

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

120th Legislative Day Wednesday, May 9, 2012

- Prayer By the chaplain, Rabbi Yossi Serebryanski, Chabad of South Denver.
- Call to Order By the President at 10:00 a.m.
- Pledge By Senator Nicholson.
- Roll Call Present--35
- Quorum The President announced a quorum present.
- Reading of Journal On motion of Senator Neville, reading of the Journal of Tuesday, May 8, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Correctly Printed: SR12-004.
 Correctly Engrossed: SR12-003.
 Correctly Revised: HB12-1037, 1038, 1042, 1045, 1099, 1110, 1119, 1143, 1155, 1160, 1214, 1240, 1261, 1263, 1266, 1268, 1273, 1278, 1281, 1283, 1286, 1300, 1310, 1311, 1315, 1317, 1326, 1327, 1328, 1330, 1332, 1334, 1345, 1346, 1349, 1350, 1351, 1352, 1353, 1355, 1357, 1358, 1360 and 1361; HJR12-1021.
 Correctly Reengrossed: SB12-083, 183 and 184.

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 an expression of personal privilege.

Senate in recess. Senate reconvened.

Senate in recess. Senate reconvened.

Call of the Senate. Call raised.

**THIRD READING OF BILLS -- FINAL PASSAGE --
CONSENT CALENDAR**

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

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HB12-1119 by Representative(s) Coram; also Senator(s) Giron and King S.--Concerning violations of state requirements enforced by the department of public health and environment that pertain to construction-related discharges of storm water.

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

YES	34	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	*	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

* Abstaining from voting under Senate Rule 17(c) -- Senator Foster.

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

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.

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: Schwartz and White.

HB12-1328 by Representative(s) Priola, Ferrandino, DelGrosso, Murray, Sonnenberg; also Senator(s) Giron--Concerning exclusion from the "Uniform Consumer Credit Code" of certain charges by persons regularly engaged in making contracts for purchase of tangible personal property in the course of business if those charges do not exceed amounts permitted by law.

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**.

HB12-1350 by Representative(s) Waller, Balmer, Barker, Casso, Court, Gerou, Hamner, Holbert, Hullinghorst, Jones, Joshi, Kerr A., Liston, Looper, Massey, Pabon, Priola, Ramirez, Soper, Stephens, Summers, Swerdfeger, Vigil; also Senator(s) Hodge, Heath, Guzman, Hudak, King K., Morse, Nicholson--Concerning in-state tuition classification for dependents of members of the armed forces.

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, Cadman, Foster, Giron, Grantham, Jahn, King S., Lambert, Neville, Newell, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Tochtrop and Williams S.

HB12-1268 by Representative(s) Acree, Beezley, Joshi, Kerr J., McCann, Ramirez; also Senator(s) Hudak--Concerning a transfer of functions pertaining to health facility compliance with certain building safety standards from the department of public health and environment to the division of fire safety in the office of preparedness, security, and fire safety within the department of public safety, and, in connection therewith, creating the health facility construction and inspection section in the division of fire safety.

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-sponsor added: King S., Newell, Tochtrop, White and Williams S.

HB12-1045 by Representative(s) Bradford; also Senator(s) King S.--Concerning sales and use tax exemptions for the sale and use of wood from trees harvested in Colorado damaged by beetles.

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

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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, Foster, Guzman, Heath, Jahn, Johnston, Neville, Newell, Nicholson, Roberts, Schwartz and White.

HB12-1357 by Representative(s) Brown, Sonnenberg, Vigil; also Senator(s) Renfroe, Bacon, Schwartz-- Concerning the use of unspent moneys after completion of capital construction projects at state-supported institutions of higher education authorized by a 2008 federal mineral lease revenues lease-purchase agreement.

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-sponsor added: Williams S.

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:

SB12-135 by Senator(s) Lundberg, Scheffel, Cadman, Harvey, King K., Lambert, Mitchell, White; also Representative(s) Murray--Concerning the development of an on-line program to which the secretary of state posts election returns by the evenings of specified election days, and, in connection therewith, making an appropriation.

Laid over until Thursday, May 10, retaining its place on the calendar.

HB12-1345 by Representative(s) Massey; also Senator(s) Bacon--Concerning the financing of public schools, and, in connection therewith, making and reducing appropriations.

A majority of those elected to the Senate having voted in the affirmative, Senators Hudak, King K., and Bacon were given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.029), by Senators Hudak, King K., and Bacon.

Amend revised bill, page 18, after line 13, insert:

"SECTION 11. Legislative declaration. (1) The general

assembly finds that:

(a) To comply with federal requirements, the state must assess students' achievement of the state standards in mathematics, English language arts, and science during grade ten, eleven, or twelve using an assessment that is aligned with the state standards;

(b) The state administers a statewide assessment in mathematics, reading, writing, and science to students enrolled in tenth grade, which assessment is aligned with the content standards adopted by the state board. This assessment is necessary for the state to meet the federal high school testing requirements and costs the state over one million dollars per year to administer.

(c) The state also administers the ACT to all students enrolled in eleventh grade. While the ACT includes questions in the areas of mathematics, English language arts, and science, it is not comprehensive enough nor sufficiently aligned with the Colorado standards to meet the federal high school testing requirements. However, the ACT is of great value to students who are planning to continue into postsecondary education because it is considered by most postsecondary institutions in making admissions decisions. The ACT also costs the state over one million dollars per year to administer.

(d) The state could save significant amounts by administering only the ACT as the statewide assessment for students in grades ten, eleven, and twelve. However, augmenting the ACT with additional questions so that it is sufficiently aligned with Colorado's standards to satisfy the federal high school testing requirements would cost several million dollars.

(e) Colorado is participating with the common core state standards initiative, which has developed standards in the areas of mathematics and English language arts, and the state board of education recently adopted the common core state standards for mathematics and English language arts as Colorado's state model content standards in these subjects. So far, the common core state standards have been adopted by forty-seven other states.

(f) Because the trend among the majority of states is to adopt the common core state standards and all states are required by federal law to administer an assessment during grades ten through twelve that is aligned with each state's standards, it is the intent and expectation of the general assembly that ACT, Inc., will soon reconfigure the ACT to align with the common core state standards at a sufficient level to enable the states, including Colorado, to administer the ACT as a means of complying with the federal high school testing requirements without having to pay several million dollars to augment the test.

SECTION 12. In Colorado Revised Statutes, 22-32-109, **amend** (1) (nn); and **add** (1) (oo) as follows:

22-32-109. Board of education - specific duties. (1) In addition to any other duty required to be performed by law, each board of education shall have and perform the following specific duties:

(nn) To ensure that each student who enrolls in the sixth grade in a public school of the school district, including but not limited to a district charter school, on the day of enrollment is registered with the state-provided, free on-line college planning and preparation resource, commonly referred to as "CollegeInColorado.org". The school district, the department of education, and the department of higher education shall collaborate to monitor the implementation of this paragraph (nn) and to ensure optimal interactivity between the various data bases and student record systems employed by school districts and college in Colorado. ~~Each public school shall assist each student and his or her parent or legal guardian to develop and maintain the student's individual career and academic plan no later than the beginning of ninth grade but may assist the student and his or her parent or legal guardian to develop and maintain the student's individual career and academic plan in any grade prior to ninth grade.~~

(oo) (I) TO ADOPT POLICIES TO REQUIRE EACH SCHOOL OF THE SCHOOL DISTRICT, INCLUDING THE CHARTER SCHOOLS, TO ASSIST EACH STUDENT AND HIS OR HER PARENT OR LEGAL GUARDIAN TO DEVELOP AND MAINTAIN THE STUDENT'S INDIVIDUAL CAREER AND ACADEMIC PLAN, REFERRED TO IN THIS PARAGRAPH (oo) AS AN "ICAP", NO LATER THAN THE BEGINNING OF NINTH GRADE. THE BOARD OF EDUCATION MAY REQUIRE THE SCHOOLS OF THE SCHOOL DISTRICT TO ASSIST THE STUDENT AND HIS OR HER PARENT OR LEGAL GUARDIAN TO DEVELOP AND MAINTAIN THE STUDENT'S ICAP IN ANY GRADE PRIOR TO NINTH GRADE. EACH STUDENT'S ICAP SHALL COMPLY WITH THE REQUIREMENTS SPECIFIED IN

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SECTION 22-2-136 AND THE RULES PROMULGATED BY THE STATE BOARD OF EDUCATION PURSUANT TO SAID SECTION.

(II) THE BOARD OF EDUCATION SHALL FURTHER REQUIRE EACH SCHOOL OF THE SCHOOL DISTRICT TO ASSIST EACH STUDENT WHO IS ENROLLED IN THE SCHOOL AND HAS AN ICAP TO USE THE PLAN EFFECTIVELY TO DIRECT THE STUDENT'S COURSE SELECTIONS AND PERFORMANCE EXPECTATIONS IN AT LEAST GRADES NINE THROUGH TWELVE; TO ASSIST THE STUDENT IN MEETING HIS OR HER ACADEMIC AND CAREER GOALS AS DESCRIBED IN THE ICAP; AND TO ENABLE THE STUDENT TO DEMONSTRATE POSTSECONDARY AND WORKFORCE READINESS PRIOR TO OR UPON GRADUATION FROM HIGH SCHOOL AT A LEVEL THAT ALLOWS THE STUDENT TO PROGRESS TOWARD HIS OR HER POSTSECONDARY EDUCATION GOALS, IF ANY, WITHOUT REQUIRING REMEDIAL EDUCATIONAL SERVICES OR COURSES.

SECTION 13. In Colorado Revised Statutes, 22-32-109.5, add (4) as follows:

22-32-109.5. Board of education - specific duties - testing requirements - basic skills placement or assessment tests - intervention plans. (4) (a) EACH SCHOOL DISTRICT MAY ADMINISTER TO STUDENTS ENROLLED IN GRADES NINE THROUGH TWELVE IN THE SCHOOLS OF THE SCHOOL DISTRICT THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS THAT ARE ADMINISTERED TO MATRICULATED FIRST-TIME FRESHMAN STUDENTS PURSUANT TO SECTION 23-1-113, C.R.S. THE SCHOOL DISTRICT MAY ADMINISTER THE TESTS TO A STUDENT AT ANY TIME AND AS OFTEN AS IT DEEMS NECESSARY WHILE THE STUDENT IS ENROLLED IN ANY OF GRADES NINE THROUGH TWELVE, BUT THE DEPARTMENT OF EDUCATION SHALL ALLOCATE MONEYS TO EACH SCHOOL DISTRICT TO OFFSET THE COSTS INCURRED IN ADMINISTERING EACH OF THE TEST UNITS ONLY ONCE PER STUDENT WHILE HE OR SHE IS ENROLLED IN THOSE GRADES.

(b) IF A SCHOOL DISTRICT CHOOSES TO ADMINISTER THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS, EACH STUDENT'S INDIVIDUAL CAREER AND ACADEMIC PLAN SHALL INCLUDE THE SCORES ACHIEVED BY THE STUDENT ON THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS AND, BASED ON AN ANALYSIS OF THE SCORES, THE STUDENT'S LEVEL OF POSTSECONDARY AND WORKFORCE READINESS AT THE TIME HE OR SHE TAKES THE TESTS. IF A STUDENT'S SCORES INDICATE THAT HE OR SHE IS AT RISK OF BEING UNABLE TO DEMONSTRATE POSTSECONDARY AND WORKFORCE READINESS PRIOR TO OR UPON GRADUATING FROM HIGH SCHOOL, SCHOOL PERSONNEL SHALL WORK WITH THE STUDENT AND THE STUDENT'S PARENT OR LEGAL GUARDIAN TO CREATE AN INTERVENTION PLAN THAT IDENTIFIES THE NECESSARY COURSES AND EDUCATION SUPPORT SERVICES THAT THE STUDENT REQUIRES TO BE ABLE TO ACHIEVE POSTSECONDARY AND WORKFORCE READINESS PRIOR TO OR UPON GRADUATING FROM HIGH SCHOOL AND TO BE PREPARED TO CONTINUE INTO THE POSTSECONDARY EDUCATION OPTION, IF ANY, SELECTED BY THE STUDENT IN HIS OR HER INDIVIDUAL CAREER AND ACADEMIC PLAN WITHOUT NEED FOR REMEDIAL EDUCATIONAL SERVICES. IF APPROPRIATE, THE SCHOOL, THE STUDENT, AND THE STUDENT'S PARENT OR LEGAL GUARDIAN MAY CHOOSE TO ENROLL THE STUDENT IN ONE OR MORE BASIC SKILLS COURSES AT AN INSTITUTION OF HIGHER EDUCATION THROUGH THE "CONCURRENT ENROLLMENT PROGRAMS ACT", ARTICLE 35 OF THIS TITLE, IF THE STUDENT IS ENROLLED IN TWELFTH GRADE.

SECTION 14. In Colorado Revised Statutes, add 22-30.5-117 as follows:

22-30.5-117. Basic skills placement or assessment tests - intervention plans. (1) EACH CHARTER SCHOOL THAT INCLUDES ANY OF GRADES NINE THROUGH TWELVE MAY ADMINISTER TO STUDENTS ENROLLED IN THOSE GRADES THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS THAT ARE ADMINISTERED TO MATRICULATED FIRST-TIME FRESHMAN STUDENTS PURSUANT TO SECTION 23-1-113, C.R.S. THE CHARTER SCHOOL MAY ADMINISTER THE TESTS TO A STUDENT AT ANY TIME AND AS OFTEN AS IT DEEMS NECESSARY WHILE THE STUDENT IS ENROLLED IN ANY OF GRADES NINE THROUGH TWELVE, BUT THE DEPARTMENT OF EDUCATION SHALL ALLOCATE MONEYS TO EACH CHARTER SCHOOL TO OFFSET THE COSTS INCURRED IN ADMINISTERING EACH OF THE TEST UNITS ONLY ONCE PER STUDENT WHILE HE OR SHE IS ENROLLED IN THOSE GRADES.

(2) IF A CHARTER SCHOOL CHOOSES TO ADMINISTER THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS, EACH STUDENT'S INDIVIDUAL CAREER AND ACADEMIC PLAN SHALL INCLUDE THE SCORES ACHIEVED BY THE STUDENT ON THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS AND, BASED ON AN ANALYSIS OF THE SCORES, THE STUDENT'S LEVEL OF

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POSTSECONDARY AND WORKFORCE READINESS AT THE TIME HE OR SHE TAKES THE TESTS. IF A STUDENT'S SCORES INDICATE THAT HE OR SHE IS AT RISK OF BEING UNABLE TO DEMONSTRATE POSTSECONDARY AND WORKFORCE READINESS PRIOR TO OR UPON GRADUATING FROM HIGH SCHOOL, SCHOOL PERSONNEL SHALL WORK WITH THE STUDENT AND THE STUDENT'S PARENT OR LEGAL GUARDIAN TO CREATE AN INTERVENTION PLAN THAT IDENTIFIES THE NECESSARY COURSES AND EDUCATION SUPPORT SERVICES THE STUDENT REQUIRES TO BE ABLE TO ACHIEVE POSTSECONDARY AND WORKFORCE READINESS PRIOR TO OR UPON GRADUATING FROM HIGH SCHOOL AND TO BE PREPARED TO CONTINUE INTO THE POSTSECONDARY EDUCATION OPTION, IF ANY, SELECTED BY THE STUDENT IN HIS OR HER INDIVIDUAL CAREER AND ACADEMIC PLAN WITHOUT NEED FOR REMEDIAL EDUCATIONAL SERVICES. IF APPROPRIATE, THE CHARTER SCHOOL, THE STUDENT, AND THE STUDENT'S PARENT OR LEGAL GUARDIAN MAY CHOOSE TO ENROLL THE STUDENT IN ONE OR MORE BASIC SKILLS COURSES AT AN INSTITUTION OF HIGHER EDUCATION THROUGH THE "CONCURRENT ENROLLMENT PROGRAMS ACT", ARTICLE 35 OF THIS TITLE, IF THE STUDENT IS ENROLLED IN TWELFTH GRADE.

SECTION 15. In Colorado Revised Statutes, add 22-30.5-523 and 22-30.5-524 as follows:

22-30.5-523. Individual career and academic plans. (1) EACH INSTITUTE CHARTER SCHOOL SHALL ASSIST EACH STUDENT AND HIS OR HER PARENT OR LEGAL GUARDIAN TO DEVELOP AND MAINTAIN THE STUDENT'S INDIVIDUAL CAREER AND ACADEMIC PLAN, REFERRED TO IN THIS SECTION AS AN "ICAP", NO LATER THAN THE BEGINNING OF NINTH GRADE BUT MAY ASSIST THE STUDENT AND HIS OR HER PARENT OR LEGAL GUARDIAN TO DEVELOP AND MAINTAIN THE STUDENT'S ICAP IN ANY GRADE PRIOR TO NINTH GRADE. EACH STUDENT'S ICAP SHALL COMPLY WITH THE REQUIREMENTS SPECIFIED IN SECTION 22-2-136 AND THE RULES PROMULGATED BY THE STATE BOARD OF EDUCATION PURSUANT TO SAID SECTION.

(2) EACH INSTITUTE CHARTER SCHOOL SHALL ASSIST EACH STUDENT WHO IS ENROLLED IN THE SCHOOL AND HAS AN ICAP TO USE THE PLAN EFFECTIVELY TO DIRECT THE STUDENT'S COURSE SELECTIONS AND PERFORMANCE EXPECTATIONS IN AT LEAST GRADES NINE THROUGH TWELVE; TO ASSIST THE STUDENT IN MEETING HIS OR HER ACADEMIC AND CAREER GOALS AS DESCRIBED IN THE ICAP; AND TO ENABLE THE STUDENT TO DEMONSTRATE POSTSECONDARY AND WORKFORCE READINESS PRIOR TO OR UPON GRADUATION FROM HIGH SCHOOL AT A LEVEL THAT ALLOWS THE STUDENT TO PROGRESS TOWARD HIS OR HER POSTSECONDARY EDUCATION GOALS, IF ANY, WITHOUT REQUIRING REMEDIAL EDUCATIONAL SERVICES OR COURSES.

22-30.5-524. Basic skills placement or assessment tests - intervention plans. (1) EACH INSTITUTE CHARTER SCHOOL THAT INCLUDES ANY OF GRADES NINE THROUGH TWELVE MAY ADMINISTER TO STUDENTS ENROLLED IN THOSE GRADES THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS THAT ARE ADMINISTERED TO MATRICULATED FIRST-TIME FRESHMAN STUDENTS PURSUANT TO SECTION 23-1-113, C.R.S. THE INSTITUTE CHARTER SCHOOL MAY ADMINISTER THE TESTS TO A STUDENT AT ANY TIME AND AS OFTEN AS IT DEEMS NECESSARY WHILE THE STUDENT IS ENROLLED IN ANY OF GRADES NINE THROUGH TWELVE, BUT THE DEPARTMENT OF EDUCATION SHALL ALLOCATE MONEYS TO EACH INSTITUTE CHARTER SCHOOL TO OFFSET THE COSTS INCURRED IN ADMINISTERING EACH OF THE TEST UNITS ONLY ONCE PER STUDENT WHILE HE OR SHE IS ENROLLED IN THOSE GRADES.

(2) IF AN INSTITUTE CHARTER SCHOOL CHOOSES TO ADMINISTER THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS, EACH STUDENT'S INDIVIDUAL CAREER AND ACADEMIC PLAN SHALL INCLUDE THE SCORES ACHIEVED BY THE STUDENT ON THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS AND, BASED ON AN ANALYSIS OF THE SCORES, THE STUDENT'S LEVEL OF POSTSECONDARY AND WORKFORCE READINESS AT THE TIME HE OR SHE TAKES THE TESTS. IF A STUDENT'S SCORES INDICATE THAT HE OR SHE IS AT RISK OF BEING UNABLE TO DEMONSTRATE POSTSECONDARY AND WORKFORCE READINESS PRIOR TO OR UPON GRADUATING FROM HIGH SCHOOL, SCHOOL PERSONNEL SHALL WORK WITH THE STUDENT AND THE STUDENT'S PARENT OR LEGAL GUARDIAN TO CREATE AN INTERVENTION PLAN THAT IDENTIFIES THE NECESSARY COURSES AND EDUCATION SUPPORT SERVICES THE STUDENT REQUIRES TO BE ABLE TO ACHIEVE POSTSECONDARY AND WORKFORCE READINESS PRIOR TO OR UPON GRADUATING FROM HIGH SCHOOL AND TO BE PREPARED TO CONTINUE INTO THE POSTSECONDARY EDUCATION OPTION, IF ANY, SELECTED BY THE STUDENT IN HIS OR HER INDIVIDUAL CAREER AND

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ACADEMIC PLAN WITHOUT NEED FOR REMEDIAL EDUCATIONAL SERVICES. IF APPROPRIATE, THE SCHOOL, THE STUDENT, AND THE STUDENT'S PARENT OR LEGAL GUARDIAN MAY CHOOSE TO ENROLL THE STUDENT IN ONE OR MORE BASIC SKILLS COURSES AT AN INSTITUTION OF HIGHER EDUCATION THROUGH THE "CONCURRENT ENROLLMENT PROGRAMS ACT", ARTICLE 35 OF THIS TITLE, IF THE STUDENT IS ENROLLED IN TWELFTH GRADE.

SECTION 16. In Colorado Revised Statutes, 22-30.5-505, **amend** (3) (f) as follows:

22-30.5-505. State charter school institute - institute board - appointment - powers and duties - rules. (3) The mission of the institute board shall be to foster high-quality public school choices offered through institute charter schools, including particularly schools that are focused on closing the achievement gap for at-risk students. In discharging its duties pursuant to this part 5, the institute shall:

(f) Ensure that each student who enrolls in the sixth grade in an institute charter school, on the day of enrollment, is registered with the state-provided, free on-line college planning and preparation resource, commonly referred to as "CollegeInColorado.org". The institute, the department, and the department of higher education shall collaborate to monitor the implementation of this paragraph (f) and to ensure optimal interactivity between the various data bases and student record systems employed by institute charter schools and college in Colorado. ~~Each institute charter school shall assist each student and his or her parent or legal guardian to develop and maintain the student's individual career and academic plan no later than the beginning of ninth grade but may assist the student and his or her parent or legal guardian to develop and maintain the student's individual career and academic plan in any grade prior to ninth grade.~~

SECTION 17. In Colorado Revised Statutes, 22-2-136, **amend** (2) (a) as follows:

22-2-136. Additional duty - state board - individual career and academic plans - standards - rules. (2) In establishing the standards for individual career and academic plans, the state board shall ensure, at a minimum, that:

(a) Each individual career and academic plan includes a career planning and guidance component and a portfolio that reflects, at a minimum:

(I) The student's efforts in exploring careers, including interest surveys that the student completes;

(II) The student's academic progress, including the courses taken, any remediation or credit recovery, and any concurrent enrollment credits earned;

(III) FOR SCHOOL DISTRICTS AND CHARTER SCHOOLS THAT CHOOSE TO ADMINISTER THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS, THE STUDENT'S SCORES ON THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS ADMINISTERED PURSUANT TO SECTION 22-30.5-117, 22-30.5-524, OR 22-32-109.5 (4), ANY INTERVENTION PLAN CREATED FOR THE STUDENT PURSUANT TO SAID SECTIONS, AND THE STUDENT'S PROGRESS IN MEETING THE INTERVENTION PLAN;

~~(H.5)~~ (IV) The student's progress in visual arts and performing arts courses;

~~(HH)~~ (V) The student's experiences in contextual and service learning;

~~(HV)~~ (VI) The student's college applications and resume, as they are prepared and submitted; and

~~(V)~~ (VII) The student's postsecondary studies as the student progresses;

SECTION 18. In Colorado Revised Statutes, 22-7-1009, **amend** (1) as follows:

22-7-1009. Diploma endorsements - adoption - revisions.

(1) On or before July 1, 2011, or as soon thereafter as fiscally practicable, the state board shall adopt criteria that a local school board, BOCES, or institute charter high school may apply if the local school board, BOCES, or institute charter high school chooses to endorse high school diplomas to indicate that students have achieved postsecondary and workforce readiness. The criteria shall include, but need not be limited to, the required minimum level of postsecondary and workforce readiness that a student must achieve to receive a readiness endorsement on his or her diploma from the local school board, BOCES, or institute charter high school, BASED ON WHETHER THE STUDENT INTENDS TO PURSUE A CAREER AND TECHNICAL EDUCATION CERTIFICATE; ENROLLMENT IN AN OPEN, MODIFIED OPEN, OR MODERATELY SELECTIVE INSTITUTION OF HIGHER

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EDUCATION; OR ENROLLMENT IN A SELECTIVE INSTITUTION OF HIGHER EDUCATION. In identifying the required minimum level of postsecondary and workforce readiness, the state board shall ensure that the minimum level of postsecondary and workforce readiness reflects the expectations for postsecondary and workforce readiness that are applied nationally and internationally.

SECTION 19. In Colorado Revised Statutes, 22-11-204, **amend** (4) (b) (II) as follows:

22-11-204. Performance indicators - measures. (4) The department shall determine the level of attainment of each public high school, each school district, the institute, and the state as a whole on the postsecondary and workforce readiness indicator by using, at a minimum, the following measures:

(b) For each school district and the institute, the department shall calculate:

(II) Beginning with the ~~2011-12 school year~~ FIRST SCHOOL YEAR FOR WHICH CRITERIA ARE ADOPTED PURSUANT TO SECTION 22-7-1009 (1) FOR AWARDING DIPLOMAS THAT ARE ENDORSED FOR POSTSECONDARY AND WORKFORCE READINESS and for each school year thereafter, the overall percentage of all students graduating from the district public high schools or from the institute charter high schools who receive diplomas that are endorsed for postsecondary and workforce readiness as described in section 22-7-1009 (1) and the percentage who receive diplomas that are endorsed for exemplary demonstration of postsecondary and workforce readiness as described in section 22-7-1009 (2); and

SECTION 20. In Colorado Revised Statutes, 22-2-112, **add** (4) as follows:

22-2-112. Commissioner - duties. (4) (a) THE COMMISSIONER SHALL ENSURE THAT THE DEPARTMENT, SUBJECT TO AVAILABLE APPROPRIATIONS, ANNUALLY ALLOCATES MONEYS TO SCHOOL DISTRICTS, DISTRICT CHARTER SCHOOLS, AND INSTITUTE CHARTER SCHOOLS TO REIMBURSE THEM FOR THE COSTS OF ADMINISTERING BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS PURSUANT TO SECTIONS 22-32-109.5, 22-30.5-117, AND 22-30.5-524, RESPECTIVELY, TO STUDENTS ENROLLED IN GRADES NINE THROUGH TWELVE. THE DEPARTMENT SHALL ALLOCATE MONEYS TO OFFSET THE COSTS INCURRED IN ADMINISTERING EACH OF THE TEST UNITS ONLY ONCE PER STUDENT WHILE THE STUDENT IS ENROLLED IN GRADES NINE THROUGH TWELVE.

(b) THE GENERAL ASSEMBLY FINDS THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, ADMINISTERING BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS TO STUDENTS IN GRADES NINE THROUGH TWELVE IS AN ACCOUNTABLE PROGRAM TO MEET STATE ACADEMIC STANDARDS AND IS A COMPONENT OF ACCOUNTABILITY REPORTING AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

SECTION 21. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) of article IX of the state constitution, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2012, the sum of \$1,000,000, or so much thereof as may be necessary, for the implementation of section 22-2-112 (4), Colorado Revised Statutes."

Renumber succeeding section accordingly.

The amendment was **passed** on the following roll call vote:

YES	34	NO	1	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	N	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 those elected to the Senate having voted in the affirmative, Senators Hudak and Newell were given permission to offer a third reading amendment.

Third Reading Amendment No. 2(L.030), by Senators Hudak and Newell.

Amend revised bill, page 3, after line 1, insert:

"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;

(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 13 of this act; and by district attorneys pursuant to section 20-1-113, C.R.S., as described in section 20 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."

Renumber succeeding sections accordingly.

Page 18, after line 13, insert:

"SECTION 12. 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 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

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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 ~~shall~~ NEED not be limited to:

~~(H)~~ (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;

~~(H)~~ (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.;

~~(H)~~ (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;

~~(H)~~ (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;

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~~(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 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.;

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(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); AND

(D) ENSURE THAT, IN IMPLEMENTING THE CODE, EACH SCHOOL OF THE SCHOOL DISTRICT SHOWS DUE CONSIDERATION OF THE IMPACT OF CERTAIN VIOLATIONS OF THE CODE UPON VICTIMS OF SUCH VIOLATIONS, IN ACCORDANCE WITH THE PROVISIONS OF TITLE IX OF THE UNITED STATES CODE AND OTHER STATE AND FEDERAL LAWS.

(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 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:~~

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- ~~(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 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 13. 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

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INVESTIGATION RELATING TO AN OFFENSE ALLEGEDLY COMMITTED ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT.

SECTION 14. 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 period during which a pupil must be enrolled.

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

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

(4) "DANGEROUS WEAPON" MEANS:

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

(b) ANY PELLET GUN, 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 EXCEEDS THREE INCHES IN LENGTH;

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

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

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

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

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

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

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

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

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

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

SECTION 15. In Colorado Revised Statutes, 22-33-105, **amend** (2) (c), (3) (d) (III), and (6) as follows:

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

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

(c) Deny admission to, or expel for any period not extending beyond one year, any child whom the board of education, in accordance with the limitations imposed by this article, shall determine does not qualify for admission to, or continued attendance at, the public schools of the district. A board of education may delegate such powers to its executive officer or to a designee who shall serve as a hearing officer. If the hearing is conducted by a designee acting as a hearing officer, the hearing officer shall forward findings of fact and recommendations to the executive officer at the conclusion of the hearing. The executive officer shall render a written opinion within five days after a hearing conducted by the executive officer or by a hearing officer. The executive officer shall report on each case acted upon at the next meeting of the board of education, briefly describing the circumstances and the reasons for the executive officer's action. ~~When delegated, an appeal may be taken from~~

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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 16. 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), (1.2), 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 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.~~

~~(H) 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 (H) shall be construed as prohibiting a school district from expelling a student under the circumstances specified in this subparagraph (H) 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.

(1.2) EACH SCHOOL DISTRICT IS ENCOURAGED TO CONSIDER EACH OF THE FOLLOWING FACTORS BEFORE SUSPENDING OR EXPELLING A STUDENT PURSUANT TO A PROVISION OF SUBSECTION (1) OF THIS SECTION:

(a) THE AGE OF THE STUDENT;

(b) THE DISCIPLINARY HISTORY OF THE STUDENT;

(c) WHETHER THE STUDENT HAS A DISABILITY;

(d) THE SERIOUSNESS OF THE VIOLATION COMMITTED BY THE STUDENT;

(e) WHETHER THE VIOLATION COMMITTED BY THE STUDENT THREATENED THE SAFETY OF ANY STUDENT OR STAFF MEMBER; AND

(f) WHETHER A LESSER INTERVENTION WOULD PROPERLY ADDRESS THE VIOLATION COMMITTED BY THE STUDENT.

(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 17. 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 18. 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 19. 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 20. 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., 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.

(2) THE INFORMATION REPORTED BY EACH DISTRICT ATTORNEY PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL INCLUDE THE NUMBER OF OFFENSES FILED IN COURT, INCLUDING THE TOTAL NUMBER OF EACH TYPE OF SUCH OFFENSES, THE DISPOSITION OF EACH CASE, AND THE AGE, GENDER, SCHOOL, AND RACE OR ETHNICITY OF EACH STUDENT THAT THE DISTRICT ATTORNEY PROSECUTED.

(3) THE INFORMATION REPORTED BY EACH DISTRICT ATTORNEY PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL INCLUDE, TO THE EXTENT PRACTICABLE AND TO THE EXTENT THAT SUCH INFORMATION IS COLLECTED BY THE DISTRICT ATTORNEY AS OF THE EFFECTIVE DATE OF THIS SECTION:

(a) THE NUMBER OF OFFENSES THAT WERE REFERRED TO THE DISTRICT ATTORNEY BY A LAW ENFORCEMENT AGENCY AND WERE NOT

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FILED IN COURT, INCLUDING THE TOTAL NUMBER OF EACH TYPE OF SUCH OFFENSES; AND

(b) THE NUMBER OF OFFENSES FOR WHICH THE DISTRICT ATTORNEY REFERRED AN OFFENDER TO A JUVENILE DIVERSION PROGRAM OR OTHER ALTERNATIVE PROGRAM, INCLUDING THE TOTAL NUMBER OF EACH TYPE OF SUCH OFFENSES.

SECTION 21. 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 22. 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 POST BOARD SHALL IDENTIFY A SCHOOL RESOURCE OFFICER TRAINING CURRICULUM TO PREPARE PEACE OFFICERS.

(2) TO THE EXTENT PRACTICABLE, THE TRAINING CURRICULUM DESCRIBED IN SUBSECTION (1) OF THIS SECTION SHALL INCORPORATE 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 AWARDING 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 23. 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 LAW ENFORCEMENT AGENCIES 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, AS SUBMITTED TO THE DIVISION, TO ANY MEMBER OF THE PUBLIC UPON REQUEST, IN A MANNER THAT DOES NOT INCLUDE ANY IDENTIFYING INFORMATION REGARDING ANY STUDENT. IF THE DIVISION PROVIDES THE INFORMATION TO A MEMBER OF THE PUBLIC UPON REQUEST PURSUANT TO THIS PARAGRAPH (aa), THE DIVISION MAY CHARGE A FEE TO THE PERSON, WHICH FEE SHALL NOT EXCEED THE DIRECT AND INDIRECT COSTS INCURRED BY THE DIVISION IN PROVIDING THE

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INFORMATION.

SECTION 24. 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 25. 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 26. 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 27. 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 28. 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 29. 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 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

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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 30. 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 31. 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 32. 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 33. 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 34. In Colorado Revised Statutes, 22-93-101, **amend** (1) as follows:

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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 35. 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 HOUSE BILL 12-1345, 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 HOUSE BILL 12-1345.

(b) IN CONDUCTING THE POST-ENACTMENT REVIEW OF HOUSE BILL 12-1345, 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 HOUSE BILL 12-1345 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 36. 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."

Renumber succeeding sections accordingly.

Page 1, line 102, after "THEREWITH," insert "REQUIRING A POST-ENACTMENT REVIEW OF THE IMPLEMENTATION OF THIS ACT AND".

The amendment was **passed** on the following roll call vote:

YES	26	NO	9	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	N		

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

YES	27	NO	8	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	N	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	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	N	Roberts	N		

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

Co-sponsors added: Aguilar, Boyd, Carroll, Foster, Giron, Heath, Hudak, Jahn, King K., Newell, Nicholson, Spence, Steadman and Williams S.

HB12-1332 by Representative(s) Balmer, Liston, Hullinghorst, Joshi, Kerr J., Peniston, Schafer S., Young, Ramirez; also Senator(s) Guzman, Boyd, King S., Morse, Newell--Concerning licensure of anesthesiologist assistants.

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

YES	30	NO	5	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	N	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	N		

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

HB12-1263 by Representative(s) Levy; also Senator(s) Steadman--Concerning reducing barriers to employment by state of Colorado agencies for people with criminal records.

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

YES	33	NO	2	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	N
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	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, Carroll, Foster, Guzman, Heath, Hodge, Hudak, Newell, Nicholson, Schwartz, Tochtrop and Williams S.

HB12-1261 by Representative(s) Solano, Massey, Todd; also Senator(s) Bacon--Concerning effective educators in low-performing, high-needs schools, and, in connection therewith, making an appropriation.

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

YES	22	NO	13	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
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	Y		

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

Co-sponsors added: Heath, Newell and Williams S.

HB12-1283 by Representative(s) Barker; also Senator(s) Giron--Concerning the department of public safety, and, in connection therewith, renaming and reorganizing certain existing entities, and making and reducing appropriations.

A majority of those elected to the Senate having voted in the affirmative, Senator Giron was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.023), by Senator Giron.

Amend revised bill, page 93, line 27, strike "(B)" and substitute "(C)".

Page 94, line 6, strike "(C)" and substitute "(D)".

The amendment was 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		

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

YES	34	NO	1	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	N	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: Lambert and Newell.

HB12-1240 by Representative(s) Kerr A.; also Senator(s) Bacon and King K.--Concerning statutory changes to K-12 education.

A majority of those elected to the Senate having voted in the affirmative, Senator Bacon was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.023), by Senator Bacon.

Amend revised bill, page 31, line 3, strike "and (3)".

Page 32, strike lines 10 through 15.

The amendment was **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		

A majority of those elected to the Senate having voted in the affirmative, Senator Johnston was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.019), by Senator Johnston.

Amend revised bill, page 47, after line 17, insert the following:

"SECTION 58. In Colorado Revised Statutes, 22-7-1006, **add** (1.5) as follows:

22-7-1006. Preschool through elementary and secondary education - aligned assessments - adoption - revisions.

(1.5) COLORADO SHALL PARTICIPATE AS A GOVERNING BOARD MEMBER, AT LEAST UNTIL JANUARY 1, 2014, IN A CONSORTIUM OF STATES THAT FOCUSES ON THE READINESS OF STUDENTS FOR COLLEGE AND CAREERS BY DEVELOPING A COMMON SET OF ASSESSMENTS. ON OR BEFORE JANUARY 1, 2014, AND ON OR BEFORE EACH JANUARY 1 THEREAFTER, IF COLORADO IS A GOVERNING BOARD MEMBER OF THE CONSORTIUM OF STATES, THE STATE BOARD IS STRONGLY ENCOURAGED TO CONDUCT A FISCAL AND STUDENT ACHIEVEMENT BENEFIT ANALYSIS OF COLORADO REMAINING A GOVERNING BOARD MEMBER OF THE CONSORTIUM. IN ADOPTING THE SYSTEM OF ASSESSMENTS THAT IS ALIGNED WITH THE STATE STANDARDS FOR READING, WRITING, AND MATHEMATICS, THE STATE BOARD SHALL RELY UPON ASSESSMENTS DEVELOPED BY THE CONSORTIUM OF STATES."

Renumber succeeding section accordingly.

The amendment was **passed** on the following roll call vote:

YES	27	NO	8	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
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.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	N		

The question being "Shall the bill, as amended, 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-sponsor added: Foster, Heath, Newell, Schwartz, Spence and Williams S.

HB12-1317 by Representative(s) Sonnenberg; also Senator(s) Schwartz--Concerning the creation of the parks and wildlife commission to replace the parks and wildlife board in the department of natural resources, and, in connection therewith, describing the composition and terms of the commission, and reducing appropriations.

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

YES	34	NO	1	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	N	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.

HB12-1266 by Representative(s) Sonnenberg, Gardner B.; also Senator(s) Morse--Concerning the continuation of the licensing of persons who furnish bail for compensation, and, in connection therewith, reducing an appropriation .

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

YES	33	NO	2	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	N	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: Carroll and White.

HB12-1155 by Representative(s) Massey, Fields, Hamner; also Senator(s) Bacon--Concerning measures to increase the timely completion of postsecondary degrees.

A majority of those elected to the Senate having voted in the affirmative, Senators King K. and Heath were given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.011), by Senators King K. and Heath.

Amend revised bill, page 18, after line 22, insert:

"SECTION 9. In Colorado Revised Statutes, **amend 23-2-102** as follows:

23-2-102. Definitions. As used in this article, unless the context otherwise requires:

(1) "ALTERNATE ENROLLMENT" MEANS THE OPPORTUNITY FOR A STUDENT ENROLLED IN A PRIVATE COLLEGE OR UNIVERSITY THAT CEASES OPERATION TO MEET THE STUDENT'S EDUCATIONAL OBJECTIVES THROUGH EDUCATION PROVIDED BY ANOTHER AUTHORIZED PRIVATE COLLEGE OR UNIVERSITY, A COMMUNITY COLLEGE, AN AREA VOCATIONAL SCHOOL, OR ANY OTHER EDUCATIONAL ARRANGEMENT ACCEPTABLE TO THE DEPARTMENT AND THE COMMISSION.

(2) "AUTHORIZATION" MEANS THE AUTHORIZATION GRANTED TO A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION BY THE COMMISSION AS PROVIDED IN THIS ARTICLE AND THE POLICIES ADOPTED PURSUANT TO THIS ARTICLE. AUTHORIZATION IS NOT AN ENDORSEMENT OF THE INSTITUTION BY EITHER THE COMMISSION OR THE DEPARTMENT.

~~(1-3)~~ (3) "Commission" means the Colorado commission on higher education created pursuant to section 23-1-102.

~~(1-3)~~ (4) "Degree" means ~~any~~ A statement, diploma, certificate, or other writing in any language ~~which~~ THAT indicates or represents, or ~~which~~ THAT is intended to indicate or represent, that the person named thereon is learned in or has satisfactorily completed a prescribed course of study in a particular field of endeavor or that the person named thereon has demonstrated proficiency in ~~any~~ A field of endeavor as a result of formal preparation or training.

~~(1-5)~~ (5) "Department" means the department of higher education created and existing pursuant to section 24-1-114, C.R.S.

(6) "ENROLLMENT AGREEMENT" MEANS THE CONTRACT PREPARED BY A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION THAT A STUDENT SIGNS TO INDICATE AGREEMENT TO THE TERMS OF ADMISSION, DELIVERY OF INSTRUCTION, AND MONETARY TERMS AS OUTLINED IN THE INSTITUTION'S STUDENT HANDBOOK OR CATALOG.

(7) "GOVERNING BOARD" MEANS THE ELECTED OR APPOINTED GROUP OF PERSONS THAT OVERSEES AND CONTROLS A PRIVATE COLLEGE OR UNIVERSITY OR A SEMINARY OR RELIGIOUS TRAINING INSTITUTION.

~~(2)~~ (8) "Honorary degree" means ~~any~~ A statement, diploma, certificate, or other writing in any language ~~which~~ THAT indicates or represents, or ~~which~~ THAT is intended to indicate or represent, that the person named thereon is learned in ~~any~~ A field of public service or has performed outstanding public service or that the person named thereon has demonstrated proficiency in ~~any~~ A field of endeavor without having completed formal courses of instruction or study or formal preparation or training.

(9) "OUT-OF-STATE PUBLIC INSTITUTION" MEANS AN INSTITUTION OF HIGHER EDUCATION THAT IS ESTABLISHED BY STATUTE IN A STATE OTHER THAN COLORADO.

- (10) "OWNER" MEANS:
- (a) AN INDIVIDUAL, IF A PRIVATE FOR-PROFIT COLLEGE OR UNIVERSITY IS STRUCTURED AS A SOLE PROPRIETORSHIP;
 - (b) PARTNERS, IF A PRIVATE FOR-PROFIT COLLEGE OR UNIVERSITY IS STRUCTURED AS A PARTNERSHIP;
 - (c) MEMBERS IN A LIMITED LIABILITY COMPANY, IF A PRIVATE FOR-PROFIT COLLEGE OR UNIVERSITY IS STRUCTURED AS A LIMITED LIABILITY COMPANY; OR
 - (d) SHAREHOLDERS IN A CORPORATION THAT HOLD A CONTROLLING INTEREST, IF A PRIVATE FOR-PROFIT COLLEGE OR UNIVERSITY IS STRUCTURED AS A CORPORATION.

~~(3)~~ (11) "Private college or university" means a postsecondary educational institution doing business or maintaining a place of business in the state of Colorado, which ~~offers courses of instruction or study~~

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~~wherein credits may be earned and applied toward a degree in a field of endeavor~~ INSTITUTION ENROLLS THE MAJORITY OF ITS STUDENTS IN A BACCALAUREATE OR POSTGRADUATE DEGREE PROGRAM.

(12) "PRIVATE NONPROFIT COLLEGE OR UNIVERSITY" MEANS A PRIVATE COLLEGE OR UNIVERSITY THAT MAINTAINS TAX-EXEMPT STATUS PURSUANT TO 26 U.S.C. SEC. 501 (c) (3).

~~(3.5)~~ (13) "Private occupational school" means an institution authorized by the private occupational school division ~~to confer associate degrees~~, under the provisions of article 59 of title 12, C.R.S.

~~(4)~~ (14) "Seminary" or ~~"bible college"~~ "RELIGIOUS TRAINING INSTITUTION" means a bona fide religious postsecondary educational institution ~~doing business~~ THAT IS OPERATING or maintaining a place of business in the state of Colorado, ~~and~~ that is exempt from property taxation under the laws of this state, and that offers ~~bachelor's, master's~~ BACCALAUREATE, MASTER'S, or doctoral degrees or diplomas.

~~(5)~~ (15) "State college or university" means a postsecondary educational institution, including A community ~~and~~ OR junior ~~colleges~~ COLLEGE, established and existing pursuant to law as an agency of the state of Colorado and supported wholly or in part by tax revenues.

SECTION 10. In Colorado Revised Statutes, **add** 23-2-102.5 as follows:

23-2-102.5. Applicability of article. (1) (a) A PRIVATE COLLEGE OR UNIVERSITY THAT ENROLLS A MAJORITY OF ITS STUDENTS AT THE CERTIFICATE OR ASSOCIATE LEVEL IS REGULATED BY THE DIVISION OF PRIVATE OCCUPATIONAL SCHOOLS AND THE PRIVATE OCCUPATIONAL SCHOOL BOARD PURSUANT TO ARTICLE 59 OF TITLE 12, C.R.S., AND IS NOT SUBJECT TO THE PROVISIONS OF THIS ARTICLE.

(b) IF, AS A RESULT OF CHANGES IN STUDENT ENROLLMENT, A PRIVATE COLLEGE OR UNIVERSITY AT TIMES MEETS THE DEFINITION PROVIDED IN SECTION 23-2-102 (11) AND SHOULD THEREFORE BE REGULATED BY THE DEPARTMENT AND THE COMMISSION, AND AT OTHER TIMES MEETS THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (1) AND SHOULD THEREFORE BE REGULATED BY THE DIVISION OF PRIVATE OCCUPATIONAL SCHOOLS AND THE PRIVATE OCCUPATIONAL SCHOOLS BOARD, THE PRIVATE COLLEGE OR UNIVERSITY IS SUBJECT TO REGULATION BY THE ENTITY THAT IS APPROPRIATE AS OF JULY 1, 2012, IF THE PRIVATE COLLEGE OR UNIVERSITY IS AUTHORIZED AS OF SAID DATE, OR AS OF THE DATE THE INSTITUTION APPLIES FOR AUTHORIZATION, AND THE INSTITUTION SHALL BE REGULATED BY THE SAME ENTITY FOR THE FOLLOWING THREE YEARS. THE DEPARTMENT SHALL REVIEW THE STATUS OF THE PRIVATE COLLEGE OR UNIVERSITY EVERY THREE YEARS AFTER JULY 1, 2012, OR EVERY THREE YEARS AFTER INITIAL AUTHORIZATION, WHICHEVER IS APPROPRIATE, TO DETERMINE WHETHER THE INSTITUTION SHOULD BE SUBJECT TO REGULATION BY THE DEPARTMENT AND THE COMMISSION OR BY THE DIVISION OF PRIVATE OCCUPATIONAL SCHOOLS AND THE PRIVATE OCCUPATIONAL SCHOOL BOARD.

(2) AN OUT-OF-STATE PUBLIC INSTITUTION MAY REQUEST AUTHORIZATION PURSUANT TO THE PROVISIONS OF THIS ARTICLE FROM THE DEPARTMENT AND THE COMMISSION. IN SEEKING AND MAINTAINING AUTHORIZATION PURSUANT TO THIS ARTICLE, AN OUT-OF-STATE PUBLIC INSTITUTION IS SUBJECT TO THE SAME CRITERIA AND REQUIREMENTS THAT APPLY TO A PRIVATE COLLEGE OR UNIVERSITY.

SECTION 11. In Colorado Revised Statutes, **amend** 23-2-103 as follows:

23-2-103. Awarding degrees. Notwithstanding the provisions of section 7-50-105, C.R.S., or any other law to the contrary, ~~no~~ A person, partnership, corporation, company, society, or association doing business in the state of Colorado shall NOT award, bestow, confer, give, grant, convey, or sell to any other person a degree or honorary degree upon which is inscribed, in any language, the word "associate", "bachelor", "baccalaureate", "master", or "doctor", or any abbreviation thereof, or offer courses of instruction or credits purporting to lead to any such degree, ~~except~~ UNLESS THE PERSON, PARTNERSHIP, CORPORATION, COMPANY, SOCIETY, OR ASSOCIATION IS a state college or university; a private college or university THAT IS AUTHORIZED PURSUANT TO THIS ARTICLE; a private occupational school; ~~or a seminary or bible college and except~~ RELIGIOUS TRAINING INSTITUTION THAT IS AUTHORIZED PURSUANT TO THIS ARTICLE; OR a school, college, or university ~~which~~ THAT offers courses of instruction or study in compliance with standards prescribed by articles 2, ~~4~~, 22, 25, 32, 33, 35, 36, 38, 40, 41, 43, and 64 of title 12, C.R.S.

SECTION 12. In Colorado Revised Statutes, **add** 23-2-103.1 as

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follows:

23-2-103.1. Commission - department - duties - limitation - reciprocity. (1) THE COMMISSION SHALL:

(a) ESTABLISH PROCEDURES FOR AUTHORIZING, REAUTHORIZING, AND REVOKING THE AUTHORIZATION OF PRIVATE COLLEGES AND UNIVERSITIES AND SEMINARIES AND RELIGIOUS TRAINING INSTITUTIONS IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE, INCLUDING BUT NOT LIMITED TO PROCEDURES BY WHICH AN INSTITUTION MAY APPLY FOR AUTHORIZATION OR REAUTHORIZATION AND THE PROCEDURES THE DEPARTMENT SHALL FOLLOW IN REVIEWING APPLICATIONS AND MAKING RECOMMENDATIONS TO THE COMMISSION;

(b) GRANT OR DENY AUTHORIZATIONS, RENEW AUTHORIZATIONS, AND REVOKE AUTHORIZATIONS PURSUANT TO SECTIONS 23-2-103.3 AND 23-2-103.4;

(c) ESTABLISH THE TYPES AND AMOUNTS OF FEES THAT A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION SHALL PAY AS REQUIRED IN SECTION 23-2-104.5; AND

(d) ESTABLISH POLICIES TO REQUIRE PRIVATE COLLEGES AND UNIVERSITIES AND SEMINARIES AND RELIGIOUS TRAINING INSTITUTIONS TO SUBMIT TO THE DEPARTMENT, UPON REQUEST, DATA THAT IS DIRECTLY RELATED TO STUDENT ENROLLMENT AND DEGREE COMPLETION AND, IF APPLICABLE, STUDENT FINANCIAL AID AND EDUCATOR PREPARATION PROGRAMS AS DESCRIBED IN SECTION 23-1-121. THE DIRECTOR OF THE COMMISSION AND AN EMPLOYEE OF THE DEPARTMENT OF HIGHER EDUCATION SHALL NOT DIVULGE OR MAKE KNOWN IN ANY WAY DATA FOR INDIVIDUAL STUDENTS OR PERSONNEL, EXCEPT IN ACCORDANCE WITH JUDICIAL ORDER OR AS OTHERWISE PROVIDED BY LAW. A PERSON WHO VIOLATES THIS PARAGRAPH (d) COMMITS A CLASS 1 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S., AND SHALL BE REMOVED OR DISMISSED FROM PUBLIC SERVICE ON THE GROUNDS OF MALFEASANCE IN OFFICE.

(2) THE DEPARTMENT SHALL ADMINISTER THE PROVISIONS OF THIS ARTICLE IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE AND THE POLICIES, GUIDELINES, AND PROCEDURES ADOPTED BY THE COMMISSION FOR THE ADMINISTRATION OF THIS ARTICLE. TO ADMINISTER THIS ARTICLE, THE DEPARTMENT SHALL HAVE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING DUTIES:

(a) RECOMMENDING THAT THE COMMISSION GRANT, DENY, REVOKE, OR RENEW AN AUTHORIZATION TO OPERATE A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION;

(b) MAINTAINING A LIST OF THE PRIVATE COLLEGES AND UNIVERSITIES AND SEMINARIES AND RELIGIOUS TRAINING INSTITUTIONS THAT HAVE AUTHORIZATIONS ON FILE WITH THE DEPARTMENT; AND

(c) ESTABLISHING AND MAINTAINING A PROCESS IN ACCORDANCE WITH SECTION 23-2-104 FOR REVIEWING AND APPROPRIATELY ACTING ON A COMPLAINT CONCERNING A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION OPERATING IN THIS STATE, INCLUDING ENFORCING APPLICABLE STATE LAWS IF THE COMPLAINT IS BASED ON A CLAIM OF DECEPTIVE TRADE PRACTICE.

(3) THE COMMISSION AND THE DEPARTMENT ARE NOT AUTHORIZED TO REGULATE THE OPERATIONS OF, INCLUDING BUT NOT LIMITED TO THE CONTENT OF COURSES PROVIDED BY, A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION EXCEPT TO THE EXTENT EXPRESSLY SET FORTH IN THIS ARTICLE.

(4) THE COMMISSION MAY NEGOTIATE AND ENTER INTO INTERSTATE RECIPROCITY AGREEMENTS WITH OTHER STATES IF, IN THE JUDGMENT OF THE COMMISSION, THE AGREEMENTS DO NOT OBLIGATE A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION TO COMPLY WITH STANDARDS OR REQUIREMENTS THAT EXCEED THE STANDARDS AND REQUIREMENTS SPECIFIED IN THIS ARTICLE AND THE AGREEMENTS WILL ASSIST IN ACCOMPLISHING THE PURPOSES OF THIS ARTICLE.

SECTION 13. In Colorado Revised Statutes, **amend 23-2-103.3** as follows:

23-2-103.3. Authorization to operate in Colorado - renewal.

(1) (a) To ~~do business~~ OPERATE in Colorado, a private college or university shall apply for and receive authorization from the ~~department~~ COMMISSION. A PRIVATE COLLEGE OR UNIVERSITY SHALL OBTAIN A SEPARATE AUTHORIZATION FOR EACH CAMPUS, BRANCH, OR SITE THAT IS SEPARATELY ACCREDITED. A PRIVATE, NONPROFIT COLLEGE OR UNIVERSITY SHALL SUBMIT WITH ITS APPLICATION VERIFICATION OF NONPROFIT STATUS, INCLUDING A COPY OF THE INSTITUTION'S

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TAX-EXEMPT CERTIFICATE ISSUED BY THE COLORADO DEPARTMENT OF REVENUE.

(b) After receiving an application, the department shall review the application to determine ~~the compliance of a private college or university with the provisions of this article and other applicable law~~ WHETHER THE PRIVATE COLLEGE OR UNIVERSITY IS INSTITUTIONALLY ACCREDITED BY A REGIONAL OR NATIONAL ACCREDITING BODY RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION. The department shall not recommend and the commission shall not approve an application from a private college or university that, in the ~~preceding~~ two years PRECEDING SUBMISSION OF THE APPLICATION, has had its accreditation suspended or withdrawn OR has been prohibited from ~~doing business~~ OPERATING in another state or THAT has substantially the same ~~ownership~~ OWNERS, GOVERNING BOARD, or principal officers as a private college or university that, IN THE TWO YEARS PRECEDING SUBMISSION OF THE APPLICATION, has had its accreditation suspended or withdrawn or ~~that~~ has been prohibited from ~~doing business~~ OPERATING in another state. ~~An application shall include payment of the fee determined according to section 23-2-104.5.~~

~~(b) The provisions of paragraph (a) of this subsection (1) shall not apply to a private college or university that, as of May 29, 2008, was authorized to do business in Colorado and that awarded degrees.~~

(2) ~~To do business~~ OPERATE in Colorado, a private college or university is ~~required to~~ SHALL be INSTITUTIONALLY accredited on the basis of an on-site review ~~in Colorado by a nationally recognized regional accrediting association, by an accrediting agency or association~~ BY A REGIONAL OR NATIONAL ACCREDITING BODY recognized by the United States department of education; ~~or by an accrediting agency determined by the commission to be in accordance with its educational purposes and programs;~~ except that a private college or university may operate for an initial period without accreditation if the commission determines, in accordance with standards established by the commission, that the private college or university is likely to become accredited in a reasonable period of time or is making ~~reasonable and timely~~ progress toward accreditation IN ACCORDANCE WITH THE ACCREDITING BODY'S POLICIES. THE COMMISSION MAY GRANT A PROVISIONAL AUTHORIZATION TO A PRIVATE COLLEGE OR UNIVERSITY TO OPERATE FOR AN INITIAL PERIOD WITHOUT ACCREDITATION. THE PRIVATE COLLEGE OR UNIVERSITY SHALL ANNUALLY RENEW ITS PROVISIONAL AUTHORIZATION AND REPORT ANNUALLY TO THE COMMISSION CONCERNING THE INSTITUTION'S PROGRESS IN OBTAINING ACCREDITATION.

(3) A private college or university shall immediately notify the department of any ~~communication from its accrediting agency that indicates it may be at risk of losing accreditation, not being awarded accreditation, or being awarded a lesser accreditation status~~ MATERIAL INFORMATION RELATED TO AN ACTION BY THE INSTITUTION'S ACCREDITING BODY CONCERNING THE INSTITUTION'S ACCREDITATION STATUS, INCLUDING BUT NOT LIMITED TO REAFFIRMATION OR LOSS OF ACCREDITATION, APPROVAL OF A REQUEST FOR CHANGE, A CAMPUS EVALUATION VISIT, A FOCUSED VISIT, OR APPROVAL OF ADDITIONAL LOCATIONS. IN ADDITION, THE INSTITUTION SHALL IMMEDIATELY NOTIFY THE DEPARTMENT IF THE INSTITUTION'S ACCREDITING BODY IS NO LONGER RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION.

(4) ~~To do business~~ OPERATE in Colorado, a ~~bible college or seminary~~ OR RELIGIOUS TRAINING INSTITUTION shall apply for and receive authorization from the department and establish that it qualifies as a bona fide religious institution and as an institution of postsecondary education, as defined by rules promulgated by the ~~Colorado~~ commission. ~~on higher education.~~ A ~~bible college or seminary~~ OR RELIGIOUS TRAINING INSTITUTION that meets the criteria and rules established by this subsection (4) ~~shall be~~ IS exempt from the provisions of subsections (1), (2), and (3) of this section. ~~An application from~~ A bona fide religious institution and an institution of postsecondary education ~~made~~ THAT APPLIES FOR AUTHORIZATION pursuant to this subsection (4) shall ~~not include a payment of~~ PAY the fee ~~determined~~ ESTABLISHED according to section 23-2-104.5. ~~The provisions of this subsection (4) shall not apply to a bible college or seminary that, as of May 29, 2008, was authorized to do business in Colorado and that awarded degrees.~~

(5) (a) ~~The commission may order the department, for cause, to review a private college or university, bible college, or seminary to determine whether to revoke the private college's or university's, bible college's, or seminary's authorization or to place it on probationary status. A review conducted pursuant to this subsection (5) shall ensure that the~~

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~~private college or university or bible college or seminary meets the requirements adopted pursuant to this article.~~ A PRIVATE COLLEGE OR UNIVERSITY THAT HAS AUTHORIZATION FROM THE COMMISSION PURSUANT TO THIS SECTION AND MAINTAINS ITS ACCREDITATION SHALL APPLY TO THE DEPARTMENT FOR REAUTHORIZATION IN ACCORDANCE WITH THE SCHEDULE FOR REACCREDITATION BY ITS ACCREDITING BODY OR EVERY THREE YEARS, WHICHEVER IS LONGER. A SEMINARY OR RELIGIOUS TRAINING INSTITUTION SHALL APPLY FOR REAUTHORIZATION EVERY THREE YEARS. A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION THAT SEEKS REAUTHORIZATION SHALL SUBMIT AN APPLICATION IN ACCORDANCE WITH THE PROCEDURES AND POLICIES ADOPTED BY THE COMMISSION AND SHALL PAY THE REAUTHORIZATION FEE ESTABLISHED BY THE COMMISSION PURSUANT TO SECTION 23-2-104.5.

~~(b) The commission may revoke the private college's or university's authorization if it finds that the private college or university is no longer accredited. The commission may place the private college or university on probationary status if the commission finds the private college or university has been placed on probation or the equivalent by an accrediting agency.~~

~~(c) The commission may revoke the bible college's or seminary's authorization or place it on probationary status only if it finds that the bible college or seminary no longer meets the definition of bible college or seminary as defined under section 23-2-102 or no longer meets the requirements adopted pursuant to this article.~~

(6) Nothing in this section shall preclude a seminary or bible college RELIGIOUS TRAINING INSTITUTION from seeking accreditation.

(7) (a) BY JANUARY 1, 2013, THE COMMISSION SHALL ADOPT PROCEDURES BY WHICH A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION MAY RENEW ITS AUTHORIZATION TO OPERATE IN COLORADO. TO RENEW ITS AUTHORIZATION TO OPERATE IN COLORADO, A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION SHALL DEMONSTRATE THAT IT CONTINUES TO MEET THE MINIMUM OPERATING STANDARDS SPECIFIED IN THIS SECTION AND SECTION 23-2-103.8, IF APPLICABLE.

(b) (I) A PRIVATE COLLEGE OR UNIVERSITY THAT HAS HAD ITS ACCREDITATION REAFFIRMED WITHOUT SANCTION IS IN COMPLIANCE WITH SECTION 23-2-103.8, AND IS NOT SUBJECT TO INVESTIGATION PURSUANT TO SECTION 23-2-103.4 IS PRESUMED QUALIFIED FOR RENEWAL OF AUTHORIZATION, AND THE DEPARTMENT SHALL RECOMMEND RENEWAL FOR A PERIOD OF THREE YEARS OR THE LENGTH OF THE INSTITUTION'S ACCREDITATION, IF APPLICABLE, WHICHEVER IS LONGER.

(II) A SEMINARY OR RELIGIOUS TRAINING INSTITUTION THAT CONTINUES TO MEET THE MINIMUM OPERATING STANDARDS SPECIFIED IN THIS SECTION IS PRESUMED QUALIFIED FOR RENEWAL OF AUTHORIZATION, AND THE DEPARTMENT SHALL RECOMMEND THAT THE COMMISSION RENEW THE INSTITUTION'S AUTHORIZATION FOR THREE ADDITIONAL YEARS.

(c) IF A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION CANNOT DEMONSTRATE THAT IT MEETS THE MINIMUM OPERATING STANDARDS SPECIFIED IN THIS SECTION OR SECTION 23-2-103.8, IF APPLICABLE, THE DEPARTMENT SHALL RECOMMEND THAT THE COMMISSION DENY THE INSTITUTION'S APPLICATION FOR RENEWAL OF THE AUTHORIZATION. IF, WITHIN SIX MONTHS AFTER RECEIVING THE NOTICE OF DENIAL OF THE APPLICATION FOR RENEWAL, THE INSTITUTION CORRECTS THE ACTION OR CONDITION THAT RESULTED IN DENIAL OF THE APPLICATION FOR RENEWAL, THE INSTITUTION MAY REAPPLY FOR RENEWAL OF THE AUTHORIZATION. IF THE INSTITUTION DOES NOT CORRECT THE ACTION OR CONDITION WITHIN THE SIX-MONTH PERIOD, IT MAY SUBMIT A NEW APPLICATION FOR AUTHORIZATION AFTER CORRECTING THE ACTION OR CONDITION.

(d) IF A PRIVATE COLLEGE OR UNIVERSITY IS UNDER A SANCTION FROM ITS ACCREDITING BODY AT THE TIME IT FILES AN APPLICATION FOR RENEWAL OF AUTHORIZATION TO OPERATE IN COLORADO, THE DEPARTMENT MAY RECOMMEND THAT THE COMMISSION RENEW THE INSTITUTION'S AUTHORIZATION OR THAT THE COMMISSION GRANT A PROBATIONARY RENEWAL OF THE INSTITUTION'S AUTHORIZATION. IF AN INSTITUTION RECEIVES A PROBATIONARY RENEWAL OF ITS AUTHORIZATION, THE INSTITUTION SHALL REAPPLY FOR RENEWAL OF ITS AUTHORIZATION ANNUALLY UNTIL THE ACCREDITING BODY LIFTS THE SANCTION, AND THE INSTITUTION SHALL ANNUALLY REPORT TO THE COMMISSION CONCERNING THE INSTITUTION'S PROGRESS IN REMOVING THE SANCTION.

(e) IF THE DEPARTMENT RECOMMENDS THAT THE COMMISSION

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GRANT A PROBATIONARY RENEWAL OF AUTHORIZATION OR DENY AN APPLICATION FOR RENEWAL OF AUTHORIZATION, THE COMMISSION SHALL NOTIFY THE PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION CONCERNING THE RECOMMENDATION, AND THE DEPARTMENT AND THE COMMISSION SHALL PROCEED IN ACCORDANCE WITH THE PROVISIONS OF THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S.

SECTION 14. In Colorado Revised Statutes, add 23-2-103.4 as follows:

23-2-103.4. Authorization - revocation - probationary status.

(1) (a) IF THE COMMISSION HAS REASON TO BELIEVE THAT A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION MEETS ONE OR MORE OF THE GROUNDS SPECIFIED IN SUBSECTION (2) OR (3) OF THIS SECTION FOR REVOCATION OF AUTHORIZATION OR FOR PLACING AN INSTITUTION ON PROBATIONARY STATUS, THE COMMISSION MAY ORDER THE DEPARTMENT TO INVESTIGATE THE PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION AND MAKE A RECOMMENDATION CONCERNING WHETHER TO REVOKE THE INSTITUTION'S AUTHORIZATION OR TO PLACE THE INSTITUTION ON PROBATIONARY STATUS.

(b) TO ASSIST THE DEPARTMENT IN CONDUCTING AN INVESTIGATION PURSUANT TO THIS SUBSECTION (1), THE COMMISSION MAY SUBPOENA ANY PERSONS, BOOKS, RECORDS, OR DOCUMENTS PERTAINING TO THE INVESTIGATION, REQUIRE ANSWERS IN WRITING, UNDER OATH, TO QUESTIONS THE COMMISSION OR THE DEPARTMENT MAY ASK, AND ADMINISTER AN OATH OR AFFIRMATION TO ANY PERSON IN CONNECTION WITH THE INVESTIGATION. IN CONDUCTING THE INVESTIGATION, THE DEPARTMENT MAY PHYSICALLY INSPECT AN INSTITUTION'S FACILITIES AND RECORDS. A SUBPOENA ISSUED BY THE COMMISSION PURSUANT TO THIS PARAGRAPH (b) IS ENFORCEABLE BY ANY COURT OF RECORD IN THIS STATE.

(c) BASED ON THE FINDINGS OF AN INVESTIGATION PURSUANT TO THIS SUBSECTION (1), THE DEPARTMENT SHALL RECOMMEND TO THE COMMISSION THAT THE COMMISSION SHOULD OR SHOULD NOT REVOKE THE INSTITUTION'S AUTHORIZATION OR PLACE THE INSTITUTION ON PROBATIONARY STATUS. IF THE DEPARTMENT RECOMMENDS REVOCATION OR PROBATIONARY STATUS, IT SHALL IDENTIFY THE APPLICABLE GROUNDS FOR REVOCATION OR PROBATIONARY STATUS SPECIFIED IN SUBSECTION (2) OR (3) OF THIS SECTION, AND THE DEPARTMENT AND THE COMMISSION SHALL PROCEED IN ACCORDANCE WITH THE PROVISIONS OF THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S.

(2) WITH REGARD TO THE AUTHORIZATION OF A PRIVATE COLLEGE OR UNIVERSITY, THE COMMISSION MAY:

(a) REVOKE THE PRIVATE COLLEGE'S OR UNIVERSITY'S AUTHORIZATION OR PLACE THE INSTITUTION ON PROBATIONARY STATUS IF THE PRIVATE COLLEGE OR UNIVERSITY:

(I) FAILS TO MEET ANY OF THE MINIMUM STANDARDS SET FORTH IN THIS ARTICLE OR IN THE COMMISSION'S POLICIES OR RULES ADOPTED TO IMPLEMENT THIS ARTICLE;

(II) FAILS TO SUBSTANTIALLY COMPLY WITH THE APPLICABLE LAWS OR RULES ADOPTED OR IMPLEMENTED BY OTHER STATE-LEVEL BOARDS OR AGENCIES THAT HAVE JURISDICTION OVER THE INSTITUTION; OR

(III) VIOLATES THE FEDERAL CRIMINAL LAWS OR THE CRIMINAL LAWS OF THIS STATE OR ANY OTHER STATE IN WHICH THE INSTITUTION OPERATES;

(b) REVOKE THE PRIVATE COLLEGE'S OR UNIVERSITY'S AUTHORIZATION IF THE INSTITUTION LOSES ITS ACCREDITATION;

(c) PLACE THE PRIVATE COLLEGE OR UNIVERSITY ON PROBATIONARY STATUS IF THE INSTITUTION'S ACCREDITING BODY PLACES THE INSTITUTION ON PROBATION OR THE EQUIVALENT; OR

(d) REVOKE THE PRIVATE COLLEGE'S OR UNIVERSITY'S AUTHORIZATION OR PLACE THE PRIVATE COLLEGE OR UNIVERSITY ON PROBATIONARY STATUS IF THE UNITED STATES DEPARTMENT OF EDUCATION CEASES TO RECOGNIZE THE INSTITUTION'S ACCREDITING BODY.

(3) THE COMMISSION MAY REVOKE A SEMINARY'S OR RELIGIOUS TRAINING INSTITUTION'S AUTHORIZATION OR PLACE THE INSTITUTION ON PROBATIONARY STATUS IF THE SEMINARY OR RELIGIOUS TRAINING INSTITUTION:

(a) NO LONGER MEETS THE DEFINITION OF A SEMINARY OR RELIGIOUS TRAINING INSTITUTION SPECIFIED IN SECTION 23-2-102;

(b) FAILS TO MEET ANY OF THE OTHER MINIMUM STANDARDS SET

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FORTH IN THIS ARTICLE OR IN THE COMMISSION'S POLICIES OR RULES ADOPTED TO IMPLEMENT THIS ARTICLE; OR

(c) VIOLATES THE FEDERAL CRIMINAL LAWS OR THE CRIMINAL LAWS OF THIS STATE OR ANY OTHER STATE IN WHICH THE INSTITUTION OPERATES.

SECTION 15. In Colorado Revised Statutes, **repeal and reenact, with amendments,** 23-2-103.5 as follows:

23-2-103.5. Deposit of records upon discontinuance. (1) (a) IF A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION CEASES OPERATING WITHIN THIS STATE, THE OWNER OF THE INSTITUTION OR HIS OR HER DESIGNEE SHALL DEPOSIT WITH THE DEPARTMENT THE ORIGINAL OR LEGIBLE TRUE COPIES OF ALL EDUCATIONAL RECORDS OF THE INSTITUTION.

(b) IF THE COMMISSION DETERMINES THAT THE RECORDS OF A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION THAT CEASES OPERATING WITHIN THE STATE ARE IN DANGER OF BEING DESTROYED, SECRETED, MISLAID, OR OTHERWISE MADE UNAVAILABLE TO THE DEPARTMENT, THE COMMISSION MAY SEEK A COURT ORDER AUTHORIZING THE DEPARTMENT TO SEIZE AND TAKE POSSESSION OF THE RECORDS.

(c) THE DEPARTMENT OR THE ATTORNEY GENERAL MAY ENFORCE THE PROVISIONS OF THIS SUBSECTION (1) BY FILING A REQUEST FOR AN INJUNCTION WITH A COURT OF COMPETENT JURISDICTION.

(d) THE COMMISSION SHALL ADOPT POLICIES FOR THE IMPLEMENTATION OF THIS SUBSECTION (1).

(2) A PERSON MAY REQUEST, IN ACCORDANCE WITH THE PROVISIONS OF THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S., A COPY OF A RECORD HELD BY THE DEPARTMENT PURSUANT TO THIS SECTION.

(3) THE DEPARTMENT SHALL PERMANENTLY RETAIN ANY STUDENT TRANSCRIPTS RECEIVED PURSUANT TO THIS SECTION. THE DEPARTMENT SHALL RETAIN ANY OTHER RECORDS RECEIVED PURSUANT TO THIS SECTION FOR TEN YEARS FOLLOWING THE DATE ON WHICH IT RECEIVES OR OBTAINS THE RECORDS. AFTER THE REQUIRED RETENTION PERIOD, THE DEPARTMENT SHALL DISPOSE OF THE RECORDS IN A MANNER THAT WILL ADEQUATELY PROTECT THE PRIVACY OF PERSONAL INFORMATION INCLUDED IN THE RECORDS.

SECTION 16. In Colorado Revised Statutes, **add** 23-2-103.7 and 23-2-103.8 as follows:

23-2-103.7. Authorized institutions - responsibilities. (1) A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION THAT IS AUTHORIZED PURSUANT TO THIS ARTICLE:

(a) SHALL NOT MAKE OR CAUSE TO BE MADE ANY ORAL, WRITTEN, OR VISUAL STATEMENT OR REPRESENTATION THAT VIOLATES SECTION 23-2-104 (4);

(b) SHALL ANNUALLY PROVIDE TO THE DEPARTMENT A COPY OF THE INSTITUTION'S ENROLLMENT AGREEMENT IF THE INSTITUTION USES AN ENROLLMENT AGREEMENT;

(c) SHALL PROVIDE BONA FIDE INSTRUCTION, IN ACCORDANCE WITH THE STANDARDS AND CRITERIA SET BY THE INSTITUTION'S ACCREDITING BODY; AND

(d) IF THE OWNERSHIP OF THE INSTITUTION CHANGES, SHALL PROVIDE TO THE DEPARTMENT, WITHIN THIRTY DAYS AFTER THE CHANGE, ANY MATERIAL INFORMATION CONCERNING THE TRANSACTION THAT IS REQUESTED BY THE DEPARTMENT.

(2) IF A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION VIOLATES ANY OF THE REQUIREMENTS SPECIFIED IN SUBSECTION (1) OF THIS SECTION, THE DEPARTMENT MAY RECOMMEND TO THE COMMISSION THAT THE INSTITUTION'S AUTHORIZATION BE REVOKED OR PLACED ON PROBATIONARY STATUS.

23-2-103.8. Financial integrity - surety. (1) A PRIVATE COLLEGE OR UNIVERSITY IS EXEMPT FROM THE PROVISIONS OF THIS SECTION IF:

(a) THE PRIVATE COLLEGE OR UNIVERSITY IS A PARTY TO A PERFORMANCE CONTRACT WITH THE COMMISSION UNDER SECTION 23-5-129; OR

(b) THE PRIVATE COLLEGE OR UNIVERSITY:
(I) HAS BEEN ACCREDITED FOR AT LEAST TWENTY YEARS BY AN ACCREDITING AGENCY THAT IS RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION;

(II) HAS OPERATED CONTINUOUSLY IN THIS STATE FOR AT LEAST TWENTY YEARS; AND

(III) HAS NOT AT ANY TIME FILED FOR BANKRUPTCY PROTECTION

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PURSUANT TO TITLE 11 OF THE UNITED STATES CODE.

(2) (a) IF A PRIVATE COLLEGE OR UNIVERSITY IS NOT EXEMPT FROM THE REQUIREMENTS OF THIS SECTION PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE COMMISSION SHALL DETERMINE THE FINANCIAL INTEGRITY OF THE PRIVATE COLLEGE OR UNIVERSITY BY CONFIRMING THAT THE INSTITUTION MEETS OR DOES NOT MEET THE CRITERIA SPECIFIED IN PARAGRAPH (b) OR (c) OF THIS SUBSECTION (2). THE PRIVATE COLLEGE OR UNIVERSITY SHALL PRESENT AS PART OF THE APPLICATION FOR AUTHORIZATION VERIFIABLE EVIDENCE THAT THE INSTITUTION MEETS THE CRITERIA SPECIFIED IN PARAGRAPH (b) OR (c) OF THIS SUBSECTION (2).

(b) (I) A PRIVATE COLLEGE OR UNIVERSITY MAY DEMONSTRATE FINANCIAL INTEGRITY BY MEETING THE FOLLOWING CRITERIA:

(A) THE INSTITUTION HAS BEEN ACCREDITED FOR AT LEAST TEN YEARS BY AN ACCREDITING AGENCY THAT IS RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION;

(B) THE INSTITUTION HAS OPERATED CONTINUOUSLY IN THIS STATE FOR AT LEAST TEN YEARS;

(C) DURING ITS EXISTENCE, THE INSTITUTION HAS NOT FILED FOR BANKRUPTCY PROTECTION PURSUANT TO TITLE 11 OF THE UNITED STATES CODE;

(D) THE INSTITUTION MAINTAINS A COMPOSITE SCORE OF AT LEAST 1.5 ON ITS EQUITY, PRIMARY RESERVE, AND NET INCOME RATIOS, AS REQUIRED IN 34 CFR 668.172; AND

(E) THE INSTITUTION MEETS OR EXCEEDS THE PRO RATA REFUND POLICIES REQUIRED BY THE FEDERAL DEPARTMENT OF EDUCATION IN 34 CFR 668 OR, IF THE INSTITUTION DOES NOT PARTICIPATE IN FEDERAL FINANCIAL AID PROGRAMS, THE INSTITUTION'S REFUND AND TERMINATION PROCEDURES COMPLY WITH THE REQUIREMENTS OF THE INSTITUTION'S ACCREDITING BODY.

(II) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) TO THE CONTRARY, A PRIVATE COLLEGE OR UNIVERSITY IS NOT REQUIRED TO MEET THE CRITERIA SPECIFIED IN SUB-SUBPARAGRAPHS (A) AND (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) IF THE INSTITUTION IS PART OF A GROUP OF PRIVATE COLLEGES AND UNIVERSITIES THAT ARE OWNED AND OPERATED BY A COMMON OWNER, SO LONG AS ALL OF THE OTHER INSTITUTIONS IN THE GROUP MEET THE CRITERIA SPECIFIED IN SUB-SUBPARAGRAPHS (A) AND (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b).

(c) A PRIVATE COLLEGE OR UNIVERSITY MAY DEMONSTRATE FINANCIAL INTEGRITY BY MEETING THE FOLLOWING CRITERIA:

(I) THE INSTITUTION HAS RECEIVED AND MAINTAINS FULL ACCREDITATION WITHOUT SANCTION FROM AN ACCREDITING AGENCY THAT IS RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION, WHICH ACCREDITING AGENCY REQUIRES THE INSTITUTION TO MAINTAIN SURETY OR AN ESCROW ACCOUNT OR HAS AFFIRMATIVELY WAIVED OR OTHERWISE REMOVED THE REQUIREMENT FOR THE INSTITUTION;

(II) THE INSTITUTION HAS BEEN CONTINUOUSLY AUTHORIZED BY THE COMMISSION FOR AT LEAST FIVE YEARS;

(III) THE INSTITUTION OWNS AND OPERATES A PERMANENT INSTRUCTIONAL FACILITY IN THE STATE;

(IV) THE INSTITUTION ANNUALLY PROVIDES TO THE COMMISSION AUDITED FINANCIAL STATEMENTS FOR THE MOST RECENT FISCAL YEAR THAT DEMONSTRATE THAT THE INSTITUTION MAINTAINS POSITIVE EQUITY AND PROFITABILITY;

(V) THE INSTITUTION MAINTAINS A COMPOSITE SCORE OF AT LEAST 1.5 ON ITS EQUITY, PRIMARY RESERVE, AND NET INCOME RATIOS, AS REQUIRED IN 34 CFR 668.172; AND

(VI) THE INSTITUTION MEETS OR EXCEEDS THE PRO RATA REFUND POLICIES REQUIRED BY THE FEDERAL DEPARTMENT OF EDUCATION IN 34 CFR 668 OR, IF THE INSTITUTION DOES NOT PARTICIPATE IN FEDERAL FINANCIAL AID PROGRAMS, THE INSTITUTION'S REFUND AND TERMINATION PROCEDURES COMPLY WITH THE REQUIREMENTS OF THE INSTITUTION'S ACCREDITING BODY.

(3) (a) EACH PRIVATE COLLEGE OR UNIVERSITY THAT IS NOT EXEMPT FROM THE REQUIREMENTS OF THIS SECTION PURSUANT TO SUBSECTION (1) OF THIS SECTION AND CANNOT DEMONSTRATE FINANCIAL INTEGRITY AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, AS DETERMINED BY THE COMMISSION, SHALL FILE EVIDENCE OF SURETY IN THE AMOUNT CALCULATED PURSUANT TO SUBSECTION (5) OF THIS SECTION PRIOR TO RECEIVING AUTHORIZATION TO OPERATE IN COLORADO. THE SURETY MAY BE IN THE FORM OF A SAVINGS ACCOUNT, DEPOSIT, OR

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CERTIFICATE OF DEPOSIT THAT MEETS THE REQUIREMENTS OF SECTION 11-35-101, C.R.S., OR AN ALTERNATIVE METHOD APPROVED BY THE COMMISSION, OR ONE BOND AS SET FORTH IN THIS SECTION COVERING THE APPLYING INSTITUTION. THE COMMISSION MAY DISAPPROVE AN INSTITUTION'S SURETY IF THE COMMISSION FINDS THE SURETY IS NOT SUFFICIENT TO PROVIDE STUDENTS WITH THE INDEMNIFICATION AND ALTERNATIVE ENROLLMENT REQUIRED BY THIS SECTION.

(b) IF A PRIVATE COLLEGE OR UNIVERSITY FILES A BOND, THE BOND SHALL BE EXECUTED BY THE INSTITUTION AS PRINCIPAL AND BY A SURETY COMPANY AUTHORIZED TO DO BUSINESS IN THIS STATE. THE BOND SHALL BE CONTINUOUS UNLESS THE SURETY IS RELEASED AS SET FORTH IN THIS SECTION.

(4) THE SURETY SHALL BE CONDITIONED TO PROVIDE INDEMNIFICATION TO ANY STUDENT OR ENROLLEE, OR TO ANY PARENT OR LEGAL GUARDIAN OF A STUDENT OR ENROLLEE, THAT THE COMMISSION FINDS TO HAVE SUFFERED LOSS OF TUITION OR ANY FEES AS A RESULT OF ANY ACT OR PRACTICE THAT IS A VIOLATION OF THIS ARTICLE AND TO PROVIDE ALTERNATE ENROLLMENT AS PROVIDED IN SUBSECTION (7) OF THIS SECTION FOR STUDENTS ENROLLED IN AN INSTITUTION THAT CEASES OPERATION.

(5) THE AMOUNT OF THE SURETY THAT A PRIVATE COLLEGE OR UNIVERSITY SUBMITS PURSUANT TO SUBSECTION (3) OF THIS SECTION IS THE GREATER OF FIVE THOUSAND DOLLARS OR AN AMOUNT EQUAL TO A REASONABLE ESTIMATE OF THE MAXIMUM PREPAID, UNEARNED TUITION AND FEES OF THE INSTITUTION FOR THE PERIOD OR TERM DURING THE APPLICABLE ACADEMIC YEAR FOR WHICH PROGRAMS OF INSTRUCTION ARE OFFERED INCLUDING, BUT NOT LIMITED TO, PROGRAMS OFFERED ON A SEMESTER, QUARTER, MONTHLY, OR CLASS BASIS; EXCEPT THAT THE INSTITUTION SHALL USE THE PERIOD OR TERM OF GREATEST DURATION AND EXPENSE IN DETERMINING THIS AMOUNT IF THE INSTITUTION'S ACADEMIC YEAR CONSISTS OF ONE OR MORE PERIODS OR TERMS. FOLLOWING THE INITIAL FILING OF THE SURETY WITH THE DEPARTMENT, THE PRIVATE COLLEGE OR UNIVERSITY SHALL RECALCULATE THE AMOUNT OF THE SURETY ANNUALLY BASED ON A REASONABLE ESTIMATE OF THE MAXIMUM PREPAID, UNEARNED TUITION AND FEES RECEIVED BY THE INSTITUTION FOR THE APPLICABLE PERIOD OR TERM.

(6) (a) A STUDENT OR ENROLLEE, OR A PARENT OR GUARDIAN OF THE STUDENT OR ENROLLEE, WHO CLAIMS LOSS OF TUITION OR FEES MAY FILE A CLAIM WITH THE COMMISSION IF THE CLAIM RESULTS FROM AN ACT OR PRACTICE THAT VIOLATES A PROVISION OF THIS ARTICLE. THE CLAIMS THAT ARE FILED WITH THE COMMISSION ARE PUBLIC RECORDS AND ARE SUBJECT TO THE PROVISIONS OF ARTICLE 72 OF TITLE 24, C.R.S.; EXCEPT THAT THE DEPARTMENT SHALL NOT MAKE THE CLAIMS RECORDS PUBLIC IF THE RELEASE WOULD VIOLATE A FEDERAL PRIVACY LAW.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (6), THE COMMISSION SHALL NOT CONSIDER A CLAIM THAT IS FILED MORE THAN TWO YEARS AFTER THE DATE THE STUDENT DISCONTINUES HIS OR HER ENROLLMENT WITH THE INSTITUTION.

(7) (a) IF A PRIVATE COLLEGE OR UNIVERSITY CEASES OPERATION, THE COMMISSION MAY MAKE DEMAND ON THE SURETY OF THE INSTITUTION UPON THE DEMAND FOR A REFUND BY A STUDENT OR THE IMPLEMENTATION OF ALTERNATE ENROLLMENT FOR THE STUDENTS ENROLLED IN THE INSTITUTION, AND THE HOLDER OF THE SURETY OR, IF THE SURETY IS A BOND, THE PRINCIPAL ON THE BOND SHALL PAY THE CLAIM DUE IN A TIMELY MANNER. TO THE EXTENT PRACTICABLE, THE COMMISSION SHALL USE THE AMOUNT OF THE SURETY TO PROVIDE ALTERNATE ENROLLMENT FOR STUDENTS OF THE INSTITUTION THAT CEASES OPERATION THROUGH A CONTRACT WITH ANOTHER AUTHORIZED PRIVATE COLLEGE OR UNIVERSITY, A COMMUNITY COLLEGE, AN AREA VOCATIONAL SCHOOL, OR ANY OTHER ARRANGEMENT THAT IS ACCEPTABLE TO THE DEPARTMENT. THE ALTERNATE ENROLLMENT PROVIDED TO A STUDENT SHALL REPLACE THE ORIGINAL ENROLLMENT AGREEMENT, IF ANY, BETWEEN THE STUDENT AND THE PRIVATE COLLEGE OR UNIVERSITY; EXCEPT THAT THE STUDENT SHALL MAKE THE TUITION AND FEE PAYMENTS AS REQUIRED BY THE ORIGINAL ENROLLMENT AGREEMENT, IF ANY.

(b) A STUDENT WHO IS ENROLLED IN A PRIVATE COLLEGE OR UNIVERSITY THAT CEASES OPERATION AND WHO DECLINES THE ALTERNATE ENROLLMENT REQUIRED TO BE OFFERED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (7) MAY FILE A CLAIM WITH THE COMMISSION FOR THE STUDENT'S PRORATED SHARE OF THE PREPAID, UNEARNED TUITION AND FEES THAT THE STUDENT PAID, SUBJECT TO THE LIMITATIONS OF

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PARAGRAPH (c) OF THIS SUBSECTION (7). THE COMMISSION SHALL NOT MAKE A SUBSEQUENT PAYMENT TO A STUDENT UNLESS THE STUDENT SUBMITS PROOF OF SATISFACTION OF ANY PRIOR DEBT TO A FINANCIAL INSTITUTION IN ACCORDANCE WITH THE COMMISSION'S RULES CONCERNING THE ADMINISTRATION OF THIS SECTION.

(c) IF THE AMOUNT OF THE SURETY IS LESS THAN THE TOTAL PREPAID, UNEARNED TUITION AND FEES THAT HAVE BEEN PAID BY STUDENTS AT THE TIME THE PRIVATE COLLEGE OR UNIVERSITY CEASES OPERATION, THE DEPARTMENT SHALL PRORATE THE AMOUNT OF THE SURETY AMONG THE STUDENTS.

(d) THE PROVISIONS OF THIS SUBSECTION (7) ARE APPLICABLE ONLY TO THOSE STUDENTS ENROLLED IN THE PRIVATE COLLEGE OR UNIVERSITY AT THE TIME IT CEASES OPERATION, AND, ONCE AN INSTITUTION CEASES OPERATION, NO NEW STUDENTS SHALL BE ENROLLED THEREIN.

(e) THE COMMISSION IS THE TRUSTEE FOR ALL PREPAID, UNEARNED TUITION AND FEES, STUDENT LOANS, PELL GRANTS, AND OTHER STUDENT FINANCIAL AID ASSISTANCE IF AN AUTHORIZED PRIVATE COLLEGE OR UNIVERSITY CEASES OPERATION.

(f) THE COMMISSION SHALL DETERMINE WHETHER OFFERING ALTERNATE ENROLLMENT FOR STUDENTS ENROLLED IN AN AUTHORIZED PRIVATE COLLEGE OR UNIVERSITY THAT CEASES OPERATION IS PRACTICABLE WITHOUT FEDERAL GOVERNMENT DESIGNATION OF THE COMMISSION AS TRUSTEE FOR STUDENT LOANS, PELL GRANTS, AND OTHER STUDENT FINANCIAL AID ASSISTANCE PURSUANT TO PARAGRAPH (e) OF THIS SUBSECTION (7).

(8) FOR CLAIMS MADE PURSUANT TO THIS SECTION THAT DO NOT INVOLVE A PRIVATE COLLEGE OR UNIVERSITY THAT CEASES OPERATION, THE COMMISSION SHALL CONDUCT A HEARING TO DETERMINE WHETHER THERE IS LOSS OF TUITION OR FEES, AND, IF THE COMMISSION FINDS THAT A CLAIM IS VALID AND DUE THE CLAIMANT, THE COMMISSION SHALL MAKE DEMAND UPON THE SURETY. IF THE HOLDER OF THE SURETY OR, IF THE SURETY IS A BOND, THE PRINCIPAL ON THE BOND FAILS OR REFUSES TO PAY THE CLAIM DUE, THE COMMISSION SHALL COMMENCE AN ACTION ON THE SURETY IN A COURT OF COMPETENT JURISDICTION; EXCEPT THAT THE COMMISSION SHALL NOT FILE AN ACTION MORE THAN SIX YEARS AFTER THE DATE OF THE VIOLATION THAT GIVES RISE TO THE RIGHT TO FILE A CLAIM PURSUANT TO THIS SECTION.

(9) THE AUTHORIZATION FOR A PRIVATE COLLEGE OR UNIVERSITY IS SUSPENDED BY OPERATION OF LAW WHEN THE INSTITUTION IS NO LONGER COVERED BY SURETY AS REQUIRED BY THIS SECTION. THE DEPARTMENT SHALL GIVE WRITTEN NOTICE TO THE INSTITUTION AT THE LAST-KNOWN ADDRESS, AT LEAST FORTY-FIVE DAYS BEFORE THE RELEASE OF THE SURETY, TO THE EFFECT THAT THE INSTITUTION'S AUTHORIZATION IS SUSPENDED BY OPERATION OF LAW UNTIL THE INSTITUTION FILES EVIDENCE OF SURETY IN LIKE AMOUNT AS THE SURETY BEING RELEASED.

(10) THE PRINCIPAL ON A BOND FILED UNDER THE PROVISIONS OF THIS SECTION IS RELEASED FROM THE BOND AFTER THE PRINCIPAL SERVES WRITTEN NOTICE THEREOF TO THE COMMISSION AT LEAST SIXTY DAYS BEFORE THE RELEASE. THE RELEASE DOES NOT DISCHARGE OR OTHERWISE AFFECT A CLAIM FILED BY A STUDENT OR ENROLLEE OR HIS OR HER PARENT OR LEGAL GUARDIAN FOR LOSS OF TUITION OR FEES THAT OCCURRED WHILE THE BOND WAS IN EFFECT OR THAT OCCURRED UNDER ANY NOTE OR CONTRACT EXECUTED DURING ANY PERIOD OF TIME WHEN THE BOND WAS IN EFFECT, EXCEPT WHEN ANOTHER BOND IS FILED IN A LIKE AMOUNT AND PROVIDES INDEMNIFICATION FOR ANY SUCH LOSS.

(11) EACH PRIVATE COLLEGE OR UNIVERSITY THAT FILES A SURETY PURSUANT TO SUBSECTION (3) OF THIS SECTION SHALL PROVIDE ANNUAL VERIFICATION OF CONTINUED COVERAGE BY SURETY AS REQUIRED BY THIS SECTION IN A REPORT TO THE COMMISSION DUE BY JANUARY 1 OF EACH YEAR. THE COMMISSION MAY DISAPPROVE A SURETY IF IT FINDS THAT THE SURETY IS NOT ADEQUATE TO PROVIDE STUDENTS WITH THE INDEMNIFICATION AND ALTERNATE ENROLLMENT REQUIRED BY THIS SECTION.

(12) IF A PRIVATE COLLEGE OR UNIVERSITY THAT IS EXEMPT FROM THE PROVISIONS OF THIS SECTION OR THAT DEMONSTRATES FINANCIAL INTEGRITY PURSUANT TO SUBSECTION (2) OF THIS SECTION CEASES TO OPERATE IN THIS STATE, THE STATE ATTORNEY GENERAL MAY FILE A CLAIM AGAINST THE INSTITUTION ON BEHALF OF STUDENTS ENROLLED IN THE INSTITUTION AT THE TIME IT CEASES OPERATION TO RECOVER ANY AMOUNT OF UNEARNED, PREPAID TUITION THAT MAY BE OWED TO THE STUDENTS.

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(13) A SEMINARY OR RELIGIOUS TRAINING INSTITUTION IS NOT SUBJECT TO THE REQUIREMENTS OF THIS SECTION.

SECTION 17. In Colorado Revised Statutes, **amend** 23-2-104 as follows:

23-2-104. Administration of article - complaints - injunctive proceedings. (1) The department ~~is charged with the administration of~~ SHALL ADMINISTER this article pursuant to statute and appropriate policies adopted by the commission.

(2) (a) The commission shall specify procedures by which a student or former student of a private college or university ~~bible college~~ or seminary OR RELIGIOUS TRAINING INSTITUTION may file a complaint with the department concerning the institution in which the student is or was enrolled. IF A FORMER STUDENT FILES A COMPLAINT, HE OR SHE MUST DO SO WITHIN TWO YEARS AFTER DISCONTINUING ENROLLMENT AT THE INSTITUTION. The department ~~is authorized to~~ MAY investigate complaints based on a claim of a deceptive trade practice as described in subsection (4) of this section. The department ~~shall~~ DOES not have jurisdiction to consider complaints that infringe on the academic freedom OR religious freedom OF, or question the curriculum content of, a private college or university ~~bible college~~ or seminary OR RELIGIOUS TRAINING INSTITUTION; except that the department ~~shall have~~ HAS jurisdiction to consider a complaint that pertains to the general education core course requirements of a private college or university ~~bible college~~, or seminary OR RELIGIOUS TRAINING INSTITUTION, or to any of the specific core courses included in said requirements, if the private college or university ~~bible college~~ or seminary ~~has chosen~~ OR RELIGIOUS TRAINING INSTITUTION CHOOSES to seek transferability of its general education core courses pursuant to section 23-1-125 (5).

(b) Upon receipt of a complaint, the department shall verify that the complaint warrants investigation under the guidelines established by the commission and as a deceptive trade practice. A complaint will warrant investigation only when the student has exhausted all complaint and appeals processes available at the institution. THE DEPARTMENT SHALL DISMISS a complaint ~~shall be dismissed~~ if it does not warrant investigation under the commission's guidelines and is not a deceptive trade practice. If the complaint warrants investigation, the department shall first forward the complaint to the institution for a written response. The institution shall have thirty days to ~~forward its response~~ RESPOND IN WRITING to the department, and TO FORWARD a copy of the response ~~shall be forwarded~~ to the student. During the thirty-day period, the institution may attempt to resolve the complaint with the student, and the department shall assist in the efforts to resolve the complaint. If the department determines at any time that a complaint no longer warrants investigation, the department shall dismiss the complaint.

(c) If a complaint is not resolved during the thirty-day period, the department may dismiss the complaint based on the institution's response, investigate the complaint further, or recommend that the commission evaluate the merits of the complaint. If the commission finds the complaint is meritorious, it may recommend that the private college or university or ~~bible college~~ or seminary OR RELIGIOUS TRAINING INSTITUTION take appropriate action to remedy the complaint.

(d) If the private college or university ~~bible college~~ or seminary OR RELIGIOUS TRAINING INSTITUTION does not take the action ~~on the recommendation of~~ RECOMMENDED BY the commission, the commission may forward the complaint and findings to the attorney general.

(3) The commission, acting through the attorney general, may proceed by injunction against any violation of this article, but an injunction proceeding or an order issued therein or as a result thereof shall not bar the imposition of any other penalty ~~imposed~~ for violation of this article.

(4) It is a deceptive trade practice for:

(a) ~~A school~~ AN INSTITUTION or agent to make or cause to be made any statement or representation, oral, written, or visual, in connection with the offering of educational services if ~~such school~~ THE INSTITUTION or agent knows or reasonably should have known the statement or representation to be materially false, substantially inaccurate, or materially misleading;

(b) ~~A school~~ AN INSTITUTION or agent to represent falsely OR TO DECEPTIVELY CONCEAL, directly or by implication, through the use of a trade or business name, ~~to deceptively conceal~~ the fact that it AN INSTITUTION is a school;

(c) ~~A school~~ AN INSTITUTION or agent to adopt a name, trade

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name, or trademark that represents falsely, directly or by implication, the quality, scope, nature, size, or integrity of the ~~school~~ INSTITUTION or its educational services;

(d) ~~A school~~ AN INSTITUTION or agent to intentionally and materially represent falsely, directly or by implication, that students ~~completing~~ WHO SUCCESSFULLY COMPLETE a course or program of instruction ~~successfully~~ may transfer ~~credit therefor~~ THE CREDITS EARNED to any institution of higher education;

(e) ~~A school~~ AN INSTITUTION or agent to intentionally and materially represent falsely, directly or by implication, in its advertising or promotional materials or in any other manner, the size, location, facilities, or equipment of the ~~school~~ INSTITUTION; the number or educational experience qualifications of its faculty; the extent or nature of any approval received from any state agency; or the extent or nature of any accreditation received from any accrediting agency or association;

(f) ~~A school~~ AN INSTITUTION or agent to provide prospective students with any testimonials, endorsements, or other information that has the tendency to materially mislead or deceive prospective students or the public regarding current practices of the ~~school~~ INSTITUTION;

(g) An agent representing an out-of-state school to represent, directly or by implication, that ~~said~~ THE school is ~~approved or accredited~~ AUTHORIZED by the state of Colorado OR APPROVED OR ACCREDITED BY AN ACCREDITING AGENCY OR BODY WHEN THE INSTITUTION HAS NOT BEEN AUTHORIZED, APPROVED, OR ACCREDITED;

(h) ~~A school or agent to designate titles to employees whose primary job duties are to recruit students, which titles have the tendency to mislead or deceive prospective students or the public regarding the authority or qualifications of such employees~~ AN INSTITUTION TO DESIGNATE OR REFER TO ITS SALES REPRESENTATIVES BY TITLES THAT IMPLY THE SALES REPRESENTATIVES HAVE TRAINING IN ACADEMIC COUNSELING OR ADVISING IF THEY DO NOT.

SECTION 18. In Colorado Revised Statutes, **amend** 23-2-104.5 as follows:

23-2-104.5. Fees - public hearing. (1) The commission shall establish ~~a fee~~ FEES to be paid by a private college or university that ~~submits an application pursuant to~~ OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION FOR THE ADMINISTRATION OF this article. The amount of the ~~fee~~ FEES shall reflect the direct and indirect costs of ~~the administration of~~ ADMINISTERING this article. The commission shall propose, as part of the department's annual budget request, an adjustment in the amount of the fees that it is authorized to collect pursuant to this section. The budget request and the adjusted fees shall reflect the direct and indirect costs of administering this article.

(2) THE COMMISSION MAY ESTABLISH A FEE TO BE PAID TO THE DEPARTMENT BY A PRIVATE COLLEGE OR UNIVERSITY THAT IS AUTHORIZED PURSUANT TO THIS ARTICLE AND THAT APPLIES FOR APPROVAL OF AN EDUCATOR PREPARATION PROGRAM PURSUANT TO SECTION 23-1-121. THE AMOUNT OF THE FEE SHALL REFLECT THE DIRECT AND INDIRECT COSTS OF THE DEPARTMENT IN ADMINISTERING THE PROVISIONS OF SECTION 23-1-121.

(3) PRIOR TO ESTABLISHING A NEW FEE OR INCREASING THE AMOUNT OF AN EXISTING FEE, THE COMMISSION SHALL HOLD A PUBLIC HEARING TO DISCUSS AND TAKE TESTIMONY CONCERNING THE NEW FEE OR INCREASE IN FEES. THE COMMISSION SHALL PROVIDE NOTICE OF THE PUBLIC HEARING AND THE PROPOSED NEW FEE OR FEE INCREASE TO EACH PRIVATE COLLEGE OR UNIVERSITY AND SEMINARY AND RELIGIOUS TRAINING INSTITUTION AT LEAST THIRTY DAYS PRIOR TO THE DATE OF THE PUBLIC HEARING.

SECTION 19. In Colorado Revised Statutes, 12-59-105.1, **amend** (5) as follows:

12-59-105.1. Proprietary postsecondary education board - established - membership. (5) (a) The board members shall serve four-year terms; except that, of the members first appointed to the board, three members to be selected by the governor shall serve two-year terms. ~~No~~ A member shall NOT serve more than two consecutive four-year terms.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (5), OF THE THREE MEMBERS APPOINTED TO REPLACE PERSONS WHOSE TERMS EXPIRE ON JUNE 30, 2012, ONE MEMBER SELECTED BY THE GOVERNOR SHALL SERVE A TWO-YEAR TERM, ONE MEMBER SELECTED BY THE GOVERNOR SHALL SERVE A THREE-YEAR TERM, AND ONE MEMBER SELECTED BY THE GOVERNOR SHALL SERVE A FOUR-YEAR TERM.

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SUBSEQUENT APPOINTMENTS TO THE POSITIONS IDENTIFIED IN THIS PARAGRAPH (b) SHALL SERVE FOUR-YEAR TERMS.

(c) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (5), OF THE FOUR MEMBERS APPOINTED TO REPLACE PERSONS WHOSE TERMS EXPIRE ON JUNE 30, 2014, ONE MEMBER SELECTED BY THE GOVERNOR SHALL SERVE A ONE-YEAR TERM, ONE MEMBER SELECTED BY THE GOVERNOR SHALL SERVE A TWO-YEAR TERM, ONE MEMBER SELECTED BY THE GOVERNOR SHALL SERVE A THREE-YEAR TERM, AND ONE MEMBER SELECTED BY THE GOVERNOR SHALL SERVE A FOUR-YEAR TERM. SUBSEQUENT APPOINTMENTS TO THE POSITIONS IDENTIFIED IN THIS PARAGRAPH (c) SHALL SERVE FOUR-YEAR TERMS.

SECTION 20. In Colorado Revised Statutes, 12-59-118, **amend** (1) as follows:

12-59-118. Complaints of deceptive trade or sales practices.

(1) A person claiming pecuniary loss as a result of a deceptive trade or sales practice, pursuant to section 12-59-117, by a school or agent shall FIRST EXHAUST ALL COMPLAINT AND APPEALS PROCESSES AVAILABLE AT THE SCHOOL. IF THE PERSON'S COMPLAINT IS NOT RESOLVED TO THE PERSON'S SATISFACTION, THE PERSON MAY file with the board a written complaint against the school or agent. The complaint shall set forth the alleged violation and SUCH other relevant information as may be required by the board. A complaint filed under this section is a public record subject to the provisions of article 72 of title 24, C.R.S., and shall be filed within two years after the student discontinues his or her training at the school or at any time prior to the commencement of training.

SECTION 21. In Colorado Revised Statutes, 12-47-902.5, **amend** (5) (a) as follows:

12-47-902.5. Alcohol-without-liquid devices - legislative declaration - unlawful acts. (5) (a) Subsection (3) of this section shall not apply to a hospital, as defined in section 25.5-1-503 (3), C.R.S., that operates primarily for the purpose of conducting scientific research, a state institution conducting bona fide research, a private college or university, as defined in section 23-2-102 (~~3~~) (11), C.R.S., conducting bona fide research, or to a pharmaceutical company or biotechnology company conducting bona fide research and that complies with the provisions of this subsection (5).

SECTION 22. In Colorado Revised Statutes, 12-59-115, **amend** (13) as follows:

12-59-115. Bonds. (13) For the purposes of this section, "school" and "private occupational school" shall include a for-profit private college or university, as defined in section 23-2-102 (~~3~~) (11), C.R.S., in which the majority of students are enrolled in courses and programs that are occupational in nature, as defined by the board.

SECTION 23. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of higher education, for the fiscal year beginning July 1, 2012, the sum of \$75,500 cash funds, from fees paid by private colleges and universities pursuant to section 23-2-104.5, Colorado Revised Statutes, or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

Page 1, line 102, strike "DEGREES." and substitute "DEGREES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION."

The amendment was **passed** on the following roll call vote:

YES	28	NO	7	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
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.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	N		

The question being "Shall the bill, as amended, 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: Heath, Hudak, King K., Newell, Schwartz and Williams S.

HB12-1281 by Representative(s) Young and Gerou, Ferrandino, Fields, Kefalas, Kerr A., McCann, Peniston, Schafer S.; also Senator(s) Steadman and Roberts--Concerning a pilot program establishing new payment methodologies in medicaid, and, in connection therewith, making an appropriation.

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

YES	28	NO	7	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	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	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, Giron, Guzman, Hodge, Newell and Tochtrop.

HB12-1273 by Representative(s) Pabon, Conti, McCann, Swerdfeger; also Senator(s) Steadman--Concerning the inclusion of approved facility schools affiliated with a hospital to the definition of child care facility for purposes of the child care contribution income tax credit.

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

YES	24	NO	11	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
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.	Y	Roberts	Y		

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

Co-sponsor added: Aguilar, Boyd, Foster, Giron, Guzman, Heath, Hodge, Hudak, Jahn, Newell, Nicholson and Williams S.

HB12-1315 by Representative(s) Becker; also Senator(s) Steadman--Concerning the reorganization of the governor's energy office, and in connection therewith, making an appropriation.

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-sponsor added: Boyd, Grantham, Guzman, Hodge, Jahn, King S., Mitchell, Nicholson, Spence and Williams S.

HB12-1311 by Representative(s) Summers, Acree, Brown, Fields, Joshi, Kefalas, McCann, Schafer S., Young; also Senator(s) Boyd--Concerning continuation of the state board of pharmacy, and in connection therewith, implementing the recommendations contained in the sunset review and report regarding the board and recodifying the laws regulating pharmacists, the practice of pharmacy, and the manufacture, distribution, and dispensing of prescription drugs and controlled substances, and making an appropriation.

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-sponsor added: Aguilar, Foster, King S., Newell, Spence, Tochtrop and Williams S.

HB12-1334 by Representative(s) Becker, Gerou, Levy; also Senator(s) Hodge, Lambert, Steadman--Concerning the extension of severance tax funding for the promotion of agricultural energy-related projects, and, in connection therewith, making an appropriation.

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

YES	26	NO	9	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
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.	Y	Renfroe	N	President	Y
Grantham	N	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: Roberts and Schwartz.

HB12-1310 by Representative(s) Gardner B., Barker; also Senator(s) Carroll, Guzman--Concerning changes to statutory provisions related to criminal proceedings, and, in connection therewith, making an appropriation.

A majority of those elected to the Senate having voted in the affirmative, Senators Foster and Newell was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.010), by Senators Foster and Newell.

Amend revised bill, page 25, after line 7, insert:

"SECTION 28. In Colorado Revised Statutes, 18-18-102, **amend** (5); and **add** (3.5) as follows:

18-18-102. Definitions. As used in this article:

(3.5) (a) "CATHINONES" MEANS ANY SYNTHETIC OR NATURAL MATERIAL CONTAINING ANY QUANTITY OF A CATHINONE CHEMICAL STRUCTURE, INCLUDING ANY ANALOGS, SALTS, ISOMERS, OR SALTS OF ISOMERS OF ANY SYNTHETIC OR NATURAL MATERIAL CONTAINING A CATHINONE CHEMICAL STRUCTURE, INCLUDING BUT NOT LIMITED TO THE FOLLOWING SUBSTANCES AND ANY ANALOGS, SALTS, ISOMERS, OR SALTS OF ISOMERS OF ANY OF THE FOLLOWING SUBSTANCES:

(I) ALPHA-PHTHALIMIDOPROPIOPHENONE;
 (II) N, N-DIMETHYLCATHINONE (METAMFEPRAMONE);
 (III) N-ETHYLCATHINONE (ETHCATHINONE);
 (IV) ALPHA-PYRROLIDINOPROPIOPHENONE (α -PPP);
 (V) 2-METHYLAMINO-1-PHENYLBUTAN-1-ONE (BUPHEDRONE);
 (VI) ALPHA-PYRROLIDINOBTIOPHENONE (α -PBP);
 (VII) ALPHA-PYRROLIDINOVALEROPHENONE (α -PVP, PVP);
 (VIII) 4-METHYLMETHCATHINONE (4-MMC, MEPHEDRONE);
 (IX) 4'-METHYL-ALPHA-PYRROLIDINOPROPIOPHENONE (MPPP);
 (X) 4'-METHYL-ALPHA-PYRROLIDINOBTIOPHENONE (MPBP);
 (XI) 4'-METHYL-ALPHA-PYRROLIDINOHEXIOPHENONE (MPHP);
 (XII) 4-METHOXYMETHCATHINONE (PMMC, METHEDRONE, BK-PMMA);

(XIII) 4'-METHOXY-ALPHA-PYRROLIDINOPROPIOPHENONE (MOPPP);

(XIV) FLUOROMETHCATHINONE (4-FMC, FLEPHEDRONE, 3-FMC);

(XV) 3,4-METHYLENEDIOXYMETHCATHINONE (METHYLONE, BK-MDMA);

(XVI) 3,4-METHYLENEDIOXYETHCATHINONE (ETHYLONE, BK-MDEA);

(XVII) 3',4'-METHYLENEDIOXY-ALPHA-PYRROLIDINOPROPIOPHENONE (MDPPP);

(XVIII) 2-METHYLAMINO-1-(3,4-METHYLENEDIOXYPHENYL)-1-BUTANONE (BUTYLONE, BK-MDBD);

(XIX) 3',4'-METHYLENEDIOXY-ALPHA-PYRROLIDINOBTIOPHENONE (MDPBP);

(XX) 2-METHYLAMINO-1-(3,4-METHYLENEDIOXYPHENYL)-1-CPENTANONE (BK-MBDP);

(XXI) 3,4-METHYLENEDIOXYPYROVALERONE (MDPV);

(XXII) NAPHTHYLPYROVALERONE (NAPHYRONE);

(XXIII) 2-(METHYLAMINO)-1-PHENYL-1-PENTANONE PENTEDRONE); AND

(XXIV) N-METHYLETHCATHINONE (4-MEC).

(b) "CATHINONES" DOES NOT INCLUDE DIETHYLPROPRION OR BUPROPRION.

(c) AS USED IN THIS SUBSECTION (3.5), "ANALOG" MEANS ANY CHEMICAL THAT IS SUBSTANTIALLY SIMILAR IN CHEMICAL STRUCTURE TO THE CHEMICAL STRUCTURE OF ANY CATHINONES.

(5) "Controlled substance" means a drug, substance, or immediate precursor included in schedules I through V of part 2 of this article, including cocaine, marijuana, marijuana concentrate, A CATHINONE, any synthetic cannabinoid, and salvia divinorum.

SECTION 29. In Colorado Revised Statutes, **repeal** 18-18-203 (2) (e) (I).

SECTION 30. In Colorado Revised Statutes, **add** 18-18-406.7

and 18-18-406.8 as follows:

18-18-406.7. Unlawful possession of cathinones. (1) IT IS UNLAWFUL FOR ANY PERSON TO POSSESS ANY AMOUNT OF ANY CATHINONES.

(2) A PERSON WHO VIOLATES ANY PROVISION OF SUBSECTION (1) OF THIS SECTION COMMITS A CLASS 1 MISDEMEANOR.

18-18-406.8. Unlawful distribution, manufacturing, dispensing, or sale of cathinones. (1) IT IS UNLAWFUL FOR ANY PERSON TO KNOWINGLY:

(a) DISTRIBUTE, MANUFACTURE, DISPENSE, OR SELL, OR TO POSSESS WITH INTENT TO DISTRIBUTE, MANUFACTURE, DISPENSE, OR SELL, ANY AMOUNT OF ANY CATHINONES; OR

(b) INDUCE, ATTEMPT TO INDUCE, OR CONSPIRE WITH ONE OR MORE OTHER PERSONS TO DISTRIBUTE, MANUFACTURE, DISPENSE, OR SELL, OR POSSESS WITH INTENT TO DISTRIBUTE, MANUFACTURE, DISPENSE, OR SELL, ANY AMOUNT OF ANY CATHINONES.

(2) A PERSON WHO VIOLATES SUBSECTION (1) OF THIS SECTION COMMITS A CLASS 3 FELONY AND SHALL BE SENTENCED AS PROVIDED IN SECTION 18-1.3-401; EXCEPT THAT, UNLESS A GREATER SENTENCE IS PROVIDED UNDER ANY OTHER STATUTE, THE PERSON SHALL BE SENTENCED TO THE DEPARTMENT OF CORRECTIONS FOR A TERM OF AT LEAST THE MINIMUM, BUT NOT MORE THAN TWICE THE MAXIMUM, OF THE PRESUMPTIVE RANGE PROVIDED FOR THE OFFENSE IN SECTION 18-1.3-401 (1)(a) AS MODIFIED PURSUANT TO SECTION 18-1.3-401 (10), IF THE PERSON IS AT LEAST EIGHTEEN YEARS OF AGE AND:

(a) DISTRIBUTED, DISPENSED, OR SOLD; OR POSSESSED WITH INTENT TO DISTRIBUTE, DISPENSE, OR SELL; ANY AMOUNT OF ANY CATHINONES TO A MINOR UNDER EIGHTEEN YEARS OF AGE WHO IS AT LEAST TWO YEARS YOUNGER THAN SAID PERSON; OR

(b) INDUCED, ATTEMPTED TO INDUCE, OR CONSPIRED WITH ONE OR MORE OTHER PERSONS TO DISTRIBUTE, DISPENSE, OR SELL ANY AMOUNT OF ANY CATHINONES TO A MINOR UNDER EIGHTEEN YEARS OF AGE WHO IS AT LEAST TWO YEARS YOUNGER THAN SAID PERSON.

SECTION 31. In Colorado Revised Statutes, add 6-1-723 as follows:

6-1-723. Cathinone bath salts - deceptive trade practice. (1) IT IS UNLAWFUL FOR ANY PERSON OR ENTITY TO DISTRIBUTE, DISPENSE, MANUFACTURE, OR SELL TO A PURCHASER ANY PRODUCT THAT IS LABELED AS A BATH SALT OR ANY OTHER TRADEMARK IF THE PRODUCT CONTAINS ANY AMOUNT OF ANY CATHINONES, AS DEFINED IN SECTION 18-18-102 (3.5), C.R.S.

(2) A VIOLATION OF THIS SECTION SHALL BE DEEMED A DECEPTIVE TRADE PRACTICE AS PROVIDED IN SECTION 6-1-105 (1) (e), AND THE VIOLATOR SHALL BE SUBJECT TO A CIVIL PENALTY AS DESCRIBED IN SECTION 6-1-112 (1) (d) IN ADDITION TO ANY APPLICABLE CRIMINAL PENALTY.

SECTION 32. In Colorado Revised Statutes, 6-1-112, add (1) (d) as follows:

6-1-112. Civil penalties. (1) (d) ANY PERSON WHO VIOLATES OR CAUSES ANOTHER TO VIOLATE THE PROVISIONS OF SECTIONS 6-1-105 (1) (e) AND 6-1-723 BY DISTRIBUTING, DISPENSING, OR SELLING ANY PRODUCT THAT IS LABELED AS A "BATH SALT" OR ANY OTHER TRADEMARK IF THE PRODUCT CONTAINS ANY AMOUNT OF ANY CATHINONES, AS DEFINED IN SECTION 18-18-102 (3.5), C.R.S., SHALL FORFEIT AND PAY TO THE GENERAL FUND OF THE STATE A CIVIL PENALTY OF NOT LESS THAN TEN THOUSAND DOLLARS AND NOT MORE THAN FIVE HUNDRED THOUSAND DOLLARS FOR EACH SUCH VIOLATION; EXCEPT THAT THE PERSON SHALL FORFEIT AND PAY TO THE GENERAL FUND OF THE STATE A CIVIL PENALTY OF NOT LESS THAN TWENTY-FIVE THOUSAND DOLLARS AND NOT MORE THAN FIVE HUNDRED THOUSAND DOLLARS FOR EACH SUCH VIOLATION IF THE PERSON DISTRIBUTES, DISPENSES, OR SELLS THE PRODUCT TO A MINOR UNDER THE AGE OF EIGHTEEN AND THE PERSON IS AT LEAST EIGHTEEN YEARS OF AGE AND AT LEAST TWO YEARS OLDER THAN THE MINOR.

SECTION 33. 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 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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Renumber succeeding sections accordingly.

The amendment was 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		

A majority of those elected to the Senate having voted in the affirmative, Senator Steadman was given permission to offer a third reading amendment.

Third Reading Amendment No. 2(L.012), by Senator Steadman

Amend revised bill, page 25, after line 7, insert:

"SECTION 28. In Colorado Revised Statutes, 18-19-103, amend (3) (d), (3.5) (b), (4) (a), (5), and (5.5); add (4) (a.5); and repeal (3.5) (a) as follows:

18-19-103. Source of revenues - allocation of moneys - repeal.

(3) The clerk of the court shall disburse the surcharge required by subsection (1) of this section as follows:

(d) Ninety percent shall be disbursed to the state treasurer who shall credit the same to the ~~drug offender surcharge fund~~ CORRECTIONAL TREATMENT CASH FUND created pursuant to subsection (4) of this section.

(3.5) (a) ~~Moneys appropriated by the general assembly pursuant to House Bill 10-1352, enacted in 2010, shall be deposited into the drug offender surcharge fund created pursuant to subsection (4) of this section. and shall be allocated pursuant to section 16-11.5-102 (3) (c), C.R.S.~~

(b) ~~Each fiscal year,~~ The general assembly shall appropriate to the ~~drug offender surcharge fund~~ CORRECTIONAL TREATMENT CASH FUND created pursuant to subsection (4) of this section ~~the savings generated by~~ AT LEAST SEVEN MILLION SIX HUNDRED FIFTY-SIX THOUSAND TWO HUNDRED DOLLARS IN FISCAL YEAR 2012-13 FROM THE GENERAL FUND, AT LEAST NINE MILLION FIVE HUNDRED THOUSAND DOLLARS IN FISCAL YEAR 2013-14 FROM THE GENERAL FUND, AND EACH YEAR THEREAFTER GENERATED FROM ESTIMATED SAVINGS FROM House Bill 10-1352, enacted in 2010. ~~The appropriation shall be made after consideration of the division of criminal justice's annual report required pursuant to section 24-33.5-503 (1) (u), C.R.S.~~

(4) (a) There is hereby created in the state treasury a ~~drug offender surcharge fund~~ THE CORRECTIONAL TREATMENT CASH FUND, REFERRED TO IN THIS PARAGRAPH (a) AS THE "FUND", which shall consist of moneys received by the state treasurer pursuant to paragraph (d) of subsection (3) of this section and subsection (3.5) of this section, AND, IN ADDITION, EACH YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE AT LEAST TWO MILLION TWO HUNDRED THOUSAND DOLLARS GENERATED FROM ESTIMATED SAVINGS FROM THE ENACTMENT OF SENATE BILL 03-318, ENACTED IN 2003, TO THE FUND. THE MONEYS IN THE FUND SHALL BE USED FOR THE PURPOSES DESCRIBED IN PARAGRAPH (c) OF SUBSECTION (5) OF THIS SECTION. All interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. Any moneys not appropriated by the general assembly shall remain in the ~~drug offender surcharge fund~~ and shall not be transferred or revert to the general fund of the state at the end of any fiscal year. ~~All moneys in the fund shall be subject to annual appropriation by the general assembly to the judicial department, the department of corrections, the division of criminal justice of the department of public safety, and the department of human services, after consideration of the plan developed pursuant to section 16-11.5-102 (3), C.R.S., to cover the costs associated with substance abuse assessment, testing, education, and treatment.~~

(a.5) AFTER THE DRUG OFFENDER SURCHARGE FUND IS RENAMED

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THE CORRECTIONAL TREATMENT CASH FUND, ANY APPROPRIATION MADE BY THE GENERAL ASSEMBLY FROM THE DRUG OFFENDER SURCHARGE FUND FOR THE FISCAL YEAR COMMENCING ON JULY 1, 2011, IS FROM THE CORRECTIONAL TREATMENT CASH FUND CREATED IN PARAGRAPH (a) OF THIS SUBSECTION (4). THIS PARAGRAPH (a.5) IS REPEALED, EFFECTIVE JULY 1, 2012.

~~(5) The department of public safety shall award such moneys received by it pursuant to subsection (4) of this section as are designated in the plan developed pursuant to section 16-11.5-102 (3), C.R.S., and appropriated by the general assembly for such purpose (a)~~ THE CORRECTIONAL TREATMENT BOARD, CREATED HEREIN AND REFERRED TO IN THIS SUBSECTION (5) AS THE "BOARD", SHALL PREPARE AN ANNUAL TREATMENT FUNDING PLAN THAT INCLUDES A FAIR AND REASONABLE ALLOCATION OF RESOURCES FOR PROGRAMS THROUGHOUT THE STATE. THE JUDICIAL DEPARTMENT SHALL INCLUDE THE ANNUAL TREATMENT FUNDING PLAN IN ITS ANNUAL PRESENTATION TO THE JOINT BUDGET COMMITTEE.

(b) THE BOARD CONSISTS OF:

(I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS OR HIS OR HER DESIGNEE;

(II) THE DIRECTOR OF THE DIVISION OF PROBATION SERVICES IN THE JUDICIAL DEPARTMENT OR HIS OR HER DESIGNEE;

(III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY OR HIS OR HER DESIGNEE;

(IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES OR HIS OR HER DESIGNEE. IF THE EXECUTIVE DIRECTOR APPOINTS A DESIGNEE, THE EXECUTIVE DIRECTOR IS ENCOURAGED TO SELECT SOMEONE WITH EXPERTISE IN ADDICTION COUNSELING AND SUBSTANCE ABUSE ISSUES;

(V) THE STATE PUBLIC DEFENDER OR HIS OR HER DESIGNEE;

(VI) THE PRESIDENT OF THE STATEWIDE ASSOCIATION REPRESENTING DISTRICT ATTORNEYS OR HIS OR HER DESIGNEE; AND

(VII) THE PRESIDENT OF THE STATEWIDE ASSOCIATION REPRESENTING COUNTY SHERIFFS OR HIS OR HER DESIGNEE.

(c) THE BOARD MAY DIRECT THAT MONEYS IN THE CORRECTIONAL TREATMENT CASH FUND MAY BE USED FOR THE FOLLOWING PURPOSES:

(I) ALCOHOL AND DRUG SCREENING, ASSESSMENT, AND EVALUATION;

(II) ALCOHOL AND DRUG TESTING;

(III) SUBSTANCE ABUSE EDUCATION AND TRAINING;

(IV) AN ANNUAL STATEWIDE CONFERENCE REGARDING SUBSTANCE ABUSE TREATMENT;

(V) TREATMENT FOR ASSESSED SUBSTANCE ABUSE AND CO-OCCURRING DISORDERS;

(VI) RECOVERY SUPPORT SERVICES; AND

(VII) ADMINISTRATIVE SUPPORT TO THE CORRECTIONAL TREATMENT BOARD INCLUDING, BUT NOT LIMITED TO, FACILITATING AND COORDINATING DATA COLLECTION, CONDUCTING DATA ANALYSIS, DEVELOPING CONTRACTS, PREPARING REPORTS, SCHEDULING AND STAFFING BOARD AND SUBCOMMITTEE MEETINGS, AND ENGAGING IN BUDGET PLANNING AND ANALYSIS.

(d) MONEYS FROM THE CORRECTIONAL TREATMENT CASH FUND MAY BE USED TO SERVE THE FOLLOWING POPULATIONS:

(I) ADULTS AND JUVENILES SERVING A DIVERSION SENTENCE FOR A STATE OFFENSE;

(II) ADULTS AND JUVENILES SERVING A PROBATION SENTENCE FOR A STATE OFFENSE, INCLUDING DENVER COUNTY;

(III) ADULTS AND JUVENILES ON PAROLE;

(IV) OFFENDERS SENTENCED OR TRANSITIONED TO A COMMUNITY CORRECTIONS PROGRAM; AND

(V) OFFENDERS SERVING A SENTENCE IN A COUNTY JAIL, ON A WORK-RELEASE PROGRAM SUPERVISED BY THE COUNTY JAIL, OR RECEIVING AFTER-CARE TREATMENT FOLLOWING RELEASE FROM JAIL IF THE OFFENDER PARTICIPATED IN A JAIL TREATMENT PROGRAM.

(e) BEFORE ADOPTING THE ANNUAL TREATMENT FUND PLAN, THE BOARD SHALL REVIEW THE INFORMATION SPECIFIED IN PARAGRAPH (f) OF THIS SUBSECTION (5) AND SHALL CONSIDER PROPOSALS FROM THE DRUG OFFENDER TREATMENT BOARDS CREATED IN SECTION 18-19-104 FOR FUNDING LOCAL ASSESSED TREATMENT NEEDS.

(f) THE BOARD SHALL DETERMINE THE SCOPE, METHOD, AND FREQUENCY OF THE DATA COLLECTION AND THE PARTIES RESPONSIBLE FOR

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DATA COLLECTION, ANALYSIS, AND REPORTING. THE DATA SHALL BE ORGANIZED BY JUDICIAL DISTRICT AND SHALL INCLUDE, AT A MINIMUM, THE FOLLOWING FROM EACH TREATMENT PROGRAM:

(I) NAME AND LOCATION OF THE PROGRAM, INCLUDING THE COUNTY AND JUDICIAL DISTRICT;

(II) THE REFERRING CRIMINAL AGENCY;

(III) DEMOGRAPHIC INFORMATION INCLUDING GENDER AND ETHNICITY;

(IV) LEVEL OF TREATMENT DELIVERED;

(V) ACTUAL LENGTH OF TIME IN TREATMENT FOR EACH CLIENT;

(VI) DISCHARGE STATUS AND, IF THE STATUS IS NEGATIVE, THE REASON FOR THE NEGATIVE DISCHARGE; AND

(VII) ANY SPECIAL LICENSES HELD BY THE TREATMENT PROGRAM.

~~(5.5) (a) There is hereby created in the state treasury a drug offender treatment fund that shall consist of moneys appropriated thereto. In addition, the fund may accept gifts, grants, and donations. All interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. Any moneys not appropriated by the general assembly shall remain in the drug offender treatment fund and shall not be transferred or revert to the general fund of the state at the end of any fiscal year. All moneys in the fund shall be subject to annual appropriation by the general assembly to the judicial department for allocation to the interagency task force on treatment for costs associated with community-based substance abuse treatment. ON JULY 1, 2012, THE STATE TREASURER SHALL TRANSFER ALL UNENCUMBERED MONEYS THAT REMAIN IN THE DRUG OFFENDER TREATMENT FUND TO THE CORRECTIONAL TREATMENT CASH FUND CREATED IN SUBSECTION (4) OF THIS SECTION. THIS SUBSECTION (5.5) IS REPEALED, EFFECTIVE JULY 2, 2012.~~

~~(b) Notwithstanding any provision of paragraph (a) of this subsection (5.5) to the contrary, on April 20, 2009, the state treasurer shall deduct three hundred fifty thousand dollars from the fund and transfer such sum to the general fund.~~

~~(c) Notwithstanding any provision of paragraph (a) of this subsection (5.5) to the contrary, on June 30, 2011, the state treasurer shall deduct six hundred seventy-two thousand seven hundred twenty-five dollars from the drug offender treatment fund and transfer such sum to the general fund.~~

SECTION 29. In Colorado Revised Statutes, 18-19-104, **amend** (1) and (2) and **repeal** (4) as follows:

18-19-104. Judicial district drug offender treatment boards.

(1) Each judicial district shall create a drug offender treatment board, WHOSE MEMBERSHIP IS KNOWLEDGEABLE ABOUT ADULT CRIMINAL AND JUVENILE JUSTICE MATTERS, consisting of:

(a) The district attorney serving the judicial district or his or her designee;

(b) The chief public defender serving the judicial district or his or her designee;

(c) THE CHAIR OF THE LOCAL COMMUNITY CORRECTIONS BOARD OR HIS OR HER DESIGNEE;

(d) A PAROLE OFFICER WORKING IN THE JUDICIAL DISTRICT CHOSEN BY THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS OR HIS OR HER DESIGNEE;

(e) A SHERIFF THAT SERVES THE JUDICIAL DISTRICT CHOSEN BY THE CHIEF JUDGE OF THE JUDICIAL DISTRICT;

(f) A REPRESENTATIVE OF A DRUG COURT OR SIMILAR PROBLEM-SOLVING COURT IF SUCH A COURT EXISTS IN THE JUDICIAL DISTRICT CHOSEN BY THE CHIEF JUDGE OF THE JUDICIAL DISTRICT;

(g) A PERSON WITH EXPERTISE IN JUVENILE MATTERS CHOSEN BY THE CHIEF JUDGE OF THE JUDICIAL DISTRICT; AND

(h) A probation officer working in the judicial district chosen by the chief judge of the judicial district.

(2) ~~Each drug offender treatment board shall receive moneys from the state drug offender treatment board pursuant to section 16-11.5-102 (7) (a), C.R.S., and shall distribute those moneys to drug treatment programs based in the judicial district. No program shall receive moneys from the drug offender treatment board without a majority vote of the board. The board shall give priority to drug court funding if the jurisdiction operates a drug court AND THE DRUG COURT OPERATES WITH BEST EVIDENCE-BASED OR PROMISING PRACTICES. EACH DRUG OFFENDER TREATMENT BOARD SHALL ANNUALLY MAKE RECOMMENDATIONS TO THE CORRECTIONAL TREATMENT BOARD FOR FUNDING LOCAL ASSESSED TREATMENT NEEDS.~~

(4) Each judicial district's drug offender treatment board shall submit a report to the interagency task force on treatment created in section 16-11.5-102 (4), C.R.S., and the judiciary committees of the senate and house of representatives detailing the amount and to whom the board distributed its funding in the previous year and the amount of funding received by the board from the interagency task force on treatment by January 31 of each year beginning the first year after the judicial district drug offender treatment boards receive funding.

SECTION 30. In Colorado Revised Statutes, 16-11.5-102, **repeal** (2), (3), (4), (5), (6), (7), and (8) as follows:

16-11.5-102. Substance abuse assessment - standardized procedure. (2) The procedures for assessment, treatment, and sanctions required to be developed by subsection (1) of this section shall be implemented only to the extent moneys are available in the drug offender surcharge fund created in section 18-19-103 (4), C.R.S., on July 1, 1992.

(3) (a) The executive directors of the department of corrections, department of public safety, department of human services, and the state court administrator shall appoint six members including the directors or designees of the division of adult parole, community corrections and youthful offender system in the department of corrections, division of criminal justice of the department of public safety, the unit in the department of human services that administers behavioral health programs and services, including those related to mental health and substance abuse, youth corrections within the department of human services, and the division of probation services in the judicial department who shall cooperate to develop a plan for the allocation of moneys deposited in the drug offender surcharge fund created pursuant to section 18-19-103 (4), C.R.S., among the judicial department, the department of corrections, the division of criminal justice of the department of public safety, and the department of human services. The plan developed pursuant to this subsection (3) shall be submitted to the general assembly with the judicial department's annual budget request.

(b) Repealed

(c) (i) The moneys allocated to the drug offender surcharge fund pursuant to section 18-19-103 (3.5), C.R.S., shall only be used to cover the costs associated with the treatment of substance abuse or co-occurring disorders of adult offenders who are assessed to be in need of treatment and who are:

(A) On diversion;

(B) On probation;

(C) On parole;

(D) In community corrections; or

(E) In jail.

(ii) The plan to allocate moneys deposited in the drug offender surcharge fund pursuant to section 18-19-103 (3.5), C.R.S., shall be developed pursuant to paragraph (a) of this subsection (3) and shall also include a representative designated by the Colorado district attorney's council, the state public defender, a representative from a statewide association representing county sheriffs, and a representative from a statewide association representing counties.

(4) There is hereby created the interagency task force on treatment that shall consist of the following members:

(a) The individuals referenced in paragraph (a) of subsection (3) of this section;

(b) Three elected district attorneys or their designees selected by the president of the Colorado district attorneys' council as follows:

(i) One from the third, sixth, tenth, twelfth, fifteenth, sixteenth, or twenty-second judicial district;

(ii) One from the fifth, seventh, ninth, fourteenth, or twenty-first judicial district;

(iii) One from the first, second, fourth, eighth, eleventh, thirteenth, seventeenth, eighteenth, nineteenth, or twentieth judicial district; and

(c) The state public defender or his or her designee.

(5) The interagency task force on treatment shall elect a chairman and vice-chairman at the first meeting. The chairman shall call the meetings of the interagency task force on treatment and set the agenda for each meeting called.

(6) The interagency task force on treatment's authority shall be limited to those duties specified in subsections (7) and (8) of this section.

(7) (a) The interagency task force on treatment shall allocate at least eighty percent of the yearly drug offender treatment fund allocation

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to the judicial district drug offender treatment boards created pursuant to section 18-19-104, C.R.S. Such allocation shall be based upon a formula developed by the state drug offender treatment board. The interagency task force on treatment shall develop an allocation formula for the allocation of the moneys from the drug offender treatment fund. The formula shall only be based upon a judicial district's population and the number of use and possession drug case filings in the judicial district. Each judicial district drug treatment board shall submit a plan, based upon the proposed allocation formula, to the interagency task force on treatment beginning September 1 of the first year funding is appropriated to the judicial department from the drug offender treatment fund and September 1 of each year thereafter to be included in the judicial department's annual budget request. The interagency task force on treatment shall not have the authority to reject the plan submitted from the local judicial drug treatment boards.

(b) The interagency task force on treatment may allocate up to twenty percent of the yearly drug offender treatment fund allocation to drug treatment programs that serve more than one judicial district. When allocating funds pursuant to this paragraph (b), the state drug offender treatment board is encouraged to fund and develop innovative and effective drug treatment programs.

(8) The interagency task force on treatment shall report to the judiciary committees of the house of representatives and senate on or before January 31, 2005, and January 31, 2007, regarding the anticipated savings generated by the enactment of Senate Bill 03-318, enacted at the first regular session of the sixty-fourth general assembly.

SECTION 31. In Colorado Revised Statutes, **repeal** 24-33.5-503

(1) (u).

SECTION 32. Appropriation - adjustments in 2012 long bill.

(1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of corrections for the fiscal year beginning July 1, 2012, are adjusted as follows:

(a) The cash funds appropriation for inmate programs, drug and alcohol treatment subprogram, drug offender surcharge program, is decreased by \$995,127. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(b) The cash funds appropriation for inmate programs, drug and alcohol treatment subprogram, contract services, is decreased by \$250,000. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(c) The reappropriated funds appropriation for community services, parole subprogram, contract services, is decreased by \$1,757,100. Said sum is from moneys transferred from the judicial department.

(2) For the implementation of this act, appropriations made in the annual general appropriation act to the department of human services for the fiscal year beginning July 1, 2012, are adjusted as follows:

(a) The cash funds appropriation for mental health and alcohol and drug abuse services, alcohol and drug abuse division, treatment services, treatment and detoxification contracts, is decreased by \$887,300. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(b) The cash funds appropriation for mental health and alcohol and drug abuse services, alcohol and drug abuse division, treatment services, short-term intensive residential remediation and treatment (STIRRT), is decreased by \$383,316. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(c) The reappropriated funds appropriation for mental health and alcohol and drug abuse services, co-occurring behavioral health services, substance use disorder offender services (H.B. 10-1352), is decreased by \$1,819,900. Said sum is from moneys transferred from the judicial department.

(3) For the implementation of this act, appropriations made in the annual general appropriation act to the judicial department for the fiscal year beginning July 1, 2012, are adjusted as follows:

(a) The cash funds appropriation for courts administration, central appropriations, for various centrally appropriated line items, is decreased by \$81,998. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(b) The cash funds appropriation for probation and related services, probation programs, is decreased by \$702,114. Said sum is from

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the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(c) The cash funds appropriation for probation and related services, offender treatment and services, is decreased by \$1,010,006. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(d) The reappropriated funds appropriation for probation and related services, offender treatment and services, is decreased by \$7,656,200. Said sum is from general fund moneys credited to the drug offender surcharge fund pursuant to section 18-19-103 (3.5), Colorado Revised Statutes.

(e) The general fund appropriation for probation and related services, S.B. 03-318 community treatment funding, is decreased by \$2,200,000.

(f) The general fund appropriation for probation and related services, H.B. 10-1352 appropriation to drug offender surcharge fund, is decreased by \$7,656,200.

(4) For the implementation of this act, appropriations made in the annual general appropriation act to the department of public safety for the fiscal year beginning July 1, 2012, are adjusted as follows:

(a) The cash funds appropriation for the executive director's office, administration, for various centrally appropriated line items, is decreased by \$10,793. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(b) The cash funds appropriation for the division of criminal justice, administration, DCJ administrative services, is decreased by \$84,803. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(c) The general fund appropriation for the division of criminal justice, administration, DCJ administrative services, is decreased by \$37,964 and 0.5 FTE.

(d) The cash funds appropriation for the division of criminal justice, administration, indirect cost assessment, is decreased by \$8,401. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(e) The cash funds appropriation for the division of criminal justice, community corrections, community corrections placement, is decreased by \$994,019. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(f) The reappropriated funds appropriation for the division of criminal justice, community corrections, treatment for substance abuse and co-occurring disorders, is decreased by \$1,568,750. Said sum is from moneys transferred from the judicial department.

SECTION 33. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, to the department of corrections, for the fiscal year beginning July 1, 2012, the sum of \$3,002,227, or so much thereof as may be necessary, for services and activities authorized by sections 18-19-103 (5) (c) and (d), Colorado Revised Statutes. Said sum is from reappropriated funds transferred from the judicial department from the appropriations made in paragraphs (b) and (c) of subsection (3) of this section.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of human services, for the fiscal year beginning July 1, 2012, the sum of \$3,090,516, or so much thereof as may be necessary, for allocation to the mental health and alcohol and drug abuse services section for services and activities authorized by sections 18-19-103 (5) (c) and (d), Colorado Revised Statutes. Said sum is from reappropriated funds transferred from the judicial department from the appropriations made in paragraphs (b) and (c) of subsection (3) of this section.

(3) In addition to any other appropriation, there is hereby appropriated, to the judicial department, for the fiscal year beginning July 1, 2012, the sum of \$25,120,277, or so much thereof as may be necessary, to be allocated for implementation of this act as follows:

(a) \$90,128 reappropriated funds and 1.0 FTE for courts administration, administration and technology, general courts administration, for personal services; said sum is from general fund moneys credited to the correctional treatment cash fund through the appropriation made in paragraph (d) of subsection (3) of this section;

(b) \$950 reappropriated funds for courts administration, administration and technology, general courts administration, for operating expenses; said sum is from general fund moneys credited to the

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correctional treatment cash fund through the appropriation made in paragraph (d) of subsection (3) of this section;

(c) \$4,703 reappropriated funds for courts administration, centrally administered programs, courthouse capital/infrastructure maintenance, for capital outlay expenses; said sum is from general fund moneys credited to the correctional treatment cash fund through the appropriation made in paragraph (d) of subsection (3) of this section;

(d) \$9,856,200 general fund for probation and related services, to be credited to the correctional treatment cash fund pursuant to sections 18-19-103 (3.5) (b) and 18-19-103 (4) (a), Colorado Revised Statutes;

(e) \$5,407,877 cash funds for probation and related services, for services and activities authorized by sections 18-19-103 (5) (c) and (d), Colorado Revised Statutes; said sum is from the correctional treatment cash fund created in section 18-19-103 (3.5) (b), Colorado Revised Statutes; and

(f) \$9,760,419 reappropriated funds for probation and related services, for services and activities authorized by sections 18-19-103 (5) (c) and (d), Colorado Revised Statutes; said sum is from general fund moneys credited to the correctional treatment cash fund through the appropriation made in paragraph (d) of subsection (3) of this section.

(4) In addition to any other appropriation, there is hereby appropriated, to the department of public safety, for the fiscal year beginning July 1, 2012, the sum of \$2,666,766, or so much thereof as may be necessary, for allocation to the division of criminal justice for services and activities authorized by sections 18-19-103 (5) (c) and (d), Colorado Revised Statutes. Said sum shall be from reappropriated funds transferred from the judicial department from the appropriations made in paragraphs (b) and (c) of subsection (3) of this section."

Renumber succeeding sections accordingly.

The amendment was 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		

A majority of those elected to the Senate having voted in the affirmative, Senators Mitchell and Steadman were given permission to offer a third reading amendment.

Third Reading Amendment No. 3(L.009), by Senators Mitchell and Steadman.

Amend revised bill, page 25, after line 7, insert:

"SECTION 28. In Colorado Revised Statutes, 16-11.3-103, add (2.7) as follows:

16-11.3-103. Duties of the commission - mission - staffing - repeal. (2.7) (a) USING EMPIRICAL ANALYSIS AND EVIDENCE-BASED DATA AND RESEARCH, THE COMMISSION SHALL CONSIDER THE DEVELOPMENT OF A COMPREHENSIVE DRUG SENTENCING SCHEME FOR ALL DRUG CRIMES DESCRIBED IN ARTICLE 18 OF TITLE 18, C.R.S. THE SENTENCING SCHEME SHALL CONSIDER:

(I) DEVELOPMENT OF A SENTENCING STRUCTURE THAT BETTER DIFFERENTIATES DRUG OFFENDERS WHO ARE PRIMARILY USERS AND ADDICTS FROM THOSE MORE SERIOUS OFFENDERS WHO ARE INVOLVED IN DRUG DISTRIBUTION, MANUFACTURING, OR TRAFFICKING;

(II) DEVELOPMENT OF RESOURCES THROUGH CHANGES IN THE CRIMINAL CODE THAT WILL ENHANCE INTERVENTION, SUPERVISION, AND TREATMENT IN THE COMMUNITY AND ENHANCE PUBLIC SAFETY BY ADDRESSING DRUG ABUSE AND ADDICTION AND BY DECREASING CRIME

THROUGH DRUG ABUSE RECOVERY;
 (III) METHODS BY WHICH OFFENDERS CAN GAIN ACCESS TO ASSESSMENT-BASED TREATMENT SERVICES THAT ARE BASED ON TREATMENT NEED REGARDLESS OF THE LEVEL OR CLASSIFICATION OF THE CRIME;
 (IV) CREATION OF EQUIVALENT PENALTIES FOR CRIMES THAT POSE SIMILAR RISKS TO PUBLIC SAFETY;
 (V) ENHANCEMENT OF PENALTIES WHEN BEHAVIORS CLEARLY PRESENT A PUBLIC SAFETY RISK;
 (VI) DEVELOPMENT OF RESOURCES FOR ADDITIONAL PRE-FILING DIVERSION PROGRAMS AROUND THE STATE FOR DRUG OFFENDERS;
 (VII) USE OF DRUG COURTS AND HOW LEGISLATIVE CHANGES COULD SUPPORT MORE EFFECTIVE USE OF THOSE RESOURCES;
 (VIII) RELEVANT NEGATIVE IMPACTS RELATED TO CRIMINAL CONVICTIONS; AND
 (IX) ANY OTHER ISSUES THAT THE COMMISSION DETERMINES TO BE IMPORTANT AND RELEVANT TO THE GOALS OF THE COMMISSION AND THE LEGISLATIVE INTENT OF HOUSE BILL 12-1310, ENACTED IN 2012.
 (b) BY DECEMBER 15, 2012, THE COMMISSION SHALL PROVIDE TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR THEIR SUCCESSOR COMMITTEES, A WRITTEN REPORT OF THE COMMISSION'S RECOMMENDATIONS FOR A COMPREHENSIVE DRUG SENTENCING SCHEME. IF THE COMMISSION IS UNABLE TO BRING FORTH ANY RECOMMENDATIONS FOR THE GENERAL ASSEMBLY TO CONSIDER, THE COMMISSION SHALL PROVIDE IN THE REPORT THE REASONS THE COMMISSION COULD NOT MAKE ANY RECOMMENDATIONS AND, IF POSSIBLE, DESCRIBE THE SPECIFIC AREAS OF DISAGREEMENT THAT PREVENTED THE COMMISSION FROM MAKING ANY RECOMMENDATIONS.
 (c) THIS SUBSECTION (2.7) IS REPEALED, EFFECTIVE JULY 1, 2013."

Renumber succeeding sections accordingly.

The amendment was passed on the following roll call vote:

YES	34	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	N	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 those elected to the Senate having voted in the affirmative, Senator Grantham was given permission to offer a third reading amendment.

Third Reading Amendment No. 4(L.011), by Senator Grantham.

Amend revised bill, page 25, after line 7, insert:

"SECTION 28. In Colorado Revised Statutes, 19-2-601, amend (6) (b) and (8); and add (5) (a) (I) (D) and (10) as follows:
19-2-601. Aggravated juvenile offender. (5) (a) (I) Upon adjudication as an aggravated juvenile offender:
 (D) WHEN THE PETITION ALLEGES THE OFFENSE OF MURDER IN THE FIRST DEGREE OR MURDER IN THE SECOND DEGREE, AND THE JUVENILE IS ADJUDICATED A DELINQUENT FOR EITHER MURDER IN THE FIRST DEGREE OR MURDER IN THE SECOND DEGREE, THEN THE COURT MAY SENTENCE THE JUVENILE CONSECUTIVELY OR CONCURRENTLY FOR ANY CRIME OF VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406, C.R.S., OR AGGRAVATED JUVENILE OFFENDER PETITION ARISING FROM THAT PETITION.
 (6) (b) Parole supervision of a juvenile who has been transferred to the department of corrections shall be IS governed by the provisions for adult felony offenders in titles 16, and 17, AND 18, C.R.S., as if the juvenile had been sentenced as an adult felony offender; EXCEPT THAT, IF THE JUVENILE WAS ADJUDICATED AND SENTENCED FOR MURDER IN THE

FIRST DEGREE, THEN THE JUVENILE SHALL SERVE A TEN-YEAR PERIOD OF MANDATORY PAROLE AFTER COMPLETION OF HIS OR HER SENTENCE.

(8) (a) (I) When a juvenile in the custody of the department of human services pursuant to this section reaches the age of twenty years and six months, the department of human services shall file a motion with the court of commitment regarding further jurisdiction of the juvenile. Upon the filing of such a motion, the court shall notify the interested parties, APPOINT COUNSEL FOR THE JUVENILE, and set the matter for a hearing. THE COURT SHALL, AS PART OF THIS HEARING, RECONSIDER THE LENGTH OF THE REMAINING SENTENCE AND CONSIDER THE FACTORS AS SET FORTH IN PARAGRAPH (c) OF THIS SUBSECTION (8) HEREIN.

(II) WHEN THE COURT NOTIFIES THE INTERESTED PARTIES, THE COURT SHALL ORDER THAT THE JUVENILE SUBMIT TO AND COOPERATE WITH A PSYCHOLOGICAL EVALUATION AND RISK ASSESSMENT BY A MENTAL HEALTH PROFESSIONAL TO DETERMINE WHETHER THE JUVENILE IS A DANGER EITHER TO HIMSELF OR HERSELF OR TO OTHERS. THE MENTAL HEALTH PROFESSIONAL SHALL PREPARE A WRITTEN REPORT AND SHALL PROVIDE A COPY OF THE REPORT TO THE COURT THAT ORDERED IT, THE PROSECUTING ATTORNEY, AND COUNSEL FOR THE JUVENILE AT LEAST FIFTEEN DAYS BEFORE THE HEARING.

(b) At the hearing upon the motion, the court may either transfer the custody of and jurisdiction over the juvenile to the department of corrections FOR PLACEMENT IN A CORRECTIONAL FACILITY, THE YOUTHFUL OFFENDER SYSTEM, OR A COMMUNITY CORRECTIONS PROGRAM; authorize early release of the juvenile pursuant to subsection (7) of this section; PLACE THE JUVENILE ON ADULT PAROLE FOR A PERIOD OF FIVE YEARS; or order that custody and jurisdiction over the juvenile shall remain with the department of human services; except that the custody of and jurisdiction over the juvenile by the department of human services shall terminate when the juvenile reaches twenty-one years of age.

(c) IN CONSIDERING WHETHER OR NOT TO TRANSFER THE CUSTODY OF AND JURISDICTION OVER THE JUVENILE TO THE DEPARTMENT OF CORRECTIONS, THE COURT SHALL CONSIDER ALL RELEVANT FACTORS INCLUDING, BUT NOT LIMITED TO, THE COURT-ORDERED PSYCHOLOGICAL EVALUATION AND RISK ASSESSMENT, THE NATURE OF THE CRIMES COMMITTED, THE PRIOR CRIMINAL HISTORY OF THE OFFENDER, THE MATURITY OF THE OFFENDER, THE OFFENDER'S BEHAVIOR IN CUSTODY, THE OFFENDER'S PROGRESS AND PARTICIPATION IN CLASSES, PROGRAMS, AND EDUCATIONAL IMPROVEMENT, THE IMPACT OF THE CRIMES ON THE VICTIMS, THE LIKELIHOOD OF REHABILITATION, THE PLACEMENT WHERE THE OFFENDER IS MOST LIKELY TO SUCCEED IN REINTEGRATING IN THE COMMUNITY, AND THE INTEREST OF THE COMMUNITY IN THE IMPOSITION OF PUNISHMENT COMMENSURATE WITH THE GRAVITY OF THE OFFENSE.

(10) "MENTAL HEALTH PROFESSIONAL" MEANS A PERSON WHO IS EMPLOYED BY THE DEPARTMENT OF HUMAN SERVICES OR IS EMPLOYED UNDER CONTRACT WITH THE DEPARTMENT OF HUMAN SERVICES AND IS:

- (a) A LICENSED PHYSICIAN WITH THE APPROPRIATE TRAINING AND EXPERTISE IN PSYCHIATRY; OR
- (b) A LICENSED PSYCHOLOGIST.

SECTION 29. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of corrections, for the fiscal year beginning July 1, 2012, the sum of \$11,840, or so much thereof as may be necessary, to be allocated for the implementation of section 19-2-601, Colorado Revised Statutes, as amended by this act for the purchase of computer center services.

(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for the fiscal year beginning July 1, 2012, the sum of \$11,840, or so much thereof as may be necessary, for allocation to the office of information technology, for the provision of computer center services for the department of corrections related to the implementation of section 19-2-601, Colorado Revised Statutes as amended by this act. Said sum is from reappropriated funds received from the department of corrections out of the appropriation made in subsection (1) of this section.

The amendment was passed on the following roll call vote:

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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 question being "Shall the bill, as amended, 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-sponsor added: Aguilar, Boyd, Foster, Grantham, Heath, Hudak, Jahn, King K., King S., Neville, Newell, Nicholson, Schwartz, Steadman and Williams S.

HB12-1110 by Representative(s) Williams A.; also Senator(s) Carroll--Concerning the regulation of appraisal management companies, and, in connection therewith, making an appropriation.

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

YES	21	NO	14	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
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		

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

Co-sponsor added: Aguilar.

HB12-1326 by Representative(s) Acree and Kefalas; also Senator(s) Spence and Nicholson--Concerning assistance to the elderly, and, in connection therewith, making an appropriation.

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

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YES	23	NO	12	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
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.	Y	Roberts	N		

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

Co-sponsor added: Aguilar, Boyd, Foster, Giron, Guzman, Heath, Hodge, Hudak, Jahn, King S., Newell, Schwartz, Shaffer B., Steadman, Tochtrop, White and Williams S.

HB12-1286 by Representative(s) Massey and Ferrandino, Todd, Brown, Casso, Coram, Court, Duran, Fields, Fischer, Hamner, Hullinghorst, Kagan, Kefalas, Kerr A., Kerr J., Liston, McCann, Miklosi, Pabon, Pace, Peniston, Priola, Ryden, Schafer S., Singer, Soper, Summers, Swerdfeger, Vigil, Williams A., Wilson, Young; also Senator(s) Newell and White, Aguilar, Bacon, Boyd, Foster, Heath, Jahn, Morse, Nicholson, Shaffer B., Steadman, Williams S.-- Concerning film production activities in Colorado, and, in connection therewith, making an appropriation.

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

YES	24	NO	11	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	Y
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	N
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	N	Hodge	N	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.	Y	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

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

Co-sponsor added: Guzman, King S. and Spence.

HB12-1038 by Representative(s) Looper, Barker, Brown, Priola, Ramirez, Scott, Williams A.; also Senator(s) Williams S.--Concerning the creation of a multi-year registration for Class A trailers, and, in connection therewith, making an appropriation.

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-sponsor added: Brophy, Grantham, King K., Lundberg and Spence.

HB12-1042 by Representative(s) Pace; also Senator(s) Schwartz--Concerning a state income tax credit related to the portion of Colorado estate taxes paid that are attributable to agricultural land.

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-sponsor added: Guzman.

HB12-1361 by Representative(s) Gardner B. and Gerou; also Senator(s) Cadman and Nicholson--Concerning claims against the state arising under the "Colorado Governmental Immunity Act".

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: Boyd, Heath, Jahn, Lambert, Lundberg, Morse, Newell and Schwartz.

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 synthetic gas derived from waste materials through pyrolysis as the fuel source for generation.

Laid over until Thursday, May 10, retaining its place on the calendar.

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.

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

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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-sponsor added: Guzman.

HB12-1330 by Representative(s) Becker, Priola, Sonnenberg; also Senator(s) Hodge and Grantham-- Concerning the creation of a hearing process to end a suspension of privileges to attempt to take wildlife, and, in connection therewith, making an appropriation.

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: Guzman, Neville, Steadman and Tochtrop.

HB12-1037 by Representative(s) Becker; also Senator(s) Tochtrop--Concerning the classification of the sales of certain items used in agricultural production as wholesale sales.

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-sponsor added: Brophy, Cadman, Guzman, Jahn, King K., Lambert and Lundberg.

HB12-1346 by Representative(s) Gardner B.; also Senator(s) King S.--Concerning sex offender registration.

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: Guzman, Nicholson and Steadman.

HB12-1300 by Representative(s) Gardner B., Barker, Ryden, Waller; also Senator(s) Aguilar-- Concerning professional review committees, and, in connection therewith, implementing the sunset review recommendations of the department of regulatory agencies and making an appropriation.

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

YES	31	NO	4	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	N	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	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	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-sponsor added: Boyd, Foster, Guzman, Newell, Schwartz and Tochtrop.

HB12-1099 by Representative(s) McKinley, Sonnenberg; also Senator(s) Tochtrop and Williams S.-- Concerning the establishment of an industrial hemp remediation pilot program to study phytoremediation through the growth of hemp on contaminated soil, and, in connection therewith, making an appropriation.

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	N
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-sponsor added: Steadman.

HB12-1349 by Representative(s) Baumgardner, Brown, Coram, Fischer, Hullinghorst, Jones, Joshi, Looper, McKinley, McNulty, Ryden, Scott, Swerdfeger, Vigil, Wilson; also Senator(s) Schwartz--Concerning the species conservation trust fund.

A majority of those elected to the Senate having voted in the affirmative, Senator Schwartz was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.002), by Senator Schwartz.

Amend revised bill, page 6, after line 15 insert:

"SECTION 6. In Colorado Revised Statutes, **add** 35-4-117 as follows:

35-4-117. County pest inspectors - weed and rodent control.
SUBJECT TO THE DIRECTION OF THE COUNTY COMMISSIONERS, A COUNTY PEST INSPECTOR MAY EXERCISE THE POWERS AND DUTIES GRANTED TO, AND PERFORM THE DUTIES OF, COUNTIES IN ACCORDANCE WITH ARTICLES 5.5 AND 7 OF THIS TITLE.

SECTION 7. In Colorado Revised Statutes, 35-5.5-105, **amend** (2) as follows:

35-5.5-105. Noxious weed management - powers of county commissioners. (2) (a) The board of county commissioners shall provide for the administration of the noxious weed management plan authorized by this article through the use of agents, delegates, or employees and may hire additional staff or provide for the performance of all or part of the management plan through outside contract. Any agent, delegate, employee, staff, or contractor applying or recommending the use of chemical management methods shall be certified by the department of agriculture for such application or recommendation. Costs associated with the administration of the noxious weed management plan shall be paid from the noxious weed management fund of each county.

(b) SUBJECT TO THE DIRECTION OF THE BOARD OF COUNTY COMMISSIONERS, AN AGENT OF THE COUNTY APPOINTED OR EMPLOYED UNDER THIS SUBSECTION (2) MAY EXERCISE THE POWERS AND DUTIES GRANTED TO, AND PERFORM THE DUTIES OF, A COUNTY PEST INSPECTOR IN ACCORDANCE WITH ARTICLES 4 AND 5 OF THIS TITLE."

Renumber succeeding section accordingly.

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

YES	16	NO	19	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	N
Brophy	N	Hodge	N	Morse	Y	Steadman	N
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	N	Newell	N	White	N
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		

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-sponsor added: Newell.

HB12-1352 by Representative(s) Gardner B. and Gerou; also Senator(s) Cadman--Concerning the creation of a state commission to address matters arising out of the lower north fork wildfire.

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-sponsor added: Boyd, Foster, Giron, Heath, Jahn, King K., Lambert, Lundberg, Morse, Neville, Nicholson, Schwartz and Williams S.

HB12-1355 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--Concerning the transfer of the geological survey to the Colorado school of mines.

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: Boyd and Hudak.

HB12-1360 by Representative(s) Gerou and Levy, Becker; also Senator(s) Steadman and Lambert, Hodge--Concerning the transfer of up to four million dollars from the general fund to the Colorado economic development fund based upon the amount by which the June 2012 estimate of general fund revenue for the 2011-12 fiscal year exceeds the March 2012 estimate of general fund revenue for the 2011-12 fiscal year, and, in connection therewith, making an appropriation.

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

YES	31	NO	4	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	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.	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-sponsor added: Foster, Hudak and Newell.

HB12-1358 by Representative(s) Massey and McCann; also Senator(s) Aguilar--Concerning funding issues related to medical marijuana, and, in connection therewith, making an appropriation.

Laid over until Thursday, May 10, retaining its place on the calendar.

HB12-1278 by Representative(s) Fischer; also Senator(s) Renfroe--Concerning the authorization of a study of the South Platte river alluvial aquifer, and, in connection therewith, making an appropriation.

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

YES	27	NO	8	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	N
Boyd	Y	Heath	N	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	N
Cadman	Y	Hudak	N	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	N	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	N	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-sponsor added: Brophy, Cadman, Grantham, Jahn, King K., Lambert, Lundberg, Newell, Neville, Scheffel and Shaffer B.

HB12-1214 by Representative(s) Becker, Todd; also Senator(s) Nicholson and Spence--Concerning community college two-year degree programs in certain health care fields without a student transfer agreement.

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-sponsor added: Aguilar, Boyd, Foster, Heath, Hodge, Hudak, Newell, Schwartz, Tochtrop and Williams S.

RECONSIDERATION OF HB12-1099

HB12-1099 by Representative(s) McKinley, Sonnenberg; also Senator(s) Tochtrop and Williams S.-- Concerning the establishment of an industrial hemp remediation pilot program to study phytoremediation through the growth of hemp on contaminated soil, and, in connection therewith, making an appropriation.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on HB12-1099.

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

THIRD READING OF BILLS -- FINAL PASSAGE - cont'd

HB12-1099 by Representative(s) McKinley, Sonnenberg; also Senator(s) Tochtrop and Williams S.-- Concerning the establishment of an industrial hemp remediation pilot program to study phytoremediation through the growth of hemp on contaminated soil, and, in connection therewith, making an appropriation.

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

YES	33	NO	2	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	N
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.	N	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 declared passed.

RECONSIDERATION OF HB12-1110

HB12-1110 by Representative(s) Williams A.; also Senator(s) Carroll--Concerning the regulation of appraisal management companies, and, in connection therewith, making an appropriation.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on HB12-1110.

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

THIRD READING OF BILLS -- FINAL PASSAGE - cont'd

HB12-1110 by Representative(s) Williams A.; also Senator(s) Carroll--Concerning the regulation of appraisal management companies, and, in connection therewith, making an appropriation.

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

YES	22	NO	13	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
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		

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

RECONSIDERATION OF HB12-1345

HB12-1345 by Representative(s) Massey; also Senator(s) Bacon--Concerning the financing of public schools, and, in connection therewith, making and reducing appropriations.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on HB12-1345.

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

THIRD READING OF BILLS -- FINAL PASSAGE - cont'd

HB12-1345 by Representative(s) Massey; also Senator(s) Bacon--Concerning the financing of public schools, and, in connection therewith, making and reducing appropriations.

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

YES	28	NO	7	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
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.	Y	Renfroe	N	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 declared **passed**.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB12-026 by Senator(s) Cadman; also Representative(s) Vaad--Concerning a state agency rule that creates a state mandate on a local government.

Senator Cadman moved that the Senate concur in House amendments to **SB12-026**, as printed in House journal, May 1, pages 1213-1214. The motion was **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		

The question being "Shall the bill, as amended, 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, as amended, was **repassed**.

SB12-078 by Senator(s) Hudak, Aguilar, Jahn, Newell, Roberts, Tochtrop, White, Williams S.; also Representative(s) Schafer S., Fischer, Kerr A., Kerr J., Ramirez--Concerning protections for at-risk adults.

Senator Hudak moved that the Senate concur in House amendments to **SB12-078**, as printed in House journal, May 1, pages 1214-1215. The motion was **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		

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

YES	26	NO	9	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	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.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

Co-sponsor added: Guzman.

SB12-044 by Senator(s) Guzman; also Representative(s) Pabon--Concerning failure to present valid evidence of mass transit fare payment, and, in connection therewith, making an appropriation.

Senator Guzman moved that the Senate concur in House amendments to **SB12-044**, as printed in House journal, May 7, page 1281. The motion was **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		

The question being "Shall the bill, as amended, 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, as amended, was **repassed**.

RECONSIDERATION OF SB12-078

SB12-078 by Senator(s) Hudak, Aguilar, Jahn, Newell, Roberts, Tochtrop, White, Williams S.; also Representative(s) Schafer S., Fischer, Kerr A., Kerr J., Ramirez--Concerning protections for at-risk adults.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Repassage of SB12-078.

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

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS - cont'd

SB12-078 by Senator(s) Hudak, Aguilar, Jahn, Newell, Roberts, Tochtrop, White, Williams S.; also Representative(s) Schafer S., Fischer, Kerr A., Kerr J., Ramirez--Concerning protections for at-risk adults.

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

YES	24	NO	11	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
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.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SB12-166

by Senator(s) Giron and Roberts; also Representative(s) Priola and Williams A.--
Concerning the coordination of various economic development reports, and, in connection therewith, requiring the Colorado office of economic development to report annually to the general assembly regarding the programs it administers.

Senator Giron moved that the Senate concur in House amendments to **SB12-166**, as printed in House journal, May 7, page 1281. The motion was **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		

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

YES	29	NO	6	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	Y
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	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.	Y	Renfroe	N	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, as amended, was **repassed**.

SB12-175

by Senator(s) Carroll and Roberts; also Representative(s) Gardner B. and Duran--
Concerning statutorily established time intervals.

Senator Carroll moved that the Senate concur in House amendments to **SB12-175**, as printed in House journal, May 7, pages 1281-1282. The motion was **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		

The question being "Shall the bill, as amended, 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, as amended, was **repassed**.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Carroll, the following Governor's appointments were confirmed by a roll call vote:

BOARD OF PINNACOL ASSURANCE

for terms expiring January 1, 2017:

Jeffrey L. Cummings of Arvada, Colorado, an employer whose liability is insured by Pinnacol Assurance, appointed.

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		

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

SB12-020 by Senator(s) Aguilar, Steadman; also Representative(s) Summers--Concerning immunity from certain criminal offenses when a person reports in good faith an emergency drug or alcohol overdose event.

Senator Aguilar moved for the adoption of the first report of the first conference committee on **SB12-020**, as printed in Senate journal, May 3, pages 1077-1078. The

motion was **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		

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

YES	25	NO	10	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
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.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

MESSAGE FROM THE HOUSE

May 9, 2012

The House has adopted and transmits herewith HJR12-1024.

The House has adopted and returns herewith SJR12-041, SJR12-044, SJR12-025, SJR 043, and SJM12-003.

The House has passed on Third Reading and returns herewith SB12-170.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB12-051, amended as printed in House Journal, May 8, page 1329. SB12-159, amended as printed in House Journal, May 8, page 1329. SB12-068, amended as printed in House Journal, May 8, pages 1329-1330.

The House has voted not to concur in the Senate amendments to HB12-1036 and requests that a conference committee be appointed. The Speaker has appointed Representatives J. Kerr, chairman, Levy, and Murray as House conferees on the First Conference Committee on HB12-1036. The House has granted authorization to go beyond the scope of the differences. The bill is transmitted herewith.

The House voted to adhere to its position on HJR12-1010. The bill is transmitted herewith.

CONSIDERATION OF RESOLUTIONS

SR12-004 by Senator(s) Newell and Boyd, Aguilar, Bacon, Carroll, Foster, Giron, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, Lambert, Lundberg, Morse, Neville, Nicholson, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White, Williams S.; --Concerning recognition of the office of Colorado's child protection ombudsman.

On motion of Senator Newell, 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-sponsor added: Brophy, Cadman, Grantham, Guzman, King K., King S., Mitchell, Renfroe and Roberts.

SJR12-034 by Senator(s) Carroll, Aguilar, Bacon, Boyd, Foster, Giron, Guzman, Heath, Hodge, Hudak, Johnston, Morse, Newell, Nicholson, Schwartz, Shaffer B., Steadman, Tochtrop, Williams S.; also Representative(s) Jones, Court, Casso, Duran, Ferrandino, Fields, Fischer, Hamner, Hullinghorst, Kagan, Kefalas, Kerr A., Labuda, Lee, Levy, McCann, McKinley, Miklosi, Pabon, Pace, Peniston, Ryden, Schafer S., Singer, Solano, Soper, Todd, Tyler, Vigil, Williams A., Wilson, Young--Concerning the expression by the Colorado General Assembly of its strong opposition to recent federal court rulings affecting campaign finance and urging the reversal of the doctrine of corporate personhood as set forth in the case of Citizens United v. Federal Election Commission.

On motion of Senator Carroll, the resolution was read at length.

Amendment No. 1(L.001), by Senator Cadman.

Severed section #1, Page 1, lines 1 through 4 and lines 9 through 14.

Amend printed joint resolution, page 2, line 4, after "Corporations" insert "and labor unions".

Page 2, line 30, after "corporations" insert "and labor unions".

Page 2, line 35, after "corporations" insert "and labor unions".

Page 3, line 23, after "Corporations" insert "and labor unions".

Page 3, line 30, after "corporations" insert "and labor unions".

Page 3, line 31, strike "shareholders," and substitute "shareholders and members,"

Page 3, line 35, strike "corporations and individuals" and substitute "corporations, labor unions, and individuals".

The amendment was **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		

Severed section #2, Page 1, lines 5 through 8.

Page 3, line 20, after "history," insert "with the possible exception of

activity by labor unions in the 2008-09 election cycle, which unions contributed \$674 million in that cycle, 92% of which was contributed to Democratic candidates,".

The amendment **lost** on the following roll call vote:

YES	16	NO	19	EXCUSED	0	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	Y	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

Amendment No. 2(L.002), by Senator King K.

Amend printed joint resolution, page 3, after line 32 insert:

"WHEREAS, The corporations included in the relevant court cases and subject to any applicable restrictions include corporations organized under section 527 of the internal revenue code; and"

The amendment was **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		

On motion of Senator Carroll, the resolution, as amended, was **adopted** by the following roll call vote:

YES	20	NO	14	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	E	Lundberg	N	Schwartz	Y
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	N
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		

SJR12-037 by Senator(s) Tochtrop; also Representative(s) Vaad--Concerning the need for adequate and reliable long-term sources of funding for the statewide transportation system.

Amendment No. 1, Transportation Committee Amendment.

(Printed in Senate Journal, May 2, page 1020 and placed in members' bill files.)

On motion of Senator Tochtrop, the resolution, as amended, was **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		

SJR12-038 by Senator(s) Tochtrop; also Representative(s) Soper--Concerning the 75th anniversary of Wildlife and Sport Fish Restoration Programs.

On motion of Senator Tochtrop, the resolution was **adopted** by the following roll call vote:

YES	34	NO	1	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	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsor added: Newell.

HJR12-1020 by Representative(s) Kefalas, Court, Duran, Ferrandino, Fields, Fischer, Hamner, Hullinghorst, Jones, Kagan, Kerr A., Labuda, Lee, Levy, McCann, Pabon, Pace, Peniston, Ryden, Schafer S., Solano, Soper, Todd, Tyler, Williams A., Wilson, Young, Casso, Massey, Miklosi, Swerdfeger, Vigil; also Senator(s) Nicholson, Boyd, Shaffer B., Aguilar, Bacon, Carroll, Guzman, Hudak, Jahn, King S., Roberts--Concerning civility and respect in the Colorado general assembly.

On motion of Senator Nicholson, the resolution was **adopted** by the following roll call vote:

YES	27	NO	8	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
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.	Y	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

Co-sponsors added: Foster, Giron, Heath, Hodge, Newell, Schwartz, Steadman and Williams S.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders -- Second Reading of Bills Calendar (SB12-070, HB12-1160) of Wednesday, May 9 was laid over until Thursday, May 10, retaining its place on the calendar.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR12-1024 by Representative(s) McNulty, Ferrandino; also Senator(s) Shaffer B., Cadman-- Concerning divestment from Iran for its continued pursuit of nuclear weapons.

On motion of Senator Shaffer, the resolution was **adopted** by the following roll call vote:

YES	32	NO	0	EXCUSED	3	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	E	Heath	E	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	E
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		

SENATE RECEDE ON HJR12-1010

HJR12-1010 by Representative(s) Todd and Massey; also Senator(s) Newell and White--Concerning recognition of the film, television, and video gaming industry in Colorado.

Senator Newell moved that the Senate recede from its position on **HJR12-1010** and that the Senate concur in House amendments. The motion was **adopted** by the following roll call vote:

YES	20	NO	12	EXCUSED	3	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	E	Heath	E	Mitchell	N	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	N
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	Y	King S.	N	Roberts	Y		

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

YES	23	NO	9	EXCUSED	3	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	E	Heath	E	Mitchell	N	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	Y	President	Y
Grantham	N	King S.	N	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

Senators Lundberg, Lambert, Neville, Cadman, Scheffel, Grantham, Mitchell, King K., King S. requested their names be removed as sponsors on HJR12-1010.

THIRD READING OF BILLS -- FINAL PASSAGE - cont'd

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

HB12-1143 by Representative(s) Ferrandino; also Senator(s) Steadman--Concerning an adjustment in the reimbursement rates the state pays county governments for costs associated with elections involving statewide ballot measures, and, in connection therewith, making an appropriation.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	E	Heath	E	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	E
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.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB12-051 by Senator(s) Bacon; also Representative(s) Massey--Concerning requirements for contracts executed by local education providers.

Senator Bacon moved that the Senate concur in House amendments to **SB12-051**, as printed in House journal, May 8, page 1329. The motion was **adopted** by the following roll call vote:

YES	32	NO	0	EXCUSED	3	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	E	Heath	E	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	E
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 question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	20	NO	12	EXCUSED	3	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	E	Heath	E	Mitchell	N	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SB12-159

by Senator(s) Hudak, Aguilar, Nicholson, Shaffer B., Williams S.; also Representative(s) Kerr J., Massey, Schafer S., Peniston, Summers--Concerning the evaluation of home- and community-based services for children with autism under the medicaid waiver program, and, in connection therewith, making an appropriation.

Senator Hudak moved that the Senate concur in House amendments to **SB12-159**, as printed in House journal, May 8, page 1329. The motion was **adopted** by the following roll call vote:

YES	32	NO	0	EXCUSED	3	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	E	Heath	E	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	E
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 question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	32	NO	0	EXCUSED	3	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	E	Heath	E	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	E
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, as amended, was **repassed**.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Consideration of House Amendments to Senate Bills Calendar of (SB12-068) was laid over until Wednesday, May 9, retaining its place on the calendar.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS - cont'd

SB12-068

by Senator(s) Guzman; also Representative(s) Massey and Duran--Concerning prohibiting the inclusion of industrially produced trans fats in foods made available to students by public schools, and, in connection therewith, making an appropriation.

Senator Guzman moved that the Senate concur in House amendments to **SB12-068**, as printed in House journal, May 8, pages 1329-1330. The motion was **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		

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

YES	19	NO	16	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	Y	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	N	Newell	Y	White	N
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		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

MESSAGE FROM THE GOVERNOR

May 9, 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:

SB12-012: CONCERNING THE DEPARTMENT OF REVENUE AUDIT OF AUTOMOBILE EMISSION INSPECTION FACILITIES

Approved May 9, 2012 at 11:19 a.m.

SB12-041: CONCERNING THE CONTINUOUS APPROPRIATION OF THE MONEYS IN THE COMMERCIAL VEHICLE ENTERPRISE TAX FUND TO THE DEPARTMENT OF REVENUE FOR SALES AND USE TAX REFUNDS

Approved May 9, 2012 at 11:20 a.m.

SB12-060: CONCERNING IMPROVING MEDICAID FRAUD PROSECUTION, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATION

Approved May 9, 2012 at 11:20 a.m.

Sincerely,
 (signed)
 John W. Hickenlooper
 Governor

IMMEDIATE RECONSIDERATION OF SB12-068

SB12-068 by Senator(s) Guzman; also Representative(s) Massey and Duran--Concerning prohibiting the inclusion of industrially produced trans fats in foods made available to students by public schools, and, in connection therewith, making an appropriation.

Having voted on the prevailing side, Senator Morse moved for immediate reconsideration of the last Senate action, Repassage of SB12-068.

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

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS - cont'd

SB12-068 by Senator(s) Guzman; also Representative(s) Massey and Duran--Concerning prohibiting the inclusion of industrially produced trans fats in foods made available to students by public schools, and, in connection therewith, making an appropriation.

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

Table with 4 columns: YES (18), NO (17), EXCUSED (0), ABSENT (0). Rows list names and their corresponding votes (Y/N).

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

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 an expression of personal privilege.

MESSAGE FROM THE HOUSE

May 9, 2012

The House has voted not to concur in the Senate amendments to HB12-1240 and requests that a conference committee be appointed. The Speaker has appointed Representatives A. Kerr, chairman, Massey, and Summers as House conferees on the First Conference Committee on HB12-1240. The bill is transmitted herewith.

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Bacon, Chair, Johnston, and King K. as Senate conferees on the first conference committee on **HB12-1240**.

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 expressions of personal privilege.

REPORT OF CONFERENCE COMMITTEES

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB12-1240**

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 HB12-1240, concerning statutory changes to K-12 education, has met and reports that it has agreed upon the following:

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

Amend rerevised bill, page 47, line 25, strike "IN" and substitute "IF".

Respectfully submitted,

House Committee:	Senate Committee:
(signed)	(signed)
Andrew Kerr, Chairman	Bob Bacon, Chairman
Tom Massey	Mike Johnston
Ken Summers	Keith King

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

HB12-1240 by Representative(s) Kerr A.; also Senator(s) Bacon and King K.--Concerning statutory changes to K-12 education.

Senator Bacon moved for the adoption of the first report of the first conference committee on **HB12-1240**, as printed in Senate journal, May 8, page 1270. The motion was **adopted** by the following roll call vote:

YES	34	NO	1	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	N
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 question being "Shall the bill, as amended, 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, as amended, was **repassed**.

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 expressions of personal privilege.

Senate in recess. Senate reconvened.

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 expressions of personal privilege.

REPORT OF CONFERENCE COMMITTEES

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON HB12-1036

 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 HB12-1036, concerning clarification of the exemption from the "Colorado Open Records Act" for investigative files, has met and reports that it has agreed upon the following:

1. That the House accede to the Senate amendments made to the bill, as the amendments appear in the rerevised bill.
2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendments be recommended:

Amend rerevised bill, page 3, after line 7 insert:

"SECTION 2. In Colorado Revised Statutes, **add 24-72-205.5** as follows:
24-72-205.5. Public inspection of ballots - stay period - exception to stay for recounts - rules governing public inspection of

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ballots - legislative declaration - definitions. (1) (a) BY ENACTING THIS SECTION, THE GENERAL ASSEMBLY INTENDS TO PERMIT THE INSPECTION OF BALLOTS UNDER THE CONDITIONS SPECIFIED IN THIS SECTION AND TO PROTECT THE INTEGRITY OF THE ELECTION PROCESS WHILE PROTECTING VOTER PRIVACY AND PRESERVING SECRECY IN VOTING IN ACCORDANCE WITH THE PROVISIONS OF SECTION 8 OF ARTICLE VII OF THE STATE CONSTITUTION.

(b) IN ORDER TO FACILITATE AND ENSURE A CONSISTENT APPLICATION OF THE PROVISIONS OF THIS SECTION ACROSS THE STATE, THE MATTERS ADDRESSED IN THIS SECTION ARE MATTERS OF STATEWIDE CONCERN.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "BALLOT" MEANS A BALLOT VOTED BY ANY ACCEPTABLE, APPLICABLE, OR LEGAL METHOD THAT IS IN THE CUSTODY OF AN ELECTION OFFICIAL. "BALLOT" INCLUDES ANY DIGITAL IMAGE OR ELECTRONIC REPRESENTATION OF VOTES CAST.

(b) "DESIGNATED ELECTION OFFICIAL" HAS THE SAME MEANING AS SET FORTH IN SECTION 1-1-104 (8), C.R.S.

(c) "INTERESTED PARTY" MEANS:

(I) ANY CANDIDATE WHO WAS IN AN ELECTION CONTEST THAT IS THE SUBJECT OF A RECOUNT OR THE POLITICAL PARTY OR POLITICAL ORGANIZATION AS DEFINED IN SECTION 1-1-104 (24), C.R.S., OF SUCH CANDIDATE;

(II) ANY PETITION REPRESENTATIVE IDENTIFIED PURSUANT TO SECTION 1-40-113 OR 31-11-106 (2), C.R.S., AS APPLICABLE, IN CONNECTION WITH A BALLOT ISSUE OR BALLOT QUESTION THAT IS THE SUBJECT OF THE RECOUNT;

(III) THE GOVERNING BODY THAT REFERRED A BALLOT QUESTION OR BALLOT ISSUE TO THE ELECTORATE THAT IS THE SUBJECT OF THE RECOUNT; OR

(IV) THE AGENT OF AN ISSUE COMMITTEE THAT IS REQUIRED TO REPORT CONTRIBUTIONS PURSUANT TO THE "FAIR CAMPAIGN PRACTICES ACT", ARTICLE 45 OF TITLE 1, C.R.S., THAT EITHER SUPPORTED OR OPPOSED A BALLOT QUESTION OR BALLOT ISSUE THAT IS THE SUBJECT OF THE RECOUNT.

(3) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (3), THE DESIGNATED ELECTION OFFICIAL SHALL NOT FULFILL A REQUEST UNDER THIS PART 2 FOR THE PUBLIC INSPECTION OF BALLOTS DURING THE PERIOD COMMENCING WITH THE FORTY-FIFTH DAY PRECEDING ELECTION DAY AND CONCLUDING WITH THE DATE EITHER BY WHICH THE DESIGNATED ELECTION OFFICIAL IS REQUIRED TO CERTIFY AN OFFICIAL ABSTRACT OF VOTES CAST FOR THE APPLICABLE CANDIDATE CONTEST OR BALLOT ISSUE OR BALLOT QUESTION PURSUANT TO SECTION 1-10-102 OR 31-10-1205 (1), C.R.S., AS APPLICABLE, OR BY WHICH ANY RECOUNT CONDUCTED IN ACCORDANCE WITH ARTICLE 10.5 OF TITLE 1, C.R.S., OR SECTION 31-10-1207, C.R.S., IS COMPLETED, AS APPLICABLE, WHICHEVER DATE IS LATER. THE DENIAL OF PUBLIC INSPECTION OF BALLOTS AUTHORIZED PURSUANT TO THIS PARAGRAPH (a) SHALL ALSO APPLY TO ANY INTERNAL BATCH REPORTS GENERATED BY A DESIGNATED ELECTION OFFICIAL FOR THE SPECIFIC PURPOSE OF AUDITING BALLOTS RECEIVED IN THE COURSE OF CONDUCTING AN ELECTION.

(b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE DENIAL OF PUBLIC INSPECTION OF BALLOTS AUTHORIZED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL APPLY TO A RECOUNT THAT IS CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 10.5 OF TITLE 1, C.R.S., OR SECTION 31-10-1207, C.R.S., AS APPLICABLE; EXCEPT THAT, DURING THE PERIOD DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3), AN INTERESTED PARTY MAY INSPECT AND REQUEST COPIES OF BALLOTS IN CONNECTION WITH SUCH RECOUNT WITHOUT HAVING TO OBTAIN A COURT ORDER GRANTING SUCH INSPECTION. IN CONNECTION WITH AN INSPECTION BY AN INTERESTED PARTY AS AUTHORIZED BY THIS PARAGRAPH (b), AN INTERESTED PARTY MAY WITNESS THE HANDLING OF BALLOTS INVOLVED IN THE RECOUNT TO VERIFY THAT THE RECOUNT IS BEING CONDUCTED IN A FAIR, IMPARTIAL, AND UNIFORM MANNER SO AS TO DETERMINE THAT ALL BALLOTS THAT HAVE BEEN CAST ARE ACCURATELY INTERPRETED AND COUNTED; EXCEPT THAT AN INTERESTED PARTY IS NOT PERMITTED TO HANDLE THE ORIGINAL BALLOTS. EXCEPT AS SPECIFIED IN THIS PARAGRAPH (b), NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT AN INTERESTED PARTY FROM REQUESTING COPIES OF BALLOTS IN CONNECTION WITH A RECOUNT, TO AFFECT THE CONDUCT OF A RECOUNT, OR TO AFFECT THE RIGHTS OF AN

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INTERESTED PARTY IN CONNECTION WITH A RECOUNT.

(c) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NOTHING IN THIS SECTION SHALL BE CONSTRUED TO RESTRICT THE PUBLIC INSPECTION OF ELECTION RECORDS AS DEFINED IN SECTION 1-1-104 (11), C.R.S.; EXCEPT THAT, FOR PURPOSES OF THIS SECTION, ELECTION RECORDS SHALL NOT INCLUDE BALLOTS.

(4) (a) IN ACCORDANCE WITH THE PROVISIONS OF SECTION 24-72-203 (1) (a) AND IN ADDITION TO ANY OTHER REQUIREMENTS THAT ARE APPLICABLE TO A PERSON REQUESTING THE INSPECTION OF PUBLIC RECORDS UNDER THIS PART 2, PRIOR TO AND LATER THAN THE STAY PERIOD DESCRIBED IN PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION, BALLOTS SHALL BE AVAILABLE FOR INSPECTION BY THE PUBLIC IN ACCORDANCE WITH THE REQUIREMENTS OF THIS PART 2.

(b) IN CONNECTION WITH THE PUBLIC INSPECTION OF THE BALLOTS TO WHICH THIS SECTION PERTAINS:

(I) THE ORIGINAL BALLOTS SHALL AT ALL TIMES REMAIN IN THE CUSTODY OF THE DESIGNATED ELECTION OFFICIAL OR HIS OR HER DESIGNEE. IN THE DISCRETION OF THE DESIGNATED ELECTION OFFICIAL OR HIS OR HER DESIGNEE, AND SUBJECT TO THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (4) AND THIS PART 2, THE DESIGNATED ELECTION OFFICIAL OR HIS OR HER DESIGNEE SHALL DETERMINE THE MANNER IN WHICH SUCH BALLOTS MAY BE VIEWED BY THE PUBLIC.

(II) THE DESIGNATED ELECTION OFFICIAL OR HIS OR HER DESIGNEE SHALL COVER OR REDACT, BASED UPON THE MOST PRACTICAL MEANS AVAILABLE, ANY MARKINGS OR MESSAGE ON A BALLOT THAT MAY IDENTIFY THE PARTICULAR ELECTOR WHO CAST THE BALLOT BEFORE THE BALLOT MAY BE MADE AVAILABLE FOR PUBLIC INSPECTION;

(III) TO PROTECT THE PRIVACY OF PARTICULAR ELECTORS, ANY BALLOTS CAST BY ELECTORS WITHIN GROUPS OF DISCRETE INDIVIDUALS WHO ARE MORE SUSCEPTIBLE OF BEING PERSONALLY IDENTIFIED, SUCH AS MILITARY AND OVERSEAS ELECTORS, SHALL BE MADE AVAILABLE FOR PUBLIC INSPECTION ONLY TO THE EXTENT SUCH BALLOTS MAY BE DUPLICATED WITHOUT IDENTIFYING ELECTOR INFORMATION. IN SO FAR AS SUCH BALLOTS ARE NOT ABLE TO BE DUPLICATED WITHOUT IDENTIFYING ELECTOR INFORMATION, THEY ARE NOT AVAILABLE FOR PUBLIC INSPECTION. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NO BALLOT, OR ANY PORTION THEREOF, MAY BE MADE AVAILABLE FOR INSPECTION WHERE THE BALLOT, OR ANY REQUESTED PORTION THEREOF, IS IDENTICAL IN PRINTED FORM, CONSIDERING A COMBINATION OF THE ELECTION CONTESTS AT ISSUE AND PRECINCT CODING, TO ONLY NINE OR FEWER BALLOTS, OR COMPARABLE PORTIONS THEREOF, AMONG ALL BALLOTS USED IN THE SAME ELECTION. HOWEVER, ANY SUCH BALLOT, OR ANY REQUESTED PORTION THEREOF, THAT IS IDENTICAL IN PRINTED FORM TO TEN OR MORE BALLOTS, OR COMPARABLE PORTIONS THEREOF, USED IN THE SAME ELECTION MAY BE INSPECTED.

(IV) TO PROTECT THE PRIVACY OF PARTICULAR ELECTORS, BALLOTS MADE AVAILABLE FOR INSPECTION MAY BE PRESENTED IN RANDOM ORDER SELECTED BY THE DESIGNATED ELECTION OFFICIAL OR HIS OR HER DESIGNEE;

(V) FOR THE PURPOSE OF MINIMIZING THE COSTS OF MAKING BALLOTS AVAILABLE FOR PUBLIC INSPECTION, THE PERSON SEEKING THE INSPECTION MAY INDICATE THE CANDIDATE CONTEST, BALLOT ISSUE, OR BALLOT QUESTION FOR WHICH THE PERSON SEEKS TO INSPECT THE BALLOTS; AND

(VI) ANY ACTUAL COSTS INCURRED BY THE OFFICE OF THE DESIGNATED ELECTION OFFICIAL IN MAKING THE BALLOTS AVAILABLE FOR INSPECTION IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION MAY BE CHARGED TO THE PERSON REQUESTING INSPECTION OF THE BALLOTS. IF THE DESIGNATED ELECTION OFFICIAL SELECTS A PERSON OTHER THAN AN EMPLOYEE OF HIS OR HER OFFICE TO CONDUCT THE DUTIES REQUIRED BY THIS SECTION, THE ACTUAL COSTS TO BE CHARGED THE PERSON SEEKING INSPECTION SHALL NOT EXCEED THE ACTUAL COSTS THAT WOULD HAVE BEEN INCURRED IF THE WORK INVOLVED IN COMPLYING WITH THE REQUIREMENTS OF THIS SECTION WAS COMPLETED BY AN EMPLOYEE OF THE DESIGNATED ELECTION OFFICIAL.

(5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NOTHING IN THIS SECTION AFFECTS EITHER THE RIGHTS OF A WATCHER SET FORTH IN THE PROVISIONS OF TITLES 1 AND 31, C.R.S., OR THE OPERATION OF A CANVASS BOARD IN ACCORDANCE WITH THE PROVISIONS OF ARTICLES 1 TO 13 OF TITLE 1, C.R.S."

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"SECTION 3. Applicability. (1) The provisions of section 1 of this act apply to".

Page 3, after line 11 insert:

"(2) The provisions of section 2 of this act apply to requests for inspection of ballots submitted on or after the effective date of this act.".

Renumber succeeding section accordingly.

Respectfully submitted,

House Committee:
(signed)
Jim Kerr, Chairman
Carole Murray
Claire Levy

Senate Committee:
(signed)
Betty Boyd, Chairman
Rollie Heath
Jean White

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

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.

Senator moved for the adoption of the first report of the first conference committee on **HB12-1036**, as printed in Senate journal, May 8, pages 1271-1274. The motion was **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		

The question being "Shall the bill, as amended, 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, as amended, was **repassed**.

COMMITTEE OF REFERENCE REPORTS

Appropriations After consideration on the merits, the Committee recommends the following: 1
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The Senate Committee on Appropriations has had under consideration SB12-107. 3
Adjournment sine die of the Second Regular Session of the 68th General Assembly having 4
passed, SB12-107 is returned herewith to the Senate. 5
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Appropriations After consideration on the merits, the Committee recommends the following: 8
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The Senate Committee on Appropriations has had under consideration SB12-071. 10
Adjournment sine die of the Second Regular Session of the 68th General Assembly having 11
passed, SB12-071 is returned herewith to the Senate. 12
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Appropriations After consideration on the merits, the Committee recommends the following: 15
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The Senate Committee on Appropriations has had under consideration SB12-019. 17
Adjournment sine die of the Second Regular Session of the 68th General Assembly having 18
passed, SB12-019 is returned herewith to the Senate. 19
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On motion of Senator Morse, and with a majority of those elected to the Senate having 23
voted in the affirmative, the Senate proceeded out of order for expressions of personal 24
privilege. 25
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MESSAGE FROM THE HOUSE 29
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May 9, 2012 32
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The House has voted to concur in the Senate amendments to HB12-1223, 34
1329, 1263, 1266, 1268, 1281, 1273, 1311, 1315, 1300, 1261, 1286, 1317, 35
1332, 1038, 1283, 1345, 1326, 1278, 1352, 1155, 1310, and has repassed 36
the bills as so amended. 37
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The House has voted to concur in the Senate amendments to HJR12-1021, 39
and has repassed the resolution as so amended. 40
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The House has adopted and returns herewith SJR12-037. 42
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The House has adopted the First Report of the First Conference Committee on 44
HB12-1036, as printed in House Journal, May 9, and has repassed the bill as amended. 45
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The House has adopted the First Report of the First Conference Committee on 47
HB12-1240, as printed in House Journal, May 9, and has repassed the bill as amended. 48
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CONSIDERATION OF RESOLUTIONS 53
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SJR12-049 by Senator(s) Morse, Shaffer B., Cadman; also Representative(s) Stephens, McNulty, 55
Ferrandino--Concerning the appointment of a joint committee to notify the Governor that 56
the Second Regular Session of the Sixty-eighth General Assembly is about to adjourn sine 57
die. 58
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On motion of Senator Morse, the resolution was **adopted** by the following roll call vote: 60
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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-sponsor added: Aguilar and King K.

The President appointed Senators Boyd and Spence to serve on the committee to notify the Governor.

MESSAGE FROM THE HOUSE

May 9, 2012

The House has adopted and returns herewith SJR12-049. Pursuant to SJR12-049, the Speaker has appointed Representatives Massey, Swerdfeger, and Todd as House members on the joint committee to notify the Governor of adjournment sine die.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR12-1025 by Representative(s) Stephens, McNulty, Ferrandino; also Senator(s) Morse, Shaffer B., Cadman--Concerning the adjournment sine die of the Second Regular Session of the Sixty-eighth General Assembly.

On motion of Senator Morse, the resolution was **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		

TRIBUTES

Honoring:

- Leo and Mary Ann Hart, 50th Wedding Anniversary - by Senator Hodge.
- Aaron Tate, Amgen Award recipient for Science Teaching Excellence -- by Senator Hodge.
- Recycled Art Show Winners from Mrs. Pisciotta's 4th Grade Class at Desert Sage Elementary -- by Senator Giron.
- David Serrato Individual Recycled Art Show Winner -- by Senator Giron.
- Indian Ridge Elementary School 4th Graders for efforts to save and improve the lives of girls and women who are Darfur refugees -- by Senator Spence.
- Donna Shepherd for developing and directing the Project Citizen program at Indian Ridge Elementary School -- by Senator Spence.

On motion of Senator Morse, and with the unanimous consent of those elected to the Senate having voted in the affirmative, the Second Regular Session of the Sixty-eighth General Assembly adjourned *sine die* at 11:59 p.m., Wednesday, May 9, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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