

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

52nd Legislative Day Friday, March 2, 2012

Prayer By the chaplain, Reverend John Thompson, Park Hill United Methodist Church, Denver.

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

Pledge By Senator Roberts.

Roll Call Present--33
 Excused--2, Johnston, Shaffer B.
 Present later--1, Shaffer B.

Quorum The President *pro tem* announced a quorum present.

Reading of Journal On motion of Senator Aguilar, reading of the Journal of Thursday, March 1, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **SB12-129** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, strike lines 8 through 23 and substitute:

"SECTION 2. In Colorado Revised Statutes, 24-37.5-102, **amend** (1); and **add** (1.2) as follows:

24-37.5-102. Definitions - repeal. As used in this article, unless the context otherwise requires:

(1) ~~"Chief information officer" means the chief information officer appointed pursuant to section 24-37.5-103~~ **"BROADBAND ACCESS"** MEANS A BROADBAND CONNECTION ALLOWING USERS TO ACCESS THE INTERNET AND INTERNET-RELATED SERVICES AT A MINIMUM OF FOUR MEGABITS PER SECOND DOWNLOAD SPEED AND ONE MEGABIT PER SECOND UPLOAD SPEED."

(1.2) **"CHIEF INFORMATION OFFICER"** MEANS THE CHIEF INFORMATION OFFICER APPOINTED PURSUANT TO SECTION 24-37.5-103."

Page 3, strike lines 1 through 27 and substitute:

"SECTION 3. In Colorado Revised Statutes, 24-37.5-105, **add** (12) as follows:

24-37.5-105. Office - responsibilities - rules - broadband access - repeal. (12) THE OFFICE OF INFORMATION TECHNOLOGY, IN COLLABORATION WITH THE PUBLIC UTILITIES COMMISSION AND BROADBAND SERVICE PROVIDERS, SHALL USE ITS BEST EFFORT TO IDENTIFY AND MAP AREAS OF THE STATE WITHOUT BROADBAND ACCESS AS DEFINED IN SECTION 24-37.5-102. THE OFFICE SHALL COMPLETE A GEOGRAPHIC DATABASE OF AREAS OF THE STATE WITHOUT BROADBAND ACCESS NO LATER THAN JANUARY 1, 2013. THE OFFICE SHALL MAP ALL EXISTING PHYSICAL BROADBAND ASSETS OWNED BY THE STATE OF COLORADO, INCLUDING FIBER, TOWERS, CONDUIT, AND ACCESS POINTS, FOR ALL STATE AGENCIES, ENTITIES, AND DEPARTMENTS. STATE AGENCIES, ENTITIES, AND DEPARTMENTS MUST PROVIDE THE NECESSARY DATA TO THE OFFICE. THE

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OFFICE MAY ESTABLISH AN ADVISORY PANEL CONSISTING OF MEMBERS FROM STATE AND LOCAL GOVERNMENT, BROADBAND SERVICE PROVIDERS, AND OTHER KEY STAKEHOLDERS TO IDENTIFY WHETHER ADDITIONAL SUPPORT MECHANISMS ARE NECESSARY TO BRING BROADBAND ACCESS TO A MAXIMUM NUMBER OF AREAS OF THE STATE WITHOUT BROADBAND ACCESS. THE OFFICE MAY APPLY TO THE PUBLIC UTILITIES COMMISSION FOR GRANT FUNDS FOR THE PURPOSE OF THIS SUBSECTION (12). THE OFFICE IS RESPONSIBLE FOR IMPLEMENTING ONLY THOSE ASPECTS OF THIS SUBSECTION (12) FOR WHICH GRANT FUNDING IS RECEIVED."

Page 4, strike lines 1 through 9.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB12-1024** be postponed indefinitely.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB12-1089** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, strike lines 12 through 16.

Page 3, line 17, strike "(II)" and substitute "(c)".

Education

After consideration on the merits, the Committee recommends that **HB12-1090** be referred to the Committee of the Whole with favorable recommendation.

Education

After consideration on the merits, the Committee recommends that **SB12-046** 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. Legislative declaration. (1) The general assembly hereby declares that:

(a) The use of inflexible "zero-tolerance" policies as a means of addressing disciplinary problems in schools has resulted in unnecessary expulsions, out-of-school suspensions, and referrals to law enforcement agencies;

(b) Involvement of students in the criminal or juvenile justice systems should be avoided when addressing minor misbehavior that is typical for a student based on his or her developmental stage;

(c) State laws must allow school administrators and local boards of education to use their discretion to determine the appropriate disciplinary response to each incident of student misconduct;

(d) Each school district of the state is encouraged, in creating and enforcing a school conduct and discipline code, to protect students and staff from harm, provide opportunities for students to learn from their mistakes, foster a positive learning community, keep students in school, and show mindful consideration of negative impacts that can occur as a result of involvement with the criminal justice system;

(e) School discipline policies and practices must apply equally to all students regardless of their economic status, race, gender, ethnicity, religion, national origin, sexual orientation, or disability; and

(f) Each school district of the state is encouraged to include in its school conduct and discipline code a specific policy that:

(I) States which violations of the code require a referral to law enforcement due to the serious nature of the violation or as a result of a state or federal reporting law;

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(II) States which violations of the code may result in a referral to law enforcement, subject to the discretion of a school administration or a local board of education; and

(III) States factors that the school district will consider when making a determination as to whether to refer a student to law enforcement, which factors, at a minimum, include:

- (A) The age of a student;
- (B) The disciplinary history of a student,
- (C) Whether a student has a disability;
- (D) The seriousness of a violation;
- (E) Whether a violation threatened the safety of any student or staff member; and

(F) Whether a lesser intervention would properly address a violation.

(2) Now, therefore, the general assembly determines and declares that:

(a) To ensure that the best interests of Colorado schools are being served, in accordance with section 2-2-1201, Colorado Revised Statutes (C.R.S.), the legislative service agencies of the general assembly shall conduct a post-enactment review of this act and report their conclusions to the education committees of the house of representatives and senate, or any successor committees, and to the persons described in section 2-2-1201 (3), C.R.S.;

(b) Notwithstanding the provisions of section 2-2-1201 (3), C.R.S., the legislative service agencies of the general assembly shall complete the post-enactment review of this act four years after this act becomes law;

(c) Notwithstanding the provisions of section 2-2-1201 (2) (a), C.R.S., the review shall not make the determinations described in said section 2-2-1201 (2) (a), C.R.S., but shall include any information reported to the division of criminal justice by school resource officers and other law enforcement officers pursuant to section 22-32-145, C.R.S., as described in section 3 of this act; and by district attorneys pursuant to section 20-1-113, C.R.S., as described in section 10 of this act; and

(d) The members of the education committees of the house of representatives and senate, or any successor committees, are encouraged to consider whether to:

(I) Continue to require school resource officers and other law enforcement officers and district attorneys to report such information to the division of criminal justice; or

(II) Enact legislation to repeal such reporting requirements.

SECTION 2. In Colorado Revised Statutes, 22-32-109.1, amend (1), (2) introductory portion, (2) (a), and (2) (b); and add (1.5) as follows:

22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements. (1) **Definitions.** Each school district board of education shall adopt a mission statement for the school district, which statement shall include making safety a priority in each public school of the school district. AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ACTION TAKEN" MEANS A SPECIFIC TYPE OF DISCIPLINE, INCLUDING BUT NOT LIMITED TO THE FOLLOWING CATEGORIES OF DISCIPLINE:

- (I) IN-SCHOOL SUSPENSION;
- (II) OUT-OF-SCHOOL SUSPENSION;
- (III) CLASSROOM REMOVAL IN ACCORDANCE WITH BOARD POLICY;
- (IV) EXPULSION;
- (V) REFERRAL TO A LAW ENFORCEMENT AGENCY; OR
- (VI) ANY OTHER FORM OF DISCIPLINE, WHICH SHALL BE OFFICIALLY IDENTIFIED AS PART OF A BOARD POLICY;

(b) "BULLYING" MEANS ANY WRITTEN OR VERBAL EXPRESSION, OR PHYSICAL OR ELECTRONIC ACT OR GESTURE, OR A PATTERN THEREOF, THAT IS INTENDED TO COERCE, INTIMIDATE, OR CAUSE ANY PHYSICAL, MENTAL, OR EMOTIONAL HARM TO ANY STUDENT. BULLYING IS PROHIBITED AGAINST ANY STUDENT FOR ANY REASON, INCLUDING BUT NOT LIMITED TO ANY SUCH BEHAVIOR THAT IS DIRECTED TOWARD A STUDENT ON THE BASIS OF HIS OR HER ACADEMIC PERFORMANCE OR AGAINST WHOM FEDERAL AND

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STATE LAWS PROHIBIT DISCRIMINATION UPON ANY OF THE BASES DESCRIBED IN SECTION 22-32-109 (1) (II) (I). THIS DEFINITION IS NOT INTENDED TO INFRINGE UPON ANY RIGHT GUARANTEED TO ANY PERSON BY THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION OR TO PREVENT THE EXPRESSION OF ANY RELIGIOUS, POLITICAL, OR PHILOSOPHICAL VIEWS.

(c) "DANGEROUS WEAPON" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-33-102 (4).

(d) "FULL-TIME TEACHER" MEANS A PERSON WHO IS LICENSED PURSUANT TO ARTICLE 60.5 OF THIS TITLE, OR IS AUTHORIZED PURSUANT TO SECTION 22-60.5-111 TO TEACH, AND IS PRIMARILY ENGAGED IN TEACHING DURING A MAJORITY OF THE INSTRUCTIONAL MINUTES PER SCHOOL DAY.

(e) "HABITUALLY DISRUPTIVE STUDENT" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-33-106 (1) (c.5).

(f) (I) "REFERRAL TO LAW ENFORCEMENT" MEANS A COMMUNICATION BETWEEN A SCHOOL ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE AND A LAW ENFORCEMENT AGENCY, WHICH COMMUNICATION:

(A) IS INITIATED BY THE SCHOOL ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE; AND

(B) CONCERNS BEHAVIOR BY A STUDENT THAT THE SCHOOL ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE BELIEVES MAY CONSTITUTE A VIOLATION OF THE SCHOOL CONDUCT AND DISCIPLINE CODE OR A CRIMINAL OR DELINQUENT OFFENSE AND FOR WHICH THE SCHOOL ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE REQUESTS AN INVESTIGATION OR OTHER INVOLVEMENT BY A LAW ENFORCEMENT AGENCY.

(II) "REFERRAL TO LAW ENFORCEMENT" DOES NOT INCLUDE:

(A) CONTACT WITH A LAW ENFORCEMENT AGENCY THAT IS MADE FOR THE PURPOSE OF EDUCATION, PREVENTION, OR INTERVENTION REGARDING A STUDENT'S BEHAVIOR; OR

(B) ROUTINE OR INCIDENTAL COMMUNICATION BETWEEN A SCHOOL ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE AND A LAW ENFORCEMENT OFFICER.

(g) "RESTORATIVE JUSTICE" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-32-144 (3).

(h) "SCHOOL VEHICLE" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 42-1-102 (88.5), C.R.S.

(1.5) **Mission statement.** EACH SCHOOL DISTRICT BOARD OF EDUCATION SHALL ADOPT A MISSION STATEMENT FOR THE SCHOOL DISTRICT, WHICH STATEMENT SHALL INCLUDE MAKING SAFETY FOR ALL STUDENTS AND STAFF A PRIORITY IN EACH PUBLIC SCHOOL OF THE SCHOOL DISTRICT.

(2) **Safe school plan.** In order to provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, following consultation with the school district accountability committee and school accountability committees, parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, each school district board of education shall adopt and implement a safe school plan, or review and revise, if AS necessary IN RESPONSE TO ANY RELEVANT DATA COLLECTED BY THE SCHOOL DISTRICT, any existing plans or policies already in effect. ~~which~~ IN ADDITION TO THE AFOREMENTIONED PARTIES, EACH SCHOOL DISTRICT BOARD OF EDUCATION, IN ADOPTING AND IMPLEMENTING ITS SAFE SCHOOL PLAN, MAY CONSULT WITH VICTIMS ADVOCACY ORGANIZATIONS, SCHOOL PSYCHOLOGISTS, AND LOCAL LAW ENFORCEMENT AGENCIES. THE PLAN, AT A MINIMUM, shall include ~~but not be limited to~~, the following:

(a) **Conduct and discipline code.** (I) A concisely written conduct and discipline code that shall be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and shall be posted or kept on file at each public school in the school district. THE SCHOOL DISTRICT SHALL TAKE REASONABLE MEASURES TO ENSURE THAT EACH STUDENT OF EACH PUBLIC SCHOOL IN THE SCHOOL DISTRICT IS FAMILIAR WITH THE CODE. The code shall include, but ~~staff~~

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NEED not be limited to:

- (~~F~~) (A) General policies on student conduct, safety, and welfare;
- (~~H~~) (B) General policies and procedures for dealing with students who cause a disruption in the classroom, on school grounds, in A school vehicles as defined in section 42-1-102 (88.5), C.R.S., VEHICLE, or at A school activities ACTIVITY or sanctioned events EVENT, including a specific policy allowing a teacher to remove a disruptive student from his or her classroom. ~~and~~; THE POLICY SHALL STATE THAT, upon the third such removal from a teacher's class, ~~to~~ THE TEACHER MAY remove the disruptive student from ~~such~~ THE teacher's class for the remainder of the term of the class; EXCEPT THAT A DISRUPTIVE STUDENT SHALL NOT BE REMOVED FROM A TEACHER'S CLASS FOR THE REMAINDER OF THE TERM OF THE CLASS UNLESS THE PRINCIPAL OF THE STUDENT'S SCHOOL OR HIS OR HER DESIGNEE HAS DEVELOPED AND IMPLEMENTED A BEHAVIOR PLAN FOR THE STUDENT. A BEHAVIOR PLAN MAY BE DEVELOPED AFTER THE FIRST SUCH REMOVAL FROM CLASS AND SHALL BE DEVELOPED AFTER THE SECOND REMOVAL FROM CLASS. The general policies and procedures shall include a due process procedure, which at a minimum shall require that, as soon as possible after a removal, the teacher or the school principal shall contact the parent or legal guardian of the student to request his or her attendance at a student-teacher conference regarding the removal. ~~A behavior plan may be developed after the first such removal from class, and shall be developed after the second such removal from class.~~ Any policy or procedure adopted shall comply with applicable federal and state laws, including but not limited to laws regarding students with disabilities.
- (~~H~~) (C) Provisions for the initiation of suspension or expulsion proceedings for students who qualify as habitually disruptive ~~by causing a disruption in the classroom, on school grounds, in school vehicles, or at school activities or sanctioned events for a third time during a single school year or calendar year~~ STUDENTS;
- (~~I~~) (D) Policies and procedures for the use of acts of reasonable and appropriate physical intervention or force in dealing with disruptive students; except that no board shall adopt a discipline code that includes provisions that are in conflict with the definition of child abuse in section 18-6-401 (1), C.R.S., and section 19-1-103 (1), C.R.S.;
- (~~V~~) (E) General policies and procedures for determining the circumstances under and the manner in which disciplinary actions, including suspension and expulsion, shall be imposed in accordance with the provisions of sections 22-33-105 and 22-33-106;
- (~~VI~~) (F) A specific policy concerning gang-related activities ~~in the school~~; on school grounds, in school vehicles, ~~or~~ AND at school activities or sanctioned events;
- (~~VII~~) (G) Written prohibition, consistent with section 22-33-106, of students from bringing OR POSSESSING dangerous weapons, drugs, or other controlled substances ~~to school~~; on school grounds, in A school vehicles VEHICLE, or at A school activities ACTIVITY or sanctioned events EVENT and from using drugs OR other controlled substances ~~or tobacco products~~ on school grounds, in A school vehicles VEHICLE, or at A school activities ACTIVITY or sanctioned events EVENT;
- (H) WRITTEN PROHIBITION OF STUDENTS FROM USING OR POSSESSING TOBACCO PRODUCTS ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT;
- (~~VIII~~) (I) A written policy concerning searches on school grounds, including SEARCHES OF student lockers;
- (~~IX~~) (J) A dress code policy that ~~encourages school pride and unity, promotes uniformity of dress, and defines and~~ prohibits students from wearing apparel that is deemed disruptive to the classroom environment or to the maintenance of a safe and orderly school. The dress code policy may require students to wear a school uniform or may establish minimum standards of dress; ~~and~~
- (~~X~~) (~~A~~) (K) On and after August 8, 2001, a specific policy concerning bullying prevention and education. Each school district is encouraged to ensure that its policy, at a minimum, incorporates the biennial administration of surveys of students' impressions of the severity of bullying in their schools, as described in section 22-93-104 (1) (c); character building; and the designation of a team of persons at each

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school of the school district who advise the school administration concerning the severity and frequency of bullying incidents that occur in the school, which team may include, but need not be limited to, law enforcement officials, social workers, prosecutors, health professionals, mental health professionals, SCHOOL PSYCHOLOGISTS, counselors, teachers, administrators, parents, and students. Each school district's policy shall set forth appropriate disciplinary consequences for students who bully other students and for any person who takes any retaliatory action against a student who reports in good faith an incident of bullying, which consequences shall comply with all applicable state and federal laws.

~~(B) For purposes of this subparagraph (X), "bullying" means any written or verbal expression, or physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate, or cause any physical, mental, or emotional harm to any student. Bullying is prohibited against any student for any reason, including but not limited to any such behavior that is directed toward a student on the basis of his or her academic performance or against whom federal and state laws prohibit discrimination upon any of the bases described in section 22-32-109 (1) (h) (i). This definition is not intended to infringe upon any right guaranteed to any person by the first amendment to the United States constitution or to prevent the expression of any religious, political, or philosophical views.~~

(II) IN CREATING AND ENFORCING A SCHOOL CONDUCT AND DISCIPLINE CODE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), EACH SCHOOL DISTRICT BOARD OF EDUCATION, ON AND AFTER AUGUST 1, 2013, SHALL:

(A) IMPOSE PROPORTIONATE DISCIPLINARY INTERVENTIONS AND CONSEQUENCES, INCLUDING BUT NOT LIMITED TO IN-SCHOOL SUSPENSIONS, IN RESPONSE TO STUDENT MISCONDUCT, WHICH INTERVENTIONS AND CONSEQUENCES ARE DESIGNED TO REDUCE THE NUMBER OF EXPULSIONS, OUT-OF-SCHOOL SUSPENSIONS, AND REFERRALS TO LAW ENFORCEMENT, EXCEPT FOR SUCH REFERRALS TO LAW ENFORCEMENT AS ARE REQUIRED BY STATE OR FEDERAL LAW;

(B) INCLUDE PLANS FOR THE APPROPRIATE USE OF PREVENTION, INTERVENTION, RESTORATIVE JUSTICE, PEER MEDIATION, COUNSELING, OR OTHER APPROACHES TO ADDRESS STUDENT MISCONDUCT, WHICH APPROACHES ARE DESIGNED TO MINIMIZE STUDENT EXPOSURE TO THE CRIMINAL AND JUVENILE JUSTICE SYSTEM. THE PLANS SHALL STATE THAT A SCHOOL ADMINISTRATION SHALL NOT ORDER A VICTIM'S PARTICIPATION IN A RESTORATIVE JUSTICE PRACTICE OR PEER MEDIATION IF THE ALLEGED VICTIM OF AN OFFENDING STUDENT'S MISCONDUCT ALLEGES THAT THE MISCONDUCT CONSTITUTES UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION 16-22-102 (9), C.R.S.; A CRIME IN WHICH THE UNDERLYING FACTUAL BASIS INVOLVES DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S.; STALKING AS DEFINED IN SECTION 18-3-602, C.R.S.; OR VIOLATION OF A PROTECTION ORDER, AS DEFINED IN SECTION 18-6-803.5, C.R.S.; AND

(C) ENSURE THAT THE IMPLEMENTATION OF THE CODE COMPLIES WITH ALL STATE AND FEDERAL LAWS CONCERNING THE EDUCATION OF STUDENTS WITH DISABILITIES, AS DEFINED IN SECTION 22-20-103 (5).

(b) **Safe school reporting requirements.** A policy whereby the principal of each public school in a school district shall submit annually, in a manner and by a date specified by rule of the state board, a written report to the board of education of such school district concerning the learning environment in the school during that school year. The board of education of the school district annually shall compile the reports from every school in the district and shall submit the compiled report to the department of education in a format specified by rule of the state board. The compiled report shall be made available to the general public. Such report shall include, but need not be limited to, the following specific information for the preceding school year:

- (I) The total enrollment for the school;
- (II) The average daily attendance rate at the school;
- (III) Dropout rates for grades seven through twelve, if such grades are taught at the school; and
- (IV) The number of conduct and discipline code violations, each

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of which violations shall be reported only in the most serious category that is applicable to that violation, including but not limited to specific information ~~on~~ IDENTIFYING the number of, and the action taken with respect to, each of the following types of violations:

(A) ~~Carrying, bringing, using, or Possessing a dangerous weapon on school grounds, in A school vehicles VEHICLE, or at A school activities ACTIVITY or sanctioned events EVENT without the authorization of the school or the school district;~~

(B) Use or possession of alcohol on school grounds, in A school ~~vehicles~~ VEHICLE, or at A school ~~activities~~ ACTIVITY or sanctioned ~~events~~ EVENT;

(C) Use, possession, or sale of a drug or controlled substance on school grounds, in A school ~~vehicles~~ VEHICLE, or at A school ~~activities~~ ACTIVITY or sanctioned ~~events~~ EVENT;

(D) Use or possession of A tobacco ~~products~~ PRODUCT on school grounds, in A school ~~vehicles~~ VEHICLE, or at A school ~~activities~~ ACTIVITY or sanctioned ~~events~~ EVENT;

(E) Being willfully disobedient or openly and persistently defiant or repeatedly interfering with the school's ability to provide educational opportunities to, and a safe environment for, other students;

(F) Commission of an act on school grounds, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT that, if committed by an adult, would be considered first degree assault, as described in section 18-3-202, C.R.S., second degree assault, as described in section 18-3-203, C.R.S., or vehicular assault, as described in section 18-3-205, C.R.S.;

(G) Behavior on school ~~property~~ GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT that is detrimental to the welfare or safety of other students or of school personnel, including but not limited to incidents of bullying ~~as described by subparagraph (X) of paragraph (a) of this subsection (2);~~ and other behavior that creates a threat of physical harm to the student or to other students;

(H) Willful destruction or defacement of school property;

(I) Commission of an act on school grounds, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT that, if committed by an adult, would be considered third degree assault, as described in section 18-3-204, C.R.S., or disorderly conduct, as described in section 18-9-106 (1) (d), C.R.S., but not disorderly conduct involving firearms or other deadly weapons, as described in section 18-9-106 (1) (e) and (1) (f), C.R.S.;

(J) Commission of an act on school grounds IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT that, if committed by an adult, would be considered robbery; and

(K) Other violations of the code of conduct and discipline that resulted in documentation of the conduct in a student's record;

(V) ~~For purposes of subparagraph (IV) of this paragraph (b); "action taken" means the specific type of discipline, including but not limited to the following categories of discipline:~~

~~(A) In-school suspension;~~

~~(B) Out-of-school suspension;~~

~~(C) Classroom removal in accordance with board policy;~~

~~(D) Expulsion;~~

~~(E) Referral to a law enforcement agency; or~~

~~(F) Any other form of discipline, which shall be officially identified as part of a board policy;~~

~~(VI) The conduct and discipline code violations required to be reported pursuant to subparagraph (IV) of this paragraph (b) shall specifically identify each conduct and discipline code violation by a student with a disability and each action taken with respect to each violation by a student with a disability;~~

(VII) The average class size for each public elementary school, middle school or junior high school, and senior high school in the state calculated as the total number of students enrolled in the school divided by the number of full-time teachers in the school; ~~For purposes of this subparagraph (VII), "full-time teacher" means a person who is licensed pursuant to article 60.5 of this title or is authorized pursuant to section 22-60.5-111 to teach, and is primarily engaged in teaching during a~~

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~~substantial majority of the instructional minutes per school day. AND~~
 (VIII) ~~On and after August 8, 2001,~~ The school's policy concerning bullying prevention and education, including information related to the development and implementation of any bullying prevention programs.

SECTION 3. In Colorado Revised Statutes, **add** 22-32-145 as follows:

22-32-145. School use of on-site peace officers as school resource officers - notifications of arrests and notices issued - reporting requirements.

(1) IF A SCHOOL RESOURCE OFFICER OR OTHER LAW ENFORCEMENT OFFICER ACTING IN HIS OR HER OFFICIAL CAPACITY ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT ARRESTS A STUDENT OF THE SCHOOL, THE OFFICER SHALL NOTIFY THE PRINCIPAL OF THE SCHOOL OR HIS OR HER DESIGNEE OF THE ARREST WITHIN TWENTY-FOUR HOURS AFTER THE ARREST.

(2) IF A SCHOOL RESOURCE OFFICER OR OTHER LAW ENFORCEMENT OFFICER ACTING IN HIS OR HER OFFICIAL CAPACITY ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT ISSUES A SUMMONS, TICKET, OR OTHER NOTICE REQUIRING THE APPEARANCE OF A STUDENT OF THE SCHOOL IN COURT OR AT A POLICE STATION FOR INVESTIGATION RELATING TO AN OFFENSE ALLEGEDLY COMMITTED ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT, THE OFFICER SHALL NOTIFY THE PRINCIPAL OF THE SCHOOL OR HIS OR HER DESIGNEE OF THE ISSUANCE OF THE SUMMONS, TICKET, OR OTHER NOTICE WITHIN TEN DAYS AFTER THE ISSUANCE OF THE SUMMONS, TICKET, OR OTHER NOTICE.

(3) A SCHOOL RESOURCE OFFICER SHALL BE FAMILIAR WITH THE PROVISIONS OF THE CONDUCT AND DISCIPLINE CODE OF THE SCHOOL TO WHICH HE OR SHE IS ASSIGNED.

(4) COMMENCING AUGUST 1, 2013, AND CONTINUING EACH AUGUST 1 THEREAFTER, EACH LAW ENFORCEMENT AGENCY EMPLOYING OR CONTRACTING WITH ANY LAW ENFORCEMENT OFFICER WHO IS ACTING OR HAS ACTED IN HIS OR HER OFFICIAL CAPACITY ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT SHALL REPORT TO THE DIVISION OF CRIMINAL JUSTICE CREATED IN SECTION 24-33.5-502, C.R.S., IN AGGREGATE FORM WITHOUT PERSONAL IDENTIFYING INFORMATION, DATA ABOUT THE CASES HANDLED BY THE AGENCY ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT. EACH SUCH REPORT SHALL INCLUDE, AT A MINIMUM, THE FOLLOWING INFORMATION RELATING TO THE PRECEDING TWELVE MONTHS:

(a) THE NUMBER OF STUDENTS INVESTIGATED BY THE OFFICER FOR DELINQUENT OFFENSES, INCLUDING THE NUMBER OF STUDENTS INVESTIGATED FOR EACH TYPE OF DELINQUENT OFFENSE FOR WHICH THE OFFICER INVESTIGATED AT LEAST ONE STUDENT;

(b) THE NUMBER OF STUDENTS ARRESTED BY THE OFFICER, INCLUDING THE OFFENSE FOR WHICH EACH SUCH ARREST WAS MADE;

(c) THE NUMBER OF SUMMONSES OR TICKETS ISSUED BY THE OFFICER TO STUDENTS; AND

(d) THE AGE, GENDER, SCHOOL, AND RACE OR ETHNICITY OF EACH STUDENT WHOM THE OFFICER ARRESTED OR TO WHOM THE OFFICER ISSUED A SUMMONS, TICKET, OR OTHER NOTICE REQUIRING THE APPEARANCE OF THE STUDENT IN COURT OR AT A POLICE STATION FOR INVESTIGATION RELATING TO AN OFFENSE ALLEGEDLY COMMITTED ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT.

(5) UPON THE REQUEST OF A LOCAL BOARD OF EDUCATION, THE DIVISION OF CRIMINAL JUSTICE SHALL MAKE AVAILABLE TO THE LOCAL BOARD THE INFORMATION DESCRIBED IN SUBSECTION (4) OF THIS SECTION THAT RELATES TO THE SCHOOL DISTRICT OF THE LOCAL BOARD.

SECTION 4. In Colorado Revised Statutes, **amend** 22-33-102 as follows:

22-33-102. Definitions. As used in this article, unless the context otherwise requires:

(1) "Academic year" means that portion of the school year during which the public schools are in regular session, beginning about the first week in September and ending about the first week in June of the next year, or that portion of the school year which constitutes the minimum

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period during which a pupil must be enrolled. 1

(2) "Adult" means a person who has reached the age of 2
twenty-one years. 3

(3) "Board of education" means the school board, board of 4
directors, and board of education of a school district. 5

(4) "DANGEROUS WEAPON" MEANS: 6

(a) A FIREARM, AS DEFINED IN SECTION 18-1-901 (3) (h), C.R.S.; 7

(b) ANY PELLET GUN, BB GUN, OR OTHER DEVICE, WHETHER 8
OPERATIONAL OR NOT, DESIGNED TO PROPEL PROJECTILES BY SPRING 9
ACTION OR COMPRESSED AIR; 10

(c) A FIXED-BLADE KNIFE WITH A BLADE THAT EXCEEDS THREE 11
INCHES IN LENGTH; 12

(d) A SPRING-LOADED KNIFE OR A POCKET KNIFE WITH A BLADE 13
EXCEEDING THREE AND ONE-HALF INCHES IN LENGTH; OR 14

(e) ANY OBJECT, DEVICE, INSTRUMENT, MATERIAL, OR SUBSTANCE, 15
WHETHER ANIMATE OR INANIMATE, THAT IS USED OR INTENDED TO BE 16
USED TO INFLICT DEATH OR SERIOUS BODILY INJURY. 17

(5) "DELINQUENT ACT" HAS THE SAME MEANING AS SET FORTH IN 18
SECTION 19-1-103 (36), C.R.S. 19

~~(4)~~(6) "Executive officer" means the superintendent of schools or 20
~~that~~ THE head administrative officer designated by ~~the~~ A board of 21
education to execute its policy decisions. 22

~~(4.5)~~(7) "General educational development tests" or "GED" 23
means the battery of tests given at an authorized testing center, which 24
tests are designed and published by the GED testing service of the 25
American council on education to measure the major outcomes and 26
concepts generally associated with four years of high school education. 27
Each GED testing center must have a current contract with the American 28
council on education and be authorized by the commissioner of education. 29

(8) "HABITUALLY DISRUPTIVE STUDENT" HAS THE SAME MEANING 30
AS SET FORTH IN SECTION 22-33-106 (1) (c.5). 31

~~(4.7)~~(9) "Informal hearing" means an opportunity for a child to 32
explain his or her position regarding a disruption ~~in the classroom~~ or an 33
incident ~~constituting~~ THAT OCCURRED ON SCHOOL GROUNDS, IN A SCHOOL 34
VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT AND THAT 35
CONSTITUTED grounds for discipline. 36

~~(5)~~(10) "Parent" means the mother or father of a child or any 37
other person having custody of a child. 38

(11) "SCHOOL VEHICLE" HAS THE SAME MEANING AS SET FORTH IN 39
SECTION 42-1-102 (88.5), C.R.S. 40

~~(6)~~(12) "State board" means the state board of education. 41

SECTION 5. In Colorado Revised Statutes, 22-33-105, **amend** 42
(2) (c),(3) (d) (III), and (6) as follows: 43

22-33-105. Suspension, expulsion, and denial of admission. 44

(2) In addition to the powers provided in section 22-32-110, the board of 45
education of each district may: 46

(c) Deny admission to, or expel for any period not extending 47
beyond one year, any child whom the board of education, in accordance 48
with the limitations imposed by this article, shall determine does not 49
qualify for admission to, or continued attendance at, the public schools of 50
the district. A board of education may delegate such powers to its 51
executive officer or to a designee who shall serve as a hearing officer. If 52
the hearing is conducted by a designee acting as a hearing officer, the 53
hearing officer shall forward findings of fact and recommendations to the 54
executive officer at the conclusion of the hearing. The executive officer 55
shall render a written opinion within five days after a hearing conducted 56
by the executive officer or by a hearing officer. The executive officer 57
shall report on each case acted upon at the next meeting of the board of 58
education, briefly describing the circumstances and the reasons for the 59
executive officer's action. ~~When delegated, an appeal may be taken from~~ 60
IF THE HEARING CONCERNS THE POTENTIAL EXPULSION OR DENIAL OF 61
ADMISSION OF A CHILD WHO COMMITTED AN ALLEGED CRIMINAL OFFENSE 62
AGAINST A PERSON, AS DESCRIBED BY ANY PROVISION OF ARTICLE 3 OF 63
TITLE 18, C.R.S., THEN THE BOARD OF EDUCATION OR HEARING OFFICER 64
CONDUCTING THE HEARING SHALL ENSURE THAT THE PERSON AGAINST 65
WHOM THE ALLEGED OFFENSE WAS COMMITTED HAS THE OPPORTUNITY TO 66
SUBMIT A WRITTEN VICTIM IMPACT STATEMENT FOR THE CONSIDERATION 67

OF THE BOARD OF EDUCATION OR HEARING OFFICER PRIOR TO THE HEARING. A CHILD WHO IS DENIED ADMISSION OR EXPELLED AS AN OUTCOME OF THE HEARING SHALL HAVE TEN DAYS AFTER THE DENIAL OF ADMISSION OR EXPULSION TO APPEAL the decision of the executive officer to the board of education, AFTER WHICH TIME THE DECISION TO GRANT OR DENY THE APPEAL SHALL BE AT THE DISCRETION OF THE BOARD OF EDUCATION. The appeal shall consist of a review of the facts that were presented and that were determined at the hearing conducted by the executive officer or by a designee acting as a hearing officer, arguments relating to the decision, and questions of clarification from the board of education. No board of education shall deny admission to, or expel, any child without a hearing, if one is requested by the parent, guardian, or legal custodian of the child, at which evidence may be presented in the child's behalf. If the child is denied admission or expelled, the child shall be entitled to a review of the decision of the board of education in accordance with section 22-33-108.

(3) (d) The suspending authority shall:

(III) Provide an opportunity for a pupil to make up school work during the period of suspension FOR FULL OR PARTIAL ACADEMIC CREDIT TO THE EXTENT POSSIBLE. The intent of this provision is to provide an opportunity for the pupil to reintegrate into the educational program of the district AND TO HELP PREVENT THE PUPIL FROM DROPPING OUT OF SCHOOL BECAUSE OF AN INABILITY TO REINTEGRATE INTO THE EDUCATIONAL PROGRAM following the period of suspension. ~~which~~ The school district should take THIS INTENT into consideration when determining the amount of credit a student will receive for this makeup work.

(6) When a pupil is expelled by a school district, ~~for the remainder of the school year,~~ the PUPIL'S parent, guardian, or legal custodian is responsible for seeing that the ~~compulsory school attendance statute is complied with~~ PUPIL COMPLIES WITH THE PROVISIONS OF THIS ARTICLE during the period of expulsion. ~~from such school district.~~

SECTION 6. In Colorado Revised Statutes, 22-33-106, **amend**

(1) introductory portion, (1) (c.5) (I), (1) (c.5) (II), (1) (c.5) (III), (1) (d), (2) introductory portion, (3) introductory portion, (4) (a), and (4) (b) (I); and **add** (1) (g) and (1.5) as follows:

22-33-106. Grounds for suspension, expulsion, and denial of admission. (1) The following shall MAY be grounds for suspension or expulsion of a child from a public school during a school year:

(c.5)(I) Declaration as an A habitually disruptive student. ~~pursuant to the provisions of this paragraph (c.5).~~

(II) For purposes of this paragraph (c.5), "habitually disruptive student" means a child who has ~~been suspended pursuant to paragraph (a), (b), (c), or (d) of this subsection (1) three times during the course of the school year for causing~~ CAUSED a material and substantial disruption ~~in the classroom, on school grounds, or in a school vehicle, as defined in section 42-1-102 (88.5), C.R.S., or at A school activities~~ ACTIVITY or events because of behavior that was initiated, willful, and overt ~~on the part of the child~~ SANCTIONED EVENT THREE OR MORE TIMES DURING THE COURSE OF A SCHOOL YEAR. Any student who is enrolled in a public school may be subject to being declared an A habitually disruptive student.

(III) The student and the parent, legal guardian, or legal custodian shall have been notified in writing of each ~~suspension~~ DISRUPTION counted toward declaring the student as habitually disruptive pursuant to this paragraph (c.5) and the student and parent, legal guardian, or legal custodian shall have been notified in writing and by telephone or other means at the home or the place of employment of the parent or legal guardian of the definition of "habitually disruptive student".

(d) ~~(f) Serious violations in a school building or in or on school property, which suspension or expulsion shall be mandatory, except that expulsion shall be mandatory for the following violations: Carrying, bringing, using, or possessing a dangerous weapon without the authorization of the school or the school district; the sale of a drug or controlled substance as defined in section 12-22-303, C.R.S.; or the commission of an act which if committed by an adult would be robbery pursuant to part 3 of article 4 of title 18, C.R.S., or assault pursuant to~~

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~~part 2 of article 3 of title 18, C.R.S., other than the commission of an act that would be third degree assault under section 18-3-204, C.R.S., if committed by an adult.~~

~~(H) As used in this paragraph (d), "dangerous weapon" means:~~

~~(A) A firearm, whether loaded or unloaded;~~

~~(B) Any pellet or BB gun or other device, whether operational or not, designed to propel projectiles by spring action or compressed air;~~

~~(C) A fixed blade knife with a blade that measures longer than three inches in length or a spring loaded knife or a pocket knife with a blade longer than three and one-half inches; or~~

~~(D) Any object, device, instrument, material, or substance, whether animate or inanimate, used or intended to be used to inflict death or serious bodily injury.~~

~~(HH) Notwithstanding the provisions of subparagraph (I) of this paragraph (d), carrying, bringing, or possessing a dangerous weapon without the authorization of the school or the school district shall not require mandatory expulsion if, when the student discovers that he or she has carried, brought, or is in possession of a dangerous weapon, the student notifies a teacher, administrator, or other authorized person in the school district as soon as possible and delivers the dangerous weapon to the teacher, administrator, or other authorized person. Nothing in this subparagraph (HH) shall be construed as prohibiting a school district from expelling a student under the circumstances specified in this subparagraph (HH) if such expulsion would be in accordance with the school district's discipline code. COMMITTING ONE OF THE FOLLOWING OFFENSES ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT:~~

~~(I) POSSESSION OF A DANGEROUS WEAPON WITHOUT THE AUTHORIZATION OF THE SCHOOL OR THE SCHOOL DISTRICT;~~

~~(II) THE USE, POSSESSION, OR SALE OF A DRUG OR CONTROLLED SUBSTANCE AS DEFINED IN SECTION 12-22-303, C.R.S.; OR~~

~~(III) THE COMMISSION OF AN ACT THAT, IF COMMITTED BY AN ADULT, WOULD BE ROBBERY PURSUANT TO PART 3 OF ARTICLE 4 OF TITLE 18, C.R.S., OR ASSAULT PURSUANT TO PART 2 OF ARTICLE 3 OF TITLE 18, C.R.S., OTHER THAN THE COMMISSION OF AN ACT THAT WOULD BE THIRD DEGREE ASSAULT UNDER SECTION 18-3-204, C.R.S., IF COMMITTED BY AN ADULT.~~

~~(g) PURSUANT TO SECTION 22-12-105 (3), MAKING A FALSE ACCUSATION OF CRIMINAL ACTIVITY AGAINST AN EMPLOYEE OF AN EDUCATIONAL ENTITY TO LAW ENFORCEMENT AUTHORITIES OR SCHOOL DISTRICT OFFICIALS OR PERSONNEL.~~

~~(1.5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN ACCORDANCE WITH THE PROVISIONS OF 20 U.S.C. SEC. 7151, A STUDENT WHO IS DETERMINED TO HAVE BROUGHT A FIREARM TO A SCHOOL, OR TO HAVE POSSESSED A FIREARM AT A SCHOOL, SHALL BE EXPELLED FOR A PERIOD OF NOT LESS THAN ONE YEAR; EXCEPT THAT THE SUPERINTENDENT OF THE STUDENT'S SCHOOL DISTRICT MAY MODIFY THIS REQUIREMENT FOR A STUDENT ON A CASE-BY-CASE BASIS IF SUCH MODIFICATION IS IN WRITING.~~

~~(2) Subject to the district's responsibilities under article 20 of this title, the following shall MAY be grounds for expulsion from or denial of admission to a public school, or diversion to an appropriate alternate program:~~

~~(3) The following shall MAY constitute additional grounds for denial of admission to a public school:~~

~~(4) (a) Except as provided in paragraph (b) of this subsection (4), a school district shall prohibit any student who is expelled from a public school of the school district pursuant to paragraph (c) or (d) of subsection (1) of this section OR PURSUANT TO SUBSECTION (1.5) OF THIS SECTION from enrolling or reenrolling in the same school in which the victim of the offense or member of a victim's immediate family is enrolled or employed. If the school district has no actual knowledge of the name of the victim of the offense for which the student was expelled, the provisions of this subsection (4) shall be implemented only upon request of the victim or a member of the victim's immediate family.~~

~~(b) In any school district that has only one school in which the expelled student can enroll, the school district shall either:~~

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(I) Prohibit the student expelled from the school district pursuant to paragraph (c) or (d) of subsection (1) of this section OR PURSUANT TO SUBSECTION (1.5) OF THIS SECTION from enrolling or reenrolling in the same school in which the victim of the offense or member of a victim's immediate family is enrolled or employed; or

SECTION 7. In Colorado Revised Statutes, 22-11-302, **amend** (1) (e); and **add** (1) (f) as follows:

22-11-302. School district accountability committees - powers and duties. (1) Each school district accountability committee shall have the following powers and duties:

(e) TO CONSIDER INPUT AND RECOMMENDATIONS FROM the school accountability committee ~~for the principal's OF EACH school shall provide input and recommendations to the district accountability committee and the district administration concerning the principal's evaluation~~ OF THE SCHOOL DISTRICT TO FACILITATE THE EVALUATION OF THE PERFORMANCE OF THE SCHOOL'S PRINCIPAL FOR THE PURPOSES OF ARTICLE 9 OF THIS TITLE; AND

(f) TO PROVIDE INPUT TO THE LOCAL SCHOOL BOARD CONCERNING THE CREATION AND ENFORCEMENT OF ITS SCHOOL CONDUCT AND DISCIPLINE CODE.

SECTION 8. In Colorado Revised Statutes, 22-11-503, **amend** (3) (c) as follows:

22-11-503. Performance reports - contents - rules. (3) In addition to any information specified by rule of the state board, each school performance report shall include the following information concerning the operations and environment of the public school that is the subject of the report:

(c) As described in state board rule, the occurrence of each of the following types of incidents DESCRIBED IN SECTION 22-32-109.1 (2) (b) (IV), expressed as a number and as a percentage of the total occurrences of all of the incidents;

- (I) ~~Substance abuse - drugs;~~
- (II) ~~Substance abuse - alcohol;~~
- (III) ~~Substance abuse - tobacco;~~
- (IV) ~~Felony assaults;~~
- (V) ~~Fights;~~
- (VI) ~~Possession of dangerous weapons; and~~
- (VII) ~~Other violations of the code of conduct at the public school;~~

SECTION 9. In Colorado Revised Statutes, 22-37-103, **amend** (3) as follows:

22-37-103. Definitions. As used in this article, unless the context otherwise requires:

(3) "In-school suspension" means a ~~suspension pursuant to section 22-33-105~~ in PERIOD OF TIME DURING which, PURSUANT TO SECTION 22-33-105, the student is ~~suspended~~ PROHIBITED from ~~participation~~ PARTICIPATING in regular school activities but remains in the school environment and ~~receives continuous~~ CONTINUES TO RECEIVE educational instruction, supervision, and discipline.

SECTION 10. In Colorado Revised Statutes, **add** 20-1-113 as follows:

20-1-113. Reporting of criminal proceedings involving public school students. (1) ON OR BEFORE AUGUST 1, 2013, AND ON OR BEFORE EACH AUGUST 1 THEREAFTER, THE DISTRICT ATTORNEY OF EACH JUDICIAL DISTRICT, OR HIS OR HER DESIGNEE, SHALL REPORT TO THE DIVISION OF CRIMINAL JUSTICE CREATED IN SECTION 24-33.5-502, C.R.S., THE FOLLOWING INFORMATION ABOUT OFFENSES ALLEGED TO HAVE BEEN COMMITTED BY A STUDENT THAT HAVE OCCURRED ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT WITHIN THE JUDICIAL DISTRICT DURING THE PRECEDING TWELVE MONTHS:

(a) THE NUMBER OF OFFENSES FILED IN COURT, INCLUDING THE TOTAL NUMBER OF EACH TYPE OF SUCH OFFENSES;

(b) THE NUMBER OF OFFENSES THAT WERE REFERRED TO THE DISTRICT ATTORNEY BY A LAW ENFORCEMENT AGENCY AND WERE NOT FILED IN COURT, INCLUDING THE TOTAL NUMBER OF EACH TYPE OF SUCH OFFENSES;

(c) THE NUMBER OF OFFENSES FOR WHICH THE DISTRICT ATTORNEY REFERRED AN OFFENDER TO A JUVENILE DIVERSION PROGRAM OR OTHER

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ALTERNATIVE PROGRAM, INCLUDING THE TOTAL NUMBER OF EACH TYPE OF SUCH OFFENSES; AND

(d) THE AGE, GENDER, SCHOOL, AND RACE OR ETHNICITY OF EACH STUDENT THAT THE DISTRICT ATTORNEY PROSECUTED, DECLINED TO PROSECUTE, OR REFERRED TO A JUVENILE DIVERSION PROGRAM OR OTHER ALTERNATIVE PROGRAM.

SECTION 11. In Colorado Revised Statutes, 24-31-303, **amend** (1) (i); and **add** (1) (j) as follows:

24-31-303. Duties - powers of the P.O.S.T. board. (1) The P.O.S.T. board has the following duties:

(i) To promulgate rules and regulations that establish the criteria that shall be applied in determining whether to recommend peace officer status for a group or specific position as provided in section 16-2.5-201 (4), C.R.S.; AND

(j) TO ESTABLISH STANDARDS FOR TRAINING OF SCHOOL RESOURCE OFFICERS, AS DESCRIBED IN SECTION 24-31-312.

SECTION 12. In Colorado Revised Statutes, **add** 24-31-312 as follows:

24-31-312. School resource officer training. (1) ON OR BEFORE JANUARY 1, 2014, THE P.O.S.T. BOARD SHALL PROVIDE A TRAINING CURRICULUM TO PREPARE PEACE OFFICERS TO SERVE IN AN OFFICIAL CAPACITY AS SCHOOL RESOURCE OFFICERS IN PUBLIC SCHOOLS PURSUANT TO SECTION 22-32-145, C.R.S. IN PROVIDING THE TRAINING CURRICULUM, THE P.O.S.T. BOARD MAY UTILIZE PART OR ALL OF ANY EXISTING TRAINING CURRICULUM PROVIDED BY ONE OR MORE PUBLIC OR PRIVATE ENTITIES THAT TRAIN SCHOOL RESOURCE OFFICERS.

(2) IN PROVIDING THE TRAINING CURRICULUM DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE P.O.S.T. BOARD SHALL SOLICIT AND, TO THE EXTENT PRACTICABLE, IMPLEMENT THE SUGGESTIONS OF RELEVANT STAKEHOLDERS AND ADVOCATES.

(3) (a) IN ASSIGNING PEACE OFFICERS TO SERVE AS SCHOOL RESOURCE OFFICERS PURSUANT TO SECTION 22-32-145, C.R.S., EACH LAW ENFORCEMENT AGENCY IS ENCOURAGED TO ENSURE THAT SUCH PEACE OFFICERS HAVE SUCCESSFULLY COMPLETED THE SCHOOL RESOURCE OFFICER TRAINING CURRICULUM DESCRIBED IN SUBSECTION (1) OF THIS SECTION, OR WILL COMPLETE SAID TRAINING WITHIN SIX MONTHS AFTER BEGINNING THE ASSIGNMENT.

(b) ON AND AFTER JANUARY 1, 2015, EACH COUNTY SHERIFF AND EACH MUNICIPAL LAW ENFORCEMENT AGENCY OF THE STATE SHALL EMPLOY AT LEAST ONE PEACE OFFICER WHO HAS SUCCESSFULLY COMPLETED THE TRAINING CURRICULUM DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

(4) FOR THE PURPOSES OF SECTION 22-32-145, C.R.S., THE TRAINING CURRICULUM PROVIDED PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL INCLUDE A MEANS OF RECOGNIZING AND IDENTIFYING PEACE OFFICERS WHO SUCCESSFULLY COMPLETE THE TRAINING CURRICULUM.

(5) IN PROVIDING THE TRAINING CURRICULUM DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE P.O.S.T. BOARD MAY INCLUDE PROVISIONS TO ALLOW FOR THE AWARDED OF CREDIT TO A PEACE OFFICER WHO HAS SUCCESSFULLY COMPLETED A SCHOOL RESOURCE OFFICER CERTIFICATION CURRICULUM OFFERED BY ONE OR MORE PUBLIC OR PRIVATE ENTITIES, WHICH ENTITIES SHALL BE IDENTIFIED BY THE P.O.S.T. BOARD.

(6) THE P.O.S.T. BOARD MAY CHARGE A FEE TO EACH PEACE OFFICER WHO ENROLLS IN THE TRAINING CURRICULUM DESCRIBED IN SUBSECTION (1) OF THIS SECTION. THE AMOUNT OF THE FEE SHALL NOT EXCEED THE DIRECT AND INDIRECT COSTS INCURRED BY THE P.O.S.T. BOARD IN PROVIDING THE CURRICULUM.

SECTION 13. In Colorado Revised Statutes, 24-33.5-503, **amend** (1) (y) and (1) (z); and **add** (1) (aa) as follows:

24-33.5-503. Duties of division. (1) The division has the following duties:

(y) To develop, in cooperation with the department of corrections and the state board of parole, a parole board action form; ~~and~~

(z) To provide training on the Colorado risk assessment scale and the administrative release guideline instrument as required by section

17-22.5-404 (2) (c), C.R.S.; AND

(aa) TO RECEIVE THE INFORMATION REPORTED TO THE DIVISION BY SCHOOL RESOURCE OFFICERS AND OTHER LAW ENFORCEMENT OFFICERS PURSUANT TO SECTION 22-32-145, C.R.S., AND BY DISTRICT ATTORNEYS PURSUANT TO SECTION 20-1-113, C.R.S., AND PROVIDE THE INFORMATION TO THE COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE CREATED IN SECTION 16-11.3-102, C.R.S., AND TO ANY MEMBER OF THE PUBLIC UPON REQUEST, IN A MANNER THAT DOES NOT INCLUDE ANY IDENTIFYING INFORMATION REGARDING ANY STUDENT.

SECTION 14. In Colorado Revised Statutes, 22-2-117, amend (1.5) as follows:

22-2-117. Additional power - state board - waiver of requirements - rules. (1.5) Notwithstanding any provision of this section or any other provision of law, the state board shall not waive requirements contained in article 11 of this title or ~~sections 22-7-409, 22-32-105, 22-32-109 (1) (bb) (I) and (2), 22-32-109.1 (2) (a), and 22-33-104(4)~~ SECTIONS 22-7-409, 22-32-105, 22-32-109 (1) (bb) (I) AND (2), 22-32-109.1 (2) (a), 22-32-145, AND 22-33-104 (4).

SECTION 15. In Colorado Revised Statutes, 22-30.5-116, amend (2) as follows:

22-30.5-116. Charter schools - school bullying policies required. (2) For the purposes of this section, "bullying" shall have the same meaning as set forth in ~~section 22-32-109.1 (2) (a) (X) (B)~~ SECTION 22-32-109.1 (1) (b).

SECTION 16. In Colorado Revised Statutes, 22-30.5-502, amend (2.5) as follows:

22-30.5-502. Definitions. As used in this part 5, unless the context otherwise requires:

(2.5) "Bullying" shall have the same meaning as set forth in ~~section 22-32-109.1 (2) (a) (X) (B)~~ SECTION 22-32-109.1 (1) (b).

SECTION 17. In Colorado Revised Statutes, 18-1.3-204, amend (2.3) (a) as follows:

18-1.3-204. Conditions of probation. (2.3) (a) When granting probation, the court may, as a condition of probation, require any defendant who is less than eighteen years of age at the time of sentencing to attend school or an educational program or to work toward the attainment of a high school diploma or a GED, as that term is defined in section 22-33-102 ~~(4.5)~~ (7), C.R.S.; except that the court shall not require any such juvenile to attend a school from which he or she has been expelled without the prior approval of that school's local board of education.

SECTION 18. In Colorado Revised Statutes, amend 19-2-207 as follows:

19-2-207. Juvenile parole board - authority. The board shall have the authority to grant, deny, defer, suspend, revoke, or specify or modify the conditions of any parole for any juvenile committed to the department of human services under section 19-2-601 or 19-2-907 in such a manner as is in the best interests of the juvenile and the public. In addition to any other conditions, the board may require, as a condition of parole, any adjudicated juvenile to attend school or an educational program or to work toward the attainment of a high school diploma or a GED, as that term is defined in section 22-33-102 ~~(4.5)~~ (7), C.R.S.; except that the board shall not require any such juvenile to attend a school from which he or she has been expelled without the prior approval of that school's local board of education. The board shall promulgate rules that establish criteria under which its parole decisions are made. The board shall have the duties and responsibilities specified in part 10 of this article.

SECTION 19. In Colorado Revised Statutes, 19-2-1002, amend (1) (a), (3) (b) (I), and (9) (c) (I) as follows:

19-2-1002. Juvenile parole. (1) **Juvenile parole board - hearing panels authority.** (a) The juvenile parole board, referred to in this part 10 as the "board", established pursuant to section 19-2-206 is authorized to grant, deny, defer, suspend, revoke, or specify or modify the conditions of any parole for any juvenile committed to the department of human services as provided in sections 19-2-601 and 19-2-907. In addition to any other conditions, the board may require, as a condition of

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parole, any adjudicated juvenile to attend school or an educational program or to work toward the attainment of a high school diploma or a GED, as that term is defined in section 22-33-102 ~~(4.5)~~ (7), C.R.S.; except that the board shall not require any such juvenile to attend a school from which he or she has been expelled without the prior approval of that school's local board of education. The board may modify any of its decisions, or those of the hearing panel, except an order of discharge.

(3) (b) (I) In addition to any other conditions, the hearing panel may require, as a condition of parole, any adjudicated juvenile to attend school or an educational program or to work toward the attainment of a high school diploma or a GED, as that term is defined in section 22-33-102 ~~(4.5)~~ (7), C.R.S.; except that the hearing panel shall not require any such juvenile to attend a school from which he or she has been expelled without the prior approval of that school's local board of education.

(9) **Parole discharge.** (c) The board may discharge a juvenile from parole before completion of the mandatory six-month parole period when the board finds that the juvenile meets, at a minimum, all of the following conditions of special achievement:

(I) Graduation from a public or accredited nonpublic high school or completion of a GED, as that term is defined in section 22-33-102 ~~(4.5)~~ (7), C.R.S.;

SECTION 20. In Colorado Revised Statutes, **amend** 25-9-106.5 as follows:

25-9-106.5. Education and experience - substitution allowed.

Water and wastewater facility operator applicants must have a high school diploma or have successfully completed the GED as defined in section 22-33-102 ~~(4.5)~~ (7), C.R.S.; except that experience or relevant training may be substituted for the high school diploma or GED. Education, training as established under section 25-9-104 (2), and cross-experience may be substituted for experience requirements for certification as a water facility operator, as a water distribution system operator, as a domestic wastewater facility operator, as a wastewater collection system operator, as an industrial wastewater treatment facility operator, or as a multiple facility operator; except that at least fifty percent of any experience requirement shall be met by actual on-site operating experience in a water facility or a wastewater facility, as the case may be. For the lowest classification of operator in each category, the board may establish rules allowing complete substitution of education for experience for any applicant who passes the applicable examination. For purposes of this section, "cross-experience" means that experience as a wastewater treatment facility operator may be substituted for experience requirements for certification as water treatment facility operator and vice versa.

SECTION 21. In Colorado Revised Statutes, 22-33-203, **amend** (2) (b) and (3) as follows:

22-33-203. Educational alternatives for expelled students.

(2) (b) The educational services provided pursuant to this section are designed to provide a second chance for the student to succeed in achieving an education. While receiving educational services, a student may be suspended or expelled pursuant to the CONDUCT AND discipline code of the school district providing the educational services and the provisions of part 1 of this article. Except as required by federal law, the expelling school district is not required to provide educational services to any student who is suspended or expelled while receiving educational services pursuant to this section until the period of the suspension or expulsion is completed.

(3) If a student is expelled ~~for the remainder of the school year~~ and the student is not receiving educational services pursuant to this section, the school district shall contact the expelled student's parent or guardian at least once every sixty days until the beginning of the next school year to determine whether the student is receiving educational services from some other source; except that the school district need not contact a student's parent or guardian after the student is enrolled in another school district or in an independent or parochial school or if the student is committed to the department of human services or is sentenced pursuant to article 2 of title 19, C.R.S.

SECTION 22. In Colorado Revised Statutes, 22-30.5-505, **amend** (9) as follows:

22-30.5-505. State charter school institute - institute board - appointment - powers and duties - rules. (9) The institute shall ensure that each institute charter school addresses the expulsion, suspension, and education of expelled or suspended students in a manner consistent with the intents and purposes of ~~sections 22-33-106 and 22-33-203~~ **SECTIONS 22-33-105, 22-33-106, AND 22-33-203.**

SECTION 23. In Colorado Revised Statutes, 22-38-103, **amend** (2) as follows:

22-38-103. Definitions. As used in this article, unless the context otherwise requires:

(2) "Expelled student" means a student who ~~is in the sixth, seventh, eighth, or ninth grade, who is under seventeen years of age, and who has been expelled from school pursuant to section 22-33-105. for a period in excess of thirty days.~~

SECTION 24. In Colorado Revised Statutes, 22-93-101, **amend** (1) as follows:

22-93-101. Definitions. As used in this article, unless the context otherwise requires:

(1) "Bullying" shall have the same meaning as set forth in ~~section 22-32-109.1 (2) (a) (X) (B)~~ **SECTION 22-32-109.1 (1) (b).**

SECTION 25. In Colorado Revised Statutes, 2-2-1201, **add** (8) as follows:

2-2-1201. Accountability clauses - post-enactment review of implementation of bills by legislative service agencies - definitions - repeal. (8) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IN CONDUCTING THE POST-ENACTMENT REVIEW OF SENATE BILL 12-046, ENACTED IN 2012, THE LEGISLATIVE SERVICE AGENCIES SHALL NOT BE SUBJECT TO:

- (I) THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION; OR
- (II) THE REQUIREMENT IN SUBSECTION (3) OF THIS SECTION THAT THE LEGISLATIVE SERVICE AGENCIES COMPLETE THE POST-ENACTMENT REVIEW NO LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE TWO-YEAR OR FIVE-YEAR ANNIVERSARY, AS APPLICABLE, OF THE ENACTMENT OF SENATE BILL 12-046.

(b) IN CONDUCTING THE POST-ENACTMENT REVIEW OF SENATE BILL 12-046, THE LEGISLATIVE SERVICE AGENCIES SHALL SUBMIT TO THE MEMBERS OF THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR COMMITTEES, ANY INFORMATION REPORTED TO THE DIVISION OF CRIMINAL JUSTICE BY SCHOOL RESOURCE OFFICERS AND OTHER LAW ENFORCEMENT OFFICERS PURSUANT TO SECTION 22-32-145, C.R.S., AND BY DISTRICT ATTORNEYS PURSUANT TO SECTION 20-1-113, C.R.S. THE COMMITTEE MEMBERS ARE ENCOURAGED TO CONSIDER WHETHER TO:

- (I) CONTINUE TO REQUIRE SCHOOL RESOURCE OFFICERS AND OTHER LAW ENFORCEMENT OFFICERS AND DISTRICT ATTORNEYS TO REPORT SUCH INFORMATION TO THE DIVISION OF CRIMINAL JUSTICE; OR
- (II) INTRODUCE LEGISLATION TO REPEAL SUCH REPORTING REQUIREMENTS.

(c) THE LEGISLATIVE SERVICE AGENCIES SHALL COMPLETE THE POST-ENACTMENT REVIEW OF SENATE BILL 12-046 NO LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE FOUR-YEAR ANNIVERSARY OF THE ENACTMENT OF THE BILL.

(d) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2016.

SECTION 26. Accountability. Four years after this act becomes law and in accordance with section 2-2-1201, Colorado Revised Statutes, the legislative service agencies of the Colorado General Assembly shall conduct a post-enactment review of the implementation of this act utilizing the information contained in the legislative declaration set forth in section 1 of this act, and report their conclusions to the education committees of the House of Representatives and Senate, or any successor committees.

SECTION 27. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August

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7, 2012, if adjournment sine die is on May 9, 2012); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2012 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor."

Page 1, line 101, strike "SCHOOLS." and substitute "SCHOOLS, AND IN CONNECTION THEREWITH, REQUIRING A POST-ENACTMENT REVIEW OF THE IMPLEMENTATION OF THIS ACT."

Health & Human Services

After consideration on the merits, the Committee recommends that **HB12-1047** be referred to the Committee of the Whole with favorable recommendation.

Health & Human Services

After consideration on the merits, the Committee recommends that **SB12-128** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

"SECTION 1. In Colorado Revised Statutes, **add 25.5-6-113** as follows:

25.5-6-113. Alternative care facilities - reimbursement programs - legislative declaration - report - repeal. (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(I) THE NUMBER OF COLORADANS NEEDING LONG-TERM CARE IS INCREASING;

(II) STATE GENERAL FUND EXPENDITURES FOR LONG-TERM CARE ALREADY REPRESENT A SIGNIFICANT PORTION OF THE STATE'S MEDICAL ASSISTANCE BUDGET;

(III) MANY PERSONS IN NEED OF LONG-TERM CARE ARE OFTEN UNAWARE THAT THEY MAY BE ABLE TO RECEIVE LONG-TERM CARE SERVICES IN A HOME-LIKE ENVIRONMENT, AT A LOWER COST TO THE MEDICAID PROGRAM;

(IV) ALTERNATIVES TO NURSING HOME CARE SHOULD BE DEVELOPED AND IMPLEMENTED; AND

(V) UNLESS COLORADO IMPLEMENTS NEW METHODS FOR FINANCING LONG-TERM CARE, THE COST TO THE STATE FOR LONG-TERM CARE SERVICES WILL CONTINUE TO RISE PRECIPITOUSLY.

(b) THEREFORE, THE GENERAL ASSEMBLY FINDS THAT IT IS APPROPRIATE TO ESTABLISH A PROGRAM TO PROVIDE GREATER FINANCIAL INCENTIVES TO ALTERNATIVE CARE FACILITIES THAT ARE ABLE TO MEET THE NEEDS OF MEDICAID CLIENTS AT A LOWER COST TO THE MEDICAID PROGRAM.

(2) IN ORDER TO DECREASE THE NUMBER OF COSTLY READMISSIONS TO NURSING FACILITIES, THE STATE DEPARTMENT MAY CREATE AN ENHANCED REIMBURSEMENT PROGRAM IN WHICH AN ALTERNATIVE CARE FACILITY RECEIVES A TEMPORARY INCREASE IN THE MEDICAID PER DIEM REIMBURSEMENT RATE FOR A MEDICAID CLIENT DISCHARGED FROM A NURSING FACILITY TO AN ALTERNATIVE CARE FACILITY. THE STATE DEPARTMENT SHALL DEVELOP THE CRITERIA FOR PARTICIPATION IN THE ENHANCED REIMBURSEMENT PROGRAM.

(3) THE STATE DEPARTMENT MAY ALSO CREATE A PROGRAM THAT USES ALTERNATIVE CARE FACILITIES AND ENHANCED ALTERNATIVE CARE SERVICES TO ADDRESS THE NEEDS OF MEDICAID CLIENTS WHO ARE AT RISK OF NURSING HOME PLACEMENT.

(4) AS PART OF ITS ANNUAL REPORTING REQUIREMENT, THE STATE DEPARTMENT SHALL SUBMIT A WRITTEN REPORT TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY, THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEE, AND THE HEALTH AND ENVIRONMENT COMMITTEE OF THE HOUSE OF

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REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEE, CONCERNING THE DESIGN, IMPLEMENTATION, AND OUTCOME OF ANY PROGRAM CREATED PURSUANT TO SUBSECTIONS (2) OR (3) OF THIS SECTION.

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

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

Health & Human Services

After consideration on the merits, the Committee recommends that **HB12-1058** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 2, line 8, strike "MEDICAL".

Page 2, line 13, strike "NURSE OR OTHER".

Page 2, line 15, after "PHYSICIAN" insert "OR ADVANCED PRACTICE NURSE".

Appropriations

After consideration on the merits, the Committee recommends that **SB12-130** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1008** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Finance Committee Report, dated February 23, 2012, page 2, after line 12 insert:

"SECTION 6. 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."

Appropriations

After consideration on the merits, the Committee recommends that **SB12-116** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 6, strike lines 9 through 15 and substitute:

"SECTION 6. Exception to the requirements of section 2-2-703, Colorado Revised Statutes. The general assembly hereby finds that section 18-18-406.8, Colorado Revised Statutes, which is added to statute in section 3 of this act, will result in the minor fiscal impact of one additional offender being convicted and sentenced to the department of corrections during the five years following passage of this act. Because of the relative insignificance of this degree of fiscal impact, these amendments are an exception to the five-year appropriation requirements specified in section 2-2-703, Colorado Revised Statutes."

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Appropriations	After consideration on the merits, the Committee recommends that SB12-134 be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4
Appropriations	After consideration on the merits, the Committee recommends that SB12-059 be referred to the Committee of the Whole with favorable recommendation.	5 6 7 8
Appropriations	After consideration on the merits, the Committee recommends that HB12-1032 be referred to the Committee of the Whole with favorable recommendation.	9 10 11 12
Appropriations	After consideration on the merits, the Committee recommends that HB12-1033 be referred to the Committee of the Whole with favorable recommendation.	13 14 15 16
Appropriations	After consideration on the merits, the Committee recommends that HB12-1247 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	17 18 19 20 21
Appropriations	After consideration on the merits, the Committee recommends that HB12-1248 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	22 23 24 25 26
Appropriations	After consideration on the merits, the Committee recommends that HB12-1249 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	27 28 29 30 31 32

Amend reengrossed bill, page 4, after line 12 insert:

"SECTION 3. Effective date. This act takes effect upon passage; except that section 24-75-1104.5 (1.5) (a) (IX), as amended by section 2 of this act, takes effect only if House Bill 12-1247 does not become law."

Renumber succeeding section accordingly.

MESSAGE FROM THE HOUSE

March 1, 2012

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1269.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1105, amended as printed in House Journal, February 29, pages 429-430.

HB12-1237, amended as printed in House Journal, February 29, page 430.

HB12-1283, amended as printed in House Journal, February 29, pages 430-433

HB12-1125, amended as printed in House Journal, February 29, pages 433-434.

HB12-1149, amended as printed in House Journal, February 29, pages 434-436.

HB12-1216, amended as printed in House Journal, February 29, page 436.

The Speaker has announced a change in sponsorship on SB12-031. Representative Randy Baugardner has been added as co-prime sponsor on SB12-031 with Representative Laura Bradford.

MESSAGE FROM THE REVISOR OF STATUTES

March 1, 2012

We herewith transmit:

Without comment, HB12-1269.

Without comment, as amended, HB12-1105, 1125, 1149, 1216, 1237, and 1283.

SENATE SERVICES REPORT

Correctly Printed: SB12-155; SM12-003.

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

SJR12-017 by Senator(s) Williams S. and Spence, Giron, White; also Representative(s) Conti and Labuda, Acree, Looper, Williams A.--Concerning the recognition of National Women's History Month, and, in connection therewith, designating March as Colorado Women's History Month.

Amendment No. 1(L.001), by Senator Williams S.

Amend printed joint resolution, page 2, line 27, strike "41%" and substitute "40%".

The amendment was passed on the following roll call vote:

Table with 8 columns: YES (34), NO (0), EXCUSED (1), ABSENT (0), and rows for each senator's vote (e.g., 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, Scheffel, Schwartz, Spence, Steadman, Tochtrop, White, Williams S., President).

On motion of Senator Williams S., the resolution, as amended, was adopted by the following roll call vote:

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YES	34	NO	0	EXCUSED	1	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	E	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, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Steadman and Tochtrop.

INTRODUCTION OF BILLS -- FIRST READING

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

- HB12-1006** by Representative(s) Todd, Barker, Murray, Ramirez, Soper, Summers, Waller; also Senator(s) Spence, Aguilar, Bacon, Brophy, Giron, Roberts--Concerning the voluntary contribution designation benefiting the American Red Cross Colorado disaster response, readiness, and preparedness fund that appears on the state individual income tax return forms.
Finance
- HB12-1007** by Representative(s) Szabo; also Senator(s) Grantham--Concerning the requirement that a regulatory analysis be issued prior to the promulgation of rules by a state administrative agency.
Local Government
- HB12-1040** by Representative(s) Casso; also Senator(s) Tochtrop--Concerning recognition of September 11 as a state holiday in certain years, and, in connection therewith, designating September 11 as "Patriot Day".
State, Veterans & Military Affairs
- HB12-1041** by Representative(s) Labuda; also Senator(s) Guzman--Concerning the creation of an electronic death registration system in the department of public health and environment, and, in connection therewith, making an appropriation.
Health and Human Services
- HB12-1052** by Representative(s) Summers; also Senator(s) Boyd and Roberts--Concerning the collection of health care work force data from health care professionals, and, in connection therewith, making an appropriation.
Health and Human Services
- HB12-1095** by Representative(s) Waller; also Senator(s) Newell--Concerning electronic court documents.
Judiciary
- HB12-1115** by Representative(s) Liston; also Senator(s) Jahn--Concerning business fiscal impact statements.
State, Veterans & Military Affairs

HB12-1144 by Representative(s) Fischer, Duran, Hamner, Hullinghorst, Kefalas, Kerr A., Peniston, Ryden, Schafer S., Solano, Tyler, Young; also Senator(s) Bacon--Concerning authorizing institutions of higher education to enter into employment contracts for non-tenure-track classroom teachers.
Education

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HB12-1160 by Representative(s) Baumgardner; also Senator(s) Schwartz--Concerning methane gas captured from active and inactive coal mines.
Local Government

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HB12-1168 by Representative(s) Young, Fischer, Kerr A., Levy; also Senator(s) Morse--Concerning clarification of provisions authorizing ignition interlock devices.
Judiciary

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HB12-1206 by Representative(s) Acree, Baumgardner, Becker, Ramirez, Scott, Solano; also Senator(s) Morse--Concerning the implementation of sunset review of the cold case task force.
Judiciary

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HB12-1210 by Representative(s) Beezley, Holbert, Becker, Joshi, Kagan, Liston, Miklosi, Szabo; also Senator(s) Jahn--Concerning the recognition of professionals in good standing from other states to practice in Colorado.
Health and Human Services

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HB12-1244 by Representative(s) Scott; also Senator(s) Foster--Concerning an inventory of local governmental entities maintained by the department of local affairs, and, in connection therewith, requiring the inclusion of certain information in the inventory.
Local Government

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

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**GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR**

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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:

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HB12-1071 by Representative(s) Liston; also Senator(s) Jahn--Concerning portable electronics insurance.

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

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HB12-1221 by Representative(s) Liston, Kerr J., Balmer, Miklosi, Summers, Swalm, Williams A.; also Senator(s) Tochtrop, Boyd, Morse--Concerning billing for anatomic pathology services.

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, February 28, page 313 and placed in members' bill files.)

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

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SB12-095 by Senator(s) Lundberg; --Concerning requirements for the valid transfer of title to a motor vehicle.

Amendment No. 1, Transportation Committee Amendment.
(Printed in Senate Journal, February 29, page 326 and placed in members' bill files.)

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

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR**

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

YES	34	NO	0	EXCUSED	1	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	E	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: SB12-095, HB12-1071, HB12-1221 as amended.

Committee of the Whole On motion of Senator Hodge, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Hodge 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:

SB12-143 by Senator(s) Carroll; also Representative(s) Pabon--Concerning the development of a local businesses database by the Colorado office of economic development.

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, February 16, pages 187-188 and placed in members' bill files.)

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

SB12-137 by Senator(s) Lambert, Neville, Renfroe; also Representative(s) Beezley, Holbert, Looper, McKinley--Concerning the payment of debts in precious metal coins.

Lost on second reading.

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

- HB12-1231** by Representative(s) Ryden, Gardner B., Kagan, Pabon, Singer, Wilson; also Senator(s) Spence--Concerning the authority of the department of revenue to allow licensed private investigators access to certain motor vehicle records for specified purposes.

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

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- HB12-1139** by Representative(s) Levy, Fields, Barker, Court, Kagan, Massey, McCann, McKinley, Nikkel, Solano, Young; also Senator(s) Guzman--Concerning pretrial detention of children prosecuted as adults.

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

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- HB12-1181** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--Concerning a supplemental appropriation to the department of corrections.

Laid over until Wednesday, March 7, retaining its place on the calendar.

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- SB12-141** by Senator(s) Shaffer B.; --Concerning measures to alleviate difficulties faced by military personnel in qualifying for home mortgage loans.

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

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- HB12-1117** by Representative(s) Balmer; also Senator(s) Nicholson--Concerning the ability of a local government to permit, in its discretion, the collection of charitable solicitations from motorists on a certain number of days per calendar year.

Laid over until Monday, March 5, retaining its place on the calendar.

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- SB12-118** by Senator(s) White, Jahn; also Representative(s) Acree--Concerning the repeal of the requirement for a hotel and restaurant alcohol license that twenty-five percent of sales must be from meals.

Amendment No. 1, Local Government Committee Amendment.
(Printed in Senate Journal, February 29, page 325 and placed in members' bill files.)

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

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AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

- SB12-137** by Senator(s) Lambert, Neville, Renfroe; also Representative(s) Beezley, Holbert, Looper, McKinley--Concerning the payment of debts in precious metal coins.

Senator Lambert moved to amend the Report of the Committee of the Whole to show that SB 12-137 did pass.

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 was **lost** on the following roll call vote:

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YES	15	NO	19	EXCUSED	1	ABSENT	0	
Aguilar		N	Guzman	N	Lambert	Y	Scheffel	Y
Bacon		N	Harvey	Y	Lundberg	Y	Schwartz	N
Boyd		N	Heath	N	Mitchell	Y	Spence	Y
Brophy		Y	Hodge	N	Morse	N	Steadman	N
Cadman		Y	Hudak	N	Neville	Y	Tochtrop	N
Carroll		N	Jahn	N	Newell	N	White	Y
Foster		N	Johnston	E	Nicholson	N	Williams S.	N
Giron		N	King K.	Y	Renfroe	Y	President	N
Grantham		Y	King S.	Y	Roberts	Y		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	33	NO	1	EXCUSED	1	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	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	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: SB12-143 as amended, SB12-141, SB12-118 as amended, HB12-1231, HB12-1139.

Lost on second reading: SB12-137

Laid over until Monday, March 5: HB12-1117.

Laid over until Wednesday, March 7: HB12-1181.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB12-1301, 1073, 1100, 1198; SB12-008, 043 and 094.

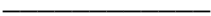
DELIVERY TO THE GOVERNOR

To the Governor for signature on Thursday, March 1, 2012, at 10:05 a.m.: SJR12-003.

To the Governor for signature on Thursday, March 1, 2012, at 11:42 a.m.: SB12-008, 043 and 094.

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 Friday, March 2 was laid over until Monday, March 5, retaining its place on the calendar.

Consideration of Resolutions: SJR12-006, SJR12-015, HJR12-1004.
Consideration of Memorials: SJM12-001, SM12-002.



On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, March 5, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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