

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

107th Legislative Day

Thursday, April 26, 2012

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

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

Pledge By Senator Lambert.

Roll Call Present--35

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Aguilar, reading of the Journal of Wednesday, April 25, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **SB12-177** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend printed bill, page 3, line 17, after "REVENUES" insert "AND RESOURCES".

Page 3, line 18, strike "EXPENDITURES" and substitute "EXPENSES".

Page 4, line 1, after "BONDS" insert "FOR THE EXPENSES OF THE DIVISION".

Page 6, line 9, strike "TRANSFER" and substitute "PAY".

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **HB12-1272** be referred to the Committee on Appropriations with favorable recommendation.

Local Government After consideration on the merits, the Committee recommends that **HB12-1068** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

"SECTION 1. In Colorado Revised Statutes, 7-47-101, **add** (1.5) as follows:

7-47-101. Who may organize - powers. (1.5) (a) A BOARD OF DIRECTORS FOR A NONPROFIT CEMETERY CORPORATION SHALL INCLUDE AT LEAST ONE DIRECTOR WHO OWNS A LOT, GRAVE SPACE, NICHE, OR CRYPT. IF SUCH AN OWNER CANNOT BE FOUND TO SERVE AS A DIRECTOR, THE BOARD OF DIRECTORS SHALL MAINTAIN A VACANCY UNTIL THE DIRECTOR POSITION CAN BE FILLED WITH SUCH AN OWNER. A NONPROFIT CEMETERY CORPORATION MAY WAIT UNTIL THE FIRST VACANCY ON THE BOARD OF

DIRECTORS OCCURS AFTER JANUARY 1, 2013, BEFORE APPOINTING A DIRECTOR WHO OWNS A LOT, GRAVE SPACE, NICHE, OR CRYPT.

(b) THIS SUBSECTION (1.5) APPLIES ONLY TO CEMETERIES AS DEFINED IN SECTION 12-12-101 (1.5), C.R.S.

SECTION 2. In Colorado Revised Statutes, **add** 7-47-104.5 as follows:

7-47-104.5. Reports. (1) EACH NONPROFIT CEMETERY CORPORATION SHALL KEEP IN ITS PRINCIPAL OFFICE AND, UPON REASONABLE REQUEST, SHALL MAKE AVAILABLE FOR INSPECTION AND STUDY TO THE OWNER OF ANY GRAVE SPACE, NICHE, OR CRYPT, OR TO A DULY AUTHORIZED REPRESENTATIVE OF THE OWNER THE FOLLOWING:

(a) AN ANNUAL WRITTEN REPORT SETTING FORTH THE NUMBER OF INTERMENTS AND ENTOMBMENTS MAINTAINED BY THE NONPROFIT CEMETERY CORPORATION, THE NUMBER OF INTERMENTS AND ENTOMBMENTS FOR THE PRECEDING YEAR, AND ANY OTHER FACTS NECESSARY TO SHOW THE ACTUAL FINANCIAL CONDITION OF THE NONPROFIT CEMETERY CORPORATION;

(b) A COMPLETE AND CURRENT COPY OF ANY BYLAWS OR ARTICLES OF INCORPORATION ADOPTED BY THE BOARD OF DIRECTORS;

(c) A COPY OF THE MINUTES OF EACH MEETING OF THE BOARD OF DIRECTORS FOR THE LAST THREE YEARS;

(d) A COPY OF EACH PERIODIC REPORT FILED DURING THE LAST THREE YEARS WITH THE COLORADO SECRETARY OF STATE IN ACCORDANCE WITH SECTION 7-90-501;

(e) A COPY OF INTERNAL REVENUE SERVICE FORM 990 REPORTS, OR ANY SUCCESSOR FORM OR REPORT, FOR THE LAST THREE YEARS; AND

(f) A COPY OF THE CORPORATION'S CURRENT BALANCE SHEET, INCOME STATEMENT, AND CASH-FLOW STATEMENT.

(2) TO COMPLY WITH THIS SECTION, THE REPORT MUST BE ATTESTED TO BY THE ACCOUNTANT, AUDITOR, OR OTHER PERSON PREPARING THE REPORT AND VERIFIED BY A VOTE OF THE BOARD OF DIRECTORS.

(3) UPON WRITTEN REQUEST FOR A SPECIFIC LIST OF DOCUMENTS, THE NONPROFIT CEMETERY SHALL PROVIDE TO ANY OWNER OF A LOT, GRAVE SPACE, NICHE, OR CRYPT ELECTRONIC OR PHYSICAL COPIES OF ANY REPORTS REQUIRED BY THIS SECTION. THE NONPROFIT CEMETERY SHALL FULFILL THE REQUEST WITHIN SEVEN DAYS AFTER RECEIPT OF THE REQUEST AND PAYMENT OF A COPYING CHARGE, IF PAPER COPIES ARE REQUIRED OR REQUESTED, NOT TO EXCEED TWENTY-FIVE CENTS PER PHYSICAL COPIED PAGE. THE NONPROFIT CEMETERY SHALL NOT CHARGE FOR ELECTRONIC COPIES.

SECTION 3. In Colorado Revised Statutes, **amend** 7-47-105 as follows:

7-47-105. Rights of lot owners. (1) If the grounds purchased or otherwise acquired for cemetery purposes have been previously used as a burial ground, those who are lot owners at the time of the purchase shall continue to own the same LOTS and shall be ARE members of the corporation.

(2) AN OWNER OF A LOT, GRAVE SPACE, NICHE, OR CRYPT MAY ATTEND ANY MEETING OF THE BOARD OF DIRECTORS. THE BOARD OF DIRECTORS SHALL PROVIDE REASONABLE NOTICE OF ANY BOARD MEETING TO OWNERS OF A LOT, GRAVE SPACE, NICHE, OR CRYPT, WHO MAY NOT PARTICIPATE IN MEETINGS OF THE BOARD OF DIRECTORS WITHOUT PERMISSION OF THE CHAIRPERSON.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2012 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor."

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Local Government	After consideration on the merits, the Committee recommends that SB12-170 be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4
Judiciary	After consideration on the merits, the Committee recommends that SB12-176 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	5 6 7 8 9
Judiciary	After consideration on the merits, the Committee recommends that SB12-178 be referred to the Committee of the Whole with favorable recommendation.	10 11 12 13 14
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB12-1348 be referred to the Committee of the Whole with favorable recommendation.	15 16 17 18 19

SENATE SERVICES REPORT

Correctly Engrossed: SB12-002; SJR12-030.
 Correctly Enrolled: SJR12-006, 024, 030, 032, 033 and 042.

REPORT OF CONFERENCE COMMITTEES

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
 ON HB12-1002**

**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 HB12-1002, concerning the rules of state agencies applicable to applications for permits, 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 3, line 23, strike "STATE OR".

Page 3, after line 24, insert:

"(III) NEW RULES OR NEW REQUIREMENTS ARE NECESSARY TO ENSURE THAT THE AGENCY AND THE PERMIT WILL NOT BE IN CONFLICT WITH STATE STATUTES; OR".

Re-number succeeding subparagraph accordingly.

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Respectfully submitted,

House Committee:
(signed)
Jerry Sonnenberg, Chairman
Mark Waller
Angela Williams

Senate Committee:
(signed)
Cheri Jahn
Morgan Carroll
Kevin Grantham

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB12-1344

THIS REPORT ADOPTS THE
REREVISED BILL

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

Your first conference committee appointed on HB12-1344,
concerning transfers of moneys relating to capital construction, has met
and reports that it has agreed upon the following:

That the House accede to the Senate amendments made to the bill
and that the rerevised bill be adopted without change.

Respectfully submitted,

House Committee:
(signed)
Cheri K. Gerou, Chairman
Jon Becker
Claire Levy

Senate Committee:
(signed)
Mary Hodge, Chairman
Pat Steadman
Kent D. Lambert

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB12-1335

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 HB12-1335,
concerning the provision for payment of the expenses of the executive,
legislative, and judicial departments of the state of Colorado, and of its
agencies and institutions, for and during the fiscal year beginning July 1,
2012, except as otherwise noted, 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 said amendments appear in the rerevised bill, with the following
changes:

Amend rerevised bill, page 20, line 8, in the ITEM & SUBTOTAL

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column strike "42,363,061" and substitute "42,287,905" and in the GENERAL FUND column strike "41,092,220" and substitute "41,017,064".

Page 20, line 9, in the ITEM & SUBTOTAL column strike "537,151" and substitute "535,860" and in the GENERAL FUND column strike "521,650" and substitute "520,359".

Page 20, line 11, in the ITEM & SUBTOTAL column strike "9,768,352" and substitute "9,745,013" and in the GENERAL FUND column strike "9,469,770" and substitute "9,446,431".

Page 20, line 14, in the ITEM & SUBTOTAL column strike "8,340,754" and substitute "8,320,697" and in the GENERAL FUND column strike "8,084,160" and substitute "8,064,103".

Adjust affected totals accordingly.

Page 23, line 13, in the ITEM & SUBTOTAL column strike "62,027,488" and substitute "64,027,488" and in the GENERAL FUND column strike "59,668,781" and substitute "61,668,781".

Adjust affected totals accordingly.

Page 26, line 3, in the ITEM & SUBTOTAL column strike "17,974,485" and substitute "17,930,205".

Page 26, line 4, in the ITEM & SUBTOTAL column strike "(300.4 FTE)" and substitute "(299.5 FTE)".

Page 26, line 5, in the ITEM & SUBTOTAL column strike "5,334,085" and substitute "5,261,740".

Page 26, line 7, in the ITEM & SUBTOTAL column strike "24,776,390" and substitute "24,659,765" and in the GENERAL FUND column strike "24,776,390" and substitute "24,659,765".

Page 26, line 10, in the ITEM & SUBTOTAL column strike "160,469,421^a" and substitute "159,930,305^a" and in the GENERAL FUND column strike "160,466,474" and substitute "159,927,358".

Page 26, line 11, in the GENERAL FUND column strike "(3,052.1 FTE)" and substitute "(3,031.9 FTE)".

Page 26, line 12, in the ITEM & SUBTOTAL column strike "1,829,858" and substitute "1,807,249" and in the GENERAL FUND column strike "1,829,858" and substitute "1,807,249".

Adjust affected totals accordingly.

Page 27, line 8, in the ITEM & SUBTOTAL column strike "15,590,439" and substitute "15,347,897" and in the GENERAL FUND column strike "15,510,439" and substitute "15,267,897".

Adjust affected totals accordingly.

Page 28, line 2, in the ITEM & SUBTOTAL column strike "2,590,939" and substitute "2,581,364" and in the GENERAL FUND column strike "2,590,939" and substitute "2,581,364".

Adjust affected totals accordingly.

Page 29, line 2, in the ITEM & SUBTOTAL column strike "2,118,511" and substitute "2,099,960".

Page 29, line 3, in the ITEM & SUBTOTAL column strike "4,356,704" and substitute "4,338,153" and in the GENERAL FUND column strike

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"4,356,704" and substitute "4,338,153".	1
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Page 29, line 8, in the ITEM & SUBTOTAL column strike "3,347,725" and substitute "3,312,490".	3
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Page 29, line 10, in the ITEM & SUBTOTAL column strike "13,978,130" and substitute "13,942,895" and in the GENERAL FUND column strike "13,978,130" and substitute "13,942,895".	6
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Page 30, line 6, in the ITEM & SUBTOTAL column strike "15,280,425" and substitute "15,158,111".	10
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Page 30, line 7, in the ITEM & SUBTOTAL column strike "(214.9 FTE)" and substitute "(212.2 FTE)".	13
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Page 30, line 8, in the ITEM & SUBTOTAL column strike "159,680" and substitute "159,018".	16
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Page 30, line 9, in the ITEM & SUBTOTAL column strike "15,440,105" and substitute "15,317,129" and in the GENERAL FUND column strike "15,440,105" and substitute "15,317,129".	19
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Page 30, line 14, in the ITEM & SUBTOTAL column strike "260,123" and substitute "259,477" and in the GENERAL FUND column strike "260,123" and substitute "259,477".	23
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Adjust affected totals accordingly.	27
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Page 31, line 6, in the ITEM & SUBTOTAL column strike "1,498,362" and substitute "1,470,396" and in the GENERAL FUND column strike "1,498,362" and substitute "1,470,396".	29
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Adjust affected totals accordingly.	33
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Page 35, line 4, in the ITEM & SUBTOTAL column strike "277,405" and substitute "276,430".	35
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Page 35, line 5, in the ITEM & SUBTOTAL column strike "2,133,087" and substitute "2,132,112" and in the GENERAL FUND column strike "2,133,087" and substitute "2,132,112".	38
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Adjust affected totals accordingly.	42
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Page 37, line 1, in the ITEM & SUBTOTAL column strike "88,052" and substitute "85,764".	44
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Page 37, line 2, in the ITEM & SUBTOTAL column strike "5,374,219" and substitute "5,371,931" and in the GENERAL FUND column strike "5,374,219" and substitute "5,371,931".	47
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Page 37, line 5, in the ITEM & SUBTOTAL column strike "11,542,516" and substitute "11,434,266" and in the GENERAL FUND column strike "10,628,255" and substitute "10,520,005".	51
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Page 37, line 6, in the GENERAL FUND column strike "(174.2 FTE)" and substitute "(172.4 FTE)".	55
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Page 37, line 7, in the ITEM & SUBTOTAL column strike "2,450,962" and substitute "2,444,298" and in the CASH FUNDS column strike "1,839,947 ^{aa} " and substitute "1,833,283 ^{aa} ".	58
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Adjust affected totals accordingly.	62
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Page 37, line 14, strike "\$1,328,479" and substitute "\$1,321,815".	64
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Page 38, line 8, in the ITEM & SUBTOTAL column strike "71,200" and substitute "69,276" and in the CASH FUNDS column strike "71,200 ^{aa} ".	66
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and substitute "69,276^a".

Adjust affected totals accordingly.

Page 269, line 4, in the ITEM & SUBTOTAL column strike "2,000,000" and substitute "1,000,000" and in the GENERAL FUND column strike "2,000,000" and substitute "1,000,000".

Adjust affected totals accordingly.

Page 272, line 4, after the period add "Up to two percent of this appropriation may be used for related administrative expenses incurred by the department."

Page 85, line 4, in the ITEM & SUBTOTAL column strike "6,792,280" and substitute "7,792,280" and in the GENERAL FUND column strike "6,713,764" and substitute "7,713,764".

Adjust affected totals accordingly.

Page 262, line 10, strike "Recovery^{40a}" and substitute "Recovery".

Page 264, strike lines 2 through 6.

Page 274, line 13, in the ITEM & SUBTOTAL column strike "3,106,375" and substitute "3,103,483" and in the CASH FUNDS column strike "2,723,059^b" and substitute "2,720,167^b".

Adjust affected totals accordingly.

Page 275, line 13, strike "\$26,449,078" and substitute "\$26,446,186".

Page 281, line 7, in the ITEM & SUBTOTAL column strike "6,793,342" and substitute "6,468,382" and in the CASH FUNDS column strike "6,793,342^a" and substitute "6,468,382^a".

Page 281, line 8, in the CASH FUNDS column strike "(78.0 FTE)" and substitute "(74.0 FTE)".

Adjust affected totals accordingly.

Page 282, line 8, strike "\$3,581,310" and substitute "\$3,256,350".

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

Page 54, line 8, strike "Program" and substitute "Program⁵", in the ITEM & SUBTOTAL column strike "21,735,589" and substitute "28,093,332", and in the CASH FUNDS column strike "15,885,363^d" and substitute "22,243,106ⁿ".

Page 54, strike lines 10 through 13.

Adjust affected totals accordingly.

Page 59, strike lines 4 and 5 and substitute:

ⁿ Of this amount, \$15,885,363 shall be from the State Education Fund created in Section 17 (4) (a) of Article IX of the State Constitution and \$6,357,743 shall be from the State Public School Fund created in Section 22-54-114 (1), C.R.S. Pursuant to Section 17 (3) of Article IX of the State Constitution, appropriations from the State Education Fund are not subject to the limitation on fiscal year spending set forth in Section 20 of Article X of the State Constitution. The amount appropriated from the State Public School Fund shall be from General Fund moneys transferred

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into the State Public School Fund pursuant to Section 24-75-201.1 (1) (d) (XI.5) (B), C.R.S."

Page 60, line 2, in the GENERAL FUND column strike "2,476,867,253" and substitute "2,482,867,253" and in the CASH FUNDS column strike "520,387,293^d" and substitute "514,387,293^d".

Adjust affected totals accordingly.

Page 61, line 1, strike "\$195,922,411" and substitute "\$189,922,411".

Page 74, line 13, strike "use this appropriation" and substitute "use \$6,357,743 of the cash funds appropriation to this line item".

Page 84, line 2, in the ITEM & SUBTOTAL column strike "1,595,168" and substitute "1,295,168" and in the GENERAL FUND column strike "384,522" and substitute "84,522".

Page 85, line 4, in the ITEM & SUBTOTAL column strike "6,792,280" and substitute "1,092,280" and in the GENERAL FUND column strike "6,713,764" and substitute "1,013,764".

Adjust affected totals accordingly.

Page 213, line 9, strike "Services" and substitute "Services^{33a}", in the ITEM & SUBTOTAL column strike "19,355,336" and substitute "19,722,533", and in the GENERAL FUND column strike "300,000" and substitute "667,197".

Adjust affected totals accordingly.

Page 222, after line 15 insert:

33a Judicial Department, Probation and Related Services, Offender Treatment and Services -- It is the intent of the General Assembly that \$367,197 of the amount appropriated for Offender Treatment and Services be used to provide treatment and services for offenders participating in veterans trauma courts."

Page 418, line 14, strike "Services^{49a}" and substitute "Services".

Page 431, strike lines 3 and 4.

Page 432, line 2, strike "STATE^{50a}" and substitute "STATE".

Page 437, strike lines 1 through 4.

Page 455, before line 1 insert:

	TOTAL	CAPITAL CONSTRUCTION FUND
	\$	\$
DEPARTMENT OF AGRICULTURE		
(1) CONTROLLED MAINTENANCE		
Repair/Replace Secondary		
Electrical Infrastructure,		
Colorado State Fair	709,680	709,680
TOTALS PART 0.5		
(AGRICULTURE)	<u>\$709,680</u>	<u>\$709,680</u> ".

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Page 459, after line 8 insert:

	ITEM & SUBTOTAL	CAPITAL CONSTRUCTION FUND
	\$	\$
"Install Fire Sprinkler System, Microbiology Building	681,880	681,880".

Adjust affected totals accordingly.

Page 460, after line 15 insert:

	ITEM & SUBTOTAL	CAPITAL CONSTRUCTION FUND
	\$	\$
"Replace Air Handling Units, Building 500	<u>454,250</u>	454,250".

Page 461, before line 1, in the ITEM & SUBTOTAL column insert "880,725".

Page 461, line 7, in the TOTAL column strike "15,073,276" and substitute "15,527,526".

Page 462, after line 3 insert:

	TOTAL	CAPITAL CONSTRUCTION FUND
	\$	\$
"(8.5) UNIVERSITY OF NORTHERN COLORADO		
(A) Controlled Maintenance		
Replace and/or Install Chillers, Kepner Building, Guggenheim Building, Carter Hall, and Crabbe Hall	973,000	973,000".

Page 462, after line 8 insert:

	TOTAL	CAPITAL CONSTRUCTION FUND
	\$	\$
"(9.5) COLORADO COMMUNITY COLLEGE SYSTEM AT LOWRY		
(A) Controlled Maintenance		
Upgrade HVAC, Building 758	1,015,919	1,015,919".

Page 463, after line 14 insert:

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	TOTAL	CAPITAL CONSTRUCTION FUND
	\$	\$
"(13.5) OTERO JUNIOR COLLEGE		
(A) Controlled Maintenance		
Replace HVAC, McBride Hall	440,370	440,370".

Page 464, after line 4 insert:

	TOTAL	CAPITAL CONSTRUCTION FUND
	\$	\$
"(14.5) NORTHEASTERN JUNIOR COLLEGE		
(A) Controlled Maintenance		
Upgrade HVAC, Phillips-Whyman Building	598,000	598,000".

Page 466, line 4, in the TOTAL column strike "33,674,966" and substitute "37,838,385" and in the CAPITAL CONSTRUCTION FUND column strike "16,789,062" and substitute "20,952,481".

Page 472, after line 2 insert:

	ITEM & SUBTOTAL	CAPITAL CONSTRUCTION FUND
	\$	\$
"Upgrade HVAC and Direct Digital Control System and Replace VAV Boxes, Grand Junction State Office Building	510,268	510,268".

Adjust affected totals accordingly.

Page 477, line 10, in the CAPITAL CONSTRUCTION FUND column strike "5,509,498" and in the CASH FUNDS column strike "13,075,877^a" and substitute "18,585,375^a".

Adjust affected totals accordingly.

Page 478, line 3, in the TOTAL column strike "164,942,846" and substitute "170,326,213", in the CAPITAL CONSTRUCTION FUND column strike "62,234,309" and substitute "62,108,178", and in the CASH FUNDS column strike "82,168,311^a" and substitute "87,677,809^a".

Page 11, line 2, in the CASH FUNDS column strike "144,532^c" and substitute "229,532^c" and in the FEDERAL FUNDS column strike "100,000(I)" and substitute "15,000(I)".

Page 12, line 2, in the ITEM & SUBTOTAL column strike "144,650" and substitute "169,713" and in the CASH FUNDS column strike "26,655^c" and substitute "51,718^c".

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Adjust affected totals accordingly.	1
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Page 47, line 15, in the CASH FUNDS column strike "14,711,917 ^a " and substitute "14,711,917(I) ^a ".	3
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Page 48, line 2, strike "Operation" and substitute "Operation and are shown for informational purposes because they are continuously appropriated to the division by Section 17-24-126 (1), C.R.S.".	6
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Page 48, line 5, in the CASH FUNDS column strike "\$40,843,802" and substitute "\$40,843,802 ^a " and in the FEDERAL FUNDS column strike "\$1,014,328 ^a " and substitute "\$1,014,328 ^b ".	10
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Page 48, strike line 7 and substitute:	14
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^a Of this amount, \$14,711,917 contains an (I) notation.	16
^b This amount contains an (I) notation."	17
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Page 61, line 11, strike " (B) Programs " and substitute " (B) Categorical Programs ".	19
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Page 97, line 4, in the GENERAL FUND column strike "13,151,155" and substitute "13,163,355", in the REAPPROPRIATED FUNDS column strike "471,729 ^b " and substitute "447,329 ^b ", and in the FEDERAL FUNDS column strike "20,578,263(I)" and substitute "20,590,463(I)".	22
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Adjust affected totals accordingly.	28
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Page 97, line 6, strike "\$2,461,409" and substitute "\$2,535,659".	30
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Page 97, line 8, strike "\$78,083" and substitute "\$3,833".	32
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Page 97, strike lines 13 and 14 and substitute:	34
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^b Of this amount, \$443,283 shall be a transfer from the Department of Human Services and \$4,046 shall be from Old Age Pension Health and Medical Care Fund moneys originally appropriated to the Old Age Pension State Medical Program in the Other Medical Services division."	36
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Page 100, strike line 9 and substitute:	41
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^b Of this amount, \$97,981 shall be from Old Age Pension Health and Medical Care Fund moneys originally appropriated to the Old Age Pension State Medical Program in the Other Medical Services division."	43
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Page 100, line 14, in the CASH FUNDS column strike "6,213 ^a " and substitute "4,620 ^d " and in the REAPPROPRIATED FUNDS column insert "1,593 ^a ".	47
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Adjust affected totals accordingly.	51
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Page 101, strike line 11 and substitute:	53
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^a This amount shall be from Old Age Pension Health and Medical Care Fund moneys originally appropriated to the Old Age Pension State Medical Program in the Other Medical Services division."	55
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Page 107, line 7, in the ITEM & SUBTOTAL column strike "12,398,407" and substitute "12,400,000" and in the CASH FUNDS column strike "9,998,407(I) ^a " and substitute "10,000,000(I) ^a ".	59
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Adjust affected totals accordingly.	63
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Page 110, strike lines 7 and 8 and substitute:	65
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^b These amounts shall be from the Old Age Pension Health and Medical	67

Care Fund moneys originally appropriated to the Old Age Pension State Medical Program."

Page 115, line 3, strike "\$9,998,407" and substitute "\$10,000,000".

Page 115, line 4, strike "\$226,383,475" and substitute "\$226,395,675".

Page 109, line 6, in the ITEM & SUBTOTAL column strike "15,173,944" and substitute "15,173,536", in the GENERAL FUND column strike "7,586,972(M)" and substitute "7,586,768(M)", and in the FEDERAL FUNDS column strike "7,586,972" and substitute "7,586,768".

Adjust affected totals accordingly.

Page 149, line 6, in the ITEM & SUBTOTAL column strike "597,480" and substitute "611,520" and in the REAPPROPRIATED FUNDS column strike "597,480" and substitute "611,520".

Adjust affected totals accordingly.

Page 153, line 5, strike "\$894,807" and substitute "\$811,278".

Page 153, line 7, strike "\$489,987" and substitute "\$573,516".

Page 112, line 13, in the ITEM & SUBTOTAL column strike "1,187,843" and substitute "1,187,825" and in the GENERAL FUND column strike "593,931(M)" and substitute "593,913(M)".

Adjust affected totals accordingly.

Page 245, strike line 15 and substitute:

	ITEM & SUBTOTAL	CASH FUNDS
	\$	\$
"Lowry Range Litigation Expenses	<u>638,870</u>	638,870 ^d ".

Page 253, line 12, in the GENERAL FUND column insert "310,091" and in the REAPPROPRIATED FUNDS column strike "555,038^c" and substitute "244,947^c".

Adjust affected totals accordingly.

Page 254, strike line 5 and substitute:

^c This amount shall be from statewide indirect cost recoveries."

Page 262, line 7, in the GENERAL FUND column strike "569,903" and substitute "213,396" and in the REAPPROPRIATED FUNDS column strike "65,841^a" and substitute "422,348^a".

Adjust affected totals accordingly.

Page 263, line 1, strike "These amounts" and substitute "Of these amounts, \$356,507 shall be from departmental indirect cost recoveries and \$75,228".

Page 271, line 12, strike "entire".

Page 297, line 2, strike "the (I) notation applies to \$24,876,190" and substitute "\$24,876,190 contains an (I) notation,".

Page 297, line 3, strike "^b The (I) notation applies to this amount." and substitute "^bThis amount contains an (I) notation.".

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Page 338, line 3, strike "\$148,441" and substitute "\$58,441" and after "C.R.S.," insert "an estimated \$50,000 shall be from the Solid Waste Management Fund created in Section 30-20-118 (1), C.R.S.,".

Page 338, line 5, strike "\$30,912" and substitute "\$70,912".

Page 338, strike lines 10 through 13 and insert:

"^d Of this amount, an estimated \$352,886 shall be from the Solid Waste Management Fund created in Section 30-20-118 (1), C.R.S., an estimated \$349,991 shall be from the Hazardous Waste Service Fund created in Section 25-15-304, C.R.S., an estimated \$289,105 shall be from the Radiation Control Fund created in Section 25-11-104 (6) (c), C.R.S., an estimated \$189,397 shall from the Hazardous Substance Response Fund created in Section 25-16-104.3 (1) (a), C.R.S., an estimated \$64,338 shall be from the Solid and Hazardous Waste Commission Fund created in Section 25-15-315, C.R.S., and an estimated \$115,058 shall be from various sources of cash funds."

Page 409, strike lines 1 through 11 and substitute:

"^c Of these amounts, \$2,192,518 shall be from the Highway Users Tax Fund, created in Section 43-4-201 (1) (a), C.R.S., and appropriated pursuant to Section 43-4-201 (3) (a) (III) (C), C.R.S., \$970 shall be from the Highway Users Tax Fund created in Section 43-4-201 (1) (a), C.R.S., appropriated pursuant to Section 43-4-201 (3) (a) (V), C.R.S., and exempt from the statutory limit in Section 43-4-201 (3) (a) (III) (C), C.R.S., \$132,180 shall be from the Colorado State Titling and Registration Account, a subaccount of the Highway Users Tax Fund, created in Section 42-1-211 (2), C.R.S., \$104,765 shall be from the Lottery Fund created in Section 24-35-210 (1), C.R.S., \$61,697 shall be from the Auto Dealers License Fund created in Section 12-6-123 (1), C.R.S., \$61,571 shall be from Driver's License Administrative Revocation Account, a subaccount of the Highway Users Tax Fund, created in Section 42-2-132 (4) (b) (I) (A), C.R.S., \$61,060 shall be from the Limited Gaming Fund created in Section 12-47.1-701 (1), C.R.S., \$40,794 shall be from the Medical Marijuana License Cash Fund created in Section 12-43.3-501 (1), C.R.S., \$40,590 shall be from the Department of Revenue subaccount of the AIR Account of the Highway Users Tax Fund created in Section 42-3-304 (18) (c), C.R.S., \$39,856 shall be from the Liquor Enforcement Division and State Licensing Authority Cash Fund created in Section 24-35-401, C.R.S., \$21,843 shall be from the Racing Cash Fund created in Section 12-60-205 (1), C.R.S., \$11,938 shall be from the First Time Drunk Driving Offender Account of the Highway Users Tax Fund created in Section 42-2-132 (4) (b) (II) (A), C.R.S., \$2,388 shall be from the Motorist Insurance Identification Account, a subaccount of the Highway Users Tax Fund, created in Section 42-3-304 (18) (d) (I), C.R.S., and \$12,665,519 shall be from various sources of cash funds."

Page 446, strike lines 11 and 12 and substitute:

"^a Pursuant to Section 3.5 (3) of Article X of the State Constitution, this amount is not subject to the limitation on General Fund appropriations set forth in Section 24-75-201.1, C.R.S., because enactment of this constitutional provision by the people of Colorado constitutes voter approval of a weakening of such limitation. This amount reflects the estimate of the moneys that shall be paid to fully reimburse counties pursuant to Section 39-3-207 (4) (a), C.R.S., for lost property tax revenues as a result of property owners claiming the exemption."

Page 447, strike lines 1 through 4 and substitute:

"^b This amount shall be from the General Fund Exempt Account created in Section 24-77-103.6 (2), C.R.S. This amount reflects the required transfer to the Fire and Police Pension Association for old hire pension plans pursuant to Section 31-30.5-307 (3), C.R.S., and is included in the

Long Bill for informational purposes for the purpose of complying with the limitation on state fiscal year spending imposed by Section 20 of Article X of the State Constitution and Section 24-77-103, C.R.S. This amount shall not be deemed to be an appropriation subject to the limitations of Section 24-75-201.1, C.R.S."

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Page 449, line 2, in the GENERAL FUND column strike "\$6,573,787,177^a" and substitute "\$6,582,787,177^a" and in the GENERAL FUND EXEMPT column strike "\$905,683,201^b" and substitute "\$896,683,201^b".

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Page 449, line 5, strike "\$904,800,001" and substitute "\$895,800,001".

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Page 449, line 8, strike "these amounts," and substitute "this amount,".

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Page 449, line 10, strike "\$3,280,752" and substitute "\$19,114,458".

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Page 449, line 11, strike "\$2,300,397,394" and substitute "\$2,285,388,076".

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Adjust affected totals and letternotes accordingly.

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Page 547, after line 10 insert:

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1 "SECTION 17. Appropriation for funding capital construction for the fiscal year beginning July 1, 2011. Amend Part III (0.5) (A) as added by section 5 of House Bill 12-1200, as follows:

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3 Section 3. Capital Construction Appropriation.

4 **PART III**
5 **DEPARTMENT OF HIGHER EDUCATION**

6
7 **(0.5) COLORADO STATE UNIVERSITY AT FORT COLLINS**

8 **(A) Capital Construction**

9 Critical Care Unit, Pharmacy,
10 and Student Lab Renovation

11 (Veterinary Teaching Hospital) 1,525,000 1,525,000^a

12
13 ^a Of this amount, \$655,750 shall be from a \$1,001 annual fee charged to non-resident students of the veterinary program, and \$869,250 shall be from matching university
14 funds earned through tuition and client-based service revenues. THIS AMOUNT FALLS BELOW THE THRESHOLD IN SECTION 24-75-303, C.R.S., AND IS SHOWN HERE FOR
15 INFORMATIONAL PURPOSES ONLY. THEREFORE, IT SHALL NOT BE ACCOUNTED FOR IN THE STATE'S CAPITAL CONSTRUCTION FUND AND THE LIMITATIONS ON ENCUMBRANCE
16 TIMELINESS AND USE OF INTERNAL WORKFORCE DO NOT APPLY."

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18 Page 504, after line 10 insert:

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20 ^b This amount shall be transferred from the Department of Public Health and Environment for the Breast and Cervical Cancer Prevention and Treatment Program pursuant to Section 24-22-117 (2) (d) (II)
21 (D), C.R.S."

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Adjust affected totals accordingly.

Renumber succeeding sections accordingly.

Respectfully submitted,

House Committee:
(signed)
Cheri K. Gerou, Chairman
Jon Becker
Claire Levy

Senate Committee:
(signed)
Mary Hodge, Chairman
Pat Steadman
Kent D. Lambert

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB12-1339

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 HB12-1339,
concerning the Colorado benefits management system improvement and
modernization project, and, in connection therewith, making an
appropriation, has met and reports that it has agreed upon the following:

1. That the House accede to the Senate amendment made to the
bill, as the amendment appears 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 7, line 16, strike "\$8,630,836," and substitute
"\$7,630,836,".

Page 7, line 21, strike "\$4,307,395" and substitute "\$3,307,395".

Respectfully submitted,

House Committee:
(signed)
Cheri K. Gerou, Chairman
Jon Becker
Claire Levy

Senate Committee:
(signed)
Mary Hodge, Chairman
Pat Steadman
Kent D. Lambert

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB12-1340

THIS REPORT ADOPTS THE
REENGROSSED BILL

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

Your first conference committee appointed on HB12-1340,

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concerning a reduction in the general fund portion of the per diem rates paid to nursing facilities, and, in connection therewith, reducing an appropriation, has met and reports that it has agreed upon the following:

That the Senate recede from its amendment made to the bill and that the reengrossed bill be adopted without change.

Respectfully submitted,

House Committee:
(signed)
Cheri K. Gerou, Chairman
Jon Becker
Claire Levy

Senate Committee:
(signed)
Mary Hodge, Chairman
Pat Steadman
Kent D. Lambert

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

CONSIDERATION OF RESOLUTIONS

SJR12-023 by Senator(s) Hudak, Bacon, Heath, Johnston, King K., Spence, Williams S.; also Representative(s) Todd, Hamner, Kerr A., Peniston, Schafer S., Solano--Concerning the recognition of public school teachers in Colorado.

On motion of Senator Hudak, 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: Aguilar, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Hodge, Jahn, King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Steadman, Tochtrop and White.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB12-1348 was made Special Orders at 9:15 a.m.

Committee of the Whole

The hour of 9:15 a.m. having arrived, Senator Heath moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Heath was called to the Chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

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

HB12-1348 by Representative(s) Ferrandino, McNulty; also Senator(s) Morse, Cadman--Concerning the powers of the legislative department with respect to capitol buildings group space, and, in connection therewith, providing for the designation of space for the members of the general assembly, legislative staff, and legislative staff agencies and the furnishing and equipping thereof, and granting the control of legislative spaces to the legislative department.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

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

The Committee of the Whole took the following action:

Passed on second reading: HB12-1348.

Senate in recess. Senate reconvened.

INTRODUCTION OF BILLS -- FIRST READING

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

SB12-179 by Senator(s) Schwartz, King K., Bacon, Heath, Hudak; also Representative(s) Massey-- Concerning governmental oversight of public school capital construction projects. Education

SB12-180 by Senator(s) Schwartz; also Representative(s) Coram and Hamner--Concerning measures to encourage the use of Colorado forest biomass as a source of renewable energy. Agriculture, Natural Resources, and Energy

Call of the Senate.

Call raised.

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

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Consideration of Conference Committee Reports for HB12-1335, HB12-1336, HB12-1337, HB12-1338, HB12-1339, HB12-1340, and HB12-1344 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		

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

HB12-1335 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning the provision for payment of the expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2012, except as otherwise noted.

Senator Hodge moved for the adoption of the first report of the first conference committee on **HB12-1335**, as printed in Senate journal, April 26, pages 864-876. The motion was **adopted** by the following roll call vote:

YES	31	NO	4	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	N	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	N	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		

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

HB12-1336 by Representative(s) Becker and Levy, Gerou; also Senator(s) Steadman and Lambert, Hodge--Concerning authorization of a prison utilization analysis, and, in connection therewith, making an appropriation.

Senator Steadman moved for the adoption of the first report of the first conference committee on HB12-1336, as printed in Senate journal, April 25, page 851. 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**.

HB12-1337 by Representative(s) Gerou and Levy, Becker; also Senator(s) Steadman and Lambert, Hodge--Concerning the closure of the south campus of the Centennial correctional facility for housing purposes.

Senator Lambert moved for the adoption of the first report of the first conference committee on HB12-1337, as printed in Senate journal, April 25, page 851. 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**.

Co-sponsor added: Harvey.

HB12-1338 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning the transfer of general fund surplus moneys to the state education fund at the end of certain fiscal years.

Senator Hodge moved for the adoption of the first report of the first conference committee on HB12-1338, as printed in Senate journal, April 25, page 852. 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**.

HB12-1339 by Representative(s) Becker, Gerou, Levy; also Senator(s) Lambert, Hodge, Steadman-- Concerning the Colorado benefits management system improvement and modernization project, and, in connection therewith, making an appropriation.

Senator Lambert moved for the adoption of the first report of the first conference committee on HB12-1339, as printed in Senate journal, April 26, page 876. 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	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	N	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	3	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	N	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, as amended, was **repassed**.

HB12-1340 by Representative(s) Becker, Gerou, Levy; also Senator(s) Lambert, Hodge, Steadman-- Concerning a reduction in the general fund portion of the per diem rates paid to nursing facilities, and, in connection therewith, reducing an appropriation.

Senator Lambert moved for the adoption of the first report of the first conference committee on HB12-1340, as printed in Senate journal, April 26, pages 876-877. 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	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, as amended, was **repassed**.

HB12-1344 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning transfers of moneys relating to capital construction.

Senator Steadman moved for the adoption of the first report of the first conference committee on HB12-1344, as printed in Senate journal, April 25, page 851. 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**.

Senate in recess. Senate reconvened.

THIRD READING OF BILLS -- FINAL PASSAGE

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

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

Laid over until Friday, April 27, retaining its place on the calendar.

HCR12-1001 by Representative(s) Ferrandino and Vaad; also Senator(s) Johnston and King K.-- Submitting to the registered electors of the state of Colorado amendments to the Colorado constitution concerning the state personnel system, and, in connection therewith, expanding the veterans' preference; increasing the number of candidates eligible to be appointed to a position; adjusting the duration of allowable temporary employment; allowing the flexibility to remove a limited number of positions from the system; modifying the residency requirement; adjusting the terms of service for members of the state personnel board; and requiring merit-based appointments to be made through a comparative analysis process.

Laid over until Friday, April 27, retaining its place on the calendar.

HB12-1304 by Representative(s) Barker; also Senator(s) Newell--Concerning measures to prevent organized retail theft.

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: Cadman, Foster, Jahn and Williams S.

HB12-1081 by Representative(s) Duran; also Senator(s) Steadman--Concerning the operations of the Auraria higher education center.

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**.

HB12-1059 by Representative(s) Looper; also Senator(s) King K.--Concerning the authority of a person credentialed in another state whose residence is determined by military orders to practice an occupation regulated by Colorado 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**.

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

SB12-101 by Senator(s) Nicholson; also Representative(s) Bradford--Concerning the authority of a local improvement district, and, in connection therewith, making an appropriation.

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

YES	20	NO	15	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	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, Bacon, Boyd, Foster, Giron, Heath, Hodge, Hudak, Schwartz and Williams S.

SB12-027

by Senator(s) Scheffel; also Representative(s) Ramirez--Concerning notice to certain members of the general assembly of rules promulgated pursuant to the "State Administrative Procedure Act" as a result of an enacted legislative measure.

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	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		

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

Co-sponsor added: Williams S.

SB12-028

by Senator(s) Grantham; also Representative(s) Barker--Concerning aggravated juvenile offenders adjudicated for murder.

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, Guzman, Heath, Hodge, Hudak, Jahn, King K., King S., Lambert, Neville, Newell, Roberts and Williams S.

HB12-1140 by Representative(s) Jones; also Senator(s) Newell--Concerning the duties of the department of public health and environment as coordinator for suicide prevention programs throughout the state.

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-sponsor added: Aguilar, Boyd, Carroll, Foster, Giron, Guzman, Heath, Hodge, Hudak, Jahn, Johnston, King S., Morse, Nicholson, Roberts, Schwartz, Shaffer B., Steadman, Tochtrop, White and Williams S.

HB12-1324 by Representative(s) Massey and Scott; also Senator(s) Johnston and King S., Bacon, Heath--Concerning Colorado Mesa university.

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

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

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

SB12-002 by Senator(s) Steadman, Guzman; also Representative(s) Ferrandino, Casso, Hulinghorst, Kagan, Kerr A., Levy, Miklosi, Schafer S., Singer, Young--Concerning authorization of civil unions, and, in connection therewith, making an appropriation.

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.1(L.019), by Senator Steadman.

Amend engrossed bill, page 1, line 101, strike "AND" and substitute "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		

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

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.	N	Roberts	Y		

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

Co-sponsor added: Aguilar, Bacon, Boyd, Carroll, Foster, Giron, Heath, Hodge, Hudak, Jahn, Johnston, Morse, Newell, Nicholson, Roberts, Shaffer B., Tochtrop and Williams S.

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

GENERAL ORDERS -- SECOND READING OF BILLS

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

SB12-175 by Senator(s) Carroll and Roberts; also Representative(s) Gardner B. and Duran-- Concerning statutorily established time intervals.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, April 24, page 824 and placed in members' bill files.)

Amendment No. 2(L.003), by Senators Carroll and Roberts.

Amend printed bill, page 32, line 4, strike "fifteen" and substitute "fifteen FOURTEEN".

Page 37, after line 19, insert:

"SECTION 56. In Colorado Revised Statutes, 15-14-312, **amend** (2) as follows:

15-14-312. Emergency guardian. (2) An emergency guardian may be appointed without notice to the respondent and the respondent's lawyer only if the court finds from testimony that the respondent will be

substantially harmed if the appointment is delayed. If not present at the hearing, the respondent must be given notice of the appointment within forty-eight hours after the appointment. The court shall hold a hearing on the appropriateness of the appointment within ~~ten~~ FOURTEEN days after the court's receipt of such a request."

Renumber succeeding sections accordingly.

Page 38, after line 10, insert:

SECTION 58. In Colorado Revised Statutes, 15-14-429, **amend** (2) and (8) as follows:

15-14-429. Presentation and allowance of claims. (2) A claim is deemed presented on receipt of the written statement of claim by the conservator or the filing of the claim with the court, whichever first occurs. A presented claim is deemed allowed if it is not disallowed by written statement sent or delivered by the conservator to the claimant within ~~sixty~~ SIXTY-THREE days after its presentation. The conservator before payment may change an allowance or deemed allowance to a disallowance in whole or in part, but not after allowance under a court order or judgment or an order directing payment of the claim. The presentation of a claim tolls the running of any statute of limitations relating to the claim until ~~thirty~~ THIRTY-FIVE days after its disallowance. If a claim is not yet due, the claim shall state the date when it will become due. If a claim is contingent or unliquidated, the claim shall state the nature of the uncertainty or the anticipated due date of the claim.

(8) Unless otherwise provided in any judgment in another court entered against the protected person or the protected person's estate, an allowed claim bears interest at the legal rate for the period commencing ~~sixty~~ SIXTY-THREE days after the time the claim was originally filed with the court or delivered to the conservator, unless based on a contract making a provision for interest, in which case, such claim bears interest in accordance with that contract's provisions."

Renumber succeeding sections accordingly.

Page 54, line 10, strike "SEVEN" and substitute "FOURTEEN".

Page 86, line 24, strike "SIXTY-SIX" and substitute "NINETEEN".

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

SB12-104 by Senator(s) Steadman, Aguilar, Guzman, Morse, Newell, Renfroe, Roberts; also Representative(s) DelGrosso, Kerr A., Lee, Pabon, Vigil--Concerning consolidation of drug treatment funding into the correctional treatment fund.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, February 15, pages 163-164 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 24, pages 826-828 and placed in members' bill files.)

Amendment No. 3(L.005), by Senator Steadman.

Amend printed bill, page 4, line 22, strike "DESIGNEE;" and substitute "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;"

Page 5, strike lines 14 through 16 and substitute:

"(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."

Page 5, line 19, strike "SENTENCE;" and substitute "SENTENCE FOR A STATE OFFENSE;"

Page 5, line 20, strike "SENTENCE;" and substitute "SENTENCE FOR A STATE OFFENSE, INCLUDING DENVER COUNTY;"

Page 5, line 24, strike "JAIL." and substitute "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."

Page 8, line 20, strike "The board shall give priority to drug court funding if the" and substitute "The board shall give priority to drug court funding if the"

Page 8, line 21, strike "jurisdiction operates a drug court" and substitute "jurisdiction operates a drug court AND THE DRUG COURT OPERATES WITH BEST EVIDENCE-BASED OR PROMISING PRACTICES."

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

SB12-108 by Senator(s) Nicholson; --Concerning providing oral health services to pregnant women who are enrolled in medicaid.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, March 30, page 625 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 24, pages 828-829 and placed in members' bill files.)

Amendment No. 3(L.006), by Senator Nicholson.

Amend printed bill, page 4, line 27, strike the first "THE" and substitute "IN ACCORDANCE WITH THE PROVISIONS OF SECTION 24-1-136(9), C.R.S., THE"

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

SB12-090 by Senator(s) Foster, Aguilar, Bacon, Boyd, Carroll, Giron, Guzman, Heath, Hudak, Johnston, Morse, Newell, Nicholson, Schwartz, Williams S.; also Representative(s) Court-- Concerning restoring coverage for circumcision of males under medicaid.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 24, page 829 and placed in members' bill files.)

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

SB12-046 by Senator(s) Newell and Hudak; also Representative(s) Nikkel and Levy, Szabo-- Concerning disciplinary measures in public schools.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, March 2, pages 348-363 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 24, pages 829-830 and placed in members' bill files.)

Amendment No. 3(L.040), by Senator Newell.

Amend the Senate Appropriations Committee report, dated April 24,

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2012, page 1, strike lines 14 and 15 and substitute:

"Page 18, strike lines 13 through 31 and substitute:

"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, 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 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."."

Amendment No. 4(L.042), by Senator King K.

Amend proposed floor amendment SB046_L.040, page 1, line 12, after "OFFENSES," insert "THE DISPOSITION OF EACH CASE,".

Amendment No. 5(L.044), by Senator Newell.

Amend the Senate Education Committee Report, dated March 1, 2012, page 14, strike line 20 and substitute "and **add** (1) (g), (1.2), and (1.5) as follows:".

Page 16, after line 12, insert:

"(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."

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

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (SB12-155, SB12-070, SB12-086, SB12-132, HB12-1160, SCR12-001, HB12-1237, HB12-1041, SB12-106, SB12-135, HB12-1267, HB12-1213, HB12-1282, HB12-1292) of Thursday, April 26 was laid over until Friday, April 27, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

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

The Committee of the Whole took the following action:

Passed on second reading: SB12-175 as amended, SB12-104 as amended, SB12-108 as amended, SB12-090 as amended, SB12-046 as amended.
 Laid over until Friday, April 27: SB12-155, SB12-070, SB12-086, SB12-132, HB12-1160, SCR12-001, HB12-1237, HB12-1041, SB12-106, SB12-135, HB12-1267, HB12-1213, HB12-1282, HB12-1292.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title and referred to the committee indicated:

HJR12-1019 by Representative(s) Murray; also Senator(s) Scheffel--Concerning urging Congress to propose to the states for ratification an amendment to the United States Constitution regarding parental rights.
 State, Veterans & Military Affairs

INTRODUCTION OF BILLS -- FIRST READING

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

SB12-181 by Senator(s) Tochtrop; also Representative(s) Kerr J.--Concerning building and construction contracts.
 Business, Labor and Technology

SB12-182 by Senator(s) Bacon and Mitchell, Heath, Johnston, Shaffer B., Cadman, Harvey; also Representative(s) Massey, Ramirez--Concerning benefit corporations.
 Judiciary

HB12-1084 by Representative(s) Fields and Conti; also Senator(s) Jahn and King S.--Concerning increasing the punishment for leaving the scene of a traffic accident that resulted in serious bodily injury to any person.
 Judiciary

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- HB12-1136** by Representative(s) Ramirez; also Senator(s) Roberts--Concerning a prohibition on the use of public land for retail sales.
State, Veterans & Military Affairs
- HB12-1155** by Representative(s) Massey, Fields, Hamner; also Senator(s) Bacon--Concerning measures to increase the timely completion of postsecondary degrees.
Education
- HB12-1218** by Representative(s) Peniston, Massey, Hamner, Solano; also Senator(s) Hudak, King K., Hodge, Steadman, Williams S.--Concerning extending the early childhood and school readiness legislative commission.
Education
- HB12-1223** by Representative(s) Levy, Becker, Gerou; also Senator(s) Steadman, Hodge, Lambert--Concerning earned time for inmates, and, in connection therewith, making and reducing appropriations.
Judiciary
- 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.
Finance
- HB12-1306** by Representative(s) Holbert; also Senator(s) King K.--Concerning the manner of determining pupil enrollment counts in public schools, and, in connection therewith, making an appropriation.
Education
- HB12-1329** by Representative(s) Scott and Pabon, Sonnenberg, Looper, Barker, Nikkel, Liston, Kerr J., Stephens, Vaad; also Senator(s) Nicholson--Concerning the county treasurer becoming the public trustee in certain counties where the public trustee is currently appointed by the governor.
Local Government
- HB12-1330** by Representative(s) Becker, Priola, Sonnenberg; also Senator(s) Hodge--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.
Agriculture, Natural Resources, and Energy

MESSAGE FROM THE HOUSE

April 26, 2012

The House has postponed indefinitely SB12-015, 001,130. The bills are returned herewith.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; HB12-1155, amended as printed in House Journal, April 25, page 1128, and amended on Third Reading as printed in House Journal, April 26.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1329, amended as printed in House Journal, April 25, page 1131-1132.

The House has passed on Third Reading and returns herewith SB12-060, 123, 150, 168, 121.

The House has adopted and returns herewith SJR12-023.

The House has adopted the First Report of the First Conference Committee on HB12-1335, as printed in House Journal, April 26, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB12-1336, as printed in House Journal, April 26, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB12-1337, as printed in House Journal, April 26, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB12-1338, as printed in House Journal, April 26, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB12-1339, as printed in House Journal, April 26, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB12-1340, as printed in House Journal, April 26, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB12-1344, as printed in House Journal, April 26, and has repassed the bill as amended.

MESSAGE FROM THE REVISOR OF STATUTES

April 26, 2012

We herewith transmit:

Without comment, as amended, HB12-1155 and 1329.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Wednesday, April 25, 2012 at 1:56 p.m.: SB12-013, 110, 124, 134, 156 and 158.

COMMITTEE OF REFERENCE REPORTS

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB12-1238** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 4, strike lines 2 through 7 and substitute:

"SECTION 1. In Colorado Revised Statutes, **add** 22-7-508 as follows:

22-7-508. Repeal of part. THIS PART 5 IS REPEALED, EFFECTIVE JULY 1, 2013.

SECTION 2. In Colorado Revised Statutes, **add** part 12 of article 7 of title 22 as follows:

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PART 12
COLORADO READ ACT

22-7-1201. Short title. THIS PART 12 IS KNOWN AND MAY BE CITED AS THE "COLORADO READING TO ENSURE ACADEMIC DEVELOPMENT ACT" OR "COLORADO READ ACT".

Page 4, line 8, strike "**22-7-502.**" and substitute "**22-7-1202.**".

Page 5, line 26, strike "AND".

Page 6, strike lines 1 and 2 and substitute "IN A PRODUCTIVE COLLABORATION AMONG PARENTS, TEACHERS, AND SCHOOLS IN PROVIDING A CHILD'S EDUCATION, SO IT IS PARAMOUNT THAT PARENTS ARE INFORMED ABOUT THE STATUS OF THEIR CHILDREN'S EDUCATIONAL PROGRESS AND THAT TEACHERS AND SCHOOLS RECEIVE THE FINANCIAL RESOURCES AND OTHER RESOURCES AND SUPPORT THEY".

Page 6, strike line 7 and substitute "TO ACHIEVE THE GRADE LEVEL EXPECTATIONS FOR READING; AND

(g) THE STATE RECOGNIZES THAT THE PROVISIONS OF THIS PART 12 ARE NOT A COMPREHENSIVE SOLUTION TO ENSURING THAT ALL STUDENTS GRADUATE FROM HIGH SCHOOL READY TO ENTER THE WORKFORCE OR POSTSECONDARY EDUCATION, BUT THEY ASSIST LOCAL EDUCATION PROVIDERS IN SETTING A SOLID FOUNDATION FOR STUDENTS' ACADEMIC SUCCESS AND WILL REQUIRE THE ONGOING COMMITMENT OF FINANCIAL AND OTHER RESOURCES FROM BOTH THE STATE AND LOCAL LEVELS."

Page 6, line 11, strike "TEACHERS AND PARENTS" and substitute "PARENTS AND TEACHERS".

Page 6, line 13, strike "IN SCHOOL AND AT HOME," and substitute "AT HOME AND IN SCHOOL,".

Page 6, strike lines 18 through 27 and substitute "IS FURTHER THE INTENT OF THE GENERAL ASSEMBLY THAT EACH LOCAL EDUCATION PROVIDER ADOPT A POLICY WHEREBY, IF A STUDENT HAS A SIGNIFICANT READING DEFICIENCY AT THE END OF ANY SCHOOL YEAR PRIOR TO FOURTH GRADE, THE STUDENT'S PARENT AND TEACHER AND OTHER PERSONNEL OF THE LOCAL EDUCATION PROVIDER DECIDE WHETHER THE STUDENT SHOULD OR SHOULD NOT ADVANCE TO THE NEXT GRADE LEVEL BASED ON WHETHER THE STUDENT, DESPITE HAVING A SIGNIFICANT READING DEFICIENCY, IS ABLE TO MAINTAIN ADEQUATE ACADEMIC PROGRESS AT THE NEXT GRADE LEVEL."

Page 7, line 1, strike "**22-7-503.**" and substitute "**22-7-1203.**" and strike "5," and substitute "12,".

Page 7, after line 18, insert:

"(4) "EVIDENCE BASED" MEANS THE INSTRUCTION OR ITEM DESCRIBED IS BASED ON RELIABLE, TRUSTWORTHY, AND VALID EVIDENCE AND HAS DEMONSTRATED A RECORD OF SUCCESS IN ADEQUATELY INCREASING STUDENTS' READING COMPETENCY IN THE AREAS OF PHONEMIC AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY, INCLUDING ORAL SKILLS, AND READING COMPREHENSION."

Renumber succeeding subsections accordingly.

Page 8, line 9, before ""PARENT"" insert "(a)".

Page 8, line 10, after "PARENT," insert "STEPPARENT,".

Page 8, strike lines 11 through 25 and substitute:

"(b) AS PROVIDED IN SECTION 2-4-102, C.R.S., THE SINGULAR USE OF "PARENT" INCLUDES THE PLURAL, AND LOCAL EDUCATION PROVIDERS SHALL, TO THE EXTENT PRACTICABLE, INVOLVE BOTH OF A STUDENT'S PARENTS, AS DEFINED IN THIS SUBSECTION (8), IN IMPLEMENTING THE PROVISIONS OF THIS PART 12.

(9) "PER-PUPIL INTERVENTION MONEYS" MEANS THE MONEYS

CALCULATED AND DISTRIBUTED TO LOCAL EDUCATION PROVIDERS PURSUANT TO SECTION 22-7-1210 (5).

(10) "READING COMPETENCY" MEANS A STUDENT MEETS THE GRADE LEVEL EXPECTATIONS IN READING ADOPTED BY THE STATE BOARD."

Page 9, line 1, strike "22-7-506" and substitute "22-7-1206" and strike "READING DEFICIENCY OR".

Page 9, line 9, after "BASED" insert "OR EVIDENCE-BASED".

Page 9, line 27, strike "22-7-510" and substitute "22-7-1209".

Page 10, line 8, strike "22-7-504." and substitute "22-7-1204."

Page 10, line 12, after "ENSURE" insert "TO THE GREATEST EXTENT POSSIBLE".

Page 10, line 17, strike "22-7-505." and substitute "22-7-1205." and strike "notice to" and substitute "READ plan creation - parental involvement. (1) (a) EACH".

Page 10, strike line 18.

Page 10, line 19, strike "EACH".

Page 10, strike line 22 and substitute "INTERIM READING ASSESSMENTS AT LEAST ONCE DURING THE SPRING SEMESTER OF THE 2012-13 SCHOOL YEAR AND THROUGHOUT THE YEAR IN SUBSEQUENT SCHOOL YEARS."

Page 10, line 23, strike "THE SCHOOL YEAR."

Page 11, line 1, strike "22-7-510 (1)" and substitute "22-7-1209 (1)".

Page 11, line 4, after "TO" insert "BUT NOT IN LIEU OF".

Page 11, line 7, strike "READING DEFICIENCY OR A".

Page 11, line 12, strike "22-7-510 (1)" and substitute "22-7-1209 (1)".

Page 11, line 15, after "TO" insert "BUT NOT IN LIEU OF".

Page 11, strike line 16 and substitute:

"(c) BEGINNING WITH THE 2012-13 SCHOOL YEAR, EACH LOCAL EDUCATION PROVIDER SHALL ANNUALLY REPORT TO THE DEPARTMENT THE STATE-ASSIGNED STUDENT IDENTIFIER FOR EACH STUDENT WHO IS IDENTIFIED PURSUANT TO THIS SUBSECTION (1) AS HAVING A SIGNIFICANT READING DEFICIENCY.

(2) (a) BEGINNING NO LATER THAN THE 2013-14 SCHOOL YEAR, UPON FINDING THAT A STUDENT HAS"

Page 11, line 17, strike "DEFICIENCY OR".

Page 11, strike lines 19 and 20 and substitute "READ PLAN, AS DESCRIBED IN SECTION 22-7-1206. THE TEACHER AND ANY OTHER SKILLED SCHOOL PROFESSIONALS THE LOCAL EDUCATION PROVIDER MAY CHOOSE TO SELECT SHALL, IF POSSIBLE, MEET WITH THE STUDENT'S PARENT TO COMMUNICATE AND DISCUSS THE INFORMATION SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (2) AND JOINTLY CREATE THE STUDENT'S READ PLAN. UPON COMPLETION OF THE MEETING OR AS SOON AS POSSIBLE THEREAFTER, THE TEACHER OR OTHER PERSONNEL OF THE LOCAL EDUCATION PROVIDER SHALL GIVE THE PARENT A WRITTEN EXPLANATION OF THE INFORMATION SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (2) AND A COPY OF THE STUDENT'S READ PLAN.

(b) THE TEACHER AND THE OTHER PERSONNEL SHALL COMMUNICATE AND DISCUSS WITH THE PARENT THE FOLLOWING INFORMATION:"

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- Page 11, strike line 27 and substitute: 1
 "(II) THE NATURE OF THE STUDENT'S SIGNIFICANT READING 2
 DEFICIENCY, INCLUDING A CLEAR EXPLANATION OF WHAT THE SIGNIFICANT 3
 READING DEFICIENCY IS AND THE BASIS UPON WHICH THE TEACHER 4
 IDENTIFIED THE SIGNIFICANT READING DEFICIENCY;". 5
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- Page 12, strike lines 1 through 5. 7
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- Page 12, line 16, after "BASED" insert "OR EVIDENCE-BASED". 9
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- Page 12, strike lines 21 and 22 and substitute: 11
 "(V) THE STUDENT'S READ PLAN WILL INCLUDE TARGETED, 12
 SCIENTIFICALLY BASED OR EVIDENCE-BASED". 13
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- Page 12, line 24, strike "AND". 15
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- Page 12, line 25, strike "AN IMPORTANT" and substitute "A CENTRAL". 17
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- Page 13, line 1, strike "CREATING" and substitute "IMPLEMENTING" and 19
 strike "AND" and substitute "AND, TO SUPPLEMENT THE INTERVENTION 20
 INSTRUCTION THE STUDENT RECEIVES IN SCHOOL,". 21
 22
- Page 13, strike lines 3 through 15 and substitute "THE STUDENT'S READING 23
 SUCCESS; AND 24
 (VII) THERE ARE SERIOUS IMPLICATIONS TO A STUDENT ENTERING 25
 FOURTH GRADE WITH A SIGNIFICANT READING DEFICIENCY AND, 26
 THEREFORE, IF THE STUDENT CONTINUES TO HAVE A SIGNIFICANT READING 27
 DEFICIENCY AT THE END OF THE SCHOOL YEAR, UNDER STATE LAW, THE 28
 PARENT, THE STUDENT'S TEACHER, AND OTHER PERSONNEL OF THE LOCAL 29
 EDUCATION PROVIDER ARE REQUIRED TO MEET AND CONSIDER RETENTION 30
 AS AN INTERVENTION STRATEGY AND DETERMINE WHETHER THE STUDENT, 31
 DESPITE HAVING A SIGNIFICANT READING DEFICIENCY, IS ABLE TO 32
 MAINTAIN ADEQUATE ACADEMIC PROGRESS AT THE NEXT GRADE LEVEL." 33
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- Page 13, line 16, strike "PARAGRAPHS". 35
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- Page 13, strike line 17, and substitute "PARAGRAPH (b) OF THIS 37
 SUBSECTION (2), THE TEACHER AND THE OTHER PERSONNEL OF THE LOCAL 38
 EDUCATION PROVIDER ARE". 39
 40
- Page 13, line 18, strike "INCLUDE" and substitute "COMMUNICATE AND 41
 DISCUSS". 42
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- Page 13, strike lines 22 through 27 and substitute: 44
 "(3) (a) IF, AFTER MAKING DOCUMENTED ATTEMPTS, THE TEACHER 45
 IS UNABLE TO MEET WITH THE STUDENT'S PARENT TO CREATE THE READ 46
 PLAN, THE TEACHER AND ANY OTHER SKILLED SCHOOL PROFESSIONALS 47
 THE LOCAL EDUCATION PROVIDER MAY CHOOSE TO SELECT SHALL CREATE 48
 THE STUDENT'S READ PLAN AND ENSURE THAT THE STUDENT'S PARENT 49
 RECEIVES: 50
 (I) A WRITTEN COPY OF THE READ PLAN WITH A CLEAR, WRITTEN 51
 EXPLANATION OF THE SCIENTIFICALLY BASED OR EVIDENCE-BASED 52
 READING INSTRUCTIONAL PROGRAMMING AND OTHER READING-RELATED 53
 SERVICES THE STUDENT WILL RECEIVE UNDER THE PLAN AND THE 54
 STRATEGIES THAT THE PARENT IS ENCOURAGED TO APPLY IN ASSISTING 55
 THE STUDENT IN ACHIEVING READING COMPETENCY; AND 56
 (II) A WRITTEN EXPLANATION OF THE INFORMATION SPECIFIED IN 57
 PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION. 58
 (b) AT A PARENT'S REQUEST, THE TEACHER AND ANY OTHER 59
 SKILLED SCHOOL PROFESSIONALS THE LOCAL EDUCATION PROVIDER MAY 60
 CHOOSE TO SELECT SHALL MEET WITH THE PARENT TO PROVIDE A VERBAL 61
 EXPLANATION OF THE ELEMENTS OF THE READ PLAN." 62
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- Page 14, strike lines 1 through 5. 64
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- Page 14, line 6, strike "(e)" and substitute "(4)". 66
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- Page 14, line 15, strike "**22-7-506.**" and substitute "**22-7-1206.**". 1
- Page 14, line 19, strike "A READING DEFICIENCY OR". 2
- Page 14, line 22, strike "READING DEFICIENCY OR". 3
- Page 15, strike lines 10 and 11 and substitute: 4
- "(2) (a) IF A STUDENT'S READING SKILLS ARE BELOW GRADE LEVEL 5
- EXPECTATIONS, AS ADOPTED BY THE STATE BOARD, BUT THE STUDENT 6
- DOES NOT HAVE A SIGNIFICANT READING DEFICIENCY, THE LOCAL 7
- EDUCATION PROVIDER SHALL ENSURE THAT THE STUDENT RECEIVES 8
- APPROPRIATE INTERVENTIONS THROUGH THE RESPONSE TO INTERVENTION 9
- FRAMEWORK OR A COMPARABLE INTERVENTION SYSTEM IMPLEMENTED BY 10
- THE LOCAL EDUCATION PROVIDER. 11
- (b) IF A STUDENT HAS A SIGNIFICANT READING DEFICIENCY, THE 12
- STUDENT'S READ PLAN". 13
- Page 15, line 14, strike "FRAMEWORK." and substitute "FRAMEWORK OR 14
- A COMPARABLE INTERVENTION SYSTEM IMPLEMENTED BY THE LOCAL 15
- EDUCATION PROVIDER.". 16
- Page 15, line 15, strike "(d)" and substitute "(3)" and strike "5" and 17
- substitute "12". 18
- Page 15, after line 22, insert: 19
- "(4) IF A STUDENT ENROLLED IN KINDERGARTEN IS IDENTIFIED AS 20
- HAVING A SIGNIFICANT READING DEFICIENCY, THE LOCAL EDUCATION 21
- PROVIDER SHALL CREATE THE STUDENT'S READ PLAN AS A COMPONENT 22
- OF THE STUDENT'S INDIVIDUALIZED READINESS PLAN CREATED PURSUANT 23
- TO SECTION 22-7-1014.". 24
- Page 15, line 23, strike "(2)" and substitute "(5)". 25
- Page 16, strike lines 2 and 3 and substitute: 26
- "(c) THE TYPE OF ADDITIONAL INSTRUCTIONAL SERVICES AND 27
- INTERVENTIONS THAT STUDENTS WILL RECEIVE IN READING;". 28
- Page 16, line 4, after "BASED" insert "OR EVIDENCE-BASED". 29
- Page 16, line 7, strike "THE" and substitute "AT A MINIMUM SHALL 30
- ADDRESS THE AREAS OF PHONEMIC AWARENESS, PHONICS, VOCABULARY 31
- DEVELOPMENT, READING FLUENCY, INCLUDING ORAL SKILLS, AND 32
- READING COMPREHENSION. THE". 33
- Page 16, line 8, after "SELECT" insert "THE PROGRAMS" 34
- Page 16, line 9, strike "22-7-510;" and substitute "22-7-1209;". 35
- Page 16, line 13, strike "COMPETENCY;" and substitute "COMPETENCY 36
- THAT ARE DESIGNED TO SUPPLEMENT THE PROGRAMMING DESCRIBED IN 37
- PARAGRAPH (d) OF THIS SUBSECTION (5);". 38
- Page 16, line 17, strike "(3)" and substitute "(6)". 39
- Page 16, strike lines 25 through 27 and substitute: 40
- "(7) (a) IF A STUDENT IS IDENTIFIED AS HAVING A SIGNIFICANT 41
- READING DEFICIENCY FOR A SECOND OR SUBSEQUENT CONSECUTIVE 42
- SCHOOL YEAR, THE LOCAL EDUCATION PROVIDER SHALL ENSURE THAT, IN 43
- THE SECOND OR SUBSEQUENT CONSECUTIVE SCHOOL YEAR: 44
- (I) THE STUDENT'S TEACHER REVISES THE STUDENT'S READ PLAN 45
- TO INCLUDE ADDITIONAL, MORE RIGOROUS STRATEGIES AND 46
- INTERVENTION INSTRUCTION TO ASSIST THE STUDENT IN ATTAINING 47
- READING COMPETENCY, INCLUDING INCREASED DAILY TIME IN SCHOOL FOR 48
- READING INSTRUCTION; 49
- (II) THE PRINCIPAL OF THE SCHOOL IN WHICH THE STUDENT IS 50
- ENROLLED ENSURES THAT THE STUDENT RECEIVES READING INSTRUCTION 51
- IN CONJUNCTION WITH AND SUPPORTED THROUGH THE OTHER SUBJECTS IN 52

WHICH THE STUDENT RECEIVES INSTRUCTION DURING THE SCHOOL DAY;
AND

(III) IF PRACTICABLE, THE STUDENT RECEIVES READING INSTRUCTION FROM A TEACHER WHO IS IDENTIFIED AS EFFECTIVE OR HIGHLY EFFECTIVE IN HIS OR HER MOST RECENT PERFORMANCE EVALUATION AND HAS EXPERTISE IN TEACHING READING.

(b) IN ADDITION, WITH THE APPROVAL OF THE STUDENT'S PARENT, THE LOCAL EDUCATION PROVIDER MAY PROVIDE TO THE STUDENT MENTAL HEALTH SUPPORT FROM THE SCHOOL PSYCHOLOGIST, SCHOOL SOCIAL WORKER, OR SCHOOL COUNSELOR."

Page 17, strike lines 1 through 7 and substitute:

"22-7-1207. Advancement - decision - parental involvement.

(1) BEGINNING NO LATER THAN THE 2013-14 SCHOOL YEAR, IF,"

Page 17, line 10, strike "THE TEACHER" and substitute "PERSONNEL OF THE LOCAL EDUCATION PROVIDER".

Page 17, strike lines 14 and 15.

Reletter succeeding paragraphs accordingly.

Page 17, line 27, strike "A TEACHER" and substitute "THE PERSONNEL".

Page 18, strike lines 3 through 11 and substitute:

"(a) THERE ARE SERIOUS IMPLICATIONS TO A STUDENT ENTERING FOURTH GRADE WITH A SIGNIFICANT READING DEFICIENCY AND, THEREFORE, UNDER STATE LAW, THE PARENT, THE STUDENT'S TEACHER, AND OTHER PERSONNEL OF THE LOCAL EDUCATION PROVIDER ARE REQUIRED TO MEET AND CONSIDER RETENTION AS AN INTERVENTION STRATEGY AND DETERMINE WHETHER THE STUDENT, DESPITE HAVING A SIGNIFICANT READING DEFICIENCY, IS ABLE TO MAINTAIN ADEQUATE ACADEMIC PROGRESS AT THE NEXT GRADE LEVEL;"

Reletter succeeding paragraphs accordingly.

Page 18, line 12, strike "FROM" and substitute "OF".

Page 18, line 17, strike "PROGRESS" and substitute "ADVANCE".

Page 18, line 19, strike "(a)" and strike "FROM" and substitute "OF".

Page 18, line 22, strike "THREE".

Page 18, line 23, strike "FROM" and substitute "OF".

Page 19, strike lines 3 through 27 and substitute:

"(4) (a) AT THE MEETING REQUIRED BY THIS SECTION, THE TEACHER AND ANY OTHER PERSONNEL SELECTED BY THE LOCAL EDUCATION PROVIDER SHALL, AT A MINIMUM, COMMUNICATE TO AND DISCUSS WITH THE PARENT THE FOLLOWING INFORMATION:

(I) THAT THERE ARE SERIOUS IMPLICATIONS TO A STUDENT ENTERING FOURTH GRADE WITH A SIGNIFICANT READING DEFICIENCY AND, THEREFORE, UNDER STATE LAW, THE PARENT, THE STUDENT'S TEACHER, AND OTHER PERSONNEL OF THE LOCAL EDUCATION PROVIDER ARE REQUIRED TO MEET AND CONSIDER RETENTION AS AN INTERVENTION STRATEGY AND DETERMINE WHETHER THE STUDENT, DESPITE HAVING A SIGNIFICANT READING DEFICIENCY, IS ABLE TO MAINTAIN ADEQUATE ACADEMIC PROGRESS AT THE NEXT GRADE LEVEL;

(II) THE IMPORTANCE OF ACHIEVING READING COMPETENCY BY THE END OF THIRD GRADE, BECAUSE STUDENTS WHO ACHIEVE READING COMPETENCY BY THE END OF THIRD GRADE ARE MORE LIKELY TO GRADUATE FROM HIGH SCHOOL AND ATTAIN A POSTSECONDARY CREDENTIAL;

(III) THE STUDENT'S BODY OF EVIDENCE AND THE LIKELIHOOD THAT THE STUDENT, DESPITE HAVING A SIGNIFICANT READING DEFICIENCY, WILL BE ABLE TO MAINTAIN ADEQUATE ACADEMIC PROGRESS AT THE NEXT

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GRADE LEVEL;

(IV) THE INCREASED LEVEL OF INTERVENTION INSTRUCTION THE STUDENT WILL RECEIVE IN THE NEXT SCHOOL YEAR REGARDLESS OF WHETHER THE STUDENT ADVANCES TO THE NEXT GRADE LEVEL; AND

(V) THE POTENTIAL EFFECTS ON THE STUDENT IF HE OR SHE DOES NOT ADVANCE TO THE NEXT GRADE LEVEL.

(b) AFTER DISCUSSING THE ISSUES SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (4), THE PARENT, THE TEACHER, AND THE OTHER PERSONNEL SHALL DECIDE WHETHER THE STUDENT WILL ADVANCE TO THE NEXT GRADE LEVEL IN THE NEXT SCHOOL YEAR. IF THE PARENT, TEACHER, AND OTHER PERSONNEL ARE NOT IN AGREEMENT, THE PARENT SHALL DECIDE WHETHER THE STUDENT WILL ADVANCE TO THE NEXT GRADE LEVEL UNLESS OTHERWISE SPECIFIED IN THE POLICY ADOPTED BY THE LOCAL EDUCATION PROVIDER.

(5) AS SOON AS POSSIBLE AFTER THE DECISION IS MADE PURSUANT TO SUBSECTION (3) OF THIS SECTION OR AT THE CONCLUSION OF THE MEETING DESCRIBED IN SUBSECTION (4) OF THIS SECTION, THE PERSONNEL OF THE LOCAL EDUCATION PROVIDER SHALL PROVIDE TO THE PARENT A WRITTEN STATEMENT THAT THE STUDENT WILL OR WILL NOT ADVANCE TO THE NEXT GRADE LEVEL IN THE NEXT SCHOOL YEAR AND THE BASIS FOR THE DECISION. THE PERSONNEL SHALL ALSO PROVIDE A COPY OF THE STATEMENT TO THE".

Page 20, strike lines 1 through 6.

Page 20, line 12, strike "WRITTEN NOTICE" and substitute "STATEMENT".

Page 20, line 14, strike "WRITTEN NOTICE" and substitute "STATEMENT".

Page 20, strike lines 16 through 18 and substitute:

"(6) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (b) SUBSECTION (4) OF THIS SECTION TO THE CONTRARY, BEGINNING WITH THE 2016-17 SCHOOL YEAR, IF A STUDENT IS COMPLETING THIRD GRADE AND THE STUDENT'S TEACHER AND OTHER PERSONNEL DECIDE PURSUANT TO SUBSECTION (3) OF THIS SECTION OR THE STUDENT'S PARENT DECIDES PURSUANT TO SUBSECTION (4) OF THIS SECTION THAT THE".

Page 21, line 4, strike "WRITTEN" and substitute "A WRITTEN STATEMENT".

Page 21, line 5, strike "NOTICE".

Page 21, line 7, strike "WRITTEN" and substitute "STATEMENT".

Page 21, line 8, strike "NOTICE".

Page 21, line 9, strike "WRITTEN NOTICE" and substitute "STATEMENT".

Page 21, strike lines 11 through 27.

Page 22, strike lines 1 through 3.

Page 22, line 4, strike "(6)" and substitute "(7)".

Page 22, line 6, strike "ARE" and substitute "IS".

Page 22, line 9, strike "5" and substitute "12".

Page 22, strike lines 14 through 27.

Page 23, strike lines 1 through 16.

Page 23, line 17, strike "22-7-509." and substitute "22-7-1208".

Page 23, line 19, strike "5." and substitute "12".

Page 23, line 21, strike "5." and substitute "12".

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- Page 24, after line 1, insert: 1
 "(2) A LOCAL EDUCATION PROVIDER IS NOT REQUIRED TO START A 2
 READ PLAN OR CONVERT AN INDIVIDUAL LITERACY PLAN TO A READ 3
 PLAN FOR A STUDENT WHO IS ENROLLED IN FOURTH GRADE OR HIGHER AS 4
 OF THE 2013-14 SCHOOL YEAR." 5
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- Renumber succeeding subsections accordingly. 7
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- Page 24, line 14, strike "**22-7-510.**" and substitute "**22-7-1209.**". 9
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- Page 24, line 17, strike "5," and substitute "12, ". 11
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- Page 24, strike lines 19 through 23. 13
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- Reletter succeeding paragraphs accordingly. 15
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- Page 25, line 4, strike "(c)" and substitute "(b)". 17
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- Page 25, line 10, after the period add "THE STATE BOARD SHALL ADOPT 19
 THE RULES DESCRIBED IN THIS PARAGRAPH (a) BY MARCH 31, 2013". 20
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- Page 25, line 14, strike "22-7-505;" and substitute "22-7-1205. THE STATE 22
 BOARD SHALL ADOPT THE LIST OF APPROVED READING ASSESSMENTS BY 23
 MARCH 31, 2013". 24
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- Page 25, strike lines 21 through 25 and substitute: 26
 "(d) RULES TO PROVIDE NOTICE OF THE ASSESSMENTS INCLUDED 27
 ON THE APPROVED LIST OF ASSESSMENTS AND A PROCESS BY WHICH 28
 PUBLISHERS WHO SUBMIT MATERIALS FOR INCLUSION ON THE LIST MAY 29
 REQUEST RECONSIDERATION;" 30
 31
- Page 26, line 1, strike "22-7-508;" and substitute "22-7-1213;". 32
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- Page 26, line 3, strike "22-7-511." and substitute "22-7-1211.". 34
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- Page 26, line 8, strike "FORMATIVE, ". 36
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- Page 26, line 12, strike "(c)" and substitute "(b)". 38
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- Page 26, after line 16 insert: 40
 "(A) EACH OF THE RECOMMENDED READING ASSESSMENTS IS 41
 SCIENTIFICALLY BASED; EXCEPT THAT THE DEPARTMENT MAY 42
 RECOMMEND AND THE STATE BOARD MAY, UNTIL JULY 1, 2016, INCLUDE 43
 ON THE APPROVED LIST OF ASSESSMENTS ANY READING ASSESSMENT 44
 APPROVED BY THE STATE BOARD PRIOR TO JULY 1, 2012, REGARDLESS OF 45
 WHETHER IT IS SCIENTIFICALLY BASED;" 46
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- Reletter succeeding sub-subparagraphs accordingly. 48
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- Page 27, line 5, after "BASED" insert "OR EVIDENCE-BASED". 50
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- Page 27, line 25, strike "READING DEFICIENCIES AND". 52
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- Page 28, line 3, after "ASSESSMENTS" insert "AVAILABLE ON THE 54
 DEPARTMENT WEB SITE ON OR BEFORE APRIL 1, 2013, ". 55
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- Page 29, line 27, strike "22-7-508" and substitute "22-7-1213". 57
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- Page 30, line 1, strike "22-7-508." and substitute "22-7-1213.". 59
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- Page 30, line 7, strike "22-7-508." and substitute "22-7-1213.". 61
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- Page 30, line 10, strike "22-7-509 (2)" and substitute "22-7-1208 (3)". 63
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- Page 30, line 17, strike "5." and substitute "12, ". 65
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- Page 30, strike lines 18 through 27. 67

Strike pages 31 through 42.

Page 43, strike lines 1 through 20 and substitute:

"22-7-1210. Early literacy fund - created - repeal. (1) THE EARLY LITERACY FUND IS HEREBY CREATED IN THE STATE TREASURY AND IS REFERRED TO IN THIS SECTION AS THE "FUND". THE FUND SHALL CONSIST OF:

(a) ANY MONEYS REMAINING IN THE READ-TO-ACHIEVE CASH FUND AS OF JUNE 30, 2012;

(b) MONEYS TRANSFERRED TO THE FUND PURSUANT TO SUBSECTION (3) OF THIS SECTION;

(c) MONEYS TRANSFERRED TO THE FUND PURSUANT TO SECTION 22-41-102 (3) (c); AND

(d) ANY OTHER MONEYS THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

(2) THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSES SPECIFIED IN SUBSECTION (4) OF THIS SECTION AS PROVIDED BY LAW. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND TO THE FUND. ANY AMOUNT REMAINING IN THE FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR TO ANY OTHER FUND.

(3) EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-75-1104.5 (1) (h) AND (5), C.R.S., BEGINNING WITH THE 2012-13 FISCAL YEAR, AND FOR EACH FISCAL YEAR THEREAFTER SO LONG AS THE STATE RECEIVES MONEYS PURSUANT TO THE MASTER SETTLEMENT AGREEMENT, THE STATE TREASURER SHALL ANNUALLY TRANSFER TO THE FUND FIVE PERCENT OF THE AMOUNT OF MONEYS RECEIVED BY THE STATE IN ACCORDANCE WITH THE MASTER SETTLEMENT AGREEMENT, OTHER THAN ATTORNEY FEES AND COSTS, FOR THE PRECEDING FISCAL YEAR; EXCEPT THAT THE AMOUNT SO TRANSFERRED TO THE FUND IN ANY FISCAL YEAR SHALL NOT EXCEED EIGHT MILLION DOLLARS. THE STATE TREASURER SHALL TRANSFER THE AMOUNT SPECIFIED IN THIS SUBSECTION (3) FROM MONEYS CREDITED TO THE TOBACCO LITIGATION SETTLEMENT CASH FUND CREATED IN SECTION 24-22-115, C.R.S.

(4) THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT. THE DEPARTMENT SHALL ANNUALLY EXPEND THE MONEYS IN THE FUND AS FOLLOWS:

(a) (I) FOR THE 2012-13 BUDGET YEAR:

(A) THE DEPARTMENT SHALL USE THE MONEYS IN THE FUND TO PAY THE GRANTS THAT WERE AWARDED FROM THE READ-TO-ACHIEVE CASH FUND PURSUANT TO PART 9 OF THIS ARTICLE AS IT EXISTED PRIOR TO JULY 1, 2012, AND ARE NOT FULLY DISTRIBUTED AS OF JUNE 30, 2012; EXCEPT THAT ANY PORTION OF ANY OF SAID GRANTS THAT THE GRANTEE IS REQUIRED TO USE IN PAYMENT FOR DEPARTMENT CONSULTANTS IS RESCINDED, EFFECTIVE JULY 1, 2012; AND

(B) THE DEPARTMENT MAY USE ANY AMOUNT REMAINING AFTER THE PAYMENTS DESCRIBED IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I) TO PROVIDE LITERACY SUPPORT ON A REGIONAL BASIS TO LOCAL EDUCATION PROVIDERS TO ASSIST THEM IN IMPLEMENTING THE REQUIREMENTS OF THIS PART 12.

(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2013.

(b) BEGINNING IN THE 2013-14 BUDGET YEAR AND FOR BUDGET YEARS THEREAFTER:

(I) THE DEPARTMENT SHALL USE ONE MILLION DOLLARS TO PROVIDE LITERACY SUPPORT ON A REGIONAL BASIS TO LOCAL EDUCATION PROVIDERS TO ASSIST THEM IN IMPLEMENTING THE REQUIREMENTS OF THIS PART 12;

(II) THE DEPARTMENT SHALL USE FOUR MILLION DOLLARS FOR GRANTS AWARDED THROUGH THE EARLY LITERACY GRANT PROGRAM CREATED IN SECTION 22-7-1211;

(III) THE DEPARTMENT MAY USE UP TO ONE PERCENT OF THE MONEYS ANNUALLY APPROPRIATED FROM THE FUND TO OFFSET THE COSTS OF ADMINISTERING THIS PART 12; AND

(IV) THE DEPARTMENT SHALL ALLOCATE THE REMAINING

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MONEYS ANNUALLY CREDITED TO THE FUND TO THE LOCAL EDUCATION PROVIDERS AS PER-PUPIL INTERVENTION MONEYS CALCULATED PURSUANT TO SUBSECTION (5) OF THIS SECTION.

(5) (a) (I) THE DEPARTMENT SHALL ALLOCATE THE PER-PUPIL INTERVENTION MONEYS TO THE LOCAL EDUCATION PROVIDERS AS REQUIRED IN PARAGRAPH (d) OF SUBSECTION (4) OF THIS SECTION BY FIRST DIVIDING THE AMOUNT OF MONEYS AVAILABLE BY THE TOTAL NUMBER OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES IN PUBLIC SCHOOLS IN THE STATE WHO WERE IDENTIFIED AS HAVING SIGNIFICANT READING DEFICIENCIES AND RECEIVED INSTRUCTIONAL SERVICES PURSUANT TO READ PLANS IN THE BUDGET YEAR PRECEDING THE YEAR IN WHICH THE MONEYS ARE ALLOCATED. THE DEPARTMENT SHALL THEN ALLOCATE TO EACH LOCAL EDUCATION PROVIDER AN AMOUNT EQUAL TO SAID PER-PUPIL AMOUNT MULTIPLIED BY THE NUMBER OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES IN PUBLIC SCHOOLS OPERATED BY THE LOCAL EDUCATION PROVIDER WHO WERE IDENTIFIED AS HAVING SIGNIFICANT READING DEFICIENCIES AND RECEIVED INSTRUCTIONAL SERVICES PURSUANT TO READ PLANS IN THE BUDGET YEAR PRECEDING THE YEAR IN WHICH THE MONEYS ARE ALLOCATED.

(II) (A) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), FOR THE 2013-14 BUDGET YEAR, THE DEPARTMENT SHALL ALLOCATE THE PER-PUPIL INTERVENTION MONEYS TO THE LOCAL EDUCATION PROVIDERS AS REQUIRED IN PARAGRAPH (d) OF SUBSECTION (4) OF THIS SECTION BY FIRST DIVIDING THE AMOUNT OF MONEYS AVAILABLE BY THE TOTAL NUMBER OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES IN PUBLIC SCHOOLS IN THE STATE WHO ARE IDENTIFIED AS HAVING SIGNIFICANT READING DEFICIENCIES IN THE 2012-13 BUDGET YEAR. THE DEPARTMENT SHALL THEN ALLOCATE TO EACH LOCAL EDUCATION PROVIDER AN AMOUNT EQUAL TO SAID PER-PUPIL AMOUNT MULTIPLIED BY THE NUMBER OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES IN PUBLIC SCHOOLS OPERATED BY THE LOCAL EDUCATION PROVIDER WHO ARE IDENTIFIED AS HAVING SIGNIFICANT READING DEFICIENCIES IN THE 2012-13 BUDGET YEAR.

(B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1, 2014.

(b) A LOCAL EDUCATION PROVIDER MAY USE THE PER-PUPIL INTERVENTION MONEYS ONLY AS FOLLOWS:

(I) TO PROVIDE FULL-DAY KINDERGARTEN SERVICES TO STUDENTS ENROLLED IN ONE OR MORE OF THE PUBLIC SCHOOLS OPERATED BY THE LOCAL EDUCATION PROVIDER;

(II) TO OPERATE A SUMMER SCHOOL LITERACY PROGRAM AS DESCRIBED IN SECTION 22-7-1212;

(III) TO PURCHASE TUTORING SERVICES IN READING FOR STUDENTS WITH SIGNIFICANT READING DEFICIENCIES; OR

(IV) TO PROVIDE OTHER TARGETED, SCIENTIFICALLY BASED OR EVIDENCE-BASED INTERVENTION SERVICES TO STUDENTS WITH SIGNIFICANT READING DEFICIENCIES, WHICH SERVICES ARE APPROVED BY THE DEPARTMENT.

(c) EACH BUDGET YEAR, PRIOR TO RECEIVING PER-PUPIL INTERVENTION MONEYS, EACH LOCAL EDUCATION PROVIDER SHALL SUBMIT TO THE DEPARTMENT, FOR INFORMATIONAL PURPOSES, AN EXPLANATION OF THE MANNER IN WHICH IT WILL USE THE MONEYS IN THE COMING BUDGET YEAR AND THE NUMBER OF STUDENTS FOR WHICH THE LOCAL EDUCATION PROVIDER MAY RECEIVE PER-PUPIL INTERVENTION MONEYS. IF THE LOCAL EDUCATION PROVIDER INTENDS TO PROVIDE A SERVICE DESCRIBED IN SUBPARAGRAPH (IV) OF PARAGRAPH (b) OF THIS SUBSECTION (5), THE DEPARTMENT SHALL REVIEW THE SERVICE AND PROVIDE THE PER-PUPIL INTERVENTION MONEYS FOR THE SERVICE ONLY IF THE SERVICE MEETS THE REQUIREMENTS SPECIFIED IN SAID SUBPARAGRAPH (IV).

(d) IN USING THE PER-PUPIL INTERVENTION MONEYS ALLOCATED PURSUANT TO THIS SUBSECTION (5), EACH LOCAL EDUCATION PROVIDER SHALL ENSURE THAT SOME TYPE OF INTERVENTION, AS DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (5), IS AVAILABLE TO EACH STUDENT WHO IS IDENTIFIED AS HAVING A SIGNIFICANT READING DEFICIENCY AND

WHO IS ENROLLED IN KINDERGARTEN OR FIRST, SECOND, OR THIRD GRADE IN A SCHOOL OPERATED BY THE LOCAL EDUCATION PROVIDER.

22-7-1211. Early literacy grant program - created. (1) THERE IS HEREBY CREATED IN THE DEPARTMENT THE EARLY LITERACY GRANT PROGRAM TO PROVIDE MONEYS TO LOCAL EDUCATION PROVIDERS TO IMPLEMENT LITERACY SUPPORT AND INTERVENTION INSTRUCTION PROGRAMS, INCLUDING BUT NOT LIMITED TO RELATED PROFESSIONAL DEVELOPMENT PROGRAMS, TO ASSIST STUDENTS IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES TO ACHIEVE READING COMPETENCY. THE STATE BOARD BY RULE SHALL ESTABLISH THE APPLICATION TIMELINES AND THE INFORMATION TO BE INCLUDED IN EACH GRANT APPLICATION. A LOCAL EDUCATION PROVIDER MAY APPLY INDIVIDUALLY OR AS PART OF A GROUP OF LOCAL EDUCATION PROVIDERS. A RURAL SCHOOL DISTRICT THAT IS A MEMBER OF A BOARD OF COOPERATIVE SERVICES MAY SEEK ASSISTANCE IN WRITING THE GRANT APPLICATION FROM THE BOARD OF COOPERATIVE SERVICES.

(2) THE DEPARTMENT SHALL REVIEW EACH GRANT APPLICATION RECEIVED AND RECOMMEND TO THE STATE BOARD WHETHER TO AWARD THE GRANT AND THE DURATION AND AMOUNT OF EACH GRANT. IN MAKING RECOMMENDATIONS, THE DEPARTMENT SHALL CONSIDER THE FOLLOWING FACTORS:

(a) THE PERCENTAGE OF KINDERGARTEN AND FIRST-, SECOND-, AND THIRD-GRADE STUDENTS ENROLLED BY THE APPLYING LOCAL EDUCATION PROVIDER OR GROUP OF LOCAL EDUCATION PROVIDERS WHO HAVE SIGNIFICANT READING DEFICIENCIES OR, FOR THE 2012-13 BUDGET YEAR ONLY, WHO HAVE INDIVIDUAL LITERACY PLANS;

(b) THE INSTRUCTIONAL PROGRAM THAT THE APPLYING LOCAL EDUCATION PROVIDER OR GROUP OF LOCAL EDUCATION PROVIDERS PLANS TO IMPLEMENT USING THE GRANT MONEYS AND WHETHER IT IS AN EVIDENCE-BASED PROGRAM THAT IS PROVEN TO BE SUCCESSFUL IN OTHER PUBLIC SCHOOLS IN THE COUNTRY;

(c) THE COST OF THE INSTRUCTIONAL PROGRAM THAT THE APPLYING LOCAL EDUCATION PROVIDER OR GROUP OF LOCAL EDUCATION PROVIDERS PLANS TO IMPLEMENT USING THE GRANT MONEYS; AND

(d) ANY ADDITIONAL FACTORS THE STATE BOARD MAY REQUIRE BY RULE.

(3) BASED ON THE RECOMMENDATIONS OF THE DEPARTMENT, THE STATE BOARD SHALL AWARD GRANTS TO APPLYING LOCAL EDUCATION PROVIDERS OR GROUPS OF LOCAL EDUCATION PROVIDERS, WHICH GRANTS ARE PAID FROM MONEYS IN THE EARLY LITERACY FUND CREATED IN SECTION 22-7-1210.

22-7-1212. Summer school literacy programs. (1) A LOCAL EDUCATION PROVIDER MAY CHOOSE TO USE PER-PUPIL INTERVENTION MONEYS TO PROVIDE AN EVIDENCE-BASED SUMMER SCHOOL LITERACY PROGRAM TO ASSIST STUDENTS WHO ARE ENROLLED IN KINDERGARTEN OR FIRST, SECOND, OR THIRD GRADE AND WHO HAVE SIGNIFICANT READING DEFICIENCIES TO ACHIEVE READING COMPETENCY. A LOCAL EDUCATION PROVIDER MAY ALLOW STUDENTS WHO ARE BELOW GRADE LEVEL EXPECTATIONS IN READING, BUT WHO DO NOT HAVE SIGNIFICANT READING DEFICIENCIES, TO PARTICIPATE IN A SUMMER SCHOOL LITERACY PROGRAM OPERATED PURSUANT TO THIS SECTION IF CAPACITY REMAINS AFTER SERVING ALL OF THE STUDENTS WITH SIGNIFICANT READING DEFICIENCIES WHO CHOOSE TO PARTICIPATE.

(2) A LOCAL EDUCATION PROVIDER THAT INTENDS TO USE PER-PUPIL INTERVENTION MONEYS TO OPERATE A SUMMER SCHOOL LITERACY PROGRAM SHALL ANNUALLY PROVIDE TO THE DEPARTMENT INFORMATION CONCERNING THE SUMMER SCHOOL LITERACY PROGRAM THE LOCAL EDUCATION PROVIDER INTENDS TO OPERATE. THE LOCAL EDUCATION PROVIDER SHALL ENSURE THAT THE PROGRAM:

(a) SERVES ONLY STUDENTS ENROLLED IN KINDERGARTEN OR FIRST, SECOND, OR THIRD GRADE WHO HAVE SIGNIFICANT READING DEFICIENCIES, EXCEPT AS SPECIFICALLY ALLOWED IN SUBSECTION (1) OF THIS SECTION FOR STUDENTS WHO ARE BELOW GRADE LEVEL EXPECTATIONS IN READING; AND

(b) USES SCIENTIFICALLY BASED OR EVIDENCE-BASED INSTRUCTIONAL PROGRAMMING IN READING THAT:

(I) HAS BEEN PROVEN TO ACCELERATE STUDENT PROGRESS IN

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ATTAINING READING COMPETENCY;

(II) PROVIDES EXPLICIT AND SYSTEMATIC SKILL DEVELOPMENT IN THE AREAS OF PHONEMIC AWARENESS; PHONICS; VOCABULARY DEVELOPMENT; READING FLUENCY, INCLUDING ORAL SKILLS; AND READING COMPREHENSION;

(III) INCLUDES SCIENTIFICALLY BASED AND RELIABLE ASSESSMENTS; AND

(IV) PROVIDES INITIAL AND ON-GOING ANALYSIS OF THE STUDENT'S PROGRESS IN ATTAINING READING COMPETENCY.

22-7-1213. Reporting requirements. (1) EACH LOCAL EDUCATION PROVIDER SHALL ANNUALLY REPORT TO THE DEPARTMENT INFORMATION NECESSARY TO DETERMINE:

(a) THE PREVALENCE OF SIGNIFICANT READING DEFICIENCIES AMONG STUDENTS IN KINDERGARTEN AND FIRST THROUGH THIRD GRADES;

(b) WHETHER STUDENTS WHO HAVE SIGNIFICANT READING DEFICIENCIES AND WHO ADVANCE TO THE NEXT GRADE LEVEL ATTAIN READING COMPETENCY AND, IF SO, AT WHAT GRADE LEVEL;

(c) WHETHER STUDENTS WHO HAVE SIGNIFICANT READING DEFICIENCIES AND WHO DO NOT ADVANCE TO THE NEXT GRADE LEVEL ATTAIN READING COMPETENCY WITHIN THE SCHOOL YEAR DURING WHICH THEY DO NOT ADVANCE;

(d) WHETHER STUDENTS WHO HAVE SIGNIFICANT READING DEFICIENCIES AND WHO DO NOT ADVANCE TO THE NEXT GRADE LEVEL ATTAIN READING COMPETENCY AT A LOWER GRADE LEVEL THAN STUDENTS WHO DO ADVANCE; AND

(e) WHETHER STUDENTS WHO HAVE SIGNIFICANT READING DEFICIENCIES CONTINUE TO ADVANCE TO THE NEXT GRADE LEVEL DESPITE HAVING A CONTINUING SIGNIFICANT READING DEFICIENCY AND THE DEGREE TO WHICH LOCAL EDUCATION PROVIDERS ARE RECOMMENDING THAT SAID STUDENTS DO NOT ADVANCE.

(2) EACH LOCAL EDUCATION PROVIDER THAT RECEIVES AN EARLY LITERACY GRANT PURSUANT TO SECTION 22-7-1211 OR PER-PUPIL INTERVENTION MONEYS SHALL, AT THE CONCLUSION OF EACH BUDGET YEAR IN WHICH IT RECEIVES THE GRANT OR PER-PUPIL INTERVENTION MONEYS, SUBMIT TO THE DEPARTMENT INFORMATION DESCRIBING:

(a) THE INSTRUCTIONAL PROGRAMS, FULL-DAY KINDERGARTEN PROGRAM, SUMMER SCHOOL LITERACY PROGRAM, TUTORING SERVICES, OR OTHER INTERVENTION SERVICES FOR WHICH THE LOCAL EDUCATION PROVIDER USED THE GRANT OR PER-PUPIL INTERVENTION MONEYS;

(b) THE NUMBER AND GRADE LEVELS OF STUDENTS WHO PARTICIPATED IN EACH OF THE TYPES OF PROGRAMS OR SERVICES PROVIDED; AND

(c) THE PROGRESS MADE BY PARTICIPATING STUDENTS IN ACHIEVING READING COMPETENCY.

(3) (a) THE DEPARTMENT SHALL ANNUALLY ANALYZE THE INFORMATION RECEIVED PURSUANT TO SUBSECTION (1) OF THIS SECTION AND MAKE THE DETERMINATIONS DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

(b) THE DEPARTMENT SHALL ANNUALLY SUBMIT TO THE STATE BOARD, THE GOVERNOR, THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, AND SHALL POST ON THE DEPARTMENT WEB SITE A REPORT THAT SUMMARIZES:

(I) THE INFORMATION RECEIVED PURSUANT TO SUBSECTION (1) OF THIS SECTION AND THE DETERMINATIONS MADE BY THE DEPARTMENT BASED ON THE INFORMATION;

(II) THE IMPLEMENTATION OF THE EARLY LITERACY GRANT PROGRAM IN THE PRECEDING BUDGET YEAR, INCLUDING THE NUMBER OF GRANTS, THE LOCAL EDUCATION PROVIDERS THAT RECEIVED GRANTS, AND THE AMOUNT OF EACH GRANT; AND

(III) THE INFORMATION RECEIVED BY THE DEPARTMENT PURSUANT TO SUBSECTION (2) OF THIS SECTION.

(c) THE DEPARTMENT MAY PROVIDE THE REPORT DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (3) TO COMMITTEES OF THE GENERAL ASSEMBLY IN CONJUNCTION WITH THE REPORT REQUIRED IN SECTION 2-7-203, C.R.S.

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(4) THE INFORMATION PROVIDED IN THE REPORT DESCRIBED IN THIS SECTION IS INTENDED TO ASSIST THE DEPARTMENT, THE STATE BOARD, THE GOVERNOR, THE GENERAL ASSEMBLY, AND THE PUBLIC IN MONITORING THE IMPLEMENTATION OF AND IDENTIFYING THE RESULTS ACHIEVED IN IMPLEMENTING THIS PART 12.

SECTION 3. In Colorado Revised Statutes, 22-11-202, **add** (2) (c) as follows:

22-11-202. Colorado growth model - technical advisory panel - rules. (2) (c) THE DEPARTMENT AND THE STATE BOARD SHALL CONSULT WITH THE TECHNICAL ADVISORY PANEL CONCERNING:

(I) THE SCORES ON THE KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADE READING ASSESSMENTS APPROVED PURSUANT TO SECTION 22-7-1209 (1) (b) THAT WILL IDENTIFY, AS REQUIRED IN SECTION 22-7-1209 (1) (a), THE MINIMUM READING COMPETENCY SKILL LEVELS IN THE AREAS OF PHONEMIC AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY, INCLUDING ORAL SKILLS, AND READING COMPREHENSION FOR KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES;

(II) THE AMOUNT OF ADDITIONAL CREDIT TOWARD ACCREDITATION THAT EACH LOCAL EDUCATION PROVIDER MAY RECEIVE PURSUANT TO SECTION 22-11-204 (3) (b); AND

(III) METHODS OF INCLUDING IN THE ACCREDITATION PROCESS CONSIDERATION OF STUDENT PROGRESS IN ATTAINING READING COMPETENCY, AS DEFINED IN SECTION 22-7-1203 (10), IN KINDERGARTEN AND FIRST AND SECOND GRADE.

SECTION 4. In Colorado Revised Statutes, 22-11-204, **amend** (3) as follows:

22-11-204. Performance indicators - measures. (3) (a) The department shall determine the level of attainment of each public school, each school district, the institute, and the state as a whole on the performance indicator that concerns student achievement levels on the statewide assessments by using the following measures:

(a) (I) For each student enrolled in a public school in the state, the department shall determine the student's achievement level in the subjects included in the statewide assessments, as demonstrated by the score achieved by the student on the statewide assessments. The state board shall specify the score ranges that constitute each of the achievement levels.

(b) (II) For each public school, the department shall calculate the percentage of students enrolled in the public school at each grade level who score at each of the achievement levels on the statewide assessments in each of the subjects included in the statewide assessments.

(c) (III) For each school district and the institute, the department shall calculate the percentage of all students enrolled in the district public schools or in the institute charter schools who score at each of the achievement levels in the subjects included in the statewide assessments.

(d) (IV) For the state, the department shall calculate the percentage of all students enrolled in the public schools in the state who score at each of the achievement levels in the subjects included in the statewide assessments.

(b) BEGINNING IN THE 2013-14 SCHOOL YEAR, IN DETERMINING THE LEVEL OF ATTAINMENT OF A PUBLIC SCHOOL THAT INCLUDES THIRD AND FOURTH GRADES, A SCHOOL DISTRICT, THE INSTITUTE, AND THE STATE AS A WHOLE ON THE PERFORMANCE INDICATOR THAT CONCERNS STUDENT ACHIEVEMENT LEVELS, THE DEPARTMENT SHALL CALCULATE THE PERCENTAGE OF STUDENTS ENROLLED IN THE PUBLIC SCHOOL IN THIRD AND FOURTH GRADES WHO WERE AT ONE TIME IDENTIFIED AS HAVING A SIGNIFICANT READING DEFICIENCY PURSUANT TO SECTION 22-7-1205 AND WHO SCORE PARTIALLY PROFICIENT, PROFICIENT, OR ADVANCED ON THE STATEWIDE READING ASSESSMENT IN THIRD OR FOURTH GRADE. THE STATE BOARD SHALL ADOPT RULES BY WHICH A PUBLIC SCHOOL, A SCHOOL DISTRICT, AND THE INSTITUTE RECEIVE ADDITIONAL CREDIT TOWARD THEIR ACCREDITATION RATINGS USING THE PERCENTAGES CALCULATED PURSUANT TO THIS PARAGRAPH (b), WHICH ADDITIONAL CREDIT IS INCREASED BASED ON THE LEVEL OF PERFORMANCE.

SECTION 5. In Colorado Revised Statutes, 22-11-303, **add** (3) (a.5) as follows:

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22-11-303. Accredited or accredited with distinction - performance plan - school district or institute - contents - adoption.

(3) A district or institute performance plan shall be designed to raise the academic performance of students enrolled in the school district or in the institute charter schools and to ensure that the school district or the institute, following the next annual accreditation review, attains a higher accreditation category or remains in the same accreditation category if the school district or institute is accredited with distinction. At a minimum, each district and institute performance plan shall:

(a.5) IDENTIFY THE STRATEGIES TO BE USED IN ADDRESSING THE NEEDS OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADE WHO ARE IDENTIFIED PURSUANT TO SECTION 22-7-1205 AS HAVING SIGNIFICANT READING DEFICIENCIES AND SET, REAFFIRM, OR REVISE, AS APPROPRIATE, AMBITIOUS BUT ATTAINABLE TARGETS THAT THE SCHOOL DISTRICT, INCLUDING THE DISTRICT PUBLIC SCHOOLS, OR THE INSTITUTE, INCLUDING THE INSTITUTE CHARTER SCHOOLS, SHALL ATTAIN IN REDUCING THE NUMBER OF STUDENTS WHO HAVE SIGNIFICANT READING DEFICIENCIES AND IN ENSURING THAT EACH STUDENT ACHIEVES GRADE LEVEL EXPECTATIONS IN READING;

SECTION 6. In Colorado Revised Statutes, 22-11-304, **add** (3)

(a.5) as follows:

22-11-304. Accredited with improvement plan - school district or institute - plan contents - adoption.

(3) A district improvement plan or an institute improvement plan shall be designed to ensure that the school district or the institute improves its performance to the extent that, following completion of its next annual accreditation review, the school district or the institute attains a higher accreditation category. At a minimum, a district improvement plan or an institute improvement plan shall:

(a.5) IDENTIFY THE STRATEGIES TO BE USED IN ADDRESSING THE NEEDS OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADE WHO ARE IDENTIFIED PURSUANT TO SECTION 22-7-1205 AS HAVING SIGNIFICANT READING DEFICIENCIES AND SET OR REVISE, AS APPROPRIATE, AMBITIOUS BUT ATTAINABLE TARGETS THAT THE SCHOOL DISTRICT, INCLUDING THE DISTRICT PUBLIC SCHOOLS, OR THE INSTITUTE, INCLUDING THE INSTITUTE CHARTER SCHOOLS, SHALL ATTAIN IN REDUCING THE NUMBER OF STUDENTS WHO HAVE SIGNIFICANT READING DEFICIENCIES AND IN ENSURING THAT EACH STUDENT ACHIEVES GRADE LEVEL EXPECTATIONS IN READING;

SECTION 7. In Colorado Revised Statutes, 22-11-305, **add** (3)

(a.5) as follows:

22-11-305. Accredited with priority improvement plan - school district or institute - plan contents - adoption.

(3) A district priority improvement plan or an institute priority improvement plan shall be designed to ensure that the school district or the institute improves its performance to the extent that, following completion of its next annual accreditation review, the school district or the institute attains a higher accreditation category. At a minimum, a district priority improvement plan or an institute priority improvement plan shall:

(a.5) IDENTIFY THE STRATEGIES TO BE USED IN ADDRESSING THE NEEDS OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADE WHO ARE IDENTIFIED PURSUANT TO SECTION 22-7-1205 AS HAVING SIGNIFICANT READING DEFICIENCIES AND SET OR REVISE, AS APPROPRIATE, AMBITIOUS BUT ATTAINABLE TARGETS THAT THE SCHOOL DISTRICT, INCLUDING THE DISTRICT PUBLIC SCHOOLS, OR THE INSTITUTE, INCLUDING THE INSTITUTE CHARTER SCHOOLS, SHALL ATTAIN IN REDUCING THE NUMBER OF STUDENTS WHO HAVE SIGNIFICANT READING DEFICIENCIES AND IN ENSURING THAT EACH STUDENT ACHIEVES GRADE LEVEL EXPECTATIONS IN READING;

SECTION 8. In Colorado Revised Statutes, 22-11-306, **add** (3)

(a.5) as follows:

22-11-306. Accredited with turnaround plan - school district or institute - plan content - adoption.

(3) A district turnaround plan or an institute turnaround plan shall be designed to ensure that the school district or the institute improves its performance to the extent that, following completion of its next annual accreditation review, the school district or the institute attains a higher accreditation category. At a

minimum, a district turnaround plan or an institute turnaround plan shall:

(a.5) IDENTIFY THE STRATEGIES TO BE USED IN ADDRESSING THE NEEDS OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADE WHO ARE IDENTIFIED PURSUANT TO SECTION 22-7-1205 AS HAVING SIGNIFICANT READING DEFICIENCIES AND SET OR REVISE, AS APPROPRIATE, AMBITIOUS BUT ATTAINABLE TARGETS THAT THE SCHOOL DISTRICT, INCLUDING THE DISTRICT PUBLIC SCHOOLS, OR THE INSTITUTE, INCLUDING THE INSTITUTE CHARTER SCHOOLS, SHALL ATTAIN IN REDUCING THE NUMBER OF STUDENTS WHO HAVE SIGNIFICANT READING DEFICIENCIES AND IN ENSURING THAT EACH STUDENT ACHIEVES GRADE LEVEL EXPECTATIONS IN READING;

SECTION 9. In Colorado Revised Statutes, 22-11-403, **add** (3)

(a.5) as follows:

22-11-403. School performance plan - contents. (3) A school performance plan shall be designed to raise the academic performance of students enrolled in the public school and to ensure that the public school, following the next annual performance review, attains a higher accreditation category or remains in the same accreditation category if the public school is already accredited by the school district or the institute at the highest level. At a minimum, each school performance plan shall:

(a.5) IF THE PUBLIC SCHOOL SERVES STUDENTS IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES, IDENTIFY THE STRATEGIES TO BE USED IN ADDRESSING THE NEEDS OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADE WHO ARE IDENTIFIED PURSUANT TO SECTION 22-7-1205 AS HAVING SIGNIFICANT READING DEFICIENCIES AND SET, REAFFIRM, OR REVISE, AS APPROPRIATE, AMBITIOUS BUT ATTAINABLE TARGETS THAT THE PUBLIC SCHOOL SHALL ATTAIN IN REDUCING THE NUMBER OF STUDENTS WHO HAVE SIGNIFICANT READING DEFICIENCIES AND IN ENSURING THAT EACH STUDENT ACHIEVES GRADE LEVEL EXPECTATIONS IN READING;

SECTION 10. In Colorado Revised Statutes, 22-11-404, **add** (3)

(a.5) as follows:

22-11-404. School improvement plan - contents. (3) A school improvement plan shall be designed to raise the academic performance of students enrolled in the public school and to ensure that the public school, following the next annual performance review, attains a higher accreditation category. At a minimum, each school improvement plan shall:

(a.5) IF THE PUBLIC SCHOOL SERVES STUDENTS IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES, IDENTIFY THE STRATEGIES TO BE USED IN ADDRESSING THE NEEDS OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADE WHO ARE IDENTIFIED PURSUANT TO SECTION 22-7-1205 AS HAVING SIGNIFICANT READING DEFICIENCIES AND SET OR REVISE, AS APPROPRIATE, AMBITIOUS BUT ATTAINABLE TARGETS THAT THE PUBLIC SCHOOL SHALL ATTAIN IN REDUCING THE NUMBER OF STUDENTS WHO HAVE SIGNIFICANT READING DEFICIENCIES AND IN ENSURING THAT EACH STUDENT ACHIEVES GRADE LEVEL EXPECTATIONS IN READING;

SECTION 11. In Colorado Revised Statutes, 22-11-405, **add** (4)

(a.5) as follows:

22-11-405. School priority improvement plan - contents. (4) A school priority improvement plan shall be designed to ensure that the public school improves its performance to the extent that, following completion of the public school's next annual performance review, the public school attains a higher accreditation category. At a minimum, a school priority improvement plan shall:

(a.5) IF THE PUBLIC SCHOOL SERVES STUDENTS IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES, IDENTIFY THE STRATEGIES TO BE USED IN ADDRESSING THE NEEDS OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADE WHO ARE IDENTIFIED PURSUANT TO SECTION 22-7-1205 AS HAVING SIGNIFICANT READING DEFICIENCIES AND SET OR REVISE, AS APPROPRIATE, AMBITIOUS BUT ATTAINABLE TARGETS THAT THE PUBLIC SCHOOL SHALL ATTAIN IN REDUCING THE NUMBER OF STUDENTS WHO HAVE SIGNIFICANT READING DEFICIENCIES AND IN ENSURING THAT EACH STUDENT ACHIEVES GRADE LEVEL EXPECTATIONS IN READING;

SECTION 12. In Colorado Revised Statutes, 22-11-406, **add** (3)

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(a.5) as follows:

22-11-406. School turnaround plan - contents. (3) A school turnaround plan shall be designed to ensure that the public school improves its performance to the extent that, following completion of the public school's next annual performance review, the public school attains a higher accreditation category. At a minimum, a school turnaround plan shall:

(a.5) IF THE PUBLIC SCHOOL SERVES STUDENTS IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES, IDENTIFY THE STRATEGIES TO BE USED IN ADDRESSING THE NEEDS OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADE WHO ARE IDENTIFIED PURSUANT TO SECTION 22-7-1205 AS HAVING SIGNIFICANT READING DEFICIENCIES AND SET OR REVISE, AS APPROPRIATE, AMBITIOUS BUT ATTAINABLE TARGETS THAT THE PUBLIC SCHOOL SHALL ATTAIN IN REDUCING THE NUMBER OF STUDENTS WHO HAVE SIGNIFICANT READING DEFICIENCIES AND IN ENSURING THAT EACH STUDENT ACHIEVES GRADE LEVEL EXPECTATIONS IN READING;

SECTION 13. In Colorado Revised Statutes, 22-41-102, **amend** (3) (a); and **add** (3) (c) as follows:

22-41-102. Fund inviolate. (3) (a) Except as provided in paragraph (b) of this subsection (3), for the 2010-11 state fiscal year and each state fiscal year thereafter, the first eleven million dollars of any interest or income earned on the investment of the moneys in the public school fund shall be credited to the state public school fund created in section 22-54-114 for distribution as provided by law. PRIOR TO THE 2013-14 STATE FISCAL YEAR, any amount of such interest and income earned on the investment of the moneys in the state public school fund in excess of eleven million dollars, other than interest and income credited to the public school capital construction assistance fund, created in section 22-43.7-104 (1), pursuant to section 22-43.7-104 (2) (b) (I), shall remain in the fund and shall become part of the principal of the fund.

(c) FOR THE 2013-14 STATE FISCAL YEAR AND FOR EACH STATE FISCAL YEAR THEREAFTER, ANY AMOUNT OF INTEREST OR INCOME EARNED ON THE INVESTMENT OF MONEYS IN THE PUBLIC SCHOOL FUND IN EXCESS OF ELEVEN MILLION DOLLARS, OTHER THAN INTEREST AND INCOME CREDITED TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND, CREATED IN SECTION 22-43.7-104 (1), PURSUANT TO SECTION 22-43.7-104 (2) (b) (I), SHALL BE CREDITED TO THE EARLY LITERACY FUND CREATED IN SECTION 22-7-1210.

SECTION 14. In Colorado Revised Statutes, 22-54-103, **amend** (10) (b) (I) introductory portion as follows:

22-54-103. Definitions - repeal. As used in this article, unless the context otherwise requires:

(10) (b) (I) A pupil enrolled in a kindergarten educational program pursuant to section 22-32-119 (1) shall be counted as not more than a half-day pupil; EXCEPT THAT, IF THE PUPIL DOES NOT ADVANCE TO FIRST GRADE, PURSUANT TO SECTION 22-7-1207, AFTER COMPLETING ONE YEAR OF ENROLLMENT IN A KINDERGARTEN EDUCATIONAL PROGRAM, THE PUPIL SHALL BE COUNTED AS A FULL-DAY PUPIL FOR THE SECOND YEAR IN WHICH HE OR SHE IS ENROLLED IN THE KINDERGARTEN EDUCATIONAL PROGRAM. For the 2005-06 budget year and each budget year thereafter, a district shall count and receive funding only for pupils enrolled in a kindergarten educational program who are:".

Renumber succeeding sections accordingly.

Page 44, line 14, strike "22-7-511." and substitute "22-7-1210."

Page 46, line 19, strike "22-7-511," and substitute "22-7-1210,".

Page 46, line 26, strike "22-7-511 (3)," and substitute "22-7-1210 (3),"

Page 47, line 14, strike "(1)".

Page 47, line 16, strike "22-7-511 (3)," and substitute "22-7-1210,".

Page 47, line 19, strike "to the assistance to" and substitute "pursuant to"

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section 22-7-1210 (4), Colorado Revised Statutes."

Page 47, strike lines 20 through 27.

Page 48, strike lines 1 through 9.

Page 48, strike lines 14 through 21.

Page 48, line 22, strike "(c)" and substitute "(a)".

Trans-
portation

After consideration on the merits, the Committee recommends that **HB12-1014** be postponed indefinitely.

Trans-
portation

After consideration on the merits, the Committee recommends that **HB12-1108** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Thursday, April 26 was laid over until Friday, April 27, retaining its place on the calendar.

- Consideration of Resolutions: SJR12-034, SJR12-036, SJR12-038, SJR12-039, SJR12-040, SJR12-043, SJR12-044, HJR12-1017.
- Consideration of Memorials: SJM12-003, SM12-003.
- Consideration of House Amendments to Senate Bills: SB12-128, SB12-036, SB12-149, SB12-009, SB12-010, SB12-145.
- Consideration of Governor's Appointments:
 - Members of the Tourism Office Board of Directors.
- Conference Committees to Report: SB12-020, HB12-1053.
- Requests for Conference Committee: HB12-1168.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, April 27, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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