

HOUSE JOURNAL
SEVENTIETH GENERAL ASSEMBLY
STATE OF COLORADO
First Regular Session

Ninety-eighth Legislative Day

Tuesday, April 14, 2015

1 Prayer by Father Leo Weber, Arrupe Jesuit High School, Denver.

2

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

4

5 Pledge of Allegiance led by Gavin Morrison Ross, Primrose Academy,
6 Aurora.

7

8 The roll was called with the following result:

9

10 Present--64.

11 Excused--Representative(s) Ginal--1.

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative Thurlow, the reading of the journal of April
17 13, 2015, was declared dispensed with and approved as corrected by the
18 Chief Clerk.

19

20

21 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

22

23 On motion of Representative Duran, the rules were suspended and the
24 following resolution was given immediate consideration.

25

26 **HJR15-1021** by Representative(s) Pettersen and Danielson; also
27 Senator(s) Donovan and Todd--Concerning the
28 designation of April 14, 2015, as "Equal Pay Day" in
29 Colorado, and, in connection therewith, acknowledging
30 the persisting problem of wage disparity among various
31 groups.

32

33 (Printed and placed in member's files.)

34

35 Representative Pettersen moved that the resolution be adopted, and
36 requested that it be read at length.

37

38 Representative Williams moved the following amendment:

39

40 Amendment No. 1, moved by Representative Williams.

41

42 Amend printed resolution, page 1, lines 2 and 3, strike "and black people"
43 and substitute "and communities of color".

1 The amendment was declared **passed** by **viva voce** vote.

2

3 On motion of Representative Pettersen, the resolution as amended was
4 **adopted** by the following roll call vote:

5

	YES	52	NO	11	EXCUSED	1	ABSENT	1
7 Arndt	Y	Fields	Y	Lundeen	N	Ryden	Y	
8 Becker J.	N	Foote	Y	McCann	Y	Saine	N	
9 Becker K.	Y	Garnett	Y	Melton	Y	Salazar	Y	
10 Brown	Y	Ginal	E	Mitsch Bush	Y	Sias	Y	
11 Buck	N	Hamner	Y	Moreno	Y	Singer	Y	
12 Buckner	Y	Humphrey	N	Navarro	Y	Tate	Y	
13 Carver	Y	Joshi	N	Neville P.	N	Thurlow	Y	
14 Conti	Y	Kagan	Y	Nordberg	N	Tyler	Y	
15 Coram	Y	Keyser	Y	Pabon	-	Van Winkle	N	
16 Court	Y	Klingenschmitt	N	Pettersen	Y	Vigil	Y	
17 Danielson	Y	Kraft-Tharp	Y	Primavera	Y	Willett	Y	
18 DelGrosso	Y	Landgraf	Y	Priola	Y	Williams	Y	
19 Dore	Y	Lawrence	Y	Rankin	Y	Wilson	Y	
20 Duran	Y	Lebsock	Y	Ransom	Y	Windholz	Y	
21 Esgar	Y	Lee	Y	Rosenthal	Y	Winter	Y	
22 Everett	N	Lontine	Y	Roupe	Y	Young	Y	
23						Speaker	Y	

24 Co-sponsor(s) added: Representative(s) Arndt, Becker K., Buckner, Court,
25 Duran, Esgar, Fields, Foote, Garnett, Hamner, Kraft-Tharp, Lebsock, Lee,
26 Lontine, McCann, Melton, Mitsch Bush, Moreno, Primavera, Rosenthal,
27 Roupe, Ryden, Salazar, Singer, Tyler, Vigil, Young, Speaker

28

29

30

MESSAGE FROM THE SENATE

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

56

Madam Speaker:

The Senate has adopted and transmits herewith:
SJR15-025.

The Senate has adopted and returns herewith:
HJR15-1017.

INTRODUCTION AND CONSIDERATION OF RESOLUTION

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

SJR15-025 by Senator(s) Lambert; also Representative(s) Carver--
Concerning the recognition of the 31st Space Symposium
and celebrating the premier U.S. space policy and program
forum.

(Printed and placed in members' files).

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

1 Current Roll Call added as co-sponsor(s): Representative(s) Arndt, Becker J.,
 2 Becker K., Brown, Buck, Buckner, Conti, Coram, Court, Danielson, DelGrosso,
 3 Dore, Duran, Esgar, Everett, Fields, Foote, Garnett, Hamner, Humphrey, Joshi,
 4 Kagan, Keyser, Klingenschmitt, Kraft-Tharp, Landgraf, Lawrence, Lebsock,
 5 Lee, Lontine, Lundeen, McCann, Melton, Mitsch Bush, Moreno, Navarro,
 6 Neville P., Nordberg, Pabon, Pettersen, Primavera, Priola, Rankin, Ransom,
 7 Rosenthal, Roupe, Ryden, Saine, Salazar, Sias, Singer, Tate, Thurlow, Tyler,
 8 Van Winkle, Vigil, Willett, Williams, Wilson, Windholz, Winter, Young,
 9 Speaker.

11 12 **THIRD READING OF BILL(S)--FINAL PASSAGE**

13
14 The following bill(s) were considered on Third Reading. The title(s)
 15 were publicly read. Reading of the bill at length was dispensed with by
 16 unanimous consent.

17
18 **SB15-183** by Senator(s) Hodge and Sonnenberg; also
 19 Representative(s) Arndt and Becker J.--Concerning the
 20 quantification of the historical consumptive use of a water
 21 right.

22
23 As shown by the following roll call vote, a majority of all members
 24 elected to the House voted in the affirmative, and Representative Arndt
 25 was given permission to offer a Third Reading amendment:

27	YES	61	NO	3	EXCUSED	1	ABSENT	0
28	Arndt	Y	Fields	Y	Lundeen	Y	Ryden	Y
29	Becker J.	Y	Foote	Y	McCann	Y	Saine	Y
30	Becker K.	Y	Garnett	Y	Melton	Y	Salazar	Y
31	Brown	Y	Ginal	E	Mitsch Bush	Y	Sias	Y
32	Buck	Y	Hamner	Y	Moreno	Y	Singer	Y
33	Buckner	Y	Humphrey	N	Navarro	Y	Tate	Y
34	Carver	Y	Joshi	Y	Neville P.	N	Thurlow	Y
35	Conti	Y	Kagan	Y	Nordberg	Y	Tyler	Y
36	Coram	Y	Keyser	Y	Pabon	Y	Van Winkle	Y
37	Court	Y	Klingenschmitt	Y	Pettersen	Y	Vigil	Y
38	Danielson	Y	Kraft-Tharp	Y	Primavera	Y	Willett	Y
39	DelGrosso	Y	Landgraf	Y	Priola	Y	Williams	Y
40	Dore	Y	Lawrence	Y	Rankin	Y	Wilson	Y
41	Duran	Y	Lebsock	Y	Ransom	Y	Windholz	Y
42	Esgar	Y	Lee	Y	Rosenthal	Y	Winter	Y
43	Everett	N	Lontine	Y	Roupe	Y	Young	Y
44							Speaker	Y

45
46 **Third Reading amendment No. 1**, moved by Representative Arndt.

47
48 Amend revised bill, page 3, line 5, after "pending" insert "before the
 49 water judges or referees".

50
51 The amendment was declared **passed** by the following roll call vote:

53	YES	64	NO	0	EXCUSED	1	ABSENT	0
54	Arndt	Y	Fields	Y	Lundeen	Y	Ryden	Y
55	Becker J.	Y	Foote	Y	McCann	Y	Saine	Y
56	Becker K.	Y	Garnett	Y	Melton	Y	Salazar	Y

1	Brown	Y	Ginal	E	Mitsch Bush	Y	Sias	Y
2	Buck	Y	Hamner	Y	Moreno	Y	Singer	Y
3	Buckner	Y	Humphrey	Y	Navarro	Y	Tate	Y
4	Carver	Y	Joshi	Y	Neville P.	Y	Thurlow	Y
5	Conti	Y	Kagan	Y	Nordberg	Y	Tyler	Y
6	Coram	Y	Keyser	Y	Pabon	Y	Van Winkle	Y
7	Court	Y	Klingenschmitt	Y	Pettersen	Y	Vigil	Y
8	Danielson	Y	Kraft-Tharp	Y	Primavera	Y	Willett	Y
9	DelGrosso	Y	Landgraf	Y	Priola	Y	Williams	Y
10	Dore	Y	Lawrence	Y	Rankin	Y	Wilson	Y
11	Duran	Y	Lebsock	Y	Ransom	Y	Windholz	Y
12	Esgar	Y	Lee	Y	Rosenthal	Y	Winter	Y
13	Everett	Y	Lontine	Y	Roupe	Y	Young	Y
14							Speaker	Y

15
 16 The question being, "Shall the bill, as amended, pass?".
 17 A roll call vote was taken. As shown by the following recorded vote, a
 18 majority of those elected to the House voted in the affirmative, and the
 19 bill, as amended, was declared **passed**.

21	YES	53	NO	11	EXCUSED	1	ABSENT	0
22	Arndt	Y	Fields	Y	Lundeen	Y	Ryden	Y
23	Becker J.	Y	Foote	Y	McCann	Y	Saine	Y
24	Becker K.	N	Garnett	Y	Melton	Y	Salazar	Y
25	Brown	N	Ginal	E	Mitsch Bush	N	Sias	Y
26	Buck	Y	Hamner	N	Moreno	Y	Singer	Y
27	Buckner	Y	Humphrey	Y	Navarro	Y	Tate	Y
28	Carver	Y	Joshi	Y	Neville P.	Y	Thurlow	N
29	Conti	Y	Kagan	Y	Nordberg	Y	Tyler	Y
30	Coram	N	Keyser	Y	Pabon	N	Van Winkle	Y
31	Court	Y	Klingenschmitt	Y	Pettersen	Y	Vigil	N
32	Danielson	Y	Kraft-Tharp	Y	Primavera	Y	Willett	N
33	DelGrosso	Y	Landgraf	N	Priola	Y	Williams	Y
34	Dore	Y	Lawrence	Y	Rankin	N	Wilson	Y
35	Duran	Y	Lebsock	Y	Ransom	Y	Windholz	Y
36	Esgar	Y	Lee	Y	Rosenthal	Y	Winter	Y
37	Everett	Y	Lontine	Y	Roupe	Y	Young	Y
38							Speaker	Y

39 Co-sponsor(s) added: Representative(s) Lebsock, Pettersen

40
 41 **SB15-137** by Senator(s) Balmer; also Representative(s) DelGrosso
 42 and Ginal, Kraft-Tharp--Concerning business entities
 43 permitted to provide the program of all-inclusive care for
 44 the elderly.

45
 46 The question being "Shall the bill pass?".
 47 A roll call vote was taken. As shown by the following recorded vote, a
 48 majority of those elected to the House voted in the affirmative and the bill
 49 was declared **passed**.

51	YES	64	NO	0	EXCUSED	1	ABSENT	0
52	Arndt	Y	Fields	Y	Lundeen	Y	Ryden	Y
53	Becker J.	Y	Foote	Y	McCann	Y	Saine	Y
54	Becker K.	Y	Garnett	Y	Melton	Y	Salazar	Y
55	Brown	Y	Ginal	E	Mitsch Bush	Y	Sias	Y
56	Buck	Y	Hamner	Y	Moreno	Y	Singer	Y

1	Buckner	Y	Humphrey	Y	Navarro	Y	Tate	Y
2	Carver	Y	Joshi	Y	Neville P.	Y	Thurlow	Y
3	Conti	Y	Kagan	Y	Nordberg	Y	Tyler	Y
4	Coram	Y	Keyser	Y	Pabon	Y	Van Winkle	Y
5	Court	Y	Klingenschmitt	Y	Pettersen	Y	Vigil	Y
6	Danielson	Y	Kraft-Tharp	Y	Primavera	Y	Willett	Y
7	DelGrosso	Y	Landgraf	Y	Priola	Y	Williams	Y
8	Dore	Y	Lawrence	Y	Rankin	Y	Wilson	Y
9	Duran	Y	Lebsock	Y	Ransom	Y	Windholz	Y
10	Esgar	Y	Lee	Y	Rosenthal	Y	Winter	Y
11	Everett	Y	Lontine	Y	Roupe	Y	Young	Y
12							Speaker	Y

13 Co-sponsor(s) added: Representative(s) Brown, Conti, Pabon, Roupe, Salazar,
14 Speaker

15
16 **HB15-1288** by Representative(s) Williams, Becker K., Buckner,
17 Fields, Kagan, Lebsock, McCann, Melton, Pettersen,
18 Salazar, Winter; also Senator(s) Carroll, Guzman--
19 Concerning updates to the statutory prohibition on
20 profiling.
21

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

26	YES	36	NO	28	EXCUSED	1	ABSENT	0
28	Arndt	Y	Fields	Y	Lundeen	N	Ryden	Y
29	Becker J.	N	Foote	Y	McCann	Y	Saine	N
30	Becker K.	Y	Garnett	Y	Melton	Y	Salazar	Y
31	Brown	Y	Ginal	E	Mitsch Bush	Y	Sias	N
32	Buck	N	Hamner	Y	Moreno	Y	Singer	Y
33	Buckner	Y	Humphrey	N	Navarro	N	Tate	N
34	Carver	N	Joshi	N	Neville P.	N	Thurlow	N
35	Conti	N	Kagan	Y	Nordberg	N	Tyler	Y
36	Coram	N	Keyser	N	Pabon	Y	Van Winkle	N
37	Court	Y	Klingenschmitt	N	Pettersen	Y	Vigil	Y
38	Danielson	Y	Kraft-Tharp	Y	Primavera	Y	Willett	N
39	DelGrosso	N	Landgraf	N	Priola	N	Williams	Y
40	Dore	N	Lawrence	N	Rankin	N	Wilson	N
41	Duran	Y	Lebsock	Y	Ransom	N	Windholz	Y
42	Esgar	Y	Lee	Y	Rosenthal	Y	Winter	Y
43	Everett	N	Lontine	Y	Roupe	Y	Young	Y
44							Speaker	Y

45 Co-sponsor(s) added: Representative(s) Duran, Esgar, Moreno, Rosenthal,
46 Tyler, Vigil, Young

47
48 **HB15-1165** by Representative(s) Salazar and Melton, Williams, Esgar,
49 Buckner, Fields, Ginal, Lebsock, Lontine, Primavera,
50 Singer, Winter; also Senator(s) Ulibarri--Concerning the
51 use of American Indian mascots by public institutions of
52 education, and, in connection therewith, making an
53 appropriation.
54

55 Laid over until April 15, retaining place on Calendar.
56

1 On motion of Representative Melton, the House resolved itself into
2 Committee of the Whole for consideration of General Orders, and he was
3 called to the Chair to act as Chairman.

4

5

6 **GENERAL ORDERS--SECOND READING OF BILLS**

7

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

12

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

15

16 **HB15-1235** by Representative(s) Buckner and Pettersen, Becker K.,
17 Duran, Ginal, McCann, Moreno, Pabon, Vigil; also
18 Senator(s) Steadman and Todd--Concerning the creation
19 of the Colorado retirement security task force.

20

21 Laid over until April 15, retaining place on Calendar.

22

23 **HB15-1001** by Representative(s) Pettersen and Garnett; also Senator(s)
24 Todd--Concerning distribution of moneys for scholarship
25 programs that assist early childhood education
26 professionals in obtaining postsecondary credentials in
27 early childhood education, and, in connection therewith,
28 creating the early childhood educator development fund.

29

30 Laid over until April 15, retaining place on Calendar.

31

32 **HB15-1018** by Representative(s) Danielson; also Senator(s) Todd--
33 Concerning measures to protect older Coloradans, and, in
34 connection therewith, adding additional persons who are
35 required to report the abuse or exploitation of senior
36 citizens.

37

38 Amendment No. 1, Judiciary Report, dated February 4, 2015, and placed
39 in member's bill file; Report also printed in House Journal, February 5,
40 2015.

41

42 Amendment No. 2, Public Health Care & Human Services Report, dated
43 February 24, 2015, and placed in member's bill file; Report also printed
44 in House Journal, February 25, 2015.

45

46 Amendment No. 3, Appropriations Report, dated April 10, 2015, and
47 placed in member's bill file; Report also printed in House Journal, April
48 10, 2015.

49

50 As amended, ordered engrossed and placed on the Calendar for Third
51 Reading and Final Passage.

52

53 **HB15-1030** by Representative(s) Landgraf; also Senator(s) Crowder--
54 Concerning the establishment of an employment services
55 for veterans pilot program.

56

1 Amendment No. 1, Appropriations Report, dated April 10, 2015, and
2 placed in member's bill file; Report also printed in House Journal, April
3 10, 2015.

4
5 Amendment No. 2, moved by Representative(s) Landgraf.

6
7 Amend printed bill, page 4, strike lines 11 through 19 and substitute:

8
9 "SECTION 2. **Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, and safety."

12
13 As amended, laid over until April 15, retaining place on Calendar.

14
15 [HB15-1033](#) by Representative(s) Primavera, Wilson, Lebsock; also
16 Senator(s) Crowder--Concerning long-term strategies to
17 address Colorado's aging population, and, in connection
18 therewith, creating a strategic action planning group to
19 develop a comprehensive, long-term action plan for
20 Colorado's aging population.

21
22 Amendment No. 1, Public Health Care & Human Services Report, dated
23 February 18, 2015, and placed in member's bill file; Report also printed
24 in House Journal, February 19, 2015

25
26 Amendment No. 2, Appropriations Report, dated April 10, 2015, and
27 placed in member's bill file; Report also printed in House Journal, April
28 10, 2015.

29
30 As amended, ordered engrossed and placed on the Calendar for Third
31 Reading and Final Passage.

32
33 [HB15-1043](#) by Representative(s) Saine and McCann; also Senator(s)
34 Cooke and Johnston--Concerning penalties for DUI
35 offenders.

36
37 Amendment No. 1, Judiciary Report, dated February 9, 2015, and placed
38 in member's bill file; Report also printed in House Journal, February 10,
39 2015.

40
41 Amendment No. 2, Finance Report, dated March 26, 2015, and placed in
42 member's bill file; Report also printed in House Journal, March 27, 2015.

43
44 Amendment No. 3, Appropriations Report, dated April 10, 2015, and
45 placed in member's bill file; Report also printed in House Journal, April
46 10, 2015.

47
48 As amended, ordered engrossed and placed on the Calendar for Third
49 Reading and Final Passage.

50
51 [HB15-1063](#) by Representative(s) Pabon; also Senator(s) Balmer--
52 Concerning prohibited communication concerning patents.

53
54 Amendment No. 1, Appropriations Report, dated April 10, 2015, and
55 placed in member's bill file; Report also printed in House Journal, April
56 10, 2015

1 Amendment No. 2, moved by Representative(s) Pabon.

2

3 Amend printed bill, page 3, strike line 10 and substitute:

4

5 "(g) Assertion of bad".

6

7 Page 3, line 11, strike "claims," and substitute "claims".

8

9 Page 3, line 12, after "such" insert "bad faith".

10

11 Page 3, strike lines 26 and 27 and substitute "intends to prosecute those
12 asserting bad faith patent infringement claims to protect Colorado
13 businesses and build Colorado's economy,".

14

15 Page 4, strike line 1.

16

17 Page 4, strike line 3 and substitute "interfere with good faith patent
18 infringement claims.".

19

20 Page 4, strike line 17 and substitute:

21

22 **"6-12-102. Bad faith patent infringement communications -
23 prohibition."**

24

25 Page 4, line 23, strike "IF:" and substitute "IF SUCH COMMUNICATION IS IN
26 BAD FAITH. A COURT MAY CONSIDER ONE OR MORE OF THE FOLLOWING
27 CONDITIONS AS EVIDENCE THAT A PERSON OR THE PERSON'S AFFILIATE
28 HAS, IN BAD FAITH, ALLEGED, ASSERTED, OR CLAIMED AN INFRINGEMENT
29 OF A PATENT:".

30

31 Page 4, strike line 27.

32

33 Page 5, strike lines 1 through 5.

34

35 Reletter succeeding paragraphs accordingly.

36

37 Page 5, line 7, strike "LAW BECAUSE:" and substitute "LAW. A COURT MAY
38 CONSIDER ONE OR MORE OF THE FOLLOWING FACTORS AS EVIDENCE THAT
39 A COMMUNICATION LACKS A REASONABLE BASIS IN FACT OR LAW:".

40

41 Page 7, strike lines 5 through 16 and substitute:

42

43 **"6-12-104. Enforcement.** (1) THE ATTORNEY GENERAL HAS THE
44 SOLE AUTHORITY TO ENFORCE THIS ARTICLE AND TO CONDUCT CIVIL
45 INVESTIGATIONS AND BRING CIVIL ACTIONS FOR VIOLATIONS OF THIS
46 ARTICLE.

47

48 (2) IF THE ATTORNEY GENERAL HAS REASONABLE CAUSE TO
49 BELIEVE THAT A PERSON HAS ENGAGED IN AN ACT THAT IS SUBJECT TO
50 THIS ARTICLE, THE ATTORNEY GENERAL MAY MAKE AN INVESTIGATION TO
51 DETERMINE IF THE ACT HAS BEEN COMMITTED, AND, TO THE EXTENT
52 NECESSARY FOR THIS PURPOSE, MAY ADMINISTER OATHS OR
53 AFFIRMATIONS, AND, UPON HIS OR HER OWN MOTION OR UPON REQUEST OF
54 ANY PARTY, MAY SUBPOENA WITNESSES AND COMPEL THEIR ATTENDANCE,
55 ADDUCE EVIDENCE, AND REQUIRE THE PRODUCTION OF ANY MATTER THAT
56 IS RELEVANT TO THE INVESTIGATION, INCLUDING THE EXISTENCE,
DESCRIPTION, NATURE, CUSTODY, CONDITION, AND LOCATION OF ANY

1 BOOKS, DOCUMENTS, OR OTHER TANGIBLE THINGS AND THE IDENTITY AND
2 LOCATION OF PERSONS HAVING KNOWLEDGE OF RELEVANT FACTS, OR ANY
3 OTHER MATTER REASONABLY CALCULATED TO LEAD TO THE DISCOVERY
4 OF ADMISSIBLE EVIDENCE. IN ANY CIVIL ACTION BROUGHT BY THE
5 ATTORNEY GENERAL AS A RESULT OF SUCH AN INVESTIGATION, THE
6 ATTORNEY GENERAL MAY RECOVER THE REASONABLE COSTS OF MAKING
7 THE INVESTIGATION IF THE ATTORNEY GENERAL PREVAILS IN THE ACTION.

8 (3) IF THE PERSON'S RECORDS ARE LOCATED OUTSIDE THIS STATE,
9 THE PERSON AT HIS OR HER OPTION SHALL EITHER MAKE THEM AVAILABLE
10 TO THE ATTORNEY GENERAL AT A CONVENIENT LOCATION WITHIN THIS
11 STATE OR PAY THE REASONABLE AND NECESSARY EXPENSES FOR THE
12 ATTORNEY GENERAL OR THE ATTORNEY GENERAL'S REPRESENTATIVE TO
13 EXAMINE THEM AT THE PLACE WHERE THEY ARE MAINTAINED. THE
14 ATTORNEY GENERAL MAY DESIGNATE REPRESENTATIVES, INCLUDING
15 COMPARABLE OFFICIALS OF THE STATE IN WHICH THE RECORDS ARE
16 LOCATED, TO INSPECT THEM ON THE ATTORNEY GENERAL'S BEHALF.

17 (4) UPON FAILURE WITHOUT LAWFUL EXCUSE TO OBEY A
18 SUBPOENA OR TO GIVE TESTIMONY, THE ATTORNEY GENERAL MAY APPLY
19 TO THE DISTRICT COURT FOR AN ORDER COMPELLING COMPLIANCE.

20 (5) THE ATTORNEY GENERAL SHALL NOT MAKE PUBLIC THE NAME
21 OR IDENTITY OF A PERSON WHOSE ACTS OR CONDUCT HE OR SHE
22 INVESTIGATES PURSUANT TO THIS SECTION OR THE FACTS DISCLOSED IN
23 THE INVESTIGATION, BUT THIS SUBSECTION (5) DOES NOT APPLY TO
24 DISCLOSURES IN ACTIONS OR ENFORCEMENT PROCEEDINGS PURSUANT TO
25 THIS ARTICLE.

26 (6) WHENEVER THE ATTORNEY GENERAL HAS CAUSE TO BELIEVE
27 THAT A PERSON HAS ENGAGED IN OR IS ENGAGING IN ANY VIOLATION OF
28 THIS ARTICLE, THE ATTORNEY GENERAL MAY APPLY FOR AND OBTAIN, IN
29 AN ACTION IN THE APPROPRIATE DISTRICT COURT OF THIS STATE, A
30 TEMPORARY RESTRAINING ORDER OR INJUNCTION, OR BOTH, PURSUANT TO
31 THE COLORADO RULES OF CIVIL PROCEDURE, PROHIBITING SUCH PERSON
32 FROM CONTINUING SUCH PRACTICES, OR ENGAGING THEREIN, OR DOING
33 ANY ACT IN FURTHERANCE THEREOF. THE COURT MAY MAKE SUCH ORDERS
34 OR JUDGMENTS AS MAY BE NECESSARY TO PREVENT THE VIOLATION OF
35 THIS ARTICLE OR WHICH MAY BE NECESSARY TO COMPLETELY
36 COMPENSATE OR RESTORE TO THE ORIGINAL POSITION OF ANY PERSON
37 INJURED BY MEANS OF ANY SUCH VIOLATION OR TO PREVENT ANY UNJUST
38 ENRICHMENT BY ANY PERSON THROUGH THE VIOLATION OF THIS ARTICLE.

39 (7) ANY PERSON WHO VIOLATES OR CAUSES ANOTHER TO VIOLATE
40 ANY PROVISION OF THIS ARTICLE SHALL FORFEIT AND PAY TO THE GENERAL
41 FUND OF THE STATE A CIVIL PENALTY OF NOT MORE THAN FIVE THOUSAND
42 DOLLARS FOR EACH SUCH VIOLATION.

43 (8) A COURT SHALL AWARD COSTS, ATTORNEY FEES, AND EXPERT
44 WITNESS FEES TO THE ATTORNEY GENERAL IN ALL ACTIONS WHERE THE
45 ATTORNEY GENERAL SUCCESSFULLY ENFORCES THIS ARTICLE."

46
47 As amended, ordered engrossed and placed on the Calendar for Third
48 Reading and Final Passage.

49
50 **HB15-1100** by Representative(s) Lebsock and Roupe, Ginal, Melton,
51 Winter, Danielson, Rosenthal, Garnett, Esgar, Lontine,
52 Primavera; also Senator(s) Crowder and Ulibarri, Aguilar,
53 Kefalas, Guzman--Concerning an increase in the amount
54 of the net revenue from the state sales and use tax that is
55 credited to the older Coloradans cash fund.

56

1 Amendment No. 1, Finance Report, dated February 19, 2015, and placed
2 in member's bill file; Report also printed in House Journal, February 20,
3 2015

4
5 Amendment No. 2, Appropriations Report, dated April 10, 2015, and
6 placed in member's bill file; Report also printed in House Journal, April
7 10, 2015.

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

11
12 [HB15-1102](#) by Representative(s) Hamner and Willett; also Senator(s)
13 Donovan--Concerning the expansion of the "Colorado
14 Cottage Foods Act", and, in connection therewith,
15 increasing the food products a producer can sell under the
16 act, requiring an additional disclaimer, and redefining
17 "producer".

18
19 Amendment No. 1, Public Health Care & Human Services Report, dated
20 March 11, 2015, and placed in member's bill file; Report also printed in
21 House Journal, March 12, 2015

22
23 Amendment No. 2, Appropriations Report, dated April 10, 2015, and
24 placed in member's bill file; Report also printed in House Journal, April
25 10, 2015.

26
27 As amended, ordered engrossed and placed on the Calendar for Third
28 Reading and Final Passage.

29
30
31 [HB15-1129](#) by Representative(s) Kraft-Tharp; also Senator(s) Roberts,
32 Grantham, Heath--Concerning disaster prediction and
33 decision support systems by the department of public
34 safety, and, in connection therewith, making an
35 appropriation.

36
37 Amendment No. 1, Appropriations Report, dated April 10, 2015, and
38 placed in member's bill file; Report also printed in House Journal, April
39 10, 2015

40
41 As amended, ordered engrossed and placed on the Calendar for Third
42 Reading and Final Passage.

43
44 [HB15-1132](#) by Representative(s) Coram and Becker K.; also
45 Senator(s) Hodge and Scott--Concerning a tax credit for
46 resident individuals making qualified improvements to
47 increase their home energy efficiency.

48
49 Amendment No. 1, Transportation & Energy Report, dated February 11,
50 2015, and placed in member's bill file; Report also printed in House
51 Journal, February 12, 2015

52
53 Amendment No. 2, Finance Report, dated March 26, 2015, and placed in
54 member's bill file; Report also printed in House Journal, March 27, 2015.

55

1 Amendment No. 3, Appropriations Report, dated April 10, 2015, and
2 placed in member's bill file; Report also printed in House Journal, April
3 10, 2015.

4
5 Amendment No. 4, moved by Representative(s) Coram.

6
7 Amend the Finance Committee Report, dated February 26, 2015, page 2,
8 strike lines 2 and 3 and substitute:

9
10 "Page 1 of the Transportation & Energy committee report, strike line 15.

11
12 Page 2 of the Transportation & Energy committee report, strike lines 1
13 and 2 and substitute:

14
15 "(6) THE COLORADO ENERGY OFFICE SHALL, IN A SUFFICIENTLY
16 TIMELY MANNER TO ALLOW THE DEPARTMENT TO PROCESS RETURNS
17 CLAIMING THE CREDIT ALLOWED BY THIS SECTION, PROVIDE THE
18 DEPARTMENT WITH".

19
20 As amended, ordered engrossed and placed on the Calendar for Third
21 Reading and Final Passage.

22
23 [HB15-1180](#) by Representative(s) Kraft-Tharp and Wilson; also
24 Senator(s) Heath and Holbert--Concerning the creation of
25 a state sales and use tax refund for tangible personal
26 property that is used in Colorado for research and
27 development by a qualified medical technology or clean
28 technology taxpayer.

29
30 Amendment No. 1, Finance Report, dated February 27, 2015, and placed
31 in member's bill file; Report also printed in House Journal, March 2, 2015

32
33 As amended, ordered engrossed and placed on the Calendar for Third
34 Reading and Final Passage.

35
36 [HB15-1181](#) by Representative(s)Keyser; also Senator(s) Crowder--
37 Concerning the exemption from the state income tax of
38 active duty military income earned by a resident individual
39 in the armed forces of the United States.

40
41 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
42 February 25, 2015, and placed in member's bill file; Report also printed
43 in House Journal, February 26, 2015

44
45 Amendment No. 2, Finance Report, dated April 2, 2015, and placed in
46 member's bill file; Report also printed in House Journal, April 3, 2015.

47
48 As amended, ordered engrossed and placed on the Calendar for Third
49 Reading and Final Passage.

50
51 [HB15-1219](#) by Representative(s)McCann and Becker J.; also
52 Senator(s) Hodge and Sonnenberg--Concerning the
53 enterprise zone investment tax credit for renewable energy
54 projects.

55

1 Amendment No. 1, Finance Report, dated March 26, 2015, and placed in
2 member's bill file; Report also printed in House Journal, March 27, 2015
3

4 Amendment No. 2, Appropriations Report, dated April 10, 2015, and
5 placed in member's bill file; Report also printed in House Journal, April
6 10, 2015.
7

8 As amended, ordered engrossed and placed on the Calendar for Third
9 Reading and Final Passage.
10

13 ADOPTION OF COMMITTEE OF THE WHOLE REPORT

15 Passed Second Reading: **HB15-1018 amended, 1033 amended, 1043**
16 **amended, 1063 amended, 1100 amended, 1102 amended, 1129**
17 **amended, 1132 amended, 1180 amended, 1181 amended, 1219**
18 **amended.**
19

20 Laid over until date indicated retaining place on Calendar: **HB15-1235,**
21 **1001, 1030 amended--April 15, 2015.**
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	63	NO	1	EXCUSED	1	ABSENT	0
29	Arndt	Y	Fields	Y	Lundeen	Y	Ryden	Y
30	Becker J.	Y	Foote	Y	McCann	Y	Saine	Y
31	Becker K.	Y	Garnett	Y	Melton	Y	Salazar	Y
32	Brown	Y	Ginal	E	Mitsch Bush	Y	Sias	N
33	Buck	Y	Hamner	Y	Moreno	Y	Singer	Y
34	Buckner	Y	Humphrey	Y	Navarro	Y	Tate	Y
35	Carver	Y	Joshi	Y	Neville P.	Y	Thurlow	Y
36	Conti	Y	Kagan	Y	Nordberg	Y	Tyler	Y
37	Coram	Y	Keyser	Y	Pabon	Y	Van Winkle	Y
38	Court	Y	Klingenschmitt	Y	Pettersen	Y	Vigil	Y
39	Danielson	Y	Kraft-Tharp	Y	Primavera	Y	Willett	Y
40	DelGrosso	Y	Landgraf	Y	Priola	Y	Williams	Y
41	Dore	Y	Lawrence	Y	Rankin	Y	Wilson	Y
42	Duran	Y	Lebsock	Y	Ransom	Y	Windholz	Y
43	Esgar	Y	Lee	Y	Rosenthal	Y	Winter	Y
44	Everett	Y	Lontine	Y	Roupe	Y	Young	Y
45							Speaker	Y

48 APPOINTMENT

50 The Speaker announced the following temporary committee appointment
51 for April 14, 2015 only:

52 **Public Health & Human Services**

53 Representative KC Becker to replace Representative Ginal
54
55
56

1 **LAY OVER OF CALENDAR ITEM(S)**

2
3 On motion of Representative Duran, the following item(s) on the
4 Calendar were laid over until April 15, retaining place on Calendar:

5
6 Consideration of General Orders--**HB15-1230, 1231, 1233, 1248, 1249,**
7 **1274, 1275, 1276, 1281, 1283, 1285, 1287, 1310, 1297, 1241, 1267.**

8 Consideration of Resolution(s)--**HJR15-1020.**

9 Consideration of Senate Amendment(s)--**HB15-1212, 1198.**

10 _____
11
12 House in recess. House reconvened.
13 _____
14

15
16 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

17
18 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

19 After consideration on the merits, the Committee recommends the
20 following:

21
22 **HB15-1320** be amended as follows, and as so amended, be referred to
23 the Committee on Appropriations with favorable
24 recommendation:
25

26 Amend printed bill, page 4, lines 11 and 12, strike "GRANTS,
27 REIMBURSEMENT OF MARKET DEVELOPMENT AND PROMOTION EXPENSES,"
28 and substitute "GRANTS, AND REIMBURSEMENT OF MARKET DEVELOPMENT
29 AND PROMOTION EXPENSES."
30

31 Page 4, strike lines 13 and 14.

32
33 Page 5, line 11, strike "TWO" and substitute "ONE".

34 Page 5, line 13, strike "AND FIFTY" and substitute "FIFTY THOUSAND".
35

36 Page 7, strike lines 12 through 27.
37

38 Renumber succeeding subsections accordingly.
39

40 Page 8, line 8, strike "(9)" and substitute "(8)".

41 Page 8, lines 13 and 14, strike "act, making grants or reimbursements to
42 fund agricultural innovations, or promoting agricultural markets under
43 this act." and substitute "act or making grants or reimbursements to fund
44 agricultural innovations under this act."
45

46
47
48 **HB15-1325** be amended as follows, and as so amended, be referred to
49 the Committee of the Whole with favorable
50 recommendation:
51

52 Amend printed bill, page 2, line 4, strike "(X), (1) (a) (XI), and (5)" and
53 substitute "(X) and (1) (a) (XI)".
54

55 Page 3, strike lines 2 through 11.

56 Page 1, line 101, strike "CANNABIS," and substitute "HEMP,".

1 **EDUCATION**

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

4
5 **HB15-1155** be postponed indefinitely.

6
7
8 **HB15-1322** 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 2, line 12, after the period insert "THE
13 DEPARTMENT SHALL ENSURE THAT THE ENTITY THAT IT CONTRACTS WITH
14 FOR PURPOSES OF THIS SECTION IS NOT AFFILIATED IN ANY MANNER WITH
15 AN ENTITY THAT COLLECTS OR PROCESSES DATA OF ANY TYPE FOR THE
16 DEPARTMENT, A SCHOOL DISTRICT, THE STATE CHARTER SCHOOL
17 INSTITUTE, OR A CHARTER SCHOOL."

18
19 Page 2, line 17, strike "AND".

20
21 Page 2, strike line 20 and substitute "DISTRICTS;

22 (d) RECOMMEND GUIDELINES AND MEASURES FOR PROTECTING
23 STUDENT PRIVACY AS IT RELATES TO THE DATA THAT SCHOOL DISTRICTS,
24 BOARDS OF COOPERATIVE SERVICES, AND CHARTER SCHOOLS REPORT AND
25 THE DEPARTMENT MAINTAINS;

26 (e) RECOMMEND SECURITY PROTOCOLS THAT SCHOOL DISTRICTS,
27 BOARDS OF COOPERATIVE SERVICES, CHARTER SCHOOLS, AND THE
28 DEPARTMENT SHOULD FOLLOW IN SUBMITTING AND MANAGING DATA;

29 (f) RECOMMEND GUIDELINES FOR RETAINING DATA, INCLUDING
30 THE LENGTH OF TIME FOR WHICH SCHOOL DISTRICTS, BOARDS OF
31 COOPERATIVE SERVICES, CHARTER SCHOOLS, AND THE DEPARTMENT MAY
32 RETAIN DATA; AND

33 (g) RECOMMEND THE GENERAL PURPOSES OF DATA COLLECTION TO
34 GUIDE DECISIONS REGARDING WHETHER TO REQUIRE SCHOOL DISTRICTS,
35 BOARDS OF COOPERATIVE SERVICES, AND CHARTER SCHOOLS TO COLLECT
36 DATA."

37
38
39
40 **HB15-1323** be amended as follows, and as so amended, be referred to
41 the Committee on Appropriations with favorable
42 recommendation:

43
44 Amend printed bill, page 3, line 2, after "22-7-1006.3" insert "and
45 22-7-1006.5".

46
47 Page 4, line 5, strike "EIGHT AND TO ALL".

48
49 Page 4, line 6, strike "STUDENTS ENROLLED IN GRADE".

50
51 Page 4, line 9, strike "AND A STATE ASSESSMENT IN SOCIAL STUDIES".

52
53 Page 4, line 12, strike "ASSESSMENT AND" and substitute "ASSESSMENT,".

54
55 Page 4, line 13, strike "THE STATE SOCIAL STUDIES ASSESSMENT,".

56

1 Page 4, line 14, strike "AND SOCIAL STUDIES ASSESSMENT".

2

3 Page 4, after line 16 insert:

4

5 "(III) THE DEPARTMENT, AT THE REQUEST OF A LOCAL EDUCATION
6 PROVIDER, SHALL ADMINISTER A STATE ASSESSMENT IN SOCIAL STUDIES
7 TO STUDENTS ENROLLED BY THE LOCAL EDUCATION PROVIDER. THE LOCAL
8 EDUCATION PROVIDER MAY CHOOSE WHETHER THE SOCIAL STUDIES
9 ASSESSMENT IS ADMINISTERED IN ONE OR ANY COMBINATION OF THE
10 LEVELS OF ELEMENTARY, MIDDLE, OR HIGH SCHOOL; EXCEPT THAT THE
11 DEPARTMENT MAY ADMINISTER THE STATE ASSESSMENT IN SOCIAL
12 STUDIES IN ONLY ONE OF THE ELEMENTARY GRADES, ONE OF THE MIDDLE
13 SCHOOL GRADES, AND ONE OF THE HIGH SCHOOL GRADES."

14

15 Page 4, line 24, strike everything after the period.

16

17 Page 4, strike lines 25 through 27.

18

19 Page 5, strike line 1.

20

21 Page 5, strike line 11 and substitute "DEPARTMENT THE NUMBER OF
22 STUDENTS IT ENROLLS WHO WILL TAKE".

23

24 Page 5, line 27, after the period insert "THE LOCAL EDUCATION PROVIDER
25 SHALL ADMINISTER THE WRITING PORTION OF THE CURRICULUM-BASED,
26 ACHIEVEMENT COLLEGE ENTRANCE EXAM TO EACH STUDENT WHO
27 REQUESTS THE OPPORTUNITY TO TAKE THE WRITING PORTION."

28

29 Page 6, line 2, strike "EXAM." and substitute "EXAM, INCLUDING THE
30 COSTS OF ADMINISTERING THE WRITING PORTION OF THE EXAM."

31

32 Page 7, line 11, strike "WHO IS ELIGIBLE," and substitute "WHOSE
33 INDIVIDUALIZED EDUCATION PROGRAM SPECIFIES THAT THE STUDENT
34 TAKES".

35

36 Page 7, strike line 12.

37

38 Page 7, line 13, strike "EDUCATION PROGRAM, FOR".

39

40 Page 7, line 25, strike "BUT IS NOT ELIGIBLE FOR THE" and substitute
41 "THAT SPECIFIES THAT THE STUDENT TAKES THE STATE ASSESSMENT, THE".

42

43 Page 7, strike line 26.

44

45 Page 8, line 14, after the period add "IF A STUDENT WHO HAS AN
46 INDIVIDUALIZED EDUCATION PROGRAM ATTENDS SCHOOL IN AN
47 ADMINISTRATIVE UNIT OTHER THAN THE STUDENT'S ADMINISTRATIVE UNIT
48 OF RESIDENCE, AND THERE IS A CONTRACT BETWEEN THE TWO
49 ADMINISTRATIVE UNITS, THE ADMINISTRATIVE UNITS MUST SPECIFY IN THE
50 CONTRACT THE PUBLIC SCHOOL TO WHICH THE DEPARTMENT SHALL ASSIGN
51 THE STUDENT'S SCORES FOR PURPOSES OF MEASURING THE LEVELS OF
52 ATTAINMENT ON THE PERFORMANCE INDICATORS, DETERMINING
53 ACCREDITATION CATEGORIES, AND MEASURING PUBLIC SCHOOL
54 PERFORMANCE."

55

56 Page 9, after line 14 insert:

1 "(5) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO
2 THE CONTRARY, A STUDENT WHO IS AN ENGLISH LANGUAGE LEARNER, AS
3 DEFINED IN SECTION 22-24-103, AND WHO HAS BEEN ENROLLED IN A
4 SCHOOL IN THE UNITED STATES FOR FEWER THAN TWELVE MONTHS IS NOT
5 REQUIRED TO TAKE THE ENGLISH LANGUAGE ARTS ASSESSMENT REQUIRED
6 IN SUBSECTION (1) OF THIS SECTION. THE YEAR IN WHICH THE STUDENT
7 DOES NOT TAKE THE ENGLISH LANGUAGE ARTS ASSESSMENT IS INCLUDED
8 AS ONE OF THE THREE YEARS IN WHICH THE STUDENT MAY TAKE THE
9 STATE ASSESSMENT IN HIS OR HER NATIVE LANGUAGE AS PROVIDED IN
10 SUBSECTION (4) OF THIS SECTION.

11 (b) IF ALLOWED BY FEDERAL LAW OR BY A WAIVER OF FEDERAL
12 LAW RECEIVED FROM THE FEDERAL DEPARTMENT OF EDUCATION
13 PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (5), IN THE FIRST
14 TWENTY-FOUR MONTHS IN WHICH A STUDENT WHO IS AN ENGLISH
15 LANGUAGE LEARNER IS ENROLLED IN A SCHOOL IN THE UNITED STATES
16 AND TAKES THE ENGLISH LANGUAGE ARTS ASSESSMENT, THE DEPARTMENT
17 OF EDUCATION SHALL NOT INCLUDE THE STUDENT'S SCORES IN
18 CALCULATING ACHIEVEMENT OF THE PERFORMANCE INDICATORS
19 PURSUANT TO PART 2 OF ARTICLE 11 OF THIS TITLE FOR THE LOCAL
20 EDUCATION PROVIDER THAT ENROLLS THE STUDENT.

21 (c) AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS
22 SECTION, THE DEPARTMENT OF EDUCATION SHALL SUBMIT TO THE
23 FEDERAL DEPARTMENT OF EDUCATION A REQUEST FOR A WAIVER OF
24 FEDERAL LAW AS NECESSARY TO IMPLEMENT PARAGRAPH (b) OF THIS
25 SUBSECTION (5)."

26
27 Renumber succeeding subsections accordingly.

28
29 Page 9, line 20, strike "(5)" and substitute "(6)".

30
31 Page 10, line 2, strike "(5)" and substitute "(6)".

32
33 Page 11, line 15, strike "(6)" and substitute "(7)".

34
35 Page 12, after line 22 insert:

36
37 **"22-7-1006.5. Alternative assessment system - pilot program**
38 **- federal waiver.** (1) THE DEPARTMENT OF EDUCATION SHALL CREATE A
39 PILOT PROGRAM THROUGH WHICH A LIMITED NUMBER OF VOLUNTEER
40 LOCAL EDUCATION PROVIDERS MAY JOINTLY DEVELOP, OR SELECT, AND
41 ADMINISTER AN ASSESSMENT IN EACH OF THE AREAS OF ENGLISH
42 LANGUAGE ARTS, MATHEMATICS, SCIENCE, AND SOCIAL STUDIES TO
43 ESTABLISH THE NECESSARY DATA AND FOUNDATION TO SUPPORT A
44 WAIVER OF THE FEDERAL ASSESSMENT REQUIREMENTS AND TO ESTABLISH
45 AN ALTERNATIVE STATE NORM-REFERENCED AND NATIONALLY
46 NORM-REFERENCED ASSESSMENT THAT LOCAL EDUCATION PROVIDERS
47 MAY CHOOSE TO ADMINISTER.

48 (2) A LOCAL EDUCATION PROVIDER MAY APPLY TO THE
49 DEPARTMENT OF EDUCATION TO PARTICIPATE IN THE PILOT PROGRAM BY
50 SUBMITTING AN APPLICATION NO LATER THAN SEPTEMBER 1, 2015. A
51 LOCAL EDUCATION PROVIDER THAT PARTICIPATES IN THE PILOT PROGRAM
52 MUST CONTINUE TO ADMINISTER THE STATE ASSESSMENTS AS REQUIRED
53 IN SECTION 22-7-1006.3 (1) DURING THE TERM OF THE PILOT PROGRAM.
54 EACH LOCAL EDUCATION PROVIDER THAT PARTICIPATES IN THE PILOT
55 PROGRAM MUST PAY ANY COSTS THAT IT MAY INCUR AS A PARTICIPANT
56 AND MUST ENSURE THAT IT WORKS WITH EDUCATORS IN DEVELOPING OR

1 SELECTING THE ASSESSMENTS.

2 (3) (a) THE DEPARTMENT OF EDUCATION SHALL SPECIFY THE
3 INFORMATION THAT A LOCAL EDUCATION PROVIDER MUST SUBMIT TO
4 APPLY FOR THE PILOT PROGRAM AND THE EXPECTATIONS AND
5 REQUIREMENTS FOR PARTICIPATING IN THE PILOT PROGRAM.

6 (b) NO LATER THAN OCTOBER 1, 2015, THE DEPARTMENT OF
7 EDUCATION SHALL SELECT THE LOCAL EDUCATION PROVIDERS THAT WILL
8 PARTICIPATE IN THE PILOT PROGRAM FROM AMONG THOSE THAT APPLY. IN
9 SELECTING PARTICIPANTS, THE DEPARTMENT SHALL ENSURE THAT NO
10 MORE THAN FIFTEEN PERCENT OF THE TOTAL NUMBER OF STUDENTS
11 ENROLLED IN THE PUBLIC SCHOOLS OF THE STATE FOR THE 2015-16
12 SCHOOL YEAR ARE INCLUDED IN THE PILOT PROGRAM.

13 (4) IN DESIGNING THE PILOT PROGRAM, THE DEPARTMENT OF
14 EDUCATION MUST ENSURE THAT THE RESULTING COMBINATION OF STATE
15 AND LOCAL ASSESSMENTS SUPPORTS USE OF THE COLORADO GROWTH
16 MODEL AS DEFINED IN SECTION 22-11-103, PROVIDES VALID DATA, WHICH
17 CAN BE DISAGGREGATED BY STUDENT GROUP, FOR CREDIBLE STATEWIDE
18 ACCOUNTABILITY AND USE IN MEASURING EDUCATOR EFFECTIVENESS, AND
19 PROVIDES FLEXIBILITY FOR LOCAL EDUCATION PROVIDERS.

20 (5) NO LATER THAN JANUARY 1, 2016, THE COLORADO
21 DEPARTMENT OF EDUCATION SHALL APPLY TO THE FEDERAL DEPARTMENT
22 OF EDUCATION FOR A WAIVER TO IMPLEMENT THE PILOT PROGRAM AS
23 DESCRIBED IN THIS SECTION AND DESIGNED BY THE COLORADO
24 DEPARTMENT. THE COLORADO DEPARTMENT SHALL PROVIDE A COPY OF
25 THE WAIVER REQUEST, WHEN SUBMITTED, AND THE RESPONSE RECEIVED
26 FROM THE FEDERAL DEPARTMENT OF EDUCATION TO THE EDUCATION
27 COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR
28 ANY SUCCESSOR COMMITTEES. THE COLORADO DEPARTMENT AND THE
29 PILOT PROGRAM PARTICIPANTS SHALL WORK WITH THE FEDERAL
30 DEPARTMENT OF EDUCATION AS NECESSARY TO SUCCESSFULLY
31 IMPLEMENT THE PILOT PROGRAM."

32
33 Page 13, line 18, after "(6)" insert "and (7)".

34
35 Page 13, strike lines 24 and 25 and substitute "PROVIDER WILL DECIDE
36 WHETHER".

37
38 Page 13, line 26, strike "TO HAVE".

39
40 Page 13, line 27, before "USE" insert "WILL".

41
42 Page 14, line 2, after the period insert "THE POLICY MUST ENSURE THAT
43 THE LOCAL EDUCATION PROVIDER MAKES THE DECISION IN CONSULTATION
44 WITH PARENTS AND, IF THE LOCAL EDUCATION PROVIDER IS A SCHOOL
45 DISTRICT OR BOARD OF COOPERATIVE SERVICES, THE PUBLIC SCHOOLS
46 THAT THE LOCAL EDUCATION PROVIDER OPERATES. THE LOCAL
47 EDUCATION PROVIDER MAY DECIDE THAT THE STUDENTS IN ONE OR MORE
48 OF THE PUBLIC SCHOOLS, OR IN ONE OR MORE OF THE CLASSROOMS OF THE
49 PUBLIC SCHOOLS, OPERATED BY THE LOCAL EDUCATION PROVIDER WILL
50 USE PENCIL AND PAPER TO COMPLETE THE COMPUTERIZED PORTIONS OF A
51 STATE ASSESSMENT."

52
53 Page 14, after line 6 insert:

54
55 "(7) (a) EACH LOCAL EDUCATION PROVIDER SHALL ADOPT AND
56 IMPLEMENT PROCEDURES BY WHICH THE LOCAL EDUCATION PROVIDER, OR

1 THE PUBLIC SCHOOLS THAT THE LOCAL EDUCATION PROVIDER OPERATES,
 2 SHALL ANNUALLY DISTRIBUTE TO THE PARENTS OF STUDENTS ENROLLED
 3 BY THE LOCAL EDUCATION PROVIDER AN ASSESSMENT CALENDAR. AT A
 4 MINIMUM, THE ASSESSMENT CALENDAR MUST SPECIFY THE ESTIMATED
 5 HOURS EACH TESTING DAY THAT SPECIFIC CLASSES OR GRADES WILL TAKE
 6 EACH ASSESSMENT AND IDENTIFY WHETHER THE ASSESSMENT IS REQUIRED
 7 BY FEDERAL LAW OR STATE LAW OR SELECTED BY THE LOCAL EDUCATION
 8 PROVIDER. THE PROCEDURES SHALL SPECIFY THE TIMING FOR
 9 DISTRIBUTION OF THE CALENDAR AND REQUIRE THAT THE CALENDAR IS
 10 DISTRIBUTED TO PARENTS AND POSTED ON THE LOCAL EDUCATION
 11 PROVIDER'S WEB SITE.

12 (b) (I) IN ADDITION TO THE CALENDAR DESCRIBED IN PARAGRAPH
 13 (a) OF THIS SUBSECTION (7), EACH LOCAL EDUCATION PROVIDER SHALL
 14 PROVIDE WRITTEN INFORMATION TO THE PARENTS OF STUDENTS ENROLLED
 15 BY THE LOCAL EDUCATION PROVIDER THAT DESCRIBES:

16 (A) THE STATE AND LOCAL ASSESSMENTS THAT THE LOCAL
 17 EDUCATION PROVIDER WILL ADMINISTER DURING THE SCHOOL YEAR,
 18 IDENTIFYING THE ASSESSMENTS THAT THE LOCAL EDUCATION PROVIDER
 19 IS REQUIRED BY FEDERAL LAW TO ADMINISTER, ANY ADDITIONAL STATE
 20 ASSESSMENTS THAT THE LOCAL EDUCATION PROVIDER IS REQUIRED BY
 21 SECTION 22-7-1006.3 TO ADMINISTER, THE ASSESSMENTS THAT THE LOCAL
 22 EDUCATION PROVIDER IS REQUIRED BY OTHER STATE LAW TO ADMINISTER,
 23 AND THE ADDITIONAL ASSESSMENTS THAT THE LOCAL EDUCATION
 24 PROVIDER CHOOSES TO ADMINISTER;

25 (B) THE ANTICIPATED CALENDAR FOR ADMINISTERING THE STATE
 26 AND LOCAL ASSESSMENTS DURING THE SCHOOL YEAR; AND

27 (C) THE PURPOSES OF THE STATE ASSESSMENTS ADMINISTERED
 28 PURSUANT TO SECTION 22-7-1006.3 AND ANY ADDITIONAL LOCAL
 29 ASSESSMENTS THAT THE LOCAL EDUCATION PROVIDER ADMINISTERS AND
 30 THE MANNER IN WHICH THE DEPARTMENT OF EDUCATION AND THE LOCAL
 31 EDUCATION PROVIDER USES THE ASSESSMENT RESULTS.

32 (II) EACH LOCAL EDUCATION PROVIDER SHALL ANNUALLY
 33 DISTRIBUTE THE WRITTEN INFORMATION TO PARENTS AS EARLY IN THE
 34 SCHOOL YEAR AS POSSIBLE AND SHALL POST THE WRITTEN INFORMATION
 35 ON THE LOCAL EDUCATION PROVIDER'S WEB SITE.

36 (c) THE PROVISIONS OF THIS SUBSECTION (7) DO NOT APPLY TO
 37 COURSE-SPECIFIC ASSESSMENTS THAT ARE NOT ADOPTED BY THE STATE
 38 BOARD PURSUANT TO SECTION 22-7-1006 OR TO NONSTANDARDIZED,
 39 CLASSROOM-BASED ASSESSMENTS THAT INDIVIDUAL EDUCATORS CHOOSE
 40 TO ADMINISTER TO STUDENTS."

41
 42 Page 16, after line 27 insert:

43
 44 "SECTION 7. In Colorado Revised Statutes, 22-11-207, amend
 45 (4) as follows:

46 **22-11-207. Accreditation categories - criteria - rules.**

47 (4) (a) The state board by rule shall specify how long a school district or
 48 the institute may remain in an accreditation category that is below
 49 accredited; except that the state board shall not allow a school district or
 50 the institute to remain at accredited with priority improvement plan or
 51 below for longer than a total of five consecutive school years before
 52 removing the school district's or the institute's accreditation as provided
 53 in section 22-11-209.

54 (b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF
 55 THIS SUBSECTION (4), THE 2015-16 SCHOOL YEAR, DURING WHICH THE
 56 DEPARTMENT DOES NOT ASSIGN ACCREDITATION RATINGS AS PROVIDED IN

1 SECTION 22-11-208 (1.5), IS NOT INCLUDED IN CALCULATING WHETHER A
2 SCHOOL DISTRICT OR THE INSTITUTE IS ACCREDITED WITH PRIORITY
3 IMPROVEMENT PLAN OR BELOW FOR FIVE CONSECUTIVE SCHOOL YEARS.

4 **SECTION 8.** In Colorado Revised Statutes, 22-11-208, **amend**
5 (1.5) as follows:

6 **22-11-208. Accreditation - annual review - supports and**
7 **interventions - rules.** (1.5) Notwithstanding any provision of this article,
8 or any provision of state board rule that implements this article, to the
9 contrary, for the 2015-16 school year, the department shall NOT assign
10 accreditation ratings for school districts and the institute. ~~based on:~~ FOR
11 THE 2015-16 SCHOOL YEAR, EACH SCHOOL DISTRICT AND THE INSTITUTE
12 SHALL CONTINUE TO IMPLEMENT THE PLAN TYPE THAT WAS ASSIGNED FOR
13 THE PRECEDING SCHOOL YEAR. THE DEPARTMENT SHALL ASSIGN
14 ACCREDITATION RATINGS FOR SCHOOL DISTRICTS AND THE INSTITUTE FOR
15 THE 2016-17 SCHOOL YEAR AND EACH SCHOOL YEAR THEREAFTER.

16 ~~(a) The accreditation rating assigned to the school district or the~~
17 ~~institute for the preceding school year;~~

18 ~~(b) The school district's or the institute's compliance with the~~
19 ~~provisions of its accreditation contract;~~

20 ~~(c) The level of participation on the statewide assessments by~~
21 ~~students enrolled in the schools of the school district or in the institute~~
22 ~~charter schools; and~~

23 ~~(d) Valid and reliable data that meets the guidelines established~~
24 ~~by the commissioner and that the school district or the institute may~~
25 ~~submit to the department to demonstrate the school district's or the~~
26 ~~institute's progress in improving student performance with regard to the~~
27 ~~Colorado academic standards and postsecondary and workforce readiness~~
28 ~~and in attaining the statewide targets for the performance indicators and~~
29 ~~the school district's or the institute's performance targets for the preceding~~
30 ~~school year.~~

31 **SECTION 9.** In Colorado Revised Statutes, 22-11-210, **amend**
32 (1) (d) and (2.5) as follows:

33 **22-11-210. Public schools - annual review - plans - supports**
34 **and interventions - rules.** (1) (d) (I) The state board by rule shall specify
35 how long a public school may implement an improvement, priority
36 improvement, or turnaround plan; except that the state board shall not
37 allow a public school to continue implementing a priority improvement
38 or turnaround plan for longer than a combined total of five consecutive
39 school years before requiring the school district or the institute to
40 restructure or close the public school.

41 (II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF
42 THIS PARAGRAPH (d), THE 2015-16 SCHOOL YEAR, DURING WHICH THE
43 DEPARTMENT DOES NOT RECOMMEND SCHOOL PLANS AS PROVIDED IN
44 SUBSECTION (2.5) OF THIS SECTION, IS NOT INCLUDED IN CALCULATING
45 WHETHER A PUBLIC SCHOOL IMPLEMENTS A PRIORITY IMPROVEMENT PLAN
46 OR TURNAROUND PLAN FOR A COMBINED TOTAL OF FIVE CONSECUTIVE
47 SCHOOL YEARS.

48 (2.5) Notwithstanding any provision of this article, or any
49 provision of state board rule that implements this article, to the contrary,
50 for the 2015-16 school year, the department shall NOT recommend to the
51 state board school plan types. ~~based on:~~ FOR THE 2015-16 SCHOOL YEAR,
52 EACH PUBLIC SCHOOL SHALL CONTINUE TO IMPLEMENT THE SCHOOL PLAN
53 TYPE THAT WAS ASSIGNED FOR THE PRECEDING SCHOOL YEAR. THE
54 DEPARTMENT SHALL RECOMMEND TO THE STATE BOARD SCHOOL PLAN
55 TYPES FOR THE 2016-17 SCHOOL YEAR AND EACH SCHOOL YEAR
56 THEREAFTER.

- 1 ~~(a) The type of school plan that the public school was required to~~
 2 ~~implement for the preceding school year;~~
 3 ~~(b) The level of participation by students enrolled in the public~~
 4 ~~school in the statewide assessments; and~~
 5 ~~(c) Valid and reliable data that meets the guidelines established by~~
 6 ~~the commissioner and that the school district of the public school or the~~
 7 ~~institute may submit to the department to demonstrate the public school's~~
 8 ~~progress in improving student performance with regard to the Colorado~~
 9 ~~academic standards and postsecondary and workforce readiness and in~~
 10 ~~attaining the statewide targets for the performance indicators, the school~~
 11 ~~district's or the institute's performance targets, and the public school's~~
 12 ~~performance targets for the preceding school year.~~

13 **SECTION 10.** In Colorado Revised Statutes, 22-9-106, **amend**
 14 (2.5) (b) (II) (A) as follows:

15 **22-9-106. Local boards of education - duties - performance**
 16 **evaluation system - compliance - rules - repeal.** (2.5) (b) (II) (A) For
 17 the 2014-15 academic year and every year thereafter, a local board shall
 18 implement a licensed personnel evaluation system based on the quality
 19 standards established pursuant to this article and rule of the state board,
 20 including student academic growth; except that, for the 2014-15 academic
 21 year only, a local board may determine at what percentage, if any, to
 22 weigh student academic growth toward the final level of effectiveness
 23 assigned to any person receiving an evaluation pursuant to this article. In
 24 no instance may a local board weigh student academic growth, as used in
 25 determining a final level of effectiveness, at greater than fifty percent.
 26 FOR THE 2014-15 ACADEMIC YEAR, A LOCAL BOARD SHALL NOT USE THE
 27 RESULTS OF THE STATE ASSESSMENTS ADMINISTERED PURSUANT TO
 28 SECTION 22-7-1006.3 IN MEASURING STUDENT ACADEMIC GROWTH FOR
 29 PURPOSES OF DETERMINING A PERSON'S LEVEL OF EFFECTIVENESS.

30 **SECTION 11.** In Colorado Revised Statutes, 22-11-208, **add**
 31 (1.7) as follows:

32 **22-11-208. Accreditation - annual review - supports and**
 33 **interventions - rules.** (1.7) AS PART OF THE PRESENTATION TO THE JOINT
 34 EDUCATION COMMITTEE REQUIRED BY SECTION 2-7-203, C.R.S., IN 2015,
 35 THE DEPARTMENT SHALL REPORT PROGRESS IN USING THE ASSESSMENT
 36 RESULTS RECEIVED PURSUANT TO SECTION 22-7-1006.3 TO CALCULATE
 37 FAIRLY AND IN A TIMELY MANNER EACH SCHOOL DISTRICT'S AND THE
 38 INSTITUTE'S ACHIEVEMENT OF THE PERFORMANCE INDICATORS. THE
 39 DEPARTMENT SHALL RECOMMEND TO THE JOINT EDUCATION COMMITTEE
 40 WHETHER THE PROVISIONS OF SUBSECTION (1.5) OF THIS SECTION SHOULD
 41 BE EXTENDED TO APPLY IN SUBSEQUENT SCHOOL YEARS.

42 **SECTION 12.** In Colorado Revised Statutes, 22-11-210, **add**
 43 (2.7) as follows:

44 **22-11-210. Public schools - annual review - plans - supports**
 45 **and interventions - rules.** (2.7) AS PART OF THE PRESENTATION TO THE
 46 JOINT EDUCATION COMMITTEE REQUIRED BY SECTION 2-7-203, C.R.S., IN
 47 2015, THE DEPARTMENT SHALL REPORT PROGRESS IN USING THE
 48 ASSESSMENT RESULTS RECEIVED PURSUANT TO SECTION 22-7-1006.3 TO
 49 CALCULATE FAIRLY AND IN A TIMELY MANNER EACH PUBLIC SCHOOL'S
 50 ACHIEVEMENT OF THE PERFORMANCE INDICATORS. THE DEPARTMENT
 51 SHALL RECOMMEND TO THE JOINT EDUCATION COMMITTEE WHETHER THE
 52 PROVISIONS OF SUBSECTION (2.5) OF THIS SECTION SHOULD BE EXTENDED
 53 TO APPLY IN SUBSEQUENT SCHOOL YEARS."

54
 55 Renumber succeeding sections accordingly.

56

- 1 **STATE, VETERANS, & MILITARY AFFAIRS**
2 After consideration on the merits, the Committee recommends the
3 following:
4
5 **HB15-1138** be postponed indefinitely.
6
7
8 **HB15-1152** be postponed indefinitely.
9
10
11 **HB15-1168** be postponed indefinitely.
12
13
14 **SB15-032** be postponed indefinitely.
15
16
17 **SB15-086** be postponed indefinitely.
18
19
20 **SB15-175** be postponed indefinitely.
21

22
23
24
25 **MESSAGE FROM THE SENATE**

26
27 Madam Speaker:

28
29 The Senate has passed on Third Reading and transmitted to the Revisor
30 of Statutes:
31 SB15-205 and SB15-207.

32
33 The Senate has passed on Third Reading and transmitted to the Revisor
34 of Statutes:
35 SB15-177 amended in General Orders as printed in Senate Journal,
36 April 10, 2015.
37 SB15-203 amended in General Orders as printed in Senate Journal,
38 April 13, 2015.

39
40 The Senate has passed on Third Reading and returns herewith:
41 HB15-1149, HB15-1266, HB15-1269, HB15-1294, and HB15-1295.

42
43 The Senate has passed on Third Reading and transmitted to the Revisor
44 of Statutes:
45 HB15-1173 amended in General Orders as printed in Senate Journal,
46 April 10, 2015, and amended on Third Reading as printed
47 in the Senate Journal, April 14, 2015.
48 HB15-1218 amended in General Orders as printed in Senate Journal,
49 April 13, 2015.
50 HB15-1280 amended in General Orders as printed in Senate Journal,
51 April 13, 2015.

52
53
54
55

MESSAGE(S) FROM THE REVISOR

1
2
3 We herewith transmit:
4 without comment, **SB15-205 and 207.**
5 without comment, as amended, **HB15-1173, 1218, and 1280.**
6 without comment, as amended, **SB15-177 and 203.**
7
8

INTRODUCTION OF BILLS
First Reading

9
10
11
12
13 The following bills were read by title and referred to the committees
14 indicated:

15
16 **HB15-1359** by Representative(s) Danielson and Landgraf; also
17 Senator(s) Kefalas and Martinez Humenik--Concerning
18 the creation of the achieving a better life experience
19 (ABLE) savings program for individuals with disabilities.
20 Committee on Public Health Care & Human Services
21

22 **HB15-1360** by Representative(s) Ginal, Singer; also Senator(s)
23 Lundberg, Newell--Concerning the use of injection
24 therapy by acupuncturists licensed pursuant to article 29.5
25 of title 12, Colorado Revised Statutes.
26 Committee on Health, Insurance, & Environment
27

28 **HB15-1361** by Representative(s) Moreno and DelGrosso--Concerning
29 prohibiting the Tony Grampsas youth services board from
30 placing a cap on the dollar amount awarded to
31 organizations through the Tony Grampsas youth services
32 program.
33 Committee on Public Health Care & Human Services
34

35 **HB15-1362** by Representative(s) Melton--Concerning a requirement
36 that the executive board of a common interest community
37 created in Colorado before July 1, 1992, comply with the
38 budget reporting provision of the "Colorado Common
39 Interest Ownership Act".
40 Committee on Business Affairs and Labor
41

42
43
44
45 On motion of Representative Duran, the following bill(s) will be
46 calendared for General Orders on April 16: **HB15-1235, 1001.**
47

48 On motion of Representative Duran, the following bill(s) will be
49 calendared for General Orders on April 20: **HB15-1325.**
50

51 On motion of Representative Duran, the following resolution(s) will be
52 calendared for April 21: **HJR15-1020**
53
54

1 On motion of Representative Duran, the House adjourned until 9:00 a.m.,
2 April 15, 2015.

3

4

5

6

7

8

9

10

11

12

13

Approved:
DICKY LEE HULLINGHORST,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk

