

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

114th Legislative Day

Thursday, May 3, 2012

Prayer By the chaplain, Reverend Paul Kottke, University Park United Methodist Church, Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Nicholson.

Roll Call Present--33
Excused--2, Mitchell, Steadman.
Present later--2, Mitchell, Steadman.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Neville, reading of the Journal of Thursday, May 3, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **SB12-181** be postponed indefinitely.

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **HB12-1328** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **HB12-1268** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend reengrossed bill, page 8, line 26, after "CENTER," insert "HOME CARE AGENCY, ASSISTED LIVING RESIDENCE,".

Page 9, line 24, after "DEPARTMENT," insert "OR WHEN NECESSARY FOR FACILITIES CERTIFIED OR SEEKING CERTIFICATION BY THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES,".

Page 9, line 27, strike "OCCUPANCY" and substitute "COMPLIANCE".

Page 11, line 26, after "FUNCTIONS." insert "THE DIVISION SHALL CONDUCT THE NECESSARY PLAN REVIEWS AND INSPECTIONS AND ISSUE CERTIFICATES OF COMPLIANCE TO CERTIFY THAT SUCH BUILDINGS OR STRUCTURES ARE CONSTRUCTED OR MAINTAINED IN CONFORMITY WITH THE CODES ADOPTED BY THE DIRECTOR.".

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Judiciary

After consideration on the merits, the Committee recommends that **SB12-107** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 4, strike lines 4 through 27.

Strike pages 5 through 7.

Page 8, strike lines 1 through 16 and substitute:

"34-60-130. Hydraulic fracturing - rules. (1) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE "FRACKING SAFETY AND WATER PROTECTION ACT".

(2) THE COMMISSION SHALL, WITHIN EXISTING RESOURCES, ADOPT RULES PURSUANT TO THIS SUBSECTION (2). THE RULES MUST CONTAIN DEADLINES, INCLUDING APPROPRIATE MILESTONES, FOR OPERATORS TO COMPLY WITH ANY ASPECT OF THE RULES THAT CANNOT REASONABLY BE COMPLIED WITH IMMEDIATELY. THE RULES MUST REQUIRE OPERATORS TO USE PRACTICES THAT ARE DESIGNED TO PREVENT OR REDUCE IMPACTS CAUSED BY OIL AND GAS OPERATIONS TO AIR, WATER, SOIL, OR BIOLOGICAL RESOURCES, AND TO MINIMIZE ADVERSE IMPACTS TO PUBLIC HEALTH, SAFETY AND WELFARE, INCLUDING THE ENVIRONMENT AND WILDLIFE RESOURCES, REGARDING:

(a) HYDRAULIC FRACTURING NEAR:
(I) RADIOACTIVE MATERIAL, AS DEFINED SECTION 25-11-101 (6), C.R.S.;

(II) EXPLOSIVES, INCLUDING MUNITIONS; AND
(III) SITES LISTED ON THE NATIONAL PRIORITY LIST PURSUANT TO THE FEDERAL "COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980", 42 U.S.C. SEC. 9601 ET SEQ., AS AMENDED;

(b) THE SHUT-DOWN OF HYDRAULIC FRACTURING OPERATIONS WHEN PRESSURE READINGS INDICATE THAT THE HYDRAULIC FRACTURING FLUID HAS ENTERED A NONTARGETED AREA OF THE GEOLOGIC FORMATION;

(c) INCREASED SET BACKS COMPARED WITH THOSE IN THE COMMISSION'S RULES ON THE EFFECTIVE DATE OF THIS SECTION;

(d) THE USE OF OPEN PITS TO STORE OR DISPOSE OF DRILLING MUDS, HYDRAULIC FRACTURING FLUIDS, OR FLOW-BACK IN AREAS WHERE THERE IS RISK TO OCCUPIED STRUCTURES, SURFACE WATER, OR TRIBUTARY GROUNDWATER FROM SUCH USE, STORAGE, OR DISPOSAL;

(e) THE USE OF CLOSED-LOOP SYSTEMS FOR HYDRAULIC FRACTURING TREATMENTS;

(f) AFTER CONSULTATION WITH THE AIR QUALITY CONTROL COMMISSION CREATED IN SECTION 25-7-104 (1), C.R.S., THE MINIMIZATION OF AIR EMISSIONS FROM OIL AND GAS OPERATIONS;

(g) (I) THE COLLECTION OF WATER QUALITY SAMPLES RELATED TO POTENTIAL IMPACTS FROM HYDRAULIC FRACTURING, AS DETERMINED BY THE COMMISSION, FROM ALL ACTIVE WATER WELLS LOCATED WITHIN ONE-HALF MILE OF AN OIL AND GAS WELL THAT WILL BE HYDRAULICALLY FRACTURED. THE OPERATOR SHALL ALSO COLLECT WATER QUALITY SAMPLES RELATED TO POTENTIAL IMPACTS FROM HYDRAULIC FRACTURING AT LEAST ONCE AFTER THE COMPLETION OF THE HYDRAULIC FRACTURING, PURSUANT TO A SCHEDULE ESTABLISHED BY THE COMMISSION, FROM ALL WATER WELLS LOCATED WITHIN ONE-HALF MILE OF THE OIL AND GAS WELL. THE OPERATOR SHALL SUBMIT THE SAMPLES IN A WATER QUALITY REPORT TO THE COMMISSION, IN A FORMAT AND BY A DEADLINE ESTABLISHED BY THE COMMISSION.

(II) THE COMMISSION SHALL PROMPTLY POST THE WATER QUALITY REPORTS ON ITS WEB SITE. THE REPORTS MUST BE SEARCHABLE BY OPERATOR, WELL LOCATION, AND OTHER FACTORS ESTABLISHED BY THE COMMISSION.

(III) THE RULES MUST INCLUDE TARGETED GOALS FOR THE REDUCTION OF THE TOXICITY OF HYDRAULIC FRACTURING FLUIDS; EXCEPT THAT NOTHING IN THIS PARAGRAPH (g) PROHIBITS THE USE OR REINJECTION OF FLOW-BACK FLUID.

(h) THE FINANCIAL ASSURANCES OF SECTION 34-60-106 (3.5) AND (13) MUST BE SUFFICIENT TO COVER REMEDIATION OF ALL FORESEEABLE DAMAGES TO PEOPLE, PROPERTY, SOIL, FOOD, AND WATER IN THE EVENT OF A SPILL, ACCIDENT, OR CONTAMINATION CAUSED DIRECTLY FROM CHEMICALS, LEAK OF METHANE, OIL, OR OTHER RELEASE OF OTHER

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UNDERGROUND CONTAMINANTS DISLODGED BY THE DRILLING PROCESS.

(3) (a) NOTHING IN THIS SECTION REQUIRES THE COMMISSION TO HIRE ANY NEW PERSONNEL OR CONTRACT WITH ADDITIONAL CONSULTANTS.

(b) ALL COSTS OF IMPLEMENTATION OF THIS SECTION MUST BE PAID BY PERMIT FEES ESTABLISHED AND COLLECTED PURSUANT TO SECTION 34-60-106 (16).".

Health & Human Services

After consideration on the merits, the Committee recommends that **SB12-065** be postponed indefinitely.

Health & Human Services

After consideration on the merits, the Committee recommends that **SB12-183** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

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

"**SECTION 1.** In Colorado Revised Statutes, 40-2-108, **add** (3) as follows:

40-2-108. Rules - repeal. (3) (a) THE COMMISSION SHALL REQUIRE NATURAL GAS AND ELECTRIC UTILITIES SUBJECT TO ITS JURISDICTION TO PROVIDE THE COMMISSION ON LOW-INCOME ENERGY ASSISTANCE, CREATED IN SECTION 40-8.5-103.5, DATA CONCERNING NOTIFICATION AND DISCONTINUANCE OF UTILITY SERVICE TO RESIDENTIAL CUSTOMERS TO ASSIST WITH THE ASSESSMENT AND REVIEW REQUIRED BY SECTION 40-8.5-103.5 (5).

(b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2014.

SECTION 2. In Colorado Revised Statutes, 40-8.5-103.5, **add** (5) as follows:

40-8.5-103.5. Commission created - duties - repeal. (5) (a) ON OR BEFORE DECEMBER 15, 2013, THE COMMISSION SHALL MAKE RECOMMENDATIONS TO THE GOVERNOR, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE SENATE, AND THE HOUSE COMMITTEE ON HEALTH AND ENVIRONMENT AND THE SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES, OR THEIR SUCCESSOR COMMITTEES, CONCERNING ANY NECESSARY LEGISLATIVE CHANGES TO EXISTING MEASURES INTENDED TO PREVENT THE DISCONTINUANCE OF RESIDENTIAL ELECTRIC AND NATURAL GAS SERVICE DURING PERIODS OF EXTREME WEATHER. THE COMMISSION SHALL CONSIDER CURRENT PRACTICES, POLICIES, AND RULES THAT ADDRESS THE DISCONTINUANCE OF SERVICE TO LOW-INCOME HOUSEHOLDS, INCLUDING VENDOR AGREEMENT REQUIREMENTS OF THE LOW-INCOME ENERGY ASSISTANCE PROGRAM, CREATED IN SECTION 40-8.7-104, RULES OF THE COLORADO PUBLIC UTILITIES COMMISSION CONCERNING DISCONTINUANCE OF NATURAL GAS AND ELECTRIC UTILITY SERVICE AND LOW-INCOME RATE RELIEF, AND CURRENT UTILITY PRACTICES.

(b) THE COMMISSION SHALL REVIEW DATA PROVIDED BY UTILITIES PURSUANT TO SECTION 40-2-108 (3) TO ASSESS THE IMPACT THAT EXISTING UTILITY RULES, AGREEMENTS, AND POLICIES HAVE ON LOW-INCOME RESIDENTIAL CUSTOMERS.

(c) THE COMMISSION MAY SEEK AND RECEIVE PUBLIC AND PRIVATE FUNDING TO ASSIST IN THE CONDUCT OF THE ASSESSMENT AND REVIEW REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (5), INCLUDING ASSISTANCE FROM THE EXISTING RESOURCES OF THE DEPARTMENT OF HUMAN SERVICES, CREATED IN SECTION 24-1-120, C.R.S., THE EXISTING RESOURCES OF THE COLORADO PUBLIC UTILITIES COMMISSION, AND THE RESOURCES OF ENERGY OUTREACH COLORADO, A COLORADO NONPROFIT CORPORATION, AS DESCRIBED IN SECTION 40-8.7-112 (2) (a).

(d) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2014.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.".

Page 1, strike lines 102 and 103 and substitute: "**CERTAIN RESIDENTIAL**

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CUSTOMERS' UTILITY SERVICE, AND, IN CONNECTION THEREWITH, DIRECTING THE COMMISSION ON LOW-INCOME ENERGY ASSISTANCE TO REVIEW AND REPORT ON THE EFFECTIVENESS OF EXISTING MEASURES CONCERNING DISCONTINUANCE OF SERVICE AND LOW-INCOME RATE RELIEF."

Health & Human Services

After consideration on the merits, the Committee recommends that **HB12-1332** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, line 5, after the period insert "A PATIENT SHALL BE ADVISED IF AN ANESTHESIOLOGIST ASSISTANT IS INVOLVED IN THE CARE OF A PATIENT."

Page 4, line 10, after the period insert "THE BOARD MAY CONSIDER INFORMATION FROM ANESTHESIOLOGISTS, ANESTHESIOLOGIST ASSISTANTS, PATIENTS, AND OTHER SOURCES WHEN CONSIDERING A RATIO CHANGE OF SUPERVISION OF ANESTHESIOLOGIST ASSISTANTS."

Page 4, after line 13 insert:

"(c) NOTHING IN THIS SUBSECTION (7) AFFECTS THE PRACTICE OF DENTISTS AND DENTAL ASSISTANTS PRACTICING PURSUANT TO ARTICLE 35 OF TITLE 12."

SENATE SERVICES REPORT

Correctly Engrossed: SB12-173; SJM12-004; SJR12-040 and 048.
Correctly Reengrossed: SB12-086, 117, 129, 132, 162, 163 and 172.
Correctly Revised: HB12-1036, 1043 and 1086.
Correctly Rerevised: HB12-1226, 1274, 1294, 1302, 1303 and 1331.

MESSAGE FROM THE HOUSE

May 2, 2012

The House has voted to concur in the Senate amendments to HB12-1321, and has repassed the bills as so amended.

The House has voted to grant the House conferees on the First Conference Committee on SB12-020 to consider matters not at issue between the two houses.

INTRODUCTION OF BILLS -- FIRST READING

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

HB12-1327 by Representative(s) Coram; also Senator(s) Roberts and King S.--Concerning financial responsibility requirements for motor carriers, and, in connection therewith, repealing the surety bond requirement for towing carriers, imposing a period of disqualification from the right to operate as a towing carrier as an additional penalty for failure to respond as required after violating applicable provisions, creating a designated tow truck license plate, and, in connection therewith, making an appropriation.
Transportation

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HB12-1351 by Representative(s) Becker; also Senator(s) Tochtrop--Concerning inclusion under the renewable energy standard's definition of recycled energy such energy that combusts gas generated from synthetic gas derived from waste materials through pyrolysis as the fuel source for generation.
State, Veterans & Military Affairs

HB12-1353 by Representative(s) Becker, Gerou, Levy; also Senator(s) Steadman, Hodge, Lambert--Concerning the mitigation of the effect of automatic proportional reductions to the tier 2 transfers out of the operational account of the severance tax trust fund when revenue shortfalls occur.
Finance

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions.

CONSIDERATION OF RESOLUTIONS

SJR12-043 by Senator(s) White, Foster, Guzman, Hudak, Jahn, King S., Lundberg, Newell, Nicholson, Roberts, Scheffel, Shaffer B., Spence, Tochtrop, Williams S.; also Representative(s) Murray--Concerning ovarian cancer in Colorado.

On motion of Senator White, the resolution was read at length and **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Giron, Grantham, Harvey, Heath, Hodge, Johnston, King K., Lambert, Mitchell, Morse, Neville, Renfroe, Schwartz and Steadman.

SJR12-039 by Senator(s) Scheffel; also Representative(s) Massey--Concerning the designation of September 27, 2012, as "First Responder Appreciation Day".

On motion of Senator Scheffel, the resolution was read at length and **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

Senate in recess. Senate reconvened.

THIRD READING OF BILLS -- FINAL PASSAGE

On third reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

HB12-1036 by Representative(s) Kerr J.; also Senator(s) Boyd--Concerning clarification of the exemption from the "Colorado Open Records Act" for investigative files.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Call of the Senate. Call raised.

HB12-1043 by Representative(s) Conti; also Senator(s) King K.--Concerning concurrent enrollment for students who may complete high school graduation requirements before the end of twelfth grade.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Boyd, Brophy, Cadman, Foster, Grantham, Heath, Hodge, Hudak, Jahn, King S., Lambert, Lundberg, Mitchell, Neville, Roberts, Scheffel, Schwartz, Spence, Tochtrop, White and Williams S.

HB12-1086 by Representative(s) Gardner B., Labuda, Levy, Murray, Waller; also Senator(s) Morse, Brophy, Guzman, Roberts, Schwartz--Concerning implementation of recommendations of the committee on legal services in connection with legislative review of rules and regulations of state agencies.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB12-173 by Senator(s) Jahn, Boyd, Harvey, Lundberg, Neville, Newell, Roberts, White, Williams S.; also Representative(s) Summers and DelGrosso--Concerning repeal of the requirement that mental health professionals make certain disclosures verbally.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Nicholson, Steadman and Tochtrop.

Committee of the Whole On motion of Senator Guzman, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Guzman was called to the chair to act as Chairman.

GENERAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB12-1272 by Representative(s) Duran and Ramirez, Fields, Tyler, Casso, Ferrandino, Hullinghorst, Miklosi, Singer, Solano, Soper, Vigil; also Senator(s) Newell--Concerning continuation of enhanced unemployment insurance benefits for unemployed individuals participating in approved training programs, and, in connection therewith, making an appropriation.

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

SB12-169 by Senator(s) Tochtrop; --Concerning the administration of county powers to maintain the landscape.

Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.
(Printed in Senate Journal, May 1, page 964 and placed in members' bill files.)

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

(For further action, see amendments to the report of the Committee of the Whole.)

Senator Tochtrop moved that the Committee of the Whole rise, report progress, and beg leave to sit again. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.

Committee of the Whole in recess.

Call of the Senate. Call raised.

NOTICE OF INTENT TO MOVE FOR RECONSIDERATION WITHDRAWN

SB12-129 by Senator(s) Schwartz, Aguilar, Bacon, Heath, Hodge, Hudak, Johnston, King S., Newell, Roberts, Steadman, Tochtrop, White, Williams S.; also Representative(s) Coram-- Concerning access to affordable broadband internet connectivity in noncompetitive rural areas.

Senator Steadman withdrew his notice of intent to move for reconsideration of SB12-129.

Senate in recess. Senate reconvened.

Committee of the Whole reconvened.

GENERAL ORDERS -- SECOND READING OF BILLS - cont'd

HB12-1238 by Representative(s) Massey and Hamner, Fields, Pabon, Priola, Casso, Gerou, Lee, Murray, Pace, Sonnenberg, Swerdfeger; also Senator(s) Johnston and Spence, Bacon, Giron, Jahn, Newell--Concerning literacy education for students enrolled in kindergarten through third grade, and, in connection therewith, creating the "Colorado Early Literacy Act" and making and reducing appropriations.

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Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, May 1, page 894-910 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, May 1, pages 965-966 and placed in members' bill files.)

Amendment No. 3(L.050), by Senator Johnston.

Amend the State, Veterans & Military Affairs Committee Report, dated April 25, 2012, page 3, after line 16, insert:

"Page 9 of the bill, line 23, strike "CANNOT DEMONSTRATE READING COMPETENCY AT" and substitute "DOES NOT MEET"."

Page 7 of the committee report, line 12, strike "THAT STUDENTS" and substitute "THE STUDENT".

Page 14 of the committee report, line 33, strike "PARAGRAPH (d)" and substitute "SUBPARAGRAPH (IV) OF PARAGRAPH (b)".

Page 15 of the committee report, line 9, strike "PARAGRAPH (d)" and substitute "SUBPARAGRAPH (IV) OF PARAGRAPH (b)".

Page 16 of the committee report, line 35, strike "DEFICIENCIES OR, FOR THE 2012-13 BUDGET" and substitute "DEFICIENCIES;".

Page 16 of the committee report, strike line 36.

Page 20 of the committee report, strike line 35 and substitute "PERCENTAGES OF STUDENTS ENROLLED IN THIRD AND FOURTH GRADES IN THE PUBLIC SCHOOL, THE SCHOOL DISTRICT, ALL INSTITUTE CHARTER SCHOOLS, AND THE STATE AS A WHOLE".

Page 20 of the committee report, line 36, strike "AND FOURTH GRADES".

Amendment No. 4(L.057), by Senator Johnston.

Amend reengrossed bill, page 26, line 17, after "IS" insert "VALID AND RELIABLE AND".

Amend the State, Veterans & Military Affairs Committee Report, dated April 25, 2012, page 12, strike lines 2 through 5 and substitute:

""(d) RULES TO PROVIDE NOTICE AND AN APPEALS PROCESS, WHICH MAY BE A PROCESS FOR WRITTEN APPEALS, FOR PUBLISHERS WHO SUBMIT MATERIALS FOR INCLUSION ON THE LIST OF APPROVED ASSESSMENTS AND THE ADVISORY LISTS OF INSTRUCTIONAL PROGRAMMING AND PROFESSIONAL DEVELOPMENT PROGRAMS;"."

Page 14 of the committee report, line 18, before "ON" insert "IN THE FORM OF PROFESSIONAL DEVELOPMENT DELIVERED BY EXPERTS IN LITERACY".

Amendment No. 5(L.053), by Senator Hudak.

Amend the State, Veterans & Military Affairs Committee Report, dated April 25, 2012, page 4, line 25, after the period add "TO THE EXTENT PRACTICABLE, THE TEACHER AND OTHER PERSONNEL SHALL COMMUNICATE WITH THE PARENT, ORALLY AND IN WRITING, IN A LANGUAGE THE PARENT UNDERSTANDS."

Page 6 of the committee report, line 3, strike "RECEIVES:" and substitute "RECEIVES THE FOLLOWING INFORMATION IN A LANGUAGE THE PARENT UNDERSTANDS, IF PRACTICABLE:".

Page 6 of the committee report, after line 17, insert:
"Page 14 of the bill, line 14, after "PLAN." add "TO THE EXTENT

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PRACTICABLE, THE TEACHER SHALL COMMUNICATE WITH THE PARENT IN A LANGUAGE THE PARENT UNDERSTANDS."

Page 11 of the committee report, strike line 1 and substitute:

"Page 22 of the bill, before line 4, insert:

"(7) EACH LOCAL EDUCATION PROVIDER SHALL ENSURE THAT, TO THE EXTENT PRACTICABLE, ALL OF THE ORAL AND WRITTEN COMMUNICATIONS TO A PARENT THAT ARE REQUIRED IN THIS SECTION ARE DELIVERED IN A LANGUAGE THE PARENT UNDERSTANDS."

Page 22 of the bill, line 4, strike "(6)" and substitute "(8)".

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

(For further action, see amendments to the report of the Committee of the Whole.)

HB12-1237 by Representative(s) Williams A.; also Senator(s) Harvey--Concerning the records kept by the unit owners' association of a common interest community.

Amendment No. 1, Local Government Committee Amendment.

(Printed in Senate Journal, March 28, pages 595-596 and placed in members' bill files.)

Amendment No. 2(L.014), by Senator Harvey.

Amend the Local Government Committee Report, dated March 27, 2012, page 1, after line 8 insert:

"Page 3 of the reengrossed bill, line 22, strike the semicolon and substitute "AND CONTRACTS FOR WORK PERFORMED FOR THE ASSOCIATION WITHIN THE IMMEDIATELY PRECEDING TWO YEARS;".

Page 2 of the report, after line 6 insert:

"Page 5 of the bill, strike lines 16 through 21.

Reletter succeeding paragraphs accordingly.

Page 5 of the bill, line 26, change the comma to a semicolon.

Page 5 of the bill, strike line 27.

Page 6 of the bill, strike line 1."

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

Amend reengrossed bill, page 3, line 13, strike "NAMES" and substitute "NAMES, ELECTRONIC MAIL ADDRESSES,"

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

(For further action, see amendments to the report of the Committee of the Whole.)

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (SB12-155, SB12-070, HB12-1160, SB12-106, SB12-135, HB12-1267, SB12-178) of Thursday, May 3 was laid over until Friday, May 4, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB12-169 by Senator(s) Tochtrop; also Representative(s) Sonnenberg--Concerning the administration of county powers to maintain the landscape.

Senator Nicholson moved to amend the Report of the Committee of the Whole to show that the following Brophy floor amendment, (L.003) to SB 12-169, did not pass.

Amend printed bill, page 2, strike lines 16 through 20 and substitute "notice. Any relief ordered pursuant to this article shall be at the expense of the owner, but the cost to the owner or owners of any one parcel, including parcels contiguous thereto, shall not exceed ~~five thousand dollars~~ FIFTEEN PERCENT OF THE ASSESSED VALUE OF THE PROPERTY annually, AS DETERMINED BY SECTION 39-1-103, C.R.S."

Page 3, strike lines 1 through 3 and substitute "costs and expenses only, ~~No such written demand for reimbursement of pest infestation or infection costs and expenses shall be in excess of five thousand dollars~~ FIFTEEN PERCENT OF THE ASSESSED VALUE OF THE PROPERTY annually, ~~Such written notice~~ AS DETERMINED BY SECTION 39-1-103, C.R.S. IN THE WRITTEN NOTICE,".

A majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was **passed** on the following roll call vote:

YES	20	NO	15	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	N
Boyd	Y	Heath	Y	Mitchell	N	Spence	N
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

HB12-1238 by Representative(s) Massey and Hamner, Fields, Pabon, Priola, Casso, Gerou, Lee, Murray, Pace, Sonnenberg, Swerdfeger; also Senator(s) Johnston and Spence, Bacon, Giron, Jahn, Newell--Concerning literacy education for students enrolled in kindergarten through third grade, and, in connection therewith, creating the "Colorado Early Literacy Act" and making and reducing appropriations.

Senator Aguilar moved to amend the Report of the Committee of the Whole to show that the following Hudak floor amendment, (L.058) to HB 12-1238, did pass.

Amend the State, Veterans & Military Affairs Committee Report, dated April 25, 2012, page 5, line 18, strike "RETENTION".

Page 5, line 19, strike "AS AN INTERVENTION STRATEGY" and substitute "INTERVENTION STRATEGIES AND POSSIBLY RETENTION".

Page 8, line 29, strike "RETENTION AS AN INTERVENTION".

Page 8, line 30, strike "STRATEGY" and substitute "INTERVENTION STRATEGIES AND POSSIBLY RETENTION".

Page 9, line 15, strike "RETENTION AS AN INTERVENTION".

Page 9, line 16, strike "STRATEGY" and substitute "INTERVENTION STRATEGIES AND POSSIBLY RETENTION".

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole **lost** on the following roll call vote:

YES	13	NO	22	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	N	Harvey	N	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	N	Mitchell	N	Spence	N
Brophy	N	Hodge	Y	Morse	N	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	N
Carroll	Y	Jahn	N	Newell	N	White	N
Foster	N	Johnston	N	Nicholson	Y	Williams S.	Y
Giron	N	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	N		

HB12-1237 by Representative(s) Williams A.; also Senator(s) Harvey--Concerning the records kept by the unit owners' association of a common interest community.

Senator Harvey moved to amend the Report of the Committee of the Whole to show that the following amendment to HB 12-1237 did pass.

Amend the Local Government Committee Report, dated March 27, 2012, page 1, strike line 7 and substitute:

"Page 2 of the reengrossed bill, strike lines 19 through 22 and substitute:

"(d) WRITTEN COMMUNICATIONS AMONG, AND THE VOTES CAST BY, EXECUTIVE BOARD MEMBERS THAT ARE:

- (I) DIRECTLY RELATED TO AN ACTION TAKEN BY THE BOARD WITHOUT A MEETING PURSUANT TO SECTION 7-128-202, C.R.S.; OR
- (II) DIRECTLY RELATED TO AN ACTION TAKEN BY THE BOARD WITHOUT A MEETING PURSUANT TO THE ASSOCIATION'S BYLAWS;".

A majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole **passed** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Guzman, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB12-169 as amended, HB12-1272, HB12-1238 as amended, HB12-1237 as amended.

Laid over until Friday, May 4: SB12-155, SB12-070, HB12-1160, SB12-106, SB12-135, HB12-1267, SB12-178.

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Education

After consideration on the merits, the Committee recommends that **HB12-1240** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 8, line 24, after the period add "NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION (9) TO THE CONTRARY, ANY ON-LINE PROGRAM WITH ONE HUNDRED OR MORE STUDENTS SHALL BE CONSIDERED AN ON-LINE SCHOOL AND NOT AN ON-LINE PROGRAM."

Page 11, line 22, after "repeal" insert "as amended by House Bill 12-1090".

Page 43, after line 16 insert:

SECTION 50. In Colorado Revised Statutes, 22-28-103, add (1.5) and (1.7) as follows:

22-28-103. Definitions. As used in this article, unless the context otherwise requires:

(1.5) "CHARTER AUTHORIZER" MEANS A SCHOOL DISTRICT, THE STATE CHARTER SCHOOL INSTITUTE, OR THE BOARD OF THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND ACTING IN THE CAPACITY OF AUTHORIZING A PUBLIC CHARTER SCHOOL.

(1.7) "CHARTER SCHOOL" MEANS A CHARTER SCHOOL AUTHORIZED PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE, AN INSTITUTE CHARTER SCHOOL AUTHORIZED PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE, OR A CHARTER SCHOOL AUTHORIZED PURSUANT TO SECTION 22-80-102 (4) (b).

SECTION 51. In Colorado Revised Statutes, add 22-28-104.5 as follows:

22-28-104.5. Public charter school preschools.

(1) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE CONTRARY, A CHARTER SCHOOL THAT IS PERMITTED BY ITS CHARTER AUTHORIZER TO OPERATE A KINDERGARTEN PROGRAM MAY PLAN, DEVELOP, AND OPERATE A PUBLIC PRESCHOOL PROGRAM THAT IS CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE.

(2) A CHARTER SCHOOL THAT OPERATES A PUBLIC PRESCHOOL PROGRAM WITH FUNDING RECEIVED PURSUANT TO THIS ARTICLE OR, CONSISTENT WITH SECTION 22-28-104 (5) (b), WITHOUT SUCH FUNDING,

SHALL ENSURE THAT THE PUBLIC PRESCHOOL PROGRAM:

(a) ENROLLS STUDENTS CONSISTENT WITH SECTION 22-30.5-104 (3) TO ENSURE A DIVERSE STUDENT BODY;

(b) OPERATES IN A FACILITY APPROVED AND LICENSED FOR PRESCHOOL PURPOSES THAT IS THE SAME FACILITY OR THAT IS IN REASONABLE PROXIMITY TO THE FACILITY AT WHICH THE CHARTER SCHOOL OPERATES THE KINDERGARTEN PROGRAM OR AT A LOCATION THAT IS APPROVED BY THE CHARTER AUTHORIZER; AND

(c) GUARANTEES A STUDENT'S CONTINUED ENROLLMENT FROM PRESCHOOL TO KINDERGARTEN TO THE EXTENT ALLOWED BY LAW.

SECTION 52. In Colorado Revised Statutes, 22-28-105, **amend** (1) (b) (III) (D) and (1) (b) (III) (E); and **add** (1) (b) (III) (F) as follows:

22-28-105. District preschool program advisory council - duties. (1) (b) The appointed members of the district advisory council shall include, but shall not be limited to, the following:

(III) Representatives from the following:

(D) Publicly funded early childhood education agencies located in the school district; ~~and~~

(E) Privately funded child care centers located in the school district; DISTRICT; AND

(F) A REPRESENTATIVE FROM A CHARTER SCHOOL LOCATED IN THE DISTRICT THAT HAS A PRESCHOOL PROGRAM.

SECTION 53. In Colorado Revised Statutes, 22-30.5-103, **amend as added by Senate Bills 12-061 and 12-067** (3.5) as follows:

22-30.5-103. Definitions. As used in this part 1, unless the context otherwise requires:

(3.5) "Education management provider" means a nonprofit, not-for-profit, or for-profit entity that contracts with a charter school to provide, manage, or oversee all or substantially all of the educational services provided by the charter school. EDUCATION MANAGEMENT PROVIDER DOES NOT INCLUDE A CHARTER SCHOOL COLLABORATIVE ESTABLISHED PURSUANT TO PART 6 OF ARTICLE 30.5 OF THIS TITLE.

SECTION 54. In Colorado Revised Statutes, 22-87-103, **amend** (1) and (7) introductory portion; **repeal** (2); and **add** (6.5) as follows:

22-87-103. Definitions. As used in this article, unless the context otherwise requires:

(1) "Access to the internet" means, with reference to a particular computer TECHNOLOGY DEVICE, that the computer TECHNOLOGY DEVICE is ~~equipped with a modem or~~ is connected to a computer network that provides access to the internet.

(2) ~~"Computer" includes any hardware, software, or other technology attached or connected to, installed in, or otherwise used in connection with a computer.~~

(6.5) "TECHNOLOGY DEVICE" MEANS ANY COMPUTER, HARDWARE, SOFTWARE, OR OTHER TECHNOLOGY THAT IS USED FOR LEARNING PURPOSES AND HAS THE ABILITY TO CONNECT WITH THE INTERNET.

(7) ~~"Technology protection measure" means a specific technology; including~~ INCLUDES, without limitation, computer software that blocks or filters access to the internet to visual depictions that are:

SECTION 55. In Colorado Revised Statutes, **amend** 22-87-104 as follows:

22-87-104. Adoption and enforcement of policy of internet safety for minors including technology protection measures - public schools. (1) No later than December 31, ~~2003~~ 2012, the governing body of each district shall adopt and implement a policy of internet safety for minors that includes ~~the operation of~~ a technology protection measure for each ~~computer-operated~~ TECHNOLOGY DEVICE PROVIDED by the district that allows for access to the internet by a minor FROM ANY LOCATION.

(2) After the adoption and implementation of the policy of internet safety required by subsection (1) of this section, the governing body of each district shall continue to enforce the policy ~~and the operation of the technology protection measure for each computer operated by the district that allows for access to the internet by a minor~~ ADOPTED.

SECTION 56. In Colorado Revised Statutes, 22-87-105, **amend** (1) introductory portion as follows:

22-87-105. Temporary disabling of technology protection measure. (1) An administrator, supervisor, or any other person authorized by the district to enforce the operation of the technology protection measure adopted and implemented in accordance with the

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requirements of section 22-87-104 may temporarily disable the technology protection measure to enable access to the internet on a particular ~~computer~~ TECHNOLOGY DEVICE by:

SECTION 57. In Colorado Revised Statutes, **amend** 22-87-106 as follows:

22-87-106. No restrictions on blocking access to the internet of other material. Nothing in this article shall be construed as prohibiting a local board of education, or an elementary or secondary school, from blocking access to the internet on ~~computers~~ TECHNOLOGY DEVICES owned or operated by that board or school to material other than the material for which a technology protection measure is explicitly required in accordance with the requirements of this article."

Renumber succeeding section accordingly.

State,
Veterans, &
Military
Affairs

The Committee on State, Veterans, and Military Affairs has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE
BOARD OF COMMISSIONERS OF STATE AND
VETERANS NURSING HOMES

for a term expiring July 1, 2015:

Nancy Lee Ferrier of Wheat Ridge, Colorado, the state long-term care ombudsman, and occasioned by the resignation of Shelley K. Hitt of Centennial, Colorado, appointed.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB12-1333** be postponed indefinitely.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SJR12-047** be postponed indefinitely.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HJR12-1019** be postponed indefinitely.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB12-1136** be postponed indefinitely.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB12-1350** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Agriculture,
Natural
Resources, &
Energy

After consideration on the merits, the Committee recommends that **HB12-1099** be referred to the Committee on Legislative Council with favorable recommendation.

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Agriculture, Natural Resources, & Energy The Committee on State, Veterans, and Military Affairs has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE RENEWABLE ENERGY AUTHORITY BOARD OF DIRECTORS

effective immediately for terms expiring July 1, 2015:

Tanuj "TJ" Deora of Denver, Colorado, appointed;

Kimberley Beth Jordan of Fort Collins, Colorado, reappointed.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **HB12-1317** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 18, strike "LAND;" and substitute "LAND AND WHO CAN DEMONSTRATE A REASONABLE KNOWLEDGE OF WILDLIFE ISSUES;".

Page 4, line 27, strike "FIVE" and substitute "FOUR".

Page 7, line 8, after "DUTIES." add "THE COMMISSION SHALL CONDUCT AT LEAST TWO MEETINGS PER CALENDAR YEAR AT LOCATIONS WEST OF THE CONTINENTAL DIVIDE.".

Trans- portation After consideration on the merits, the Committee recommends that **HB12-1327** be referred to the Committee on Finance with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **HB12-1069** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 4, line 9, strike "FIVE" and substitute "TWO".

Page 5, line 3, strike "FIFTH" and substitute "SECOND".

Finance After consideration on the merits, the Committee recommends that **HB12-1311** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 65, line 23, strike "In" and substitute "(a) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), in".

Page 65, line 27, strike "THE BOARD" and substitute:

"(II) IN ADDITION TO ANY OTHER PENALTY THE BOARD MAY IMPOSE PURSUANT TO THIS SECTION, THE BOARD MAY FINE A REGISTRANT VIOLATING PART 4 OF THIS ARTICLE NOT LESS THAN FIVE HUNDRED DOLLARS AND NOT MORE THAN ONE THOUSAND DOLLARS FOR THE FIRST TIME THE BOARD IMPOSES A FINE, NOT MORE THAN TWO THOUSAND DOLLARS FOR THE SECOND TIME THE BOARD IMPOSES A FINE, AND NOT MORE THAN FIVE THOUSAND DOLLARS FOR A THIRD OR SUBSEQUENT TIME THE BOARD IMPOSES A FINE. IF A REGISTRANT VIOLATES AN AGREEMENT TO REFRAIN FROM COMMITTING SUBSEQUENT VIOLATIONS OF PART 4 OF THIS ARTICLE, THE BOARD MAY IMPOSE A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS FOR EACH VIOLATION OF THE AGREEMENT.

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(b) THE BOARD".

Finance

After consideration on the merits, the Committee recommends that **HB12-1266** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 3, after "(3.5)" insert "and (3.7)".

Page 2, after line 14 insert:

"(3.7) "BAIL RECOVERY" MEANS ACTIONS TAKEN BY A PERSON OTHER THAN A PEACE OFFICER TO APPREHEND AN INDIVIDUAL OR TAKE AN INDIVIDUAL INTO CUSTODY BECAUSE OF THE INDIVIDUAL'S FAILURE TO COMPLY WITH BAIL CONDITIONS."

Page 6, line 25, before "(1.5)," insert "(1) (c) AND".

Page 8, line 11, strike "(5)" and substitute "(2)(c)".

Page 9, after line 9 insert:

"(c) (I) A BAIL INSURANCE COMPANY SHALL NOT APPOINT AN INSURANCE PRODUCER TO ACT AS ITS AGENT TO WRITE BAIL BONDS UNLESS THE AGENT IS LICENSED AS AN INSURANCE PRODUCER AUTHORIZED TO WRITE BAIL BONDS AND HAS COMPLETED THE PRELICENSURE EDUCATION REQUIRED BY THIS PARAGRAPH (c) AND SUBMITTED TO THE BAIL INSURANCE COMPANY EVIDENCE OF SATISFACTORY COMPLETION OF THE EDUCATION. THE EDUCATION MUST BE APPROVED BY THE DIVISION AND CONSIST OF AT LEAST:

(A) EIGHT CLOCK HOURS REGARDING BAIL BONDING, TWO OF WHICH CONCERN THE CRIMINAL COURT SYSTEM, TWO OF WHICH CONCERN BAIL BOND INDUSTRY ETHICS, AND FOUR OF WHICH CONCERN THE BAIL BOND LAWS; AND

(B) SIXTEEN CLOCK HOURS OF TRAINING IN BAIL RECOVERY PRACTICES THAT COMPLIES WITH STANDARDS ESTABLISHED BY THE PEACE OFFICERS STANDARDS AND TRAINING BOARD UNDER SECTION 24-31-303 (1) (h), C.R.S.

(II) THIS PARAGRAPH (c) DOES NOT APPLY TO A PERSON WHO HAS SUCCESSFULLY COMPLETED THE REQUIRED PRELICENSURE TRAINING PURSUANT TO SECTION 12-7-102.5, C.R.S., AS IT EXISTED PRIOR TO JULY 1, 2012.

(III) A BAIL INSURANCE COMPANY FAILING TO COMPLY WITH THIS PARAGRAPH (c) IS SUBJECT TO DISCIPLINE UNDER SECTION 10-1-110 OR THE ASSESSMENT OF A PENALTY."

Page 9, strike lines 16 through 27.

Page 10, strike lines 1 through 19 and substitute:

"SECTION 11. In Colorado Revised Statutes, add 10-2-415.6 as follows:

10-2-415.6. Bail bond reports required - repeal. (1) EACH INSURANCE PRODUCER WHO FUNDS OR WRITES BAIL BONDS SHALL SUBMIT AN ANNUAL REPORT COVERING JULY 1 TO JUNE 30, NO LATER THAN OCTOBER 1 OF THE FOLLOWING YEAR, OF THE FOLLOWING INFORMATION FOR BAIL BONDS POSTED IN COLORADO BY THE PRODUCER DURING THE REPORTING PERIOD:

(a) THE NUMBER OF BAIL BONDS POSTED WITH A COURT;
(b) THE NUMBER OF BAIL BONDS DISCHARGED BY A COURT;
(c) THE NUMBER OF BAIL BONDS DISCHARGED BY A COURT FOR WHICH THE DEFENDANT APPEARED FOR ALL SCHEDULED COURT APPEARANCES FOR THE DURATION OF THE BOND; AND

(d) THE NUMBER OF BAIL BONDS DISCHARGED BY A COURT FOR WHICH THE DEFENDANT'S BOND WAS REVOKED BY A COURT AT THE REQUEST OF THE PRODUCER FOR ANY REASON OTHER THAN FAILURE TO APPEAR.

(2) IF, DURING THE REPORTING PERIOD FROM JULY 1, 2012, TO

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JUNE 30, 2013, OR ANY YEAR THEREAFTER, THE INSURANCE PRODUCER, THE STATE JUDICIAL DEPARTMENT, REPRESENTATIVES OF LAW ENFORCEMENT, AND REPRESENTATIVES OF COUNTY GOVERNMENT COMPLETE THE DESIGN OF AN INSTRUMENT, SYSTEM, OR OTHER METHOD OF PROPER VERIFICATION OF THE ACTIONS OF AN INSURANCE PRODUCER IN RETURNING THE DEFENDANT TO CUSTODY OR TO THE COURT FOR FURTHER PROCEEDINGS FOLLOWING A FAILURE TO APPEAR ON A POSTED BOND, THEN THE INSURANCE PRODUCER MAY REPORT THE FOLLOWING:

(a) THE NUMBER OF DEFENDANTS WHO WERE RETURNED TO COURT THROUGH THE ACTIONS OF THE INSURANCE PRODUCER OR THE PRODUCER'S AGENT AFTER FAILURE TO APPEAR;

(b) THE NUMBER OF DEFENDANTS WHO WERE RETURNED TO CUSTODY BY ACTION OF THE INSURANCE PRODUCER OR THE PRODUCER'S AGENT AFTER FAILURE TO APPEAR; AND

(c) THE NUMBER OF CONSENTS OF SURETY FILED WITH THE COURT TO CONTINUE THE BOND AFTER FAILURE TO APPEAR.

(3) IN THE ANNUAL REPORT REQUIRED BY THIS SECTION, THE INSURANCE PRODUCER SHALL SIGN AND AFFIRM THE INFORMATION SUBMITTED IS TRUE AND ACCURATE TO THE BEST OF THE PRODUCER'S KNOWLEDGE.

(4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2015."

Renumber succeeding sections accordingly.

Page 12, after line 3 insert:

"SECTION 16. In Colorado Revised Statutes, add 10-2-705, 10-2-706, and 10-2-707 as follows:

10-2-705. Bail bond documents - requirements - rules. (1) THE INSURANCE PRODUCER WHO POSTS A BAIL BOND WITH THE COURT ON BEHALF OF A DEFENDANT SHALL ENSURE THAT THE FOLLOWING DOCUMENTS COMPLY WITH THE FOLLOWING PROVISIONS:

(a) AN INDEMNITY AGREEMENT MUST:

(I) BE IN WRITING;

(II) BE SIGNED BY THE PRODUCER;

(III) BE SIGNED BY THE DEFENDANT OR INDEMNITOR;

(IV) SET FORTH THE AMOUNT OF BAIL SET IN THE CASE, THE NAME OF THE DEFENDANT RELEASED ON THE BAIL BOND, THE COURT CASE NUMBER IF AVAILABLE, THE COURT WHERE THE BOND IS EXECUTED, THE PREMIUM CHARGED, THE AMOUNT AND TYPE OF COLLATERAL HELD BY THE INSURANCE PRODUCER, AND THE CONDITIONS UNDER WHICH THE COLLATERAL IS RETURNED;

(V) CONTAIN DOCUMENTATION THAT THE INDEMNITOR HAS RECEIVED COPIES OF SIGNED AND DATED DISCLOSURE FORMS; AND

(VI) IF THE DEFENDANT OR INDEMNITOR IS ILLITERATE OR DOES NOT READ ENGLISH, CONTAIN A NOTE ON THE INDEMNITY AGREEMENT THAT THE PRODUCER OR A THIRD PARTY HAS READ OR TRANSLATED THE AGREEMENT TO THE DEFENDANT OR INDEMNITOR AND BE AFFIXED WITH AN AFFIDAVIT TO THE INDEMNITY AGREEMENT ATTESTING THAT THE DOCUMENT WAS TRANSLATED;

(b) A PROMISSORY NOTE MUST BE:

(I) IN WRITING;

(II) SIGNED BY THE PRODUCER; AND

(III) SIGNED BY THE DEFENDANT OR INDEMNITOR;

(c) A COLLATERAL RECEIPT MUST:

(I) BE DATED;

(II) BE IN WRITING;

(III) BE SIGNED BY THE PRODUCER;

(IV) BE SIGNED BY THE DEFENDANT OR INDEMNITOR;

(V) BE PRENUMBERED;

(VI) CONTAIN A FULL DESCRIPTION OF THE COLLATERAL, INCLUDING THE CONDITION OF THE COLLATERAL AT THE TIME IT IS TAKEN INTO CUSTODY; AND

(VII) STATE THE PURPOSE FOR WHICH IT WAS RECEIVED;

(d) A BAIL BOND REVOCATION REQUEST MUST BE:

(I) DATED;

(II) IN WRITING;

(III) SIGNED BY THE PRODUCER; AND

(IV) SIGNED BY THE DEFENDANT OR INDEMNITOR.

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(2) (a) BEFORE ACCEPTING CONSIDERATION, THE INSURANCE PRODUCER WHO WRITES BAIL BONDS SHALL COMMIT TO WRITING, SIGN, DATE, AND OBTAIN THE DEFENDANT'S OR INDEMNITOR'S SIGNATURE ON AN ARRANGEMENT FOR THE PAYMENT OF ALL OR PART OF THE PREMIUM, COMMISSION, OR FEE, INCLUDING THE PAYMENT SCHEDULE. THE SIGNATURE OF THE INSURANCE PRODUCER WHO WRITES BAIL BONDS IS NOT AN OBLIGATION TO PAY ANY DEBT OWED TO A LENDER. TO BE ENFORCEABLE, INTEREST AND FINANCIAL CHARGES ON ANY UNPAID PREMIUM MUST COMPLY WITH THE "UNIFORM CONSUMER CREDIT CODE", ARTICLES 1 TO 9 OF TITLE 5, C.R.S.

(b) BEFORE ACCEPTING CONSIDERATION OR TAKING COLLATERAL, THE INSURANCE PRODUCER WHO WRITES BAIL BONDS SHALL PROVIDE, IN A FORM PRESCRIBED BY THE COMMISSIONER, A DISCLOSURE STATEMENT TO EACH DEFENDANT AND INDEMNITOR DETAILING THE TERMS OF THE BAIL BOND.

(3) (a) AN INSURANCE PRODUCER WHO POSTS A BAIL BOND WITH THE COURT AND WHO ACCEPTS CONSIDERATION FOR A BAIL BOND OR UNDERTAKING SHALL, FOR EACH PAYMENT RECEIVED, PROVIDE TO THE PERSON TENDERING PAYMENT A PRENUMBERED, SIGNED RECEIPT CONTAINING THE FOLLOWING:

- (I) THE DATE;
- (II) THE DEFENDANT'S NAME;
- (III) A DESCRIPTION OF THE CONSIDERATION AND AMOUNT OF MONEY RECEIVED;
- (IV) THE PURPOSE FOR WHICH IT WAS RECEIVED;
- (V) THE NUMBER OF ANY POWER-OF-ATTORNEY FORM ATTACHED TO THE BAIL BOND;
- (VI) THE PENAL SUM OF THE BAIL BOND;
- (VII) THE NAME OF THE PERSON TENDERING PAYMENT; AND
- (VIII) THE TERMS UNDER WHICH THE MONEY OR OTHER CONSIDERATION IS RELEASED.

(b) THE INSURANCE PRODUCER WHO POSTS A BAIL BOND WITH THE COURT SHALL "PROVIDE THE PERSON TENDERING PAYMENT A SIGNED AND DATED RECEIPT FOR EACH PREMIUM PAYMENT LISTING THE AMOUNT PAID.

(4) THE INSURANCE PRODUCER SHALL PREPARE OR EXECUTE SEPARATE AGREEMENTS AND DOCUMENTS FOR EACH TIME THE PRODUCER POSTS A BAIL BOND WITH THE COURT. THE PRODUCER SHALL GIVE THE INDEMNITOR A COPY OF EACH DOCUMENT EXECUTED IN THE COURSE OF THE BAIL BOND TRANSACTION.

(5) FOR THREE YEARS AFTER THE DATE OF DISCHARGE OF A BAIL BOND AND RETURN OF ANY COLLATERAL OR PROOF OF NOTICE TO THE DEFENDANT OR INDEMNITOR THAT ANY PROMISSORY NOTE HAS BEEN SATISFIED, THE INSURANCE PRODUCER WHO POSTS THE BAIL BOND WITH THE COURT SHALL KEEP AT THE PRODUCER'S BUSINESS COPIES OF EACH RECEIPT, INDEMNITY AGREEMENT, BOND, DISCLOSURE STATEMENT, PAYMENT PLAN, BOND REVOCATION REQUEST, OR OTHER DOCUMENT OR INFORMATION RELATED TO THE BOND TRANSACTION THE COMMISSIONER REASONABLY REQUIRES BY RULE AND SHALL MAKE THESE DOCUMENTS AVAILABLE FOR INSPECTION BY THE COMMISSIONER OR THE COMMISSIONER'S AUTHORIZED REPRESENTATIVE DURING NORMAL BUSINESS HOURS.

(6) THE INDEMNITOR MAY BE THE DEFENDANT.

(7) THE COMMISSIONER MAY EXAMINE THE BUSINESS PRACTICES, BOOKS, AND RECORDS OF ANY INSURANCE PRODUCER AS OFTEN AS THE COMMISSIONER DEEMS APPROPRIATE.

10-2-706. Insurance producer designee - responsibility. AN INSURANCE PRODUCER MAY USE ANOTHER PROPERLY LICENSED AND APPOINTED INSURANCE PRODUCER AS AN AGENT TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION, BUT THE INSURANCE PRODUCER WHO POSTS THE BAIL BOND WITH THE COURT IS RESPONSIBLE FOR COMPLIANCE WITH THIS SECTION AND IS SUBJECT TO DISCIPLINE FOR NONCOMPLIANCE WITH ANY PROVISION OF THIS SECTION.

10-2-707. Business practices - price limits - collateral. (1) AN INSURANCE PRODUCER WHO WRITES BAIL BONDS SHALL NOT CHARGE A PREMIUM OR COMMISSION OF MORE THAN THE GREATER OF FIFTY DOLLARS OR FIFTEEN PERCENT OF THE AMOUNT OF BAIL FURNISHED. AN INSURANCE PRODUCER WHO WRITES BAIL BONDS SHALL NOT ASSESS FEES FOR ANY BAIL BOND POSTED BY THE PRODUCER WITH THE COURT UNLESS THE FEE IS FOR PAYMENT OF A BAIL BOND FILING CHARGED BY A COURT OR LAW

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ENFORCEMENT AGENCY, THE FEE IS FOR THE ACTUAL COST OF STORING COLLATERAL IN A SECURE, SELF-SERVICE PUBLIC STORAGE FACILITY, OR THE FEE IS FOR PREMIUM FINANCING.

(2) IF AN INSURANCE PRODUCER WHO POSTS THE BAIL BOND WITH THE COURT HAS ISSUED A DISCLOSURE STATEMENT IN ACCORDANCE WITH SECTION 10-2-705 (2)(b), THE PRODUCER MAY USE COLLATERAL RECEIVED FROM THE DEFENDANT OR INDEMNITOR TO SECURE THE FOLLOWING OBLIGATIONS:

(a) COMPLIANCE WITH THE BOND ISSUED ON BEHALF OF THE PRINCIPAL;

(b) ANY BALANCE DUE ON THE PREMIUM, COMMISSION, OR FEE FOR THE BAIL BOND; AND

(c) ANY ACTUAL COSTS INCURRED BY THE INSURANCE PRODUCER AS A RESULT OF ISSUING THE BAIL BOND."

Renumber succeeding sections accordingly.

Page 12, line 4, after "10-2-801," insert "**amend** (1) (c); and".

Page 12, after line 14 insert:

"(c) Violation of, or noncompliance with, SECTION 18-13-130, C.R.S., OR any insurance law, or violation of any lawful rule, order, or subpoena of the commissioner or of the insurance department of another state;"

Page 25, line 2, strike "(mm)" and substitute "(mm), (1) (nn), (1) (oo), (1) (pp), and (1) (qq)".

Page 25, after line 11 insert:

"(nn) UNLESS THE INDEMNITOR CONSENTS IN WRITING OTHERWISE, FAILURE TO POST A BAIL BOND WITHIN TWENTY-FOUR HOURS AFTER RECEIPT OF FULL PAYMENT OR A SIGNED CONTRACT FOR PAYMENT, AND IF THE BAIL BOND IS NOT POSTED WITHIN TWENTY-FOUR HOURS AFTER RECEIPT OF FULL PAYMENT OR A SIGNED CONTRACT FOR PAYMENT, FAILURE TO REFUND ALL MONEYS RECEIVED, RELEASE ALL LIENS, AND RETURN ALL COLLATERAL WITHIN SEVEN DAYS AFTER RECEIPT OF GOOD FUNDS.

(oo) FAILURE TO REPORT, PRESERVE WITHOUT USE, RETAIN SEPARATELY, OR RETURN AFTER PAYMENT IN FULL, COLLATERAL TAKEN AS SECURITY ON ANY BAIL BOND TO THE PRINCIPAL, INDEMNITOR, OR DEPOSITOR OF THE COLLATERAL;

(pp) SOLICITING BAIL BOND BUSINESS IN OR ABOUT ANY PLACE WHERE PRISONERS ARE CONFINED, ARRAIGNED, OR IN CUSTODY; OR

(qq) FAILURE TO PAY A FINAL, NONAPPEALABLE JUDGMENT AWARD FOR FAILURE TO RETURN OR REPAY COLLATERAL RECEIVED TO SECURE A BOND."

Page 30, line 9, after "(6)" insert "(a)".

Page 30, strike lines 11 through 27 and substitute "~~regulation of bail bonding agents~~: EACH PROFESSIONAL CASH-BAIL AGENT AND CASH-BONDING AGENT SHALL SUBMIT AN ANNUAL REPORT COVERING JULY 1 TO JUNE 30, NO LATER THAN OCTOBER 1 OF THE FOLLOWING YEAR, FOR BAIL BONDS POSTED IN COLORADO BY THE PRODUCER DURING THE REPORTING PERIOD:

(I) THE NUMBER OF BAIL BONDS POSTED WITH A COURT;

(II) THE NUMBER OF BAIL BONDS DISCHARGED BY A COURT;

(III) THE NUMBER OF BAIL BONDS DISCHARGED BY A COURT FOR WHICH THE DEFENDANT APPEARED FOR ALL SCHEDULED COURT APPEARANCES FOR THE DURATION OF THE BOND; AND

(IV) THE NUMBER OF BAIL BONDS DISCHARGED BY A COURT FOR WHICH THE DEFENDANT'S BOND WAS REVOKED BY A COURT AT THE REQUEST OF THE PRODUCER FOR ANY REASON OTHER THAN FAILURE TO APPEAR.

(b) IF, DURING THE REPORTING PERIOD FROM JULY 1, 2012, TO JUNE 30, 2013, OR ANY YEAR THEREAFTER, THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT, THE STATE JUDICIAL DEPARTMENT,

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REPRESENTATIVES OF LAW ENFORCEMENT, AND REPRESENTATIVES OF COUNTY GOVERNMENT COMPLETE THE DESIGN OF AN INSTRUMENT, SYSTEM, OR OTHER METHOD OF PROPER VERIFICATION OF THE ACTIONS OF AN AGENT IN RETURNING THE DEFENDANT TO CUSTODY OR TO THE COURT FOR FURTHER PROCEEDINGS FOLLOWING A FAILURE TO APPEAR ON A POSTED BOND, THEN THE AGENT MAY REPORT THE FOLLOWING:

(I) THE NUMBER OF DEFENDANTS WHO WERE RETURNED TO COURT THROUGH THE ACTIONS OF THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT OR THE AGENTS THEREOF AFTER FAILURE TO APPEAR;

(II) THE NUMBER OF DEFENDANTS WHO WERE RETURNED TO CUSTODY BY ACTION OF THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT OR THE AGENTS THEREOF AFTER FAILURE TO APPEAR; AND

(III) THE NUMBER OF CONSENTS OF SURETY FILED WITH THE COURT TO CONTINUE THE BOND AFTER FAILURE TO APPEAR.

(c) IN THE ANNUAL REPORT REQUIRED BY THIS SECTION, THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT SHALL SIGN AND AFFIRM THE INFORMATION SUBMITTED IS TRUE AND ACCURATE TO THE BEST OF THE AGENT'S KNOWLEDGE.

(d) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JULY 1, 2015."

Page 31, strike lines 1 through 14.

Page 41, strike line 10 and substitute "18-13-130, C.R.S.;"

Page 42, strike lines 12 through 23 and substitute "DIVISION;

~~(h) Soliciting business in or about any place where prisoners are confined, arraigned, or in custody~~ FAILURE TO REPORT, PRESERVE WITHOUT USE, RETAIN SEPARATELY, OR RETURN AFTER PAYMENT IN FULL, COLLATERAL TAKEN AS SECURITY ON ANY BAIL BOND TO THE PRINCIPAL, INDEMNITOR, OR DEPOSITOR OF THE COLLATERAL;

~~(i) Failure to pay a final, nonappealable judgment award for failure to return or repay collateral received to secure a bond~~ SOLICITING BAIL BOND BUSINESS IN OR ABOUT ANY PLACE WHERE PRISONERS ARE CONFINED, ARRAIGNED, OR IN CUSTODY;

~~(j) Hiring, contracting with, or paying compensation to any individual for bail recovery services in violation of the provisions of section 12-7-105.5~~ FAILURE TO PAY A FINAL, NONAPPEALABLE JUDGMENT AWARD FOR FAILURE TO RETURN OR REPAY COLLATERAL RECEIVED TO SECURE A BOND; OR

~~(k) Continuing to execute bail bonds in any court in this state while on the board pursuant to section 16-4-112 (5) (e), C.R.S., where the bail forfeiture judgment that resulted in being placed on the board has not been paid, stayed, vacated, exonerated, or otherwise discharged;~~ ANY ACT PROHIBITED BY SECTION 18-13-130, C.R.S."

Page 50, strike lines 6 through 27 and substitute:

"10-23-107. [Formerly 12-7-109 (3)] Unlicensed practice - penalties. ~~(3) Any~~ A person who acts or attempts to act as a bail bonding".

Strike pages 51 through 54.

Page 55, strike lines 1 through 7.

Page 55, after line 16 insert:

"10-23-108. Bail bond documents - requirements - rules.

(1) THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT WHO POSTS A BAIL BOND WITH THE COURT ON BEHALF OF A DEFENDANT SHALL ENSURE THAT THE FOLLOWING DOCUMENTS COMPLY WITH THE FOLLOWING PROVISIONS:

(a) AN INDEMNITY AGREEMENT MUST:

(I) BE IN WRITING;

(II) BE SIGNED BY THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT;

(III) BE SIGNED BY THE DEFENDANT OR INDEMNITOR;

(IV) SET FORTH THE AMOUNT OF BAIL SET IN THE CASE, THE NAME OF THE DEFENDANT RELEASED ON THE BAIL BOND, THE COURT CASE NUMBER IF AVAILABLE, THE COURT WHERE THE BOND IS EXECUTED, THE PREMIUM CHARGED, THE AMOUNT AND TYPE OF COLLATERAL HELD BY THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT, AND THE CONDITIONS UNDER WHICH THE COLLATERAL IS RETURNED;

(V) CONTAIN DOCUMENTATION THAT THE INDEMNITOR HAS RECEIVED COPIES OF SIGNED AND DATED DISCLOSURE FORMS; AND

(VI) IF THE DEFENDANT OR INDEMNITOR IS ILLITERATE OR DOES NOT READ ENGLISH, CONTAIN A NOTE ON THE INDEMNITY AGREEMENT THAT THE AGENT OR A THIRD PARTY HAS READ OR TRANSLATED THE AGREEMENT TO THE DEFENDANT OR INDEMNITOR AND BE AFFIXED WITH AN AFFIDAVIT TO THE INDEMNITY AGREEMENT ATTESTING THAT THE DOCUMENT WAS TRANSLATED;

(b) A PROMISSORY NOTE MUST BE:

(I) IN WRITING;

(II) SIGNED BY THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT; AND

(III) SIGNED BY THE DEFENDANT OR INDEMNITOR;

(c) A COLLATERAL RECEIPT MUST:

(I) BE DATED;

(II) BE IN WRITING;

(III) BE SIGNED BY THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT;

(IV) BE SIGNED BY THE DEFENDANT OR INDEMNITOR;

(V) BE PRENUMBERED;

(VI) CONTAIN A FULL DESCRIPTION OF THE COLLATERAL, INCLUDING THE CONDITION OF THE COLLATERAL AT THE TIME IT IS TAKEN INTO CUSTODY; AND

(VII) STATE THE PURPOSE FOR WHICH IT WAS RECEIVED;

(d) A BAIL BOND REVOCATION REQUEST MUST BE:

(I) DATED;

(II) IN WRITING;

(III) SIGNED BY THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT; AND

(IV) SIGNED BY THE DEFENDANT OR INDEMNITOR.

(2) (a) BEFORE ACCEPTING CONSIDERATION, THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT SHALL COMMIT TO WRITING, SIGN, DATE, AND OBTAIN THE DEFENDANT'S OR INDEMNITOR'S SIGNATURE ON AN ARRANGEMENT FOR THE PAYMENT OF ALL OR PART OF THE PREMIUM, COMMISSION, OR FEE, INCLUDING THE PAYMENT SCHEDULE. THE SIGNATURE OF THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT IS NOT AN OBLIGATION TO PAY ANY DEBT OWED TO A LENDER. TO BE ENFORCEABLE, INTEREST AND FINANCIAL CHARGES ON ANY UNPAID PREMIUM MUST COMPLY WITH THE "UNIFORM CONSUMER CREDIT CODE", ARTICLES 1 TO 9 OF TITLE 5, C.R.S.

(b) BEFORE ACCEPTING CONSIDERATION OR TAKING COLLATERAL, THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT SHALL PROVIDE, IN A FORM PRESCRIBED BY THE COMMISSIONER, A DISCLOSURE STATEMENT TO EACH DEFENDANT AND INDEMNITOR DETAILING THE TERMS OF THE BAIL BOND.

(3) (a) A PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT WHO ACCEPTS CONSIDERATION FOR A BAIL BOND OR UNDERTAKING SHALL, FOR EACH PAYMENT RECEIVED, PROVIDE TO THE PERSON TENDERING PAYMENT A PRENUMBERED, SIGNED RECEIPT CONTAINING THE FOLLOWING:

(I) THE DATE;

(II) THE DEFENDANT'S NAME;

(III) A DESCRIPTION OF THE CONSIDERATION AND AMOUNT OF MONEY RECEIVED;

(IV) THE PURPOSE FOR WHICH IT WAS RECEIVED;

(V) THE PENAL SUM OF THE BAIL BOND;

(VI) THE NAME OF THE PERSON TENDERING PAYMENT; AND

(VII) THE TERMS UNDER WHICH THE MONEY OR OTHER CONSIDERATION IS RELEASED.

(b) THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT SHALL "PROVIDE THE PERSON TENDERING PAYMENT A SIGNED AND DATED RECEIPT FOR EACH PREMIUM PAYMENT LISTING THE AMOUNT PAID.

(4) THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING

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AGENT SHALL PREPARE OR EXECUTE SEPARATE AGREEMENTS AND DOCUMENTS FOR EACH TIME THE AGENT POSTS A BAIL BOND WITH THE COURT. THE AGENT SHALL GIVE THE INDEMNITOR A COPY OF EACH DOCUMENT EXECUTED IN THE COURSE OF THE BAIL BOND TRANSACTION.

(5) FOR THREE YEARS AFTER THE DATE OF DISCHARGE OF A BAIL BOND AND RETURN OF ANY COLLATERAL OR PROOF OF NOTICE TO THE DEFENDANT OR INDEMNITOR THAT ANY PROMISSORY NOTE HAS BEEN SATISFIED, THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT SHALL KEEP AT THE AGENT'S BUSINESS, COPIES OF EACH RECEIPT, INDEMNITY AGREEMENT, BOND, DISCLOSURE STATEMENT, PAYMENT PLAN, BOND REVOCATION REQUEST, OR OTHER DOCUMENT OR INFORMATION RELATED TO THE BOND TRANSACTION AND SHALL MAKE THESE DOCUMENTS AVAILABLE FOR INSPECTION BY THE COMMISSIONER OR THE COMMISSIONER'S AUTHORIZED REPRESENTATIVE DURING NORMAL BUSINESS HOURS.

(6) THE INDEMNITOR MAY BE THE DEFENDANT.

(7) THE COMMISSIONER MAY EXAMINE THE BUSINESS PRACTICES, BOOKS, AND RECORDS OF ANY PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT AS OFTEN AS THE COMMISSIONER DEEMS APPROPRIATE.

10-23-109. Business practices - price limits - collateral. (1) A PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT SHALL NOT CHARGE A PREMIUM OR COMMISSION OF MORE THAN THE GREATER OF FIFTY DOLLARS OR FIFTEEN PERCENT OF THE AMOUNT OF BAIL FURNISHED. A PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT SHALL NOT ASSESS FEES FOR ANY BAIL BOND POSTED BY THE AGENT WITH THE COURT UNLESS THE FEE IS FOR PAYMENT OF A BAIL BOND FILING CHARGED BY A COURT OR LAW ENFORCEMENT AGENCY, THE FEE IS FOR THE ACTUAL COST OF STORING COLLATERAL IN A SECURE, SELF-SERVICE PUBLIC STORAGE FACILITY, OR THE FEE IS FOR PREMIUM FINANCING.

(2) IF A PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT HAS ISSUED A DISCLOSURE STATEMENT IN ACCORDANCE WITH SECTION 10-23-108 (2) (b), THE AGENT MAY USE COLLATERAL RECEIVED FROM THE DEFENDANT OR INDEMNITOR TO SECURE THE FOLLOWING OBLIGATIONS:

(a) COMPLIANCE WITH THE BOND ISSUED ON BEHALF OF THE PRINCIPAL;

(b) ANY BALANCE DUE ON THE PREMIUM, COMMISSION, OR FEE FOR THE BAIL BOND; AND

(c) ANY ACTUAL COSTS INCURRED BY THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT AS A RESULT OF ISSUING THE BAIL BOND."

Renumber succeeding C.R.S. section accordingly.

Page 57, after line 20 insert:

"SECTION 46. In Colorado Revised Statutes, **add with amended and relocated provisions 18-13-130** as follows:

18-13-130. [Formerly 12-7-109 (1) and (2)] Bail bond - prohibited activities - penalties. (1) It is unlawful for any licensee ~~under this article~~ PERSON WHO ENGAGES IN THE BUSINESS OF WRITING BAIL BONDS to engage in any of the following activities RELATED TO A BAIL BOND TRANSACTION:

(a) Specify, suggest, or advise the employment of ~~any~~ A particular attorney to represent ~~such~~ THE licensee's principal;

(b) Pay a fee or rebate or give or promise ~~to give~~ anything of value to a jailer, ~~police officer,~~ peace officer, clerk, deputy clerk, ~~any other~~ AN employee of ~~any~~ A court, district attorney or ~~any of such~~ district attorney's employees, or any person who has power to arrest or to hold ~~any~~ A person in custody;

(c) Pay a fee or rebate or give anything of value to an attorney in bail bond matters, except in defense of any action on a bond or as counsel to represent ~~such bail bonding agent or such bonding agent's~~ THE PERSON WHO WROTE OR POSTED THE BOND OR THE PERSON'S representative or employees;

(d) Pay a fee or rebate or give or promise to give anything of value to the person on whose bond ~~such licensee~~ THE PERSON is surety;

~~(d.5) Except for the fee received for the bond, to fail to return any~~

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~~collateral or security within ten working days after receipt of a copy of the court order that results in a release of the bond by the court, unless the collateral also secures other obligations in compliance with section 12-7-108 (10). A copy of the court order shall be provided to the bonding agent in Colorado or the company, if any, for whom the bonding agent works whether in Colorado or out-of-state, or both, by the person for whom the bond was written, except that, if three years have elapsed from the date of the posting of the bond, unless a judgment has been entered against the surety or the principal for the forfeiture of the bond, or unless the court grants an extension of the three-year time period for good cause shown, the bail bonding agent, as principal or as surety, shall be exonerated and, at the request of the person who tendered the collateral or security, return the collateral or security to the person who posted the collateral or security within ten business days after the three-year time period. The commissioner may release a lien after the three-year time period has expired if the lienholder cannot be contacted after an attempt has been made by certified mail and the attempt has failed.~~

~~(e) Accept anything of value from a person on whose bond such licensee THE PERSON IN THE BUSINESS OF WRITING BAIL BONDS is surety or from others on behalf of such THE person except the fee or premium on the bond, but the bail bonding agent PRODUCER OR AGENT may accept collateral security or other indemnity if:~~

~~(I) No collateral or security in tangible property is taken by pledge or debt instrument which THAT allows retention, sale, or other disposition of such THE property upon default except in accordance with the provisions of article 9 of title 4, C.R.S.;~~

~~(II) No collateral or security interest in real property is taken by deed or any other instrument unless the bail bonding agent's interest in the property is limited to the amount of the bond AND THE INTEREST IS RECORDED IN THE NAME OF THE BAIL INSURANCE COMPANY OR INSURANCE PRODUCER, CASH-BONDING AGENT, OR PROFESSIONAL CASH-BAIL AGENT WHO POSTED THE BOND WITH THE COURT;~~

~~(III) The collateral or security taken by the bail bonding agent is not pledged directly to any court as security for any appearance bond; and~~

~~(IV) The person from whom the collateral or security is taken is issued a receipt describing the condition of the collateral at the time it is taken into the custody; of the bail bonding agent;~~

~~(f) Coerce, suggest, aid and abet, offer promise of favor, or threaten any person on whose BAIL bond such licensee THE PERSON is surety or offers to become surety to induce that person to commit any crime;~~

~~(g) Act as a bail bonding agent POST A BAIL BOND in any court of record in this state while the name of such licensee THE PERSON is on the board pursuant to UNDER section 16-4-112 (5) (e), C.R.S., or under any circumstance where a licensee THE PERSON has failed to pay a bail forfeiture judgment after all applicable stays of execution have expired and the bond has not been otherwise exonerated or discharged;~~

~~(h) to (j) Repeated.~~

~~(h) EXCEPT FOR THE BOND FEE, TO FAIL TO RETURN ANY NONFORFEITED COLLATERAL OR SECURITY WITHIN FOURTEEN DAYS AFTER RECEIPT OF A COPY OF THE COURT ORDER THAT RESULTS IN A RELEASE OF THE BOND BY THE COURT, UNLESS:~~

~~(I) THE COLLATERAL ALSO SECURES ANOTHER OBLIGATION, PREMIUM PAYMENT PLAN, OR BAIL RECOVERY FEE; OR~~

~~(II) (A) THE LATER OF THREE YEARS OR, IF THE COURT GRANTS AN EXTENSION, SIX YEARS HAVE ELAPSED FROM THE DATE THE BOND WAS POSTED; OR~~

~~(B) THE REGISTRANT IS EXONERATED AND, AT THE REQUEST OF THE PERSON WHO TENDERED THE COLLATERAL OR SECURITY, RETURNS THE COLLATERAL TO THE PERSON WHO POSTED THE COLLATERAL WITHIN FOURTEEN DAYS AFTER THE THREE-YEAR PERIOD;~~

~~(*) (i) Accept anything of value from a person on whose bond such licensee THE PERSON IN THE BUSINESS OF WRITING BAIL BONDS is indemnitor or from another on behalf of such THE principal except the premium, except that the bail bonding agent licensed under this article may accept collateral security or other indemnity from the person on whose bond such bail bonding agent is indemnitor or from another on behalf of such principal. All such collateral or other indemnity shall be returned pursuant to the requirements contained in paragraph (d.5) of this~~

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~~subsection (1). The bail bonding agent licensed under this article shall preserve and separately retain such collateral and shall be responsible for the return of all such collateral taken and shall be liable for failure thereof as will also be the surety company. When a bail bonding agent accepts collateral as security pursuant to this paragraph (k), such bail bonding agent shall give a written receipt for such collateral to the person on whose bond such bail bonding agent is indemnitor or to another on behalf of such principal and the surety, which shall provide in detail a full description of the collateral received. In the event of the failure of or inability for any reason of a bail bonding agent or such bail bonding agent's heirs or assignees to return collateral as required in this paragraph (k), the commissioner or the commissioner's designee is authorized to take immediate possession of the collateral and take whatever actions are necessary and appropriate to assure compliance with the obligations of this article relating to the return of collateral. The commissioner is authorized to utilize any or all of the qualification bond required in section 12-7-103 (3) for any costs incurred. Any such payment received by the commissioner is hereby appropriated to the division of insurance in addition to any other funds appropriated for its normal operation. The commissioner shall forfeit a qualification bond in the amount necessary to pay any final, nonappealable judgment award for failure to return collateral, including costs and attorney's fees, if awarded. AS AUTHORIZED BY TITLE 10, C.R.S., OR ANY RULE OF THE DIVISION OF INSURANCE PROMULGATED UNDER TITLE 10, C.R.S.;~~

~~(j) Sign or countersign blank bail bonds; or execute a power of attorney or otherwise authorize anyone to countersign such licensee's name to bonds;~~

~~(k) For any one licensee To have more than one bond posted at any one time and in any single ONE case on behalf of any one person;~~

~~(l) Fail to issue to the person from whom collateral or security is taken a receipt which THAT includes a description of the collateral or security at the time WHEN it is taken into the custody; of the bail bonding agent;~~

~~(m) Failure to post a bond within twenty-four hours of receipt of full payment or a signed contract for payment, or if the bond is not posted within twenty-four hours of receipt of full payment or a signed contract for payment, failure to refund all moneys received, release all liens, and return all collateral within forty-eight hours of receipt of such payment or contract.~~

(2) Any licensee A PERSON who violates any provision of subsection (1) of this section is guilty of a AN UNCLASSIFIED misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment. Any criminal penalty prescribed in this section for a violation of this article shall be IS in addition to, and not exclusive of, any other applicable penalty prescribed by law."

Renumber succeeding sections accordingly.

Finance After consideration on the merits, the Committee recommends that **HB12-1268** be referred to the Committee on Appropriations with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **HB12-1353** be referred to the Committee on Appropriations with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **HB12-1310** be referred to the Committee on Appropriations with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **HB12-1037** be re-referred to the Committee on Appropriations with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **HB12-1045** be referred to the Committee on Appropriations with favorable recommendation.

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Education

After consideration on the merits, the Committee recommends that **HB12-1218** be referred to the Committee on Legislative Council with favorable recommendation.

Health & Human Services

After consideration on the merits, the Committee recommends that **HB12-1300** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend reengrossed bill, page 3, line 19, strike "AN".

Page 4, line 13, strike "AN".

Page 4, line 23, strike "AN".

Page 5, line 7, strike "(3) OR (4)" and substitute "(4) OR (5)".

Page 5, strike lines 20 through 22 and substitute:

"(4) "JOINT COMMISSION" MEANS THE JOINT COMMISSION OR ITS SUCCESSOR ENTITY."

Page 5, strike line 27 and substitute "COMPETENCE, professional conduct of, and OR the".

Page 6, line 3, strike "AN AUTHORITY" and substitute "AUTHORITY".

Page 6, line 5, strike "BODY" and substitute "BOARD".

Page 6, strike line 16 and substitute:

"(I) LETTERS OF REFERENCE;"

Page 7, line 1, after "ACTIVITIES" insert "OR THE COMMITTEE ON ANTICOMPETITIVE CONDUCT".

Page 7, line 5, strike "AN ORIGINAL SOURCE" and substitute "A SOURCE".

Page 8, strike line 14 and substitute "COMPETENCE, PROFESSIONAL CONDUCT OF, OR".

Page 8, line 25, strike "SUIT AND".

Page 8, line 26, strike "FOR DAMAGES".

Page 9, line 1, strike "SUIT AND liability FOR" and substitute "liability".

Page 9, line 2, strike "DAMAGES".

Page 9, line 10, strike "QUALIFICATIONS AND".

Page 9, line 11, strike "and" and substitute "and OR".

Page 9, line 14, strike "AN AUTHORITY" and substitute "AUTHORITY".

Page 9, line 21, after "A" insert "GOVERNING".

Page 9, line 26, strike "QUALIFICATIONS AND".

Page 10, line 11, after the period add "THE PERSON CONDUCTING THE INDEPENDENT REVIEW MUST BE A PERSON WHO WAS NOT PREVIOUSLY INVOLVED IN THE REVIEW."

Page 10, line 19, strike "SUBSTANTIAL".

Page 10, strike line 22 and substitute "governing board AND IF IT IS".

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Page 12, line 14, strike "physicians" and substitute "~~physicians~~ PERSONS LICENSED UNDER ARTICLE 36 OF THIS TITLE, OR LICENSED UNDER ARTICLE 38 OF THIS TITLE AND GRANTED AUTHORITY AS ADVANCED PRACTICE NURSES,".

Page 12, line 18, strike "physician" and substitute "~~physician~~ PERSON LICENSED UNDER ARTICLE 36 OF THIS TITLE, OR LICENSED UNDER ARTICLE 38 OF THIS TITLE AND GRANTED AUTHORITY AS AN ADVANCED PRACTICE NURSE,".

Page 13, strike lines 14 through 19 and substitute "representatives being ~~physicians~~ PERSONS LICENSED UNDER ARTICLE 36 OF THIS TITLE WHEN THE SUBJECT OF THE INVESTIGATION IS A PERSON LICENSED UNDER ARTICLE 36 OF THIS TITLE, AND AT LEAST ONE OF THE REPRESENTATIVES BEING A PERSON LICENSED UNDER ARTICLE 38 OF THIS TITLE AND GRANTED AUTHORITY AS AN ADVANCED PRACTICE NURSE WHEN THE SUBJECT OF THE INVESTIGATION IS A PERSON LICENSED UNDER ARTICLE 38 OF THIS TITLE AND GRANTED AUTHORITY AS AN ADVANCED PRACTICE NURSE. The association may establish, or contract for, one or more ~~peer~~ PROFESSIONAL review committees to review the care by hospital staff ~~physicians~~ PERSONNEL WHO ARE LICENSED UNDER ARTICLE 36 OF THIS TITLE OR LICENSED UNDER ARTICLE 38 OF THIS TITLE AND GRANTED AUTHORITY AS ADVANCED PRACTICE NURSES, with priority given to small rural ~~medical~~ HOSPITAL staffs.".

Page 14, line 6, strike "SUBSTANTIAL".

Page 14, strike lines 12 through 14 and substitute:

"(I) A PROVIDER NETWORK THAT INCLUDES PERSONS LICENSED UNDER ARTICLE 36 OF THIS TITLE, OR LICENSED UNDER ARTICLE 38 OF THIS TITLE AND GRANTED AUTHORITY AS ADVANCED PRACTICE NURSES, AND IS ORGANIZED PURSUANT TO PART 3 OF ARTICLE 18 OF TITLE 6, C.R.S.;".

Page 14, strike line 24.

Page 14, strike line 27 and substitute:

"(II), C.R.S.; AND
(r) AN AMBULATORY SURGICAL CENTER LICENSED PURSUANT TO PART 1 OF ARTICLE 3 OF TITLE 25, C.R.S.".

Page 15, line 21, strike "ADVANCED-PRACTICE" and substitute "ADVANCED PRACTICE".

Page 15, line 24, strike "SUBSTANTIAL".

Page 16, line 19, strike the period and add "OR IS GIVEN NOTICE OF A HEARING AND FAILS TO APPEAR.".

Page 18, line 12, strike "physician ~~shall have~~ OR PHYSICIAN ASSISTANT," and substitute "~~physician shall have~~ PERSON,".

Page 19, strike lines 18 through 21 and substitute:

"(V) BY CMS IN ACCORDANCE WITH ITS AUTHORITY OVER FEDERAL HEALTH CARE PROGRAM PARTICIPATION BY AN AUTHORIZED ENTITY;

~~(IV)~~ (VI) By a AN AUTHORIZED ENTITY OR governing board seeking judicial review;".

Page 20, strike line 25 and substitute "COMPETENCE, PROFESSIONAL CONDUCT OF, OR THE".

Page 21, line 8, strike "(14)" and substitute "(15)".

Page 21, line 10, after "ENVIRONMENT," insert "THE COMMITTEE ON ANTICOMPETITIVE CONDUCT,".

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Page 21, line 16, after "ENVIRONMENT," insert "THE COMMITTEE ON ANTICOMPETITIVE CONDUCT,".

Page 21, line 18, strike "SUIT AND" and strike "FOR DAMAGES".

Page 22, line 10, strike "SUBSTANTIALY".

Page 22, strike line 22 and substitute "COMPETENCE, PROFESSIONAL CONDUCT OF, OR".

Page 23, line 1, strike "rules." and substitute "definition - rules.".

Page 23, line 2, strike "(1)" and substitute:

(1) AS USED IN THIS SECTION, "ADVERSELY AFFECTING" HAS THE SAME MEANING AS SET FORTH IN 45 CFR 60.3; EXCEPT THAT IT DOES NOT INCLUDE A PRECAUTIONARY SUSPENSION OR ANY PROFESSIONAL REVIEW ACTION AFFECTING A PERSON LICENSED UNDER ARTICLE 36 OF THIS TITLE, OR LICENSED UNDER ARTICLE 38 OF THIS TITLE AND GRANTED AUTHORITY AS AN ADVANCED PRACTICE NURSE, FOR A PERIOD OF THIRTY DAYS OR LESS.

(2)".

Re-number succeeding subsections accordingly.

Page 23, line 8, after "HAS" insert "ONE OR MORE".

Page 23, line 10, after "BOARD" insert "FIRST".

Page 23, strike lines 13 through 27 and substitute:

"COMMITTEE;

(b) IN ADDITION TO ANY OTHER STATE OR FEDERAL REPORTING REQUIREMENTS:

(I) REPORT ANNUALLY TO THE MEDICAL BOARD, IN A FORM SATISFACTORY TO THE MEDICAL BOARD, THE NUMBER OF FINAL PROFESSIONAL REVIEW ACTIONS IN EACH OF THE FOLLOWING CATEGORIES RELATING TO INDIVIDUALS LICENSED UNDER ARTICLE 36 OF THIS TITLE:

(A) ADVERSELY AFFECTING THE INDIVIDUAL;

(B) IN WHICH AN AUTHORIZED ENTITY ACCEPTED THE INDIVIDUAL'S SURRENDER OF CLINICAL PRIVILEGES, MEMBERSHIP, OR AFFILIATION WHILE THE INDIVIDUAL WAS UNDER INVESTIGATION;

(C) IN WHICH AN AUTHORIZED ENTITY ACCEPTED THE INDIVIDUAL'S SURRENDER OF CLINICAL PRIVILEGES, MEMBERSHIP, OR AFFILIATION IN RETURN FOR NOT CONDUCTING AN INVESTIGATION; AND

(D) IN WHICH THE PROFESSIONAL REVIEW COMMITTEE MADE RECOMMENDATIONS REGARDING THE INDIVIDUAL FOLLOWING A HEARING PURSUANT TO SECTION 12-36.5-104 (7) (d).

(II) REPORT ANNUALLY TO THE NURSING BOARD, IN A FORM SATISFACTORY TO THE NURSING BOARD, THE NUMBER OF FINAL PROFESSIONAL REVIEW ACTIONS IN EACH OF THE FOLLOWING CATEGORIES RELATING TO INDIVIDUALS LICENSED UNDER ARTICLE 38 OF THIS TITLE AND GRANTED AUTHORITY AS ADVANCED PRACTICE NURSES:

(A) ADVERSELY AFFECTING THE INDIVIDUAL;

(B) IN WHICH AN AUTHORIZED ENTITY ACCEPTED THE INDIVIDUAL'S SURRENDER OF CLINICAL PRIVILEGES, MEMBERSHIP, OR AFFILIATION WHILE THE INDIVIDUAL WAS UNDER INVESTIGATION;

(C) IN WHICH AN AUTHORIZED ENTITY ACCEPTED THE INDIVIDUAL'S SURRENDER OF CLINICAL PRIVILEGES, MEMBERSHIP, OR AFFILIATION IN RETURN FOR NOT CONDUCTING AN INVESTIGATION; AND

(D) IN WHICH THE PROFESSIONAL REVIEW COMMITTEE MADE RECOMMENDATIONS REGARDING THE INDIVIDUAL FOLLOWING A HEARING PURSUANT TO SECTION 12-36.5-104 (7) (d).

(c) (I) REPORT TO THE DIVISION, IN A DE-IDENTIFIED MANNER, ON ITS PROFESSIONAL REVIEW ACTIVITIES DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR IN A FORM SATISFACTORY TO THE DIVISION. THESE REPORTS MUST INCLUDE AGGREGATE DATA, WHICH IS LIMITED TO THE FOLLOWING:

(A) THE NUMBER OF INVESTIGATIONS COMPLETED DURING THE

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YEAR;
(B) THE NUMBER OF INVESTIGATIONS THAT RESULTED IN NO ACTION;

(C) THE NUMBER OF INVESTIGATIONS THAT RESULTED IN WRITTEN INVOLUNTARY REQUIREMENTS FOR IMPROVEMENT SENT TO THE SUBJECT OF THE INVESTIGATION BY THE AUTHORIZED ENTITY; AND

(D) THE NUMBER OF INVESTIGATIONS THAT RESULTED IN WRITTEN AGREEMENTS FOR IMPROVEMENT BETWEEN THE SUBJECT OF THE INVESTIGATION AND THE AUTHORIZED ENTITY.

(II) (A) THE MEDICAL BOARD AND THE NURSING BOARD SHALL FORWARD THE REPORTS RECEIVED PURSUANT TO SUB-SUBPARAGRAPHS (I) AND (II), RESPECTIVELY, OF PARAGRAPH (b) OF THIS SUBSECTION (2) TO THE DIVISION IN A DE-IDENTIFIED MANNER.

(B) THE DIVISION SHALL NOT PUBLISH ANY INFORMATION IDENTIFYING THE GOVERNING BOARD OR AUTHORIZED ENTITY MAKING A REPORT UNDER PARAGRAPH (b) OF THIS SUBSECTION (2) OR THIS PARAGRAPH (c), AND SUCH REPORTS AND INFORMATION ARE NOT PUBLIC RECORDS UNDER THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S."

Page 24, line 1, strike "(b)" and substitute "(c)".

Page 24, line 3, strike "INVESTIGATION, AS" and substitute "INVESTIGATION".

Page 24, strike line 4 and substitute "WAS TAKEN OR".

Page 24, line 7, strike "PARAGRAPH (b) OF SUBSECTION (1)" and substitute "PARAGRAPHS (b) AND (c) OF SUBSECTION (2)".

Page 24, line 9, strike "LICENSED PROFESSIONALS" and substitute "GOVERNING BOARD, THE AUTHORIZED ENTITY, OR ANY PERSON LICENSED UNDER ARTICLE 36 OF THIS TITLE, OR LICENSED UNDER ARTICLE 38 OF THIS TITLE AND GRANTED AUTHORITY AS AN ADVANCED PRACTICE NURSE, WHO WAS".

Page 24, line 12, strike "PROFESSIONAL REVIEW".

Page 24, line 13, strike "COMMITTEES" and substitute "GOVERNING BOARDS".

Page 24, after line 18 insert:

"(5) FOR PURPOSES OF THIS SECTION, AN INVESTIGATION OCCURS WHEN THE AUTHORIZED ENTITY OR ITS PROFESSIONAL REVIEW COMMITTEE NOTIFIES THE SUBJECT OF THE INVESTIGATION IN WRITING THAT AN INVESTIGATION HAS COMMENCED.

(6) THE MEDICAL BOARD AND THE NURSING BOARD SHALL NOT INITIATE AN INVESTIGATION OR ISSUE A SUBPOENA BASED SOLELY ON THE DATA REPORTED PURSUANT TO PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION.

(7) (a) A GOVERNING BOARD THAT FAILS TO REGISTER WITH THE DIVISION PURSUANT TO PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION IS NOT ENTITLED TO ANY IMMUNITY AFFORDED UNDER THIS ARTICLE UNTIL THE DATE THAT THE GOVERNING BOARD SO REGISTERS. A GOVERNING BOARD'S FAILURE TO REGISTER DOES NOT AFFECT ANY IMMUNITY, CONFIDENTIALITY, OR PRIVILEGE AFFORDED TO AN INDIVIDUAL PARTICIPATING IN PROFESSIONAL REVIEW ACTIVITIES.

(b) A GOVERNING BOARD'S FAILURE TO REPORT AS REQUIRED BY THIS SECTION DOES NOT AFFECT ANY IMMUNITY, CONFIDENTIALITY, OR PRIVILEGE AFFORDED TO THE GOVERNING BOARD UNDER THIS ARTICLE."

Page 24, strike lines 21 through 27.

Strike page 25.

Page 26, strike lines 1 through 5 and substitute:

"12-36.5-105. Immunity from liability. (1) A member of a

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professional review committee, A GOVERNING BOARD OR ANY COMMITTEE OR THIRD PARTY DESIGNATED BY THE GOVERNING BOARD UNDER SECTION 12-36.5-104 (8) (b) AND ANY PERSON SERVING ON THE STAFF OF THAT COMMITTEE, BOARD, PANEL, OR THIRD PARTY, a witness OR CONSULTANT before a professional review committee, or AND any person who files a complaint or otherwise participates in the professional review process shall be IS immune from suit AND LIABILITY FOR DAMAGES in any civil or criminal action, including antitrust actions, brought by a physician who is the subject of the review by such professional review committee, if such member made a reasonable effort to obtain the facts of the matter as to which he acted, acted in the reasonable belief that the action taken by him was warranted by the facts, and otherwise acted in good faith within the scope of such professional review committee process and if such witness or participant acted in good faith within the scope of such professional review committee process PERSON LICENSED UNDER ARTICLE 36 OF THIS TITLE OR LICENSED UNDER ARTICLE 38 OF THIS TITLE WHO IS THE SUBJECT OF THE REVIEW BY SUCH PROFESSIONAL REVIEW COMMITTEE UNLESS, IN CONNECTION WITH THE PROFESSIONAL REVIEW PROCESS, THE PERSON PROVIDED FALSE INFORMATION AND KNEW THAT THE INFORMATION WAS FALSE.

(2) The governing board the individual members of such board and the AUTHORIZED entity that has established a peer PROFESSIONAL review committee pursuant to section 12-36.5-104 the board's staff, any person acting as a witness or consultant to the board, any witness testifying in a proceeding authorized under this article, and any person who lodges a complaint pursuant to this article shall be immune from liability in any civil action brought against him or her for acts occurring while acting in his or her capacity as board member, staff, consultant, or witness, respectively, if such individual was acting in good faith within the scope of his or her respective capacity, made a reasonable effort to obtain the facts of the matter as to which he or she acted, and acted in the reasonable belief that the action taken by him or her was warranted by the facts. Any person participating in good faith in lodging a complaint or participating in any investigative or administrative proceeding pursuant to this article shall be immune from any civil or criminal liability that may result from such participation. IS IMMUNE FROM SUIT AND LIABILITY FOR DAMAGES IN ANY CIVIL OR CRIMINAL ACTION, INCLUDING ANTITRUST ACTIONS, BROUGHT BY A PERSON LICENSED UNDER ARTICLE 36 OF THIS TITLE OR LICENSED UNDER ARTICLE 38 OF THIS TITLE WHO IS THE SUBJECT OF THE REVIEW BY SUCH PROFESSIONAL REVIEW COMMITTEE IF THE PROFESSIONAL REVIEW ACTION WAS TAKEN WITHIN THE SCOPE OF THE PROFESSIONAL REVIEW PROCESS AND WAS TAKEN:".

Page 26, line 15, strike "AN AUTHORITY" and substitute "AUTHORITY".

Page 32, strike lines 14 through 26 and substitute:

"12-36.5-203. Limitations on liability relating to professional review actions. (1) The following persons shall ARE IMMUNE FROM SUIT AND not be liable for damages in any civil action with respect to their participation in, assistance to, or reporting of information to a professional review body COMMITTEE in connection with a professional review action in this state, and such persons shall ARE not be liable for damages in any A civil action with respect to their participation in, assistance to, or reporting of information to a professional review body which COMMITTEE THAT meets the standards of and is in conformity with the provisions of the federal "Health Care Quality Improvement Act of 1986", as amended, 42 U.S.C. secs. 11101 through 11152: upon implementation of such act by the federal government:".

Page 33, line 11, after "(2)" insert "(a)".

Page 33, line 16, after "false:" add:

"NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, NOTHING IN THIS ARTICLE RELIEVES AN AUTHORIZED ENTITY THAT IS A HEALTH CARE FACILITY LICENSED OR CERTIFIED PURSUANT TO PART 1 OF ARTICLE 3 OF TITLE 25, C.R.S., OR CERTIFIED PURSUANT TO SECTION 25-1.5-103, C.R.S., OF LIABILITY TO AN INJURED PERSON OR WRONGFUL DEATH CLAIMANT FOR

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THE FACILITY'S INDEPENDENT NEGLIGENCE IN THE CREDENTIALING OR PRIVILEGING PROCESS FOR A PERSON LICENSED UNDER ARTICLE 36 OF THIS TITLE OR LICENSED UNDER ARTICLE 38 OF THIS TITLE AND GRANTED AUTHORITY AS AN ADVANCED PRACTICE NURSE WHO PROVIDED HEALTH CARE SERVICES FOR THE INJURED OR DECEASED PERSON AT THE FACILITY. FOR PURPOSES OF THIS SECTION, THE FACILITY'S PARTICIPATION IN THE CREDENTIALING PROCESS OR THE PRIVILEGING PROCESS DOES NOT CONSTITUTE THE CORPORATE PRACTICE OF MEDICINE.

(b) NOTHING IN THIS SECTION AFFECTS THE CONFIDENTIALITY OR PRIVILEGE OF ANY RECORDS SUBJECT TO SECTION 12-36.5-104 (10) OR OF INFORMATION OBTAINED AND MAINTAINED IN ACCORDANCE WITH A QUALITY MANAGEMENT PROGRAM AS DESCRIBED IN SECTION 25-3-109, C.R.S. THE EXCEPTIONS TO CONFIDENTIALITY OR PRIVILEGE AS SET FORTH IN SECTION 25-3-109 (4), C.R.S., AND 12-36.5-104 (10) APPLY.

(c) THIS SUBSECTION (2), AS AMENDED, APPLIES TO ACTIONS FILED ON OR AFTER JULY 1, 2012."

Page 33, strike line 23 and substitute "PROVIDED BY, OR THE competence or professional".

Page 33, line 26, strike "AN AUTHORITY" and substitute "AUTHORITY".

Page 34, line 22, strike "QUALIFICATIONS, competence," and substitute "competence".

Page 34, line 24, strike "AN AUTHORITY" and substitute "AUTHORITY".

Page 35, line 8, strike "~~shall be considered~~ IS" and substitute "~~shall be~~ IS considered".

Agriculture,
Natural
Resources, &
Energy

After consideration on the merits, the Committee recommends that **HB12-1161** be postponed indefinitely.

Agriculture,
Natural
Resources, &
Energy

After consideration on the merits, the Committee recommends that **HB12-1330** be referred to the Committee on Appropriations with favorable recommendation.

Agriculture,
Natural
Resources, &
Energy

After consideration on the merits, the Committee recommends that **HB12-1334** be referred to the Committee on Appropriations with favorable recommendation.

Agriculture,
Natural
Resources, &
Energy

The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
COLORADO STATE FAIR AUTHORITY
BOARD OF COMMISSIONERS

for terms expiring November 1, 2015:

Mark A. Arndt of Fort Morgan, Colorado to serve as a Republican from the Fourth Congressional District, and with substantial experience in agriculture or in the activities of 4-H clubs, reappointed;

Patty Shaw Castilian of Denver, Colorado to serve as a Democrat from the First Congressional District, reappointed.

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Agriculture, Natural Resources, & Energy The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE STATE BOARD OF STOCK INSPECTION COMMISSIONERS

effective May 1, 2012 for a term expiring May 1, 2016:

Kathie Troudt Riley of Loveland, Colorado to serve as a representative with broad general knowledge of the Colorado livestock industry and shall represent commodity other than confinement and non-confinement cattle industries, with the largest percentage of charged fees, appointed.

Agriculture, Natural Resources, & Energy The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE COLORADO TOURISM OFFICE BOARD OF DIRECTORS

for a term expiring June 1, 2012:

Troy Allan Rarick of Fruita, Colorado, to fill the vacancy occasioned by the resignation of James E. Durr, Eckert, Colorado, and to serve as a representative of tourism-related retail industry, small community, and small business, appointed;

for terms expiring June 1, 2015:

Edwin A. Garcia of Aurora, Colorado, a representative of tourism-related transportation industries, reappointed.

Education After consideration on the merits, the Committee recommends that **SB12-179** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

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

"SECTION 1. In Colorado Revised Statutes, 22-32-124, **amend** (2) (a) (I) (A) and (2) (a) (II) as follows:

22-32-124. Building codes - zoning - planning - fees - rules - definitions. (2) (a) (I) (A) This subsection (2) shall apply to building or structure construction. Except as specified in subparagraph (II) of this paragraph (a), the division shall conduct the necessary plan reviews, issue building permits, cause the necessary inspections to be performed, perform final inspections, and issue certificates of occupancy to assure that a building or structure constructed pursuant to subsection (1) or (1.5) of this section has been constructed in conformity with the building and fire codes adopted by the director of the division and that the school district or charter school, whichever is appropriate, has complied with the provisions of paragraph (b) of subsection (1) of this section. Pursuant to this sub-subparagraph (A), the division may contract with third-party inspectors that are certified in accordance with section 24-33.5-1213.5, C.R.S., to perform inspections. IN ADDITION, EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), THE DIVISION SHALL CONTRACT WITH SUCH A CERTIFIED THIRD-PARTY INSPECTOR TO REVIEW AND INSPECT THE STRUCTURAL ENGINEERING OF ANY BUILDING OR STRUCTURE FOR WHICH STRUCTURAL WORK THAT REQUIRES PLANNING BY AN ENGINEER IS BEING DONE AND FOR WHICH FINANCIAL ASSISTANCE, AS

DEFINED IN SECTION 22-43.7-103 (10), IS BEING PROVIDED PURSUANT TO THE "BUILDING EXCELLENT SCHOOLS TODAY ACT", ARTICLE 43.7 OF THIS TITLE, AND SHALL NOT ISSUE BUILDING PERMITS FOR SUCH A BUILDING OR STRUCTURE UNLESS THE INSPECTOR CERTIFIES TO THE DIVISION THAT ITS STRUCTURAL ENGINEERING IS SOUND. The affected board of education, state charter school institute, or charter school may hire and compensate third-party inspectors under contract with the division or hire and compensate other third-party inspectors that are certified in accordance with section 24-33.5-1213.5, C.R.S., to perform inspections. If the board of education, state charter school institute, or charter school is unable to obtain a third-party inspector and no building department has been prequalified, the division shall perform the required inspections. If a third-party inspector is used, the division shall require a sufficient number of third-party inspection reports to be submitted by the inspector to the division based upon the scope of the project to ensure quality inspections are performed. Except as specified in sub-subparagraph (B) of this subparagraph (I), the third-party inspector shall attest that inspections are complete and all violations are corrected before the board of education, state charter school institute, or charter school is issued a certificate of occupancy. Inspection records shall be retained by the third-party inspector for two years after the certificate of occupancy is issued. If the division finds that inspections are not completed satisfactorily, as determined by rule of the division, or that all violations are not corrected, the division shall take enforcement action against the appropriate board of education, state charter school institute, or charter school pursuant to section 24-33.5-1213, C.R.S.

(II) Pursuant to a memorandum of understanding between the appropriate building department and the division, the division may prequalify an appropriate building department to conduct the necessary plan reviews, issue building permits, conduct inspections, INCLUDING IF APPROPRIATE FOR A GIVEN BUILDING DEPARTMENT THE STRUCTURAL ENGINEERING REVIEW AND INSPECTION REQUIRED BY SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) FOR ANY BUILDING OR STRUCTURE FOR WHICH STRUCTURAL WORK THAT REQUIRES PLANNING BY AN ENGINEER IS BEING DONE AND FOR WHICH FINANCIAL ASSISTANCE, AS DEFINED IN SECTION 22-43.7-103 (10), IS BEING PROVIDED PURSUANT TO THE "BUILDING EXCELLENT SCHOOLS TODAY ACT", ARTICLE 43.7 OF THIS TITLE, issue certificates of occupancy, and issue temporary certificates of occupancy pursuant to sub-subparagraph (B) of subparagraph (I) of this paragraph (a), to ensure that a building or structure constructed pursuant to subsection (1) or (1.5) of this section has been constructed in conformity with the building and fire codes adopted by the director of the division, and take enforcement action. IF AN APPROPRIATE BUILDING DEPARTMENT IS PREQUALIFIED TO CONDUCT THE STRUCTURAL ENGINEERING REVIEW AND INSPECTION REQUIRED BY SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) FOR ANY BUILDING OR STRUCTURE FOR WHICH STRUCTURAL WORK THAT REQUIRES PLANNING BY AN ENGINEER IS BEING DONE AND FOR WHICH FINANCIAL ASSISTANCE, AS DEFINED IN SECTION 22-43.7-103 (10), IS BEING PROVIDED PURSUANT TO THE "BUILDING EXCELLENT SCHOOLS TODAY ACT", ARTICLE 43.7 OF THIS TITLE, IT SHALL PERFORM THE REVIEW AND INSPECTION. IF THE APPROPRIATE BUILDING DEPARTMENT IS NOT PREQUALIFIED TO PERFORM THE STRUCTURAL ENGINEERING REVIEW AND INSPECTION, IT SHALL ADVISE THE DIVISION THAT IT WILL NOT BE PERFORMING THE REVIEW AND INSPECTION, AND THE DIVISION SHALL CONTRACT FOR THE REVIEW AND INSPECTION AS SPECIFIED IN SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a). Nothing in the memorandum of understanding shall be construed to allow the building department to take enforcement action other than in relation to the building and fire codes adopted by the division. An appropriate building department shall meet certification requirements established by the division pursuant to section 24-33.5-1213.5, C.R.S., prior to prequalification. An affected board of education, state charter school institute, or charter school may, at its own discretion, opt to use a prequalified building department that has entered into a memorandum of understanding with the division as the delegated authority. If a building department conducts an inspection, the building department shall retain the inspection records for two years after the final certificate of occupancy is issued. The fees charged by the building department shall cover actual, reasonable, and necessary costs. For

purposes of this section, "appropriate building department" means the building department of a county, town, city, or city and county and includes a building department within a fire department.

SECTION 2. In Colorado Revised Statutes, 22-43.7-111, **amend** (1) introductory portion, (1) (c), (1) (d) (IV), and (2); and **add** (1) (e) as follows:

22-43.7-111. Reporting requirements - auditing by state auditor. (1) No later than February 15, 2010, and no later than each February 15 thereafter, the board shall present a written report to the education and finance committees of the house of representatives and the senate, or any successor committees, regarding the provision of financial assistance to applicants pursuant to this article. THE BOARD SHALL MAKE THE REPORT AVAILABLE ELECTRONICALLY ON THE WEB SITE OF THE DEPARTMENT AS SOON AS IS FEASIBLE AFTER IT PRESENTS THE REPORT. The report shall include, at a minimum:

(c) A summary of any differences between the common physical design elements and characteristics of the highest performing schools in the state and the lowest performing schools in the state as measured by academic productivity measures such as the Colorado student assessment program created in part 4 of article 7 of this title or Colorado ACT results; ~~and~~

(d) A list of the financial assistance applications for public school facility capital construction that were denied financial assistance during the prior fiscal year that includes for each project:

(IV) A summary of the reasons why the board or the state board denied financial assistance for the project; AND

(e) STATEMENTS OF:

(I) THE AGGREGATE AMOUNT AND AMOUNT BY SOURCE OF THE MONEYS CREDITED TO THE ASSISTANCE FUND DURING THE PRIOR FISCAL YEAR; AND

(II) THE BALANCE OF THE ASSISTANCE FUND AT THE END OF THE PRIOR FISCAL YEAR.

(2) No later than February 15, 2014, AND NO LATER THAN EACH FEBRUARY 15 THEREAFTER, the board shall prepare and make available electronically on the web site of the department a report to the taxpayers of the state regarding the provision of financial assistance to applicants pursuant to this article during the five prior fiscal years. The report shall include, at a minimum, the information specified in subsection (1) of this section for each of the five prior fiscal years and an aggregation of any of such information that can feasibly be aggregated for the full five-year period.

SECTION 3. In Colorado Revised Statutes, 24-33.5-1203, **amend** (1) (p) as follows:

24-33.5-1203. Duties of division. (1) The division shall perform the following duties:

(p) Conduct construction plan reviews and inspect public school and junior college buildings and structures and enforce the codes adopted in accordance with sections 22-32-124 (2) and 23-71-122 (1) (v), C.R.S., and sections 24-33.5-1213 and 24-33.5-1213.3. THE GENERAL ASSEMBLY ENCOURAGES THE DIVISION, IN PERFORMING THIS DUTY, TO PREQUALIFY APPROPRIATE BUILDING DEPARTMENTS TO CONDUCT CONSTRUCTION PLAN REVIEWS AND INSPECTIONS OF PUBLIC SCHOOL BUILDINGS AND STRUCTURES AS AUTHORIZED BY SECTION 22-32-124 (2) (a) (II), C.R.S., IN LIEU OF CONDUCTING THE REVIEWS AND INSPECTIONS ITSELF WHENEVER FEASIBLE.

SECTION 4. In Colorado Revised Statutes, 24-33.5-1213.7, **amend** (1) (a), (1) (b), and (1) (c) as follows:

24-33.5-1213.7. Board of appeals. (1) (a) There is hereby created in the division a board of appeals, referred to in this section as the "board of appeals". The board of appeals shall consist of ~~seven~~ EIGHT members appointed by the executive director AND, AS AN EX OFFICIO MEMBER WITHOUT VOTING RIGHTS, THE DIRECTOR OF THE DIVISION OF PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE IN THE DEPARTMENT OF EDUCATION.

(b) The members of the board of appeals shall be persons who are qualified by experience and training to pass upon matters pertaining to building construction and, IN ADDITION TO THE DIRECTOR OF THE DIVISION OF PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE IN THE DEPARTMENT OF EDUCATION, shall include one representative nominated

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by each of the Colorado association of school boards, the Colorado association of school executives, THE COLORADO LEAGUE OF CHARTER SCHOOLS, the Colorado chapter of the international code council, the fire marshal's association of Colorado, the Colorado state fire chiefs' association, the rocky mountain chapter of the council for educational facilities FACILITY planners international, and Colorado counties, incorporated, or from a successor to any of these organizations representing comparable interests.

(c) The members of the board of appeals shall serve at the pleasure of the executive director; EXCEPT THAT THE DIRECTOR OF THE DIVISION OF PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE IN THE DEPARTMENT OF EDUCATION SHALL SERVE FOR AS LONG AS HE OR SHE REMAINS THE DIRECTOR OF THE DIVISION. For the initial board, the executive director shall appoint one member for a one-year term, two members for two-year terms, and three members for three-year terms. Subsequent appointments shall be for three-year terms; except that an appointment to fill a vacancy on the board shall be for the remainder of the predecessor's term.

SECTION 5. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 6. Effective date. This act takes effect July 1, 2012.

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Page 1, strike lines 101 and 102 and substitute:

"CONCERNING MODIFICATION OF THE GOVERNMENTAL OVERSIGHT OF THE CONSTRUCTION OF PUBLIC SCHOOL CAPITAL CONSTRUCTION PROJECTS THAT RECEIVE FINANCIAL ASSISTANCE UNDER THE "BUILDING EXCELLENT SCHOOLS TODAY ACT" THAT DOES NOT INCLUDE ANY CHANGES TO THE FUNDING OF THE "BUILDING EXCELLENT SCHOOLS TODAY ACT."

Education

After consideration on the merits, the Committee recommends that **HB12-1261** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, line 22, after "and" insert "**repeal**".

Page 3, line 27, strike "one thousand six hundred" and substitute "~~one thousand six hundred~~ FOUR THOUSAND EIGHT HUNDRED".

Page 4, strike lines 1 through 4 and substitute "who is employed to teach in a school district, a program operated by a board of cooperative services a charter school authorized by a school district pursuant to part 1 of article 30.5 of this title, or a charter school authorized by the state charter school institute pursuant to part 5 of article".

Page 4, line 5, strike "30.5 of this title," and substitute "~~30.5 of this title;~~ LOW-PERFORMING, HIGH-NEEDS SCHOOL".

Page 4, line 12, strike "one thousand" and substitute "~~one thousand~~ FOUR THOUSAND EIGHT HUNDRED".

Page 4, line 13, strike "six hundred" and substitute "~~six hundred~~".

Page 4, strike lines 23 through 27 and substitute:

~~"(2) Beginning with the 2009-10 school year and ending with the 2011-12 school year, subject to available appropriations, an additional annual stipend of three thousand two hundred dollars shall be awarded to any teacher who meets the criteria set forth in subsection (1) of this section and who is employed as of May 1 in a given school year in a school that is required to implement a priority improvement or turnaround~~

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~~plan pursuant to section 22-11-405 or 22-11-406, respectively. Subject to available appropriations, a teacher shall continue to receive the additional stipend award pursuant to this subsection (2) if he or she remains employed in a school that was previously required to implement a priority improvement or turnaround plan but improves sufficiently to implement an improvement or performance plan pursuant to section 22-11-404 or 22-11-403, respectively. The additional stipend for such teachers shall be subject to the same restrictions and requirements as set forth in subsection (1) of this section."~~

Page 5, strike lines 1 through 12.

Education

After consideration on the merits, the Committee recommends that **HB12-1345** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 10, after line 14 insert:

"SECTION 7. In Colorado Revised Statutes, **add** 22-2-140 as follows:

22-2-140. Early literacy assessment tool - request for proposals - software - hardware - training - distribution - legislative declaration. (1) (a) BY OCTOBER 1, 2012, THE DEPARTMENT SHALL ISSUE A REQUEST FOR PROPOSALS FOR THE PURCHASE OF AN EARLY LITERACY ASSESSMENT TOOL THAT TEACHERS MAY USE TO OBTAIN REAL-TIME ASSESSMENTS OF THE READING SKILL LEVELS OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES AND, BASED ON THE ASSESSMENT RESULTS, GENERATE INTERVENTION PLANS AND MATERIALS.

(b) AT A MINIMUM, THE REQUEST FOR PROPOSALS SHALL INCLUDE THE PURCHASE OF:

(I) SOFTWARE THAT, AT A MINIMUM:

(A) PROVIDES INDIVIDUALIZED ASSESSMENTS WITH IMMEDIATE RESULTS;

(B) STORES AND ANALYZES ASSESSMENTS RESULTS, RECOMMENDS ACTIVITIES THAT ARE ALIGNED WITH THE ASSESSMENT RESULTS, AND ASSISTS IN TRACKING STUDENT PERFORMANCE AND IDENTIFYING STRATEGIES TO IMPROVE STUDENT PERFORMANCE;

(C) PROVIDES STUDENT GROUPING RECOMMENDATIONS BASED ON THE ASSESSMENT SCORES AND PROVIDES PROPOSED LESSON PLANS ON A SHORT-TERM CYCLE; AND

(D) ASSISTS IN GENERATING AND POPULATING INDIVIDUALIZED PLANS TO IMPROVE STUDENTS' READING SKILLS;

(II) MOBILE DEVICES FOR USE WITH THE SOFTWARE; AND

(III) TRAINING IN USING THE SOFTWARE AND MOBILE DEVICES FOR TEACHERS OR OTHER PERSONNEL SELECTED BY EACH LOCAL EDUCATION PROVIDER.

(c) THE REQUEST FOR PROPOSALS SHALL INCLUDE THE PURCHASE OF A SUFFICIENT NUMBER OF MOBILE DEVICES AND SOFTWARE LICENSES FOR EACH LOCAL EDUCATION PROVIDER IN THE STATE TO USE THE EARLY LITERACY ASSESSMENT TOOL IN ALL OF ITS KINDERGARTEN AND FIRST-, SECOND-, AND THIRD-GRADE CLASSES.

(2) THE DEPARTMENT SHALL SELECT FROM AMONG THE RESPONSES RECEIVED AND ENTER INTO A CONTRACT FOR THE PURCHASE OF MOBILE DEVICES, SOFTWARE, AND TRAINING NO LATER THAN MARCH 1, 2013.

(3) AS SOON AS PRACTICABLE AFTER ENTERING INTO THE CONTRACT, THE DEPARTMENT SHALL NOTIFY THE LOCAL EDUCATION PROVIDERS AND PROVIDE INFORMATION EXPLAINING THE SOFTWARE PURCHASED; THE MOBILE DEVICES PURCHASED, INCLUDING THE NUMBER AVAILABLE TO EACH LOCAL EDUCATION PROVIDER; AND THE AVAILABILITY OF TRAINING IN THE USE OF THE SOFTWARE AND MOBILE DEVICES, INCLUDING DATES, TIMES, AND LOCATIONS. THE DEPARTMENT SHALL ENSURE THAT TRAINING IS COMPLETED IN SUFFICIENT TIME TO ALLOW EACH LOCAL EDUCATION PROVIDER TO BEGIN USING THE EARLY LITERACY ASSESSMENT TOOL BY THE BEGINNING OF THE 2013-14 SCHOOL YEAR.

(4) BY JULY 1, 2013, THE DEPARTMENT, UPON REQUEST, SHALL

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PROVIDE TO EACH LOCAL EDUCATION PROVIDER AN ADEQUATE NUMBER OF MOBILE DEVICES AND SOFTWARE LICENSES TO ENABLE THE LOCAL EDUCATION PROVIDER TO USE THE EARLY LITERACY ASSESSMENT TOOL IN ALL OF ITS KINDERGARTEN AND FIRST-, SECOND-, AND THIRD-GRADE CLASSES.

(5) AS USED IN THIS SECTION, "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT; A CHARTER SCHOOL THAT ENROLLS STUDENTS IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES; AND A PUBLIC SCHOOL OPERATED BY A BOARD OF COOPERATIVE SERVICES THAT ENROLLS STUDENTS IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES.

(6) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, PURCHASING AN EARLY LITERACY ASSESSMENT TOOL AS DESCRIBED IN THIS SECTION FOR THE USE OF LOCAL EDUCATION PROVIDERS IS AN IMPORTANT ELEMENT OF ACCOUNTABLE EDUCATION REFORM AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

SECTION 8. In Colorado Revised Statutes, **add 22-30.5-112.2** as follows:

22-30.5-112.2. Charter schools - at-risk supplemental aid - definitions - legislative declaration. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ADJUSTED DISTRICT PER PUPIL REVENUES" HAS THE SAME MEANING AS DEFINED IN SECTION 22-30.5-112.1 (1) (a).

(b) "ASCENT PROGRAM" MEANS THE ACCELERATING STUDENTS THROUGH CONCURRENT ENROLLMENT PROGRAM CREATED IN SECTION 22-35-108.

(c) "AT-RISK PUPILS" HAS THE SAME MEANING AS DEFINED IN SECTION 22-54-103 (1.5).

(d) "DISTRICT PER PUPIL REVENUES" HAS THE SAME MEANING AS DEFINED IN SECTION 22-30.5-112 (2) (a.5) (II).

(e) "QUALIFYING SCHOOL DISTRICT" HAS THE SAME MEANING AS DEFINED IN SECTION 22-30.5-112.1.

(2) (a) FOR THE 2012-13 BUDGET YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE TO THE DEPARTMENT OF EDUCATION FOR ALLOCATION TO SCHOOL DISTRICTS THE AMOUNT CALCULATED FOR AT-RISK SUPPLEMENTAL AID FOR THOSE SCHOOL DISTRICTS AND DISTRICT CHARTER SCHOOLS DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (2). THE AT-RISK SUPPLEMENTAL AID IS ADDITIONAL FUNDING AND DOES NOT SUPPLANT ANY OTHER FUNDING PROVIDED PURSUANT TO THIS ARTICLE.

(b) (I) EACH QUALIFYING SCHOOL DISTRICT SHALL RECEIVE AT-RISK SUPPLEMENTAL AID IF THE PERCENTAGE OF AT-RISK PUPILS IN A DISTRICT CHARTER SCHOOL AUTHORIZED BY THE QUALIFYING SCHOOL DISTRICT PRIOR TO JULY 1, 2004, IS LESS THAN THE PERCENTAGE OF AT-RISK PUPILS IN THE QUALIFYING SCHOOL DISTRICT. THE AMOUNT OF THE SCHOOL DISTRICT'S AT-RISK SUPPLEMENTAL AID IS EQUAL TO THE DIFFERENCE BETWEEN ONE HUNDRED PERCENT OF DISTRICT PER PUPIL REVENUES AND ONE HUNDRED PERCENT OF ADJUSTED DISTRICT PER PUPIL REVENUES FOR EACH PUPIL ENROLLED IN THE DISTRICT CHARTER SCHOOL, NOT INCLUDING ON-LINE PUPILS OR PUPILS ENROLLED IN THE ASCENT PROGRAM.

(II) EACH DISTRICT CHARTER SCHOOL IN A QUALIFYING SCHOOL DISTRICT THAT WAS INITIALLY AUTHORIZED PRIOR TO JULY 1, 2004, SHALL RECEIVE AT-RISK SUPPLEMENTAL AID IF THE PERCENTAGE OF AT-RISK STUDENTS IN THE DISTRICT CHARTER SCHOOL EXCEEDS THE PERCENTAGE OF AT-RISK PUPILS IN THE QUALIFYING SCHOOL DISTRICT. THE AMOUNT OF THE DISTRICT CHARTER SCHOOL'S AT-RISK SUPPLEMENTAL AID IS EQUAL TO THE DIFFERENCE BETWEEN ONE HUNDRED PERCENT OF ADJUSTED DISTRICT PER PUPIL REVENUES AND ONE HUNDRED PERCENT OF DISTRICT PER PUPIL REVENUES FOR EACH PUPIL ENROLLED IN THE DISTRICT CHARTER SCHOOL, NOT INCLUDING ON-LINE PUPILS OR PUPILS ENROLLED IN THE ASCENT PROGRAM. A SCHOOL DISTRICT SHALL PASS THROUGH ONE HUNDRED PERCENT OF A DISTRICT CHARTER SCHOOL'S AT-RISK SUPPLEMENTAL AID TO THE DISTRICT CHARTER SCHOOL.

(III) EACH DISTRICT CHARTER SCHOOL IN A SCHOOL DISTRICT THAT IS NOT A QUALIFYING DISTRICT AND WHOSE PERCENTAGE OF AT-RISK PUPILS EXCEEDS THE PERCENTAGE OF AT-RISK PUPILS IN THE CHARTERING SCHOOL DISTRICT SHALL RECEIVE AT-RISK SUPPLEMENTAL AID. THE AMOUNT OF THE DISTRICT CHARTER SCHOOL'S AT-RISK SUPPLEMENTAL AID

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IS EQUAL TO THE DIFFERENCE BETWEEN ONE HUNDRED PERCENT OF ADJUSTED DISTRICT PER PUPIL REVENUES AND ONE HUNDRED PERCENT OF DISTRICT PER PUPIL REVENUES FOR EACH PUPIL ENROLLED IN THE DISTRICT CHARTER SCHOOL, NOT INCLUDING ON-LINE PUPILS OR PUPILS ENROLLED IN THE ASCENT PROGRAM. A SCHOOL DISTRICT SHALL PASS THROUGH ONE HUNDRED PERCENT OF A DISTRICT CHARTER SCHOOL'S AT-RISK SUPPLEMENTAL AID TO THE DISTRICT CHARTER SCHOOL.

(3) IF THE APPROPRIATION TO THE DEPARTMENT OF EDUCATION IS INSUFFICIENT TO FUND ONE HUNDRED PERCENT OF THE AT-RISK SUPPLEMENTAL AID CALCULATED PURSUANT TO PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION, THE DEPARTMENT OF EDUCATION SHALL ALLOCATE THE AT-RISK SUPPLEMENTAL AID PROPORTIONATELY.

(4) DURING THE FIRST REGULAR SESSION OF THE SIXTY-NINTH GENERAL ASSEMBLY, THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND OF THE SENATE, OR THEIR SUCCESSOR COMMITTEES, SHALL REVIEW THE PROVISIONS FOR AT-RISK FUNDING PURSUANT TO ARTICLE 54 OF THIS TITLE, THE NEGATIVE FACTOR REQUIRED PURSUANT TO SECTION 22-54-104 (5) (g), AND THE IMPACT THAT THE NEGATIVE FACTOR HAS HAD ON AT-RISK FUNDING.

SECTION 9. In Colorado Revised Statutes, 22-30.5-513, add (4.5) as follows:

22-30.5-513. Institute charter schools - definitions - funding - at-risk supplemental aid - legislative declaration. (4.5) (a) FOR THE 2012-13 BUDGET YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE TO THE CHARTER SCHOOL INSTITUTE THE AMOUNT CALCULATED FOR AT-RISK SUPPLEMENTAL AID PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (4.5) FOR EACH INSTITUTE CHARTER SCHOOL WHOSE PERCENTAGE OF AT-RISK PUPILS IS LESS THAN THE PERCENTAGE OF AT-RISK PUPILS IN THE ACCOUNTING DISTRICT. AT-RISK SUPPLEMENTAL AID IS ADDITIONAL FUNDING AND DOES NOT SUPPLANT ANY OTHER FUNDING ALLOCATED PURSUANT TO THIS SECTION. THE CHARTER SCHOOL INSTITUTE SHALL PASS THROUGH ONE HUNDRED PERCENT OF AN INSTITUTE CHARTER SCHOOL'S AT-RISK SUPPLEMENTAL AID TO THE INSTITUTE CHARTER SCHOOL.

(b) THE INSTITUTE CHARTER SCHOOL'S AT-RISK SUPPLEMENTAL AID IS EQUAL TO ONE-HALF OF THE DIFFERENCE BETWEEN ONE HUNDRED PERCENT OF THE ACCOUNTING DISTRICT'S PER PUPIL REVENUES AND ONE HUNDRED PERCENT OF THE ACCOUNTING DISTRICT'S ADJUSTED PER PUPIL REVENUES FOR EACH PUPIL ENROLLED IN THE DISTRICT CHARTER SCHOOL, NOT INCLUDING ON-LINE PUPILS OR PUPILS ENROLLED IN THE ASCENT PROGRAM.

(c) FOR PURPOSES OF THIS SUBSECTION (4.5), UNLESS THE CONTEXT OTHERWISE REQUIRES, "ACCOUNTING DISTRICT'S PER PUPIL REVENUES" HAS THE SAME MEANING AS THE TERM "DISTRICT PER PUPIL REVENUES" DEFINED IN SECTION 22-30.5-112.

(d) IF THE APPROPRIATION TO THE CHARTER SCHOOL INSTITUTE IS INSUFFICIENT TO FUND ONE HUNDRED PERCENT OF THE AT-RISK SUPPLEMENTAL AID CALCULATED PURSUANT TO THIS SUBSECTION (4.5), THE CHARTER SCHOOL INSTITUTE SHALL DISTRIBUTE THE AT-RISK SUPPLEMENTAL AID PROPORTIONATELY.

(e) DURING THE FIRST REGULAR SESSION OF THE SIXTY-NINTH GENERAL ASSEMBLY, THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND OF THE SENATE, OR THEIR SUCCESSOR COMMITTEES, SHALL REVIEW THE PROVISIONS FOR AT-RISK FUNDING PURSUANT TO ARTICLE 54 OF THIS TITLE, THE NEGATIVE FACTOR REQUIRED PURSUANT TO SECTION 22-54-104 (5) (g), AND THE IMPACT THAT THE NEGATIVE FACTOR HAS HAD ON AT-RISK FUNDING.

SECTION 10. In Colorado Revised Statutes, 22-54-114, add (4) (c) as follows:

22-54-114. State public school fund. (4) (c) FOR THE 2012-13 BUDGET YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE THE AMOUNT CALCULATED FOR AT-RISK SUPPLEMENTAL AID PURSUANT TO SECTIONS 22-30.5-112.2 AND 22-30.5-513, UP TO THREE MILLION EIGHT HUNDRED THIRTY-NINE THOUSAND SIX HUNDRED TWENTY-SEVEN DOLLARS, FROM ANY AMOUNTS RECOVERED BY THE DEPARTMENT OF EDUCATION DURING THE APPLICABLE BUDGET YEAR WHERE THE DEPARTMENT HAS RECEIVED PAYMENTS FROM SCHOOL DISTRICTS AND INSTITUTE CHARTER SCHOOLS IN EXCESS OF THREE MILLION DOLLARS."

Renumber succeeding sections accordingly.

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Page 11, line 11, after "Appropriation." insert "(1)".

Page 11, after line 17 insert:

"(2) In addition to any other appropriation, there is hereby appropriated, out of audit recoveries credited to the state public school fund pursuant to section 22-54-114 (4), not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2012, the sum of \$3,839,627, or so much thereof as may be necessary, for allocation to the public school finance unit for the payment of at-risk supplemental aid to school districts, district charter schools, and institute charter schools pursuant to sections 22-30.5-112.2 and 22-30.5-513, Colorado Revised Statutes."

REPORT OF CONFERENCE COMMITTEES

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB12-020**

**THIS REPORT AMENDS THE
REREVISED BILL**

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on SB12-020, concerning immunity from certain criminal offenses when a person reports in good faith an emergency drug or alcohol overdose event, has met and reports that it has agreed upon the following:

1. That the Senate accede to the House amendments made to the bill, as the amendments appear in the rerevised bill, with the following changes:

Amend rerevised bill, page 4, strike lines 6 and 7 and substitute "DESCRIBED IN SECTION 18-18-403.5 (2) (a) (I), (2) (b) (I), OR (2) (c);".

2. That, under the authority granted to the committee to consider matters not at issue between the two houses, the following amendments be recommended:

Amend rerevised bill, page 3, line 12, strike "ARREST AND".

Page 5, strike lines 4 through 10 and substitute:

"(4) NOTHING IN THIS SECTION SHALL BE INTERPRETED TO PROHIBIT THE PROSECUTION OF A PERSON FOR AN OFFENSE OTHER THAN AN OFFENSE LISTED IN SUBSECTION (3) OF THIS SECTION OR TO LIMIT THE ABILITY OF A DISTRICT ATTORNEY OR A LAW ENFORCEMENT OFFICER TO OBTAIN OR USE EVIDENCE OBTAINED FROM A REPORT, RECORDING, OR ANY OTHER STATEMENT PROVIDED PURSUANT TO SUBSECTION (1) OF THIS SECTION TO INVESTIGATE AND PROSECUTE AN OFFENSE OTHER THAN AN OFFENSE LISTED IN SUBSECTION (3) OF THIS SECTION."

Respectfully submitted,

Senate Committee:
(signed)
Irene Aguilar, Chairman
Morgan Carroll
Ellen Roberts

House Committee:
(signed)
Ken Summers, Chairman
Mark Waller
Pete Lee

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MESSAGE FROM THE HOUSE

May 3, 2012

The House has postponed indefinitely SB12-139, 154. The bills are returned herewith.

The House has adopted and returns herewith SJR12-039.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1119, amended as printed in House Journal, May 2, pages 1238-1241.

MESSAGE FROM THE REVISOR OF STATUTES

May 3, 2012

We herewith transmit:

Without comment, as amended, HB12-1119.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJR12-023, 031 and 035; HB12-1012, 1070, 1114, 1140, 1151, 1224, 1239, 1244, 1262, 1276.

MESSAGE FROM THE GOVERNOR

May 3, 2012

To the Honorable Senate
Sixty-Eighth General Assembly
Second 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 Act:

SB12-013: CONCERNING LOW-SPEED ELECTRIC VEHICLES.

Approved May 3, 2012 at 1:02 p.m.

SB12-158: CONCERNING THE CONSOLIDATION OF TWO PUBLIC HOUSING AGENCIES WITHIN THE DIVISION OF HOUSING IN THE DEPARTMENT OF LOCAL AFFAIRS.

Approved May 3, 2012 at 1:12 p.m.

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SB12-110: CONCERNING A FUND CONSISTING OF SURCHARGES ON INSURANCE PREMIUMS TO PAY FOR COSTS ASSOCIATED WITH CRIMINAL PROSECUTION OF INSURANCE FRAUD INVESTIGATIONS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Approved May 3, 2012 at 1:21 p.m.

SB12-156: CONCERNING THE AUTHORITY OF THE DEPARTMENT OF PERSONAL TO EXPEND GIFTS, GRANTS AND DONATIONS.

Approved May 3, 2012 at 1:21 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Thursday, May 3 was laid over until Friday, May 4, retaining its place on the calendar.

- Consideration of Resolutions: SJR12-034, SJR12-038, SR12-003, HJR12-1022.
- Consideration of House Amendments to Senate Bills: SB12-036.
- Consideration of Governor's Appointments:
 - Members of the Colorado Tourism Board of Directors.
 - Member of the Waste Tire Advisory Committee.
 - Members of the Colorado Traumatic Brain Injury Trust Fund Board.
 - Member of the Colorado Children's Trust Fund Board.
 - Member of the CoverColorado Board of Directors.
 - Members of the Board of Trustees of Metropolitan State College of Denver.
 - Members of the Colorado Educational and Cultural Facilities Authority Board of Directors
 - Members of the CollegeInvest Board of Directors.
 - Members of the State Board for for Community Colleges and Occupational Education.
 - Members of the Board of Trustees for Western State College of Colorado.
 - Member of the Colorado Tourism Office Board of Directors.
 - Members of the Colorado Banking Board.
 - Commissioner of Insurance.
 - Member of the Renewable Energy Authority Board of Directors.
- Conference Committees to Report: SB12-020, HB12-1053, HB12-1168.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, May 4, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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