BOARD
14 PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH (c) OF THIS
15 SUBSECTION (2),";

16
17 line 6, strike "FIFTEEN" and substitute "TWELVE";

18
19 line 14, strike "RULES PROMULGATED" and substitute "GUIDELINES
20 ESTABLISHED";

21
22 strike lines 25 through 27 and substitute the following:

23
24 "(c) (I) ON OR BEFORE SEPTEMBER 1, 2009, AND ON OR BEFORE
25 SEPTEMBER 1 EACH YEAR THEREAFTER, EACH SCHOOL DISTRICT SHALL
26 SUBMIT TO THE DEPARTMENT AND THE STATE BOARD AN ESTIMATE OF THE
27 NUMBER OF STUDENTS IN THE SCHOOL DISTRICT WHO WILL SEEK TO BE
28 DESIGNATED BY THE DEPARTMENT AS ASCENT PROGRAM PARTICIPANTS
29 FOR THE FOLLOWING SCHOOL YEAR.

30
31 (II) THE DEPARTMENT, AS PART OF ITS ANNUAL BUDGET REQUEST
32 TO THE GENERAL ASSEMBLY, SHALL REPORT THE TOTAL NUMBER OF
33 STUDENTS WHO HAVE BEEN IDENTIFIED BY SCHOOL DISTRICTS AS
34 POTENTIAL ASCENT PROGRAM PARTICIPANTS FOR THE FOLLOWING
35 SCHOOL YEAR.

36
37 (III) ON OR BEFORE JUNE 1, 2010, AND ON OR BEFORE JUNE 1 EACH
38 YEAR THEREAFTER, THE STATE BOARD OF EDUCATION SHALL DETERMINE
39 AND REPORT TO THE DEPARTMENT HOW MANY QUALIFIED STUDENTS THE
40 DEPARTMENT MAY DESIGNATE AS ASCENT PROGRAM PARTICIPANTS
41 FROM EACH SCHOOL DISTRICT FOR THE FOLLOWING SCHOOL YEAR."

42
43 Page 21, strike lines 5 through 9 and substitute the following:

44
45 "(4) THE BOARD SHALL ESTABLISH GUIDELINES FOR THE
46 ADMINISTRATION OF THE ASCENT PROGRAM, INCLUDING BUT NOT
47 LIMITED TO SELECTION CRITERIA THAT THE DEPARTMENT MAY USE".

48
49 Page 22, strike line 20 and substitute the following:

50
51 "**22-35-111. Rules.** (1) ON OR BEFORE JULY 1, 2010, THE STATE
52 BOARD SHALL";

53
54 line 22, strike "AS IT DEEMS";

55
56 strike line 23 and substitute the following:

1 "FOR THE ADMINISTRATION OF THIS ARTICLE."; strike line 24 and substitute
2 the following:

3
4 "THE RULES, AT A MINIMUM, SHALL ESTABLISH:

5
6 (a) GUIDELINES FOR SCHOOL DISTRICTS TO USE IN CREATING
7 STANDARD CONCURRENT ENROLLMENT APPLICATION FORMS, AS
8 DESCRIBED IN SECTION 22-35-104 (2) (c); AND

9
10 (b) GUIDELINES FOR PRINCIPALS, COUNSELORS, AND TEACHER
11 ADVISORS TO USE IN APPROVING OR DISAPPROVING ACADEMIC PLANS OF
12 STUDY, AS DESCRIBED IN SECTION 22-35-104 (3).".

13
14 Page 23, line 2, after "SECTION.", add "IN SUBMITTING DATA TO THE
15 DEPARTMENT, EACH SCHOOL DISTRICT SHALL USE WHENEVER POSSIBLE
16 THE STATE DATA REPORTING SYSTEM DESCRIBED IN SECTION 22-7-603.
17 THE DEPARTMENT SHALL SEEK TO MINIMIZE AND ELIMINATE THE
18 DUPLICATION OF DATA REPORTING REQUIRED UNDER THIS PARAGRAPH (a).
19 THE DEPARTMENT IN PARTICULAR SHALL NOTE THE DATA COLLECTION
20 AND REPORTING ALREADY REQUIRED AND CONDUCTED BY THE
21 DEPARTMENT, PUBLIC SCHOOLS, AND SCHOOL DISTRICTS.".

22
23 Page 25, after line 1, insert the following:

24
25 "(3) THE REPORTS DESCRIBED IN SUBSECTION (2) OF THIS SECTION
26 MAY INCLUDE QUANTITATIVE AND QUALITATIVE ANALYSES CONCERNING
27 STUDENT AND ADMINISTRATOR ATTITUDES AND BEHAVIORS, PROGRAM
28 COSTS AND PRODUCTIVITY, ACADEMIC AND ADMINISTRATIVE POLICIES,
29 PROGRAM AVAILABILITY AND VARIETY, OR ANY OBJECTIVES OF THE
30 ASCENT PROGRAM DESCRIBED IN SECTION 22-35-108 (1), WHICH STUDIES
31 MAY BE PREPARED BY A PARTY OTHER THAN THE DEPARTMENT OR THE
32 DEPARTMENT OF HIGHER EDUCATION.".

33
34
35
36 **HB09-1324** be referred favorably to the Committee on Judiciary.

37
38
39 **SB09-160** be amended as follows, and as so amended, be referred to
40 the Committee on Appropriations with favorable
41 recommendation:

42
43 Amend reengrossed bill, page 2, line 12, strike "~~school district or~~
44 ~~accredited independent school~~" and substitute "school district, ~~or~~
45 accredited ~~independent~~ NONPUBLIC school, OR BOARD OF COOPERATIVE
46 SERVICES";

47
48 line 13, strike "DESIGNATED AGENCY".

49
50 Page 6, after line 11, insert the following:

51
52 "(V) FOR APPLICANTS ENROLLED IN A ONE-YEAR ALTERNATIVE
53 TEACHER PROGRAM, THE ALTERNATIVE TEACHER LICENSE ISSUED
54 PURSUANT TO THIS PARAGRAPH (a) SHALL BE VALID FOR A PERIOD OF ONE
55 YEAR AFTER THE DATE OF ISSUANCE AND MAY BE RENEWED FOR ONLY ONE
56 ADDITIONAL YEAR, BUT ONLY UPON WRITTEN EVIDENCE THAT THE

1 EMPLOYING SCHOOL DISTRICT, ACCREDITED NONPUBLIC SCHOOL, OR
 2 BOARD OF COOPERATIVE SERVICES ANTICIPATES EXTENDING THE
 3 ALTERNATIVE TEACHER'S CONTRACT FOR ONE ADDITIONAL YEAR
 4 PURSUANT TO THE PROVISIONS OF SECTION 22-60.5-207 (2). FOR
 5 APPLICANTS ENROLLED IN A TWO-YEAR ALTERNATIVE TEACHER PROGRAM,
 6 THE ALTERNATIVE TEACHER LICENSE ISSUED PURSUANT TO THIS
 7 PARAGRAPH (a) SHALL BE VALID FOR A PERIOD OF TWO YEARS AFTER THE
 8 DATE OF ISSUANCE."

9
 10
 11

12 **SB09-176** be amended as follows, and as so amended, be referred to
 13 the Committee of the Whole with favorable
 14 recommendation:
 15

16 Amend reengrossed bill, page 5, line 16, strike the second "THE" and
 17 substitute "SIXTY DAYS PRIOR TO THE DATE BY WHICH THE SCHOOL
 18 DISTRICT IS REQUIRED TO CERTIFY THE BALLOT QUESTION TO THE COUNTY
 19 CLERK AND RECORDER.";

20

21 strike lines 17 through 21.

22

23 Page 8, line 13, after "(6)", insert "(a)";

24

25 line 24, strike "(a)" and substitute "(a)".

26

27 Page 9, strike lines 2 and 3 and substitute the following:

28

29 "(b) The charter school shall not encumber any capital
 30 construction financed by bond revenues with any additional debt
 31 WITHOUT THE EXPRESS APPROVAL OF THE SCHOOL DISTRICT. IF THE
 32 SCHOOL DISTRICT DENIES APPROVAL, THE SCHOOL DISTRICT SHALL
 33 PROVIDE WRITTEN REASONS FOR SUCH DENIAL."

34

35

36

37 **SB09-230** be referred to the Committee of the Whole with favorable
 38 recommendation.
 39

40

41

42

43

LOCAL GOVERNMENT

44 After consideration on the merits, the Committee recommends the
 45 following:

46

47 **SB09-018** be postponed indefinitely.

48

49

50

51

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

52

53 The Speaker has signed: **HB09-1034, 1118, 1125, 1143, 1190, 1218,**
 54 **1253, 1254, 1264, 1297.**

55

56

MESSAGE(S) FROM THE GOVERNOR

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I certify I received the following on the 3rd day of April, 2009, at 8:35 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

April 2, 2009

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

Ladies and Gentlemen:

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

HB09-1005 CONCERNING THE AUTHORITY OF A SPECIAL DISTRICT TO ESTABLISH SPECIAL IMPROVEMENT DISTRICTS WITHIN THE BOUNDARIES OF THE SPECIAL DISTRICT.

Approved April 2, 2009 at 2:55 p.m.

HB09-1008 CONCERNING THE EXPANSION OF THE ABILITY TO TRANSFER ANNUAL LEAVE BETWEEN EMPLOYEES IN THE STATE PERSONNEL SYSTEM.

Approved April 2, 2009 at 2:35 p.m.

HB09-1027 CONCERNING THE DUTY OF DRIVERS TO YIELD THE RIGHT-OF-WAY TO TRANSIT BUSES ENTERING TRAFFIC.

Approved April 2, 2009 at 2:40 p.m.

HB09-1066 CONCERNING THE CODIFICATION OF EXISTING PRACTICES OF THE DIVISION OF AERONAUTICS.

Approved April 2, 2009 at 2:56 p.m.

HB09-1072 CONCERNING MODIFICATIONS TO STATUTORY PROVISIONS ADDRESSING THE GOVERNANCE OF LIBRARY DISTRICTS.

Approved April 2, 2009 at 2:02 p.m.

HB09-1093 CONCERNING ADDITIONAL INCOME TAX REPORTING REQUIREMENTS FOR A CORPORATE TAXPAYER.

Approved April 2, 2009 at 2:06 p.m.

1 **HB09-1122** CONCERNING INCREASING THE AGE OF PERSONS ELIGIBLE
2 FOR SENTENCING TO THE YOUTHFUL OFFENDER SYSTEM.

3
4 Approved April 2, 2009 at 2:25 p.m.

5
6 **HB09-1168** CONCERNING THE TIMING OF REPORTS TO THE CAPITAL
7 DEVELOPMENT COMMITTEE.

8
9 Approved April 2, 2009 at 2:57 p.m.

10
11 **HB09-1178** CONCERNING THE CREATION OF A TASK FORCE TO STUDY
12 THE ESTABLISHMENT OF A REGISTRY OF CAREGIVERS
13 WHO ARE DEEMED TO HAVE A SUBSTANTIATED
14 ALLEGATION OF WRONGDOING AGAINST A PERSON WITH
15 A DEVELOPMENTAL DISABILITY.

16
17 Approved April 2, 2009 at 2:58 p.m.

18
19 **HB09-1181** CONCERNING THE RIGHT OF A VICTIM TO MAKE A
20 STATEMENT AT A COMMUNITY CORRECTIONS HEARING.

21
22 Approved April 2, 2009 at 2:17 p.m.

23
24 **HB09-1185** CONCERNING REQUIREMENTS FOR DOCUMENTS RELATED
25 TO WATER RIGHTS APPLICATIONS.

26
27 Approved April 2, 2009 at 2:59 p.m.

28
29 **HB09-1236** CONCERNING THE DISTANCE AT WHICH AN OPERATOR OF
30 A MOTOR VEHICLE SHALL STOP WHEN A SCHOOL BUS
31 SIGNALS A STOP.

32
33 Approved April 2, 2009 at 3:00 p.m.

34
35 **HB09-1249** CONCERNING THE CONSOLIDATION OF CERTAIN CASH
36 FUNDS CREATED FOR THE DEPARTMENT OF
37 AGRICULTURE.

38
39 Approved April 2, 2009 at 3:01 p.m.

40
41 Sincerely,
42 (signed)
43 Bill Ritter, Jr.
44 Governor

45 _____

46
47
48 **LAY OVER OF CALENDAR ITEM(S)**

49
50 On motion of Representative Weissmann, the following item(s) on the
51 Calendar were laid over until April 6, retaining place on Calendar:

- 52
53 Consideration of Conference Committee Report(s)--**HB09-1162**.
54 Consideration of Resolution(s)--**SJR09-034**.
55 Consideration of Senate Amendment(s)--**HB09-1217**.

56 _____

1 On motion of Representative Weissmann, the House adjourned until
2 10:00 a.m., April 6, 2009.

3

4

5

6

7 Attest:

8 MARILYN EDDINS,

9 Chief Clerk

Approved:

TERRANCE D. CARROLL,

Speaker

