

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

51st Legislative Day Thursday, February 27, 2014

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Prayer	By Senator Balmer.	11
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Call to Order	By the President <i>pro tem</i> at 9:00 a.m.	13
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Pledge	By Senator Ulibarri.	16
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Roll Call	Present--32	18
	Excused--3, Baumgardner, Jahn, Schwartz.	19
	Present later--2, Jahn, Schwartz.	20
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Quorum	The President announced a quorum present.	22
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Reading of Journal	On motion of Senator Crowder, reading of the Journal of Wednesday, February 26, 2014, was dispensed with and the Journal was approved as corrected by the Secretary.	24
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COMMITTEE OF REFERENCE REPORTS

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Judiciary	After consideration on the merits, the Committee recommends that HB14-1122 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	32
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Amend reengrossed bill, page 2, line 18, before "EXIT" insert "OPAQUE AND RESEALABLE".

Page 6, after line 14 insert:

"SECTION 6. In Colorado Revised Statutes, 12-43.3-104, **add** (10.5) and (14.5) as follows:

12-43.3-104. Definitions. As used in this article, unless the context otherwise requires:

(10.5) "OPAQUE" MEANS THAT THE PACKAGING DOES NOT ALLOW THE PRODUCT TO BE SEEN WITHOUT OPENING THE PACKAGING MATERIAL.

(14.5) "RESEALABLE" MEANS THAT THE PACKAGE CONTINUES TO FUNCTION WITH EFFECTIVENESS SPECIFICATIONS, WHICH SHALL BE ESTABLISHED BY THE STATE LICENSING AUTHORITY SIMILAR TO THE FEDERAL "POISON PREVENTION PACKAGING ACT OF 1970", 15 U.S.C. SEC. 1471 ET SEQ., FOR THE NUMBER OF OPENINGS AND CLOSINGS CUSTOMARY FOR ITS SIZE AND CONTENTS, WHICH SHALL BE DETERMINED BY THE STATE LICENSING AUTHORITY.

"SECTION 7. In Colorado Revised Statutes, 12-43.4-103, **add** (10.5) and (14.5) as follows:

12-43.4-103. Definitions. As used in this article, unless the context otherwise requires:

(10.5) "OPAQUE" MEANS THAT THE PACKAGING DOES NOT ALLOW THE PRODUCT TO BE SEEN WITHOUT OPENING THE PACKAGING MATERIAL.

(14.5) "RESEALABLE" MEANS THAT THE PACKAGE CONTINUES TO FUNCTION WITH EFFECTIVENESS SPECIFICATIONS, WHICH SHALL BE ESTABLISHED BY THE STATE LICENSING AUTHORITY SIMILAR TO THE FEDERAL "POISON PREVENTION PACKAGING ACT OF 1970", 15 U.S.C. SEC. 1471 ET SEQ., FOR THE NUMBER OF OPENINGS AND CLOSINGS CUSTOMARY FOR ITS SIZE AND CONTENTS, WHICH SHALL BE DETERMINED BY THE STATE LICENSING AUTHORITY.

SECTION 8. In Colorado Revised Statutes, 12-43.4-202, **amend**

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(3) (c) (I) introductory portion and (3) (c) (III) (B) as follows:

12-43.4-202. Powers and duties of state licensing authority - rules. (3) (c) Rules promulgated pursuant to paragraph (b) of subsection (2) of this section must also include the following subjects, and the state licensing authority may seek the assistance of the department of public health and environment when necessary before promulgating the rules:

(I) Signage, marketing, and advertising, including but not limited to a prohibition on mass-market campaigns that have a high likelihood of reaching ~~minors~~ PERSONS UNDER TWENTY-ONE YEARS OF AGE and other such rules that may include:

(III) Prohibiting the sale of retail marijuana and retail marijuana products unless:

(B) The product is placed in an OPAQUE AND RESEALABLE exit package or container meeting requirements established by the state licensing authority at the point of sale prior to exiting the store;"

Renumber succeeding section accordingly.

Judiciary

After consideration on the merits, the Committee recommends that **SB14-133** be **amended** as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

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

"SECTION 1. In Colorado Revised Statutes, **amend** 12-58.5-101 as follows:

12-58.5-101. Short title. This article shall be known and may be cited as the "~~Private Investigators Voluntary Licensure~~ INVESTIGATIONS Act".

SECTION 2. In Colorado Revised Statutes, **amend** 12-58.5-102 as follows:

12-58.5-102. Legislative declaration. The general assembly hereby finds that in order to protect the citizens of the state, ~~and allow private investigators access to public records;~~ it is important to create a licensure program to ~~allow qualified~~ REQUIRE private investigators at ~~their option;~~ to obtain a state-issued REGISTRATION AND TO REQUIRE PRIVATE INVESTIGATION AGENCIES TO OBTAIN A STATE-ISSUED license to conduct private investigations IN THIS STATE.

SECTION 3. In Colorado Revised Statutes, 12-58.5-103, **amend** (1), (4), (5), and (6) (a); and **add** (5.5) and (7) as follows:

12-58.5-103. Definitions. As used in this article, unless the context otherwise requires:

(1) "Applicant" means:

(a) A private investigator who applies for an initial or renewal ~~license~~ REGISTRATION pursuant to this article; OR

(b) A PERSON WHO APPLIES FOR AN INITIAL OR RENEWAL AGENCY LICENSE PURSUANT TO THIS ARTICLE.

(4) "Licensed private ~~investigator~~ INVESTIGATION AGENCY", "LICENSED AGENCY", OR "LICENSEE" means a private ~~investigator~~ INVESTIGATION AGENCY licensed by the director pursuant to this article.

(5) "Private investigation" means UNDERTAKING an investigation for the purpose of obtaining information FOR OTHERS pertaining to:

(a) A crime, wrongful act, or threat against the United States or any state or territory of the United States;

(b) The identity, reputation, character, habits, conduct, business occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movements, whereabouts, affiliations, associations, or transactions of a person, ~~or~~ group of persons, OR ORGANIZATION;

(c) The credibility of witnesses or other persons;

(d) The whereabouts of missing persons;

(e) The determination of the owners of abandoned property;

(f) The causes and origin of, or responsibility for, ~~a fire;~~ libel, slander, a loss, an accident, damage, or an injury to a person or to real or personal property;

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(g) The business of securing evidence to be used before an investigatory committee, or board of award or arbitration, ADMINISTRATIVE BODY, OR OFFICER or in the preparation for or in a civil or criminal trial;

(h) The business of locating persons who have become delinquent in their lawful debts, either when THE LICENSED PRIVATE INVESTIGATION AGENCY LOCATING THE DEBTOR IS hired by an individual or collection agency; or through direct purchase of the debt from a financial institution or entity owning the debt or judgment;

(i) THE LOCATION OR RECOVERY OF LOST OR STOLEN PROPERTY;

(j) THE AFFILIATION, CONNECTION, OR RELATIONSHIP OF ANY PERSON, FIRM, OR CORPORATION WITH ANY ORGANIZATION, SOCIETY, OR ASSOCIATION OR WITH ANY OFFICIAL, REPRESENTATIVE, OR MEMBER OF AN ORGANIZATION, SOCIETY, OR ASSOCIATION;

(k) THE CONDUCT, HONESTY, EFFICIENCY, LOYALTY, OR ACTIVITIES OF EMPLOYEES, PERSONS SEEKING EMPLOYMENT, AGENTS, CONTRACTORS, OR SUBCONTRACTORS; OR

(l) THE IDENTITY OF PERSONS SUSPECTED OF CRIMES OR MISDEMEANORS.

(5.5)(a) "PRIVATE INVESTIGATION AGENCY" OR "AGENCY" MEANS A SOLE PROPRIETORSHIP, CORPORATION, PARTNERSHIP, FIRM, ASSOCIATION, OR OTHER BUSINESS ENTITY THAT CONDUCTS PRIVATE INVESTIGATIONS, REGARDLESS OF WHETHER THE AGENCY RECEIVES A FEE, REWARD, COMPENSATION, OR OTHER CONSIDERATION FOR CONDUCTING THE PRIVATE INVESTIGATION.

(b) THE TERM DOES NOT INCLUDE A PERSON OR BUSINESS THAT ONLY CONTRACTS WITH PERSONS EXEMPTED FROM THIS ARTICLE PURSUANT TO SECTION 12-58.5-104.5.

(6)(a) "Private investigator" OR "PRIVATE DETECTIVE" means a NATURAL person who for consideration, engages in business or accepts employment to conduct CONDUCTS private investigations AS AN EMPLOYEE OF AN AGENCY.

(7) "REGISTERED PRIVATE INVESTIGATOR" OR "REGISTRANT" MEANS A PRIVATE INVESTIGATOR REGISTERED BY THE DIRECTOR PURSUANT TO THIS ARTICLE.

SECTION 4. In Colorado Revised Statutes, amend 12-58.5-104 as follows:

12-58.5-104. Registration - licensure - title protection - unauthorized practice - penalty. (1) (a) (I) By July 1, 2012 JUNE 1, 2015, a private investigator conducting private investigations in this state who meets the requirements of IS REQUIRED TO MEET THE QUALIFICATIONS SET FORTH IN, section 12-58.5-201 may obtain a license AND OBTAIN A REGISTRATION from the director PURSUANT TO, SECTION 12-58.5-201. A PRIVATE INVESTIGATOR WHO IS NOT EMPLOYED BY AN AGENCY MUST MEET THE QUALIFICATIONS SET FORTH IN, AND OBTAIN AN AGENCY LICENSE PURSUANT TO, SECTION 12-58.5-301.

(II) BY JUNE 1, 2015, A PRIVATE INVESTIGATION AGENCY CONDUCTING PRIVATE INVESTIGATIONS IN THIS STATE MUST MEET THE QUALIFICATIONS SET FORTH IN, AND OBTAIN AN AGENCY LICENSE PURSUANT TO, SECTION 12-58.5-301.

(III) Only a private investigator who OR PRIVATE INVESTIGATION AGENCY THAT obtains a license OR REGISTRATION, AS APPLICABLE pursuant to section 12-58.5-105 shall hold THIS ARTICLE, MAY PRESENT himself, or herself, out OR ITSELF as or use the title of a "licensed "private investigator", "PRIVATE DETECTIVE", "REGISTERED PRIVATE INVESTIGATOR", "REGISTERED PRIVATE DETECTIVE", "PRIVATE INVESTIGATION AGENCY", OR "LICENSED PRIVATE INVESTIGATION AGENCY", AS APPLICABLE.

(b) (I) Nothing in this article requires a private investigator engaging in private investigations in this state to obtain a license under this article, but a private investigator who is not so licensed shall not refer to himself or herself as a "licensed private investigator". ON OR AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (b), AS AMENDED, THE DIRECTOR SHALL NOT ACCEPT AN APPLICATION FOR A NEW OR RENEWAL VOLUNTARY PRIVATE INVESTIGATOR LICENSE AND SHALL NOT ISSUE OR RENEW A VOLUNTARY PRIVATE INVESTIGATOR LICENSE. A PRIVATE INVESTIGATOR HOLDING A VOLUNTARY LICENSE ISSUED OR RENEWED

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BEFORE THE EFFECTIVE DATE OF THIS PARAGRAPH (b), AS AMENDED, SHALL NOT CONDUCT PRIVATE INVESTIGATIONS ON OR AFTER JUNE 1, 2015, UNLESS THE PRIVATE INVESTIGATOR APPLIES FOR, SATISFIES THE QUALIFICATIONS OF, AND OBTAINS A REGISTRATION OR LICENSE PURSUANT TO SECTION 12-58.5-201 OR 12-58.5-301, AS APPLICABLE.

(II) THE DIRECTOR SHALL DISMISS ANY APPLICATION FOR A VOLUNTARY PRIVATE INVESTIGATOR LICENSE PENDING ON THE EFFECTIVE DATE OF THIS PARAGRAPH (b), AS AMENDED, AND SHALL REFUND ANY FEES SUBMITTED WITH THE APPLICATION TO THE APPLICANT.

(2) Any person OR AGENCY who ~~holds~~ CONDUCTS PRIVATE INVESTIGATIONS OR PRESENTS himself, ~~or herself, out~~ OR ITSELF as or uses the title "PRIVATE INVESTIGATOR", "~~licensed~~ REGISTERED private investigator", "PRIVATE DETECTIVE", "REGISTERED PRIVATE DETECTIVE", "PRIVATE INVESTIGATION AGENCY", OR "LICENSED PRIVATE INVESTIGATION AGENCY" without an active REGISTRATION OR license, AS APPLICABLE, issued under this article commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., for the first offense, and, for the second or any subsequent offense, commits a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

SECTION 5. In Colorado Revised Statutes, add with amended and relocated provisions 12-58.5-104.5 and 12-58.5-106.5 as follows:

12-58.5-104.5. [Formerly 12-58.5-103 (6) (b)] Exemptions.

(1) ~~"Private investigator" does not include~~ THIS ARTICLE DOES NOT APPLY TO:

~~(I)~~ (a) A collection agency OR CONSUMER REPORTING AGENCY, as defined in section 12-14-103 (2) AND (4.5), RESPECTIVELY;

~~(II)~~ (b) A person conducting an investigation on the person's own behalf, or an employee OF AN EMPLOYER conducting an INTERNAL investigation on behalf of ~~the~~ HIS OR HER employer;

~~(III)~~ (c) An ATTORNEY LICENSED TO PRACTICE LAW IN THIS STATE, AN employee ~~or independent contractor~~ of an A LICENSED ATTORNEY, OR A PERSON UNDER CONTRACT TO PERFORM PARALEGAL SERVICES FOR A LICENSED attorney; ~~licensed to practice law in this state;~~

~~(IV)~~ (d) A certified peace officer of a law enforcement agency operating in his or her official capacity;

~~(V) A consumer reporting agency, as defined in section 12-14-103;~~

~~(VI)~~ (e) (I) A certified public accountant certified or authorized to provide accounting services in the state pursuant to article 2 of this title; ~~and any~~

(II) AN EMPLOYEE OF A CERTIFIED PUBLIC ACCOUNTANT;

(III) AN employee or affiliate of an accounting firm registered pursuant to section 12-2-117; OR

(IV) A PERSON WHO CONDUCTS FORENSIC ACCOUNTING, FRAUD INVESTIGATIONS, OR OTHER RELATED ANALYSIS OF FINANCIAL TRANSACTIONS BASED ON INFORMATION THAT IS EITHER PUBLICLY AVAILABLE OR PROVIDED BY CLIENTS OR OTHER THIRD PARTIES AND WHO IS:

(A) AN ACCOUNTANT OR PUBLIC ACCOUNTANT WHO IS NOT REGULATED BY THE STATE;

(B) A CERTIFIED FRAUD EXAMINER; OR

(C) AN EMPLOYEE OR INDEPENDENT CONTRACTOR UNDER THE GUIDANCE OF AN ACCOUNTANT, PUBLIC ACCOUNTANT, OR CERTIFIED FRAUD EXAMINER;

~~(VII)~~ (f) An investigator employed OR CONTRACTED by a public or governmental agency;

~~(VIII)~~ (g) A journalist or genealogist; ~~or~~

~~(IX)~~ (h) A person serving process WITHIN THE STATE, PERFORMING HIS OR HER DUTIES IN COMPLIANCE WITH THE COLORADO OR FEDERAL RULES OF CIVIL PROCEDURE OR IN ACCORDANCE WITH APPLICABLE FOREIGN STATE COURT RULES OR LAWS PERTAINING TO SERVICE OF FOREIGN PROCESS WITHIN THIS STATE, OR PERFORMING ANY TASK ASSOCIATED WITH EFFECTING SERVICE OF PROCESS, ALL OF WHICH INCLUDES INQUIRIES RELATED TO EFFECTING PROPER SERVICE OF PROCESS AND RESULTING SUPPORTING PROOFS, DECLARATIONS, AFFIDAVITS OF SERVICE, OR DECLARATIONS OR AFFIDAVITS OF DUE DILIGENCE TO

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SUPPORT ALTERNATIVE METHODS OF SERVICE OF PROCESS; EXCEPT THAT A PROCESS SERVER WHO PERFORMS PRIVATE INVESTIGATIONS OUTSIDE THE EFFORTS TO EFFECT SERVICE OF PROCESS IS NOT EXEMPT FROM THE LICENSING REQUIREMENTS OF THIS ARTICLE AND MUST OBTAIN A REGISTRATION OR LICENSE UNDER THIS ARTICLE IN ORDER TO LAWFULLY PERFORM THOSE PRIVATE INVESTIGATIONS;

(i) A PERSON ATTEMPTING TO RECOVER A FUGITIVE WHEN THAT PERSON IS A BAIL BONDING AGENT OR CASH-BONDING AGENT QUALIFIED TO WRITE BAIL BONDS PURSUANT TO ARTICLE 23 OF TITLE 10, C.R.S., OR IS ACTING PURSUANT TO A CONTRACT WITH OR AT THE REQUEST OF A BAIL BONDING AGENT OR CASH-BONDING AGENT WHO IS SO QUALIFIED;

(j) AN OWNER, EMPLOYEE, OR INDEPENDENT CONTRACTOR OF AN AGENCY CONDUCTING AN INVESTIGATION TO DETERMINE THE ORIGIN AND CAUSE OF A FIRE OR EXPLOSION;

(k) AN OWNER, EMPLOYEE, OR INDEPENDENT CONTRACTOR OF AN AGENCY CONDUCTING AN INVESTIGATION FOR CAUSE ANALYSIS OR FAILURE ANALYSIS WHERE THE INVESTIGATION IS CONDUCTED BY AN ENGINEER LICENSED PURSUANT TO PART 1 OF ARTICLE 25 OF THIS TITLE ACTING WITHIN HIS OR HER AREA OF EXPERTISE AND WITHIN THE SCOPE OF THE PRACTICE OF ENGINEERING;

(l) A PERSON EMPLOYED BY AN INSURANCE COMPANY WHO IS CONDUCTING CLAIMS ADJUSTMENT OR CLAIMS INVESTIGATION FOR THE PURPOSES OF AN INSURANCE CLAIM; OR

(m) ANY OTHER PERSON LICENSED UNDER THIS TITLE WHO IS PRACTICING WITHIN THE SCOPE OF HIS OR HER PRACTICE AS DEFINED IN THIS TITLE.

12-58.5-106.5 Renewals - reinstatements - fees. [Formerly 12-58.5-105 (4)] An applicant for licensure shall pay INITIAL REGISTRATION OR license, renewal, and reinstatement fees established by the director pursuant to section 24-34-105, C.R.S. All REGISTRATIONS OR licenses shall MUST be renewed or reinstated pursuant to a schedule established by the director and pursuant to section 24-34-102 (8), C.R.S. If a person fails to renew his or her REGISTRATION OR license pursuant to the schedule established by the director, the REGISTRATION OR license expires and the person OR AGENCY shall not hold PRESENT himself, or herself, out OR ITSELF as a licensed REGISTERED private investigator OR LICENSED PRIVATE INVESTIGATION AGENCY until he or she THE PERSON OR AGENCY pays the appropriate fees to reinstate the REGISTRATION OR license AND THE DIRECTOR REINSTATES THE REGISTRATION OR LICENSE. A PERSON OR AGENCY WHOSE REGISTRATION OR LICENSE EXPIRES AND WHO CONTINUES TO DO BUSINESS AS A PRIVATE INVESTIGATOR OR PRIVATE INVESTIGATION AGENCY IS SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE AND SECTION 24-34-102 (8), C.R.S.

SECTION 6. In Colorado Revised Statutes, amend 12-58.5-106 as follows:

12-58.5-106. Director's powers and duties - rules. (1) THE DIRECTOR MAY CONSULT WITH PRIVATE INVESTIGATORS, LAW ENFORCEMENT, CONSUMER GROUPS, VICTIM ADVOCACY GROUPS, CIVIL LIBERTIES GROUPS, AND OTHER STAKEHOLDERS, AS NECESSARY, TO OBTAIN RECOMMENDATIONS AND FEEDBACK CONCERNING:

(a) THE REGULATION OF PRIVATE INVESTIGATORS AND PRIVATE INVESTIGATION AGENCIES PURSUANT TO THIS ARTICLE;

(b) PRIVACY LAWS AND ISSUES, NEW OR CHANGING TECHNOLOGY, AND THE IMPACT OF NEW OR CHANGING TECHNOLOGY ON PRIVACY; AND

(c) ANY CONTINUING EDUCATION THAT MAY BE NECESSARY TO ENSURE THAT PRIVATE INVESTIGATORS AND SOLE PROPRIETORS AND DESIGNATED MANAGERS OF AGENCIES MAINTAIN KNOWLEDGE AND UNDERSTANDING OF LAWS AND RULES IMPACTING THE PRACTICE, PARTICULARLY CONCERNING PRIVACY ISSUES AND NEW OR CHANGING TECHNOLOGY. IF THE STAKEHOLDER GROUP RECOMMENDS THAT CONTINUING EDUCATION REQUIREMENTS BE IMPOSED, NOTHING IN THIS PARAGRAPH (c) ABROGATES THE REQUIREMENTS OF SECTION 24-34-901, C.R.S., AND THE DIRECTOR IS NOT AUTHORIZED TO IMPOSE, BY RULE OR OTHERWISE, ANY CONTINUING EDUCATION REQUIREMENTS ABSENT AN ENACTMENT OF LEGISLATION IMPOSING CONTINUING EDUCATION REQUIREMENTS OR AUTHORIZING THE DIRECTOR TO ESTABLISH CONTINUING EDUCATION REQUIREMENTS.

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(2) In addition to all other powers and duties conferred or imposed upon the director by this article or by any other law, the director may:

(a) Promulgate rules pursuant to section 24-4-103, C.R.S., to implement this article, INCLUDING RULES TO:

(I) ESTABLISH THE FORM AND MANNER FOR APPLYING FOR A REGISTRATION OR LICENSE UNDER THIS ARTICLE;

(II) SPECIFY THE REQUIREMENTS FOR SATISFYING THE EXPERIENCE COMPONENT FOR OBTAINING AN AGENCY LICENSE PURSUANT TO SECTION 12-58.5-301;

(III) DEFINE THE GENERALLY ACCEPTED STANDARDS OF PRACTICE FOR PRIVATE INVESTIGATORS AND PRIVATE INVESTIGATION AGENCIES;

(IV) SET THE AMOUNT OF THE SURETY BOND REQUIRED BY SECTION 12-58.5-302;

(V) ESTABLISH THE SUPERVISORY RESPONSIBILITIES OF AN AGENCY AND ITS DESIGNATED MANAGER OVER ITS REGISTERED PRIVATE INVESTIGATOR EMPLOYEES AND ESTABLISH THE PROCESS FOR AN AGENCY TO FOLLOW IF IT LOSES ITS DESIGNATED MANAGER; AND

(VI) ADDRESS ANY OTHER MATTERS DETERMINED NECESSARY OR ADVISABLE BY THE DIRECTOR TO IMPLEMENT THIS ARTICLE;

(b) DEVELOP AND CONDUCT OR CONTRACT FOR EXAMINATIONS AS REQUIRED BY THIS ARTICLE;

(c) REVIEW AND GRANT OR DENY APPLICATIONS FOR NEW OR RENEWAL REGISTRATIONS AND LICENSES AS PROVIDED IN THIS ARTICLE; AND

(d) ESTABLISH FEES FOR THE ISSUANCE OF A NEW REGISTRATION OR LICENSE AND FOR EACH REGISTRATION OR LICENSE RENEWAL PURSUANT TO SECTION 24-34-105, C.R.S.

SECTION 7. In Colorado Revised Statutes, 12-58.5-107, amend (1), (2), (4), (6) (III), (10) (a), (11) (a), (11) (c) (III), (15), and (16) as follows:

12-58.5-107. Disciplinary actions - rules - cease-and-desist orders. (1) The director may deny, suspend, OR revoke or A REGISTRATION OR LICENSE, place A REGISTRANT OR LICENSEE on probation, ~~a private investigator's license~~ OR ISSUE A LETTER OF ADMONITION TO A REGISTRANT OR LICENSEE if the applicant, REGISTRANT, OR LICENSEE ENGAGES IN AN ACT OR OMISSION THAT CONSTITUTES GROUNDS FOR DISCIPLINE AS SPECIFIED IN SECTION 12-58.5-202 OR 12-58.5-304, AS APPLICABLE.

~~(a) Violates any order of the director or any provision of this article or of rules established under this article;~~

~~(b) Fails to meet the requirements of section 12-58.5-105 or uses fraud, misrepresentation, or deceit in applying for or attempting to apply for a license;~~

~~(c) Is convicted of or has entered a plea of guilty or nolo contendere to a felony, to an offense, the underlying factual basis of which has been found by the court to involve unlawful sexual behavior, domestic violence, as defined in section 18-6-800.3 (1), C.R.S., or stalking, as defined in section 18-3-602, C.R.S.; or to violation of a protection order, as defined in section 18-6-803.5, C.R.S. In considering the disciplinary action, the director shall be governed by the provisions of section 24-5-101, C.R.S., in considering the conviction or plea;~~

~~(d) Has been subject to discipline related to the practice of private investigations in another jurisdiction. Evidence of disciplinary action in another jurisdiction is prima facie evidence for denial of a license or other disciplinary action if the violation would be grounds for disciplinary action in this state.~~

(2) The director may adopt rules establishing fines that he or she may impose on a REGISTRANT OR licensee, which rules must include a graduated fine structure with a maximum allowable fine of not more than three thousand dollars per violation. The director shall transmit any fines he or she collects from a REGISTRANT OR licensee to the state treasurer for deposit in the general fund.

(4) (a) The director may commence a proceeding to discipline a REGISTRANT OR licensee when the director has reasonable grounds to believe that the REGISTRANT OR licensee has committed an act ~~enumerated~~ OR OMISSION SPECIFIED in this section.

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(b) In any proceeding held under this section, the director may accept as evidence of grounds for disciplinary action any disciplinary action taken against a REGISTRANT OR licensee in another jurisdiction if the violation that prompted the disciplinary action in the other jurisdiction would be grounds for disciplinary action under this article.

(6) (b) (III) Upon failure of any witness, REGISTRANT, or licensee to comply with a subpoena or process, the district court of the county in which the subpoenaed person, REGISTRANT, or licensee resides or conducts business, upon application by the director with notice to the subpoenaed person, REGISTRANT, or licensee, may issue to the person, REGISTRANT, or licensee an order requiring the person, REGISTRANT, or licensee to appear before the director; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. If the person, REGISTRANT, or licensee fails to obey the order of the court, the court may hold the person, REGISTRANT, or licensee in contempt of court.

(10) (a) If it appears to the director, based upon credible evidence as presented in a written complaint, that a REGISTRANT OR licensee is acting in a manner that is ~~is~~ ~~POSES~~ an imminent threat to the health and safety of the public, or a person is ~~holding~~ CONDUCTING PRIVATE INVESTIGATIONS OR IS PRESENTING himself, or herself, ~~out~~ OR ITSELF as or is using the title "~~licensed~~ REGISTERED private investigator", "PRIVATE INVESTIGATOR", "REGISTERED PRIVATE DETECTIVE", "PRIVATE DETECTIVE", "PRIVATE INVESTIGATION AGENCY", OR "LICENSED PRIVATE INVESTIGATION AGENCY" without having obtained a REGISTRATION OR license, AS APPLICABLE, PURSUANT TO THIS ARTICLE, the director may issue an order to cease and desist the activity. The director shall set forth in the order the statutes and rules alleged to have been violated, the facts alleged to have constituted the violation, and the requirement that all unlawful acts or unregistered OR UNLICENSED practices immediately cease.

(11) (a) If it appears to the director, based upon credible evidence as presented in a written complaint, that a person has violated any other portion of this article, in addition to any specific powers granted pursuant to this article, the director may issue to the person an order to show cause as to why the director should not issue a final order directing the person to cease and desist from the unlawful act or unregistered OR UNLICENSED practice.

(c) (III) If the director reasonably finds that the person against whom the order to show cause was issued is acting or has acted without the required registration OR LICENSE or has or is about to engage in acts or practices constituting violations of this article, the director may issue a final cease-and-desist order directing the person to cease and desist from further unlawful acts or UNREGISTERED OR UNLICENSED practices.

(15) (a) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the director, does not warrant formal action by the director but that should not be dismissed as being without merit, ~~THE DIRECTOR MAY ISSUE AND SEND THE LICENSEE a letter of admonition. may be issued and sent, by certified mail, to the licensed private investigator.~~

(b) When the director sends a letter of admonition to a ~~licensed~~ REGISTERED private investigator OR LICENSED AGENCY, the director shall advise the private investigator OR AGENCY that ~~he or she~~ THE REGISTRANT OR LICENSEE has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based.

(c) If the ~~licensed private investigator~~ REGISTRANT OR LICENSEE timely requests adjudication, the director shall vacate the letter of admonition and process the matter by means of formal disciplinary proceedings.

(16) When a complaint or investigation discloses an instance of conduct that does not warrant formal action by the director and, in the opinion of the director, the complaint should be dismissed, but the director has noticed indications of possible errant conduct by the ~~licensed~~ REGISTERED private investigator OR LICENSED AGENCY that could lead to

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serious consequences if not corrected, the director may send the licensed private investigator REGISTRANT OR LICENSEE a confidential letter of concern.

SECTION 8. In Colorado Revised Statutes, amend 12-58.5-108 as follows:

12-58.5-108. Revocation. A person OR AGENCY whose REGISTRATION OR license is revoked, OR WHO SURRENDERS A REGISTRATION OR LICENSE TO AVOID DISCIPLINARY PROCEEDINGS, is ineligible to apply for a REGISTRATION OR license under this article for at least two years after the date of revocation OR SURRENDER of the REGISTRATION OR license. The director shall treat a subsequent application for REGISTRATION OR licensure from a person OR AGENCY whose REGISTRATION OR license was revoked OR SURRENDERED as an application for a new REGISTRATION OR license under this article.

SECTION 9. In Colorado Revised Statutes, amend 12-58.5-110 as follows:

12-58.5-110. Repeal of article - review of functions. This article is repealed, effective September 1, 2016 2020. Prior to its THE repeal, THE DEPARTMENT OF REGULATORY AGENCIES SHALL REVIEW the powers, duties, and functions of the director regarding the licensure REGISTRATION of private investigators as specified in AND THE LICENSURE OF PRIVATE INVESTIGATION AGENCIES UNDER this article shall be reviewed as provided in section 24-34-104, C.R.S.

SECTION 10. Repeal of relocated provisions in this act. In Colorado Revised Statutes, repeal 12-58.5-103 (6) (b), 12-58.5-105 (4), and 12-58.5-105.

SECTION 11. In Colorado Revised Statutes, 12-58.5-105, repeal (1), (2), and (3).

SECTION 12. In Colorado Revised Statutes, add parts 2 and 3 to article 58.5 of title 12 as follows:

PRIVATE INVESTIGATORS - REGISTRATIONS

12-58.5-201. Private investigator registration - qualifications - criminal history record check required. (1) A PRIVATE INVESTIGATOR APPLYING FOR A REGISTRATION PURSUANT TO THIS SECTION MUST SATISFY THE REQUIREMENTS FOR REGISTRATION AS SET FORTH IN THIS SECTION. THE DIRECTOR MAY ISSUE A REGISTRATION TO AN APPLICANT WHO, UPON APPLICATION IN THE FORM AND MANNER DETERMINED BY THE DIRECTOR, PAYMENT OF THE REQUIRED FEE, AND SATISFACTION OF THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION, PROVIDES EVIDENCE SATISFACTORY TO THE DIRECTOR THAT HE OR SHE:

- (a) IS AT LEAST TWENTY-ONE YEARS OF AGE;
- (b) IS LAWFULLY PRESENT IN THE UNITED STATES; AND
- (c) DEMONSTRATES KNOWLEDGE AND UNDERSTANDING OF THE LAWS AND RULES AFFECTING THE ETHICS AND ACTIVITIES OF PRIVATE INVESTIGATORS IN THIS STATE BY PASSING A JURISPRUDENCE EXAMINATION DEVELOPED AND APPROVED BY THE DIRECTOR.

(2) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION, EACH REGISTRATION APPLICANT SHALL HAVE HIS OR HER FINGERPRINTS TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE APPLICANT IS REQUIRED TO SUBMIT PAYMENT BY CERTIFIED CHECK OR MONEY ORDER FOR THE FINGERPRINTS AND FOR THE ACTUAL COSTS OF THE RECORD CHECK AT THE TIME THE FINGERPRINTS ARE SUBMITTED TO THE COLORADO BUREAU OF INVESTIGATION. UPON RECEIPT OF FINGERPRINTS AND PAYMENT FOR COSTS, THE COLORADO BUREAU OF INVESTIGATION SHALL CONDUCT A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION AND SHALL FORWARD THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK TO THE DIRECTOR.

12-58.5-202. Grounds for discipline. (1) THE DIRECTOR MAY DISCIPLINE AN APPLICANT OR REGISTRANT PURSUANT TO SECTION 12-58.5-107 IF THE APPLICANT OR REGISTRANT:

- (a) VIOLATES AN ORDER OF THE DIRECTOR, A PROVISION OF THIS ARTICLE, OR A RULE ADOPTED UNDER THIS ARTICLE;

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(b) FAILS TO MEET THE REQUIREMENTS OF SECTION 12-58.5-201 OR USES FRAUD, MISREPRESENTATION, OR DECEIT IN APPLYING FOR OR ATTEMPTING TO APPLY FOR A REGISTRATION;

(c) IS CONVICTED OF OR HAS ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE TO A FELONY, TO AN OFFENSE THE UNDERLYING FACTUAL BASIS OF WHICH HAS BEEN FOUND BY THE COURT TO INVOLVE UNLAWFUL SEXUAL BEHAVIOR, DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S., OR STALKING, AS DEFINED IN SECTION 18-3-602, C.R.S.; OR TO VIOLATION OF A PROTECTION ORDER, AS DEFINED IN SECTION 18-6-803.5, C.R.S. IN CONSIDERING THE DISCIPLINARY ACTION, THE DIRECTOR SHALL ACT IN ACCORDANCE WITH SECTION 24-5-101, C.R.S.;

(d) FAILS TO REPORT TO THE DIRECTOR AND THE REGISTRANT'S EMPLOYING AGENCY THE CONVICTION OF OR PLEA TO A CRIME SPECIFIED IN PARAGRAPH (c) OF THIS SUBSECTION (1);

(e) HAS BEEN SUBJECT TO DISCIPLINE RELATED TO THE PRACTICE OF PRIVATE INVESTIGATIONS IN ANOTHER JURISDICTION. EVIDENCE OF DISCIPLINARY ACTION IN ANOTHER JURISDICTION IS PRIMA FACIE EVIDENCE SUPPORTING DENIAL OF A REGISTRATION OR OTHER DISCIPLINARY ACTION IF THE VIOLATION WOULD BE GROUNDS FOR DISCIPLINARY ACTION IN THIS STATE;

(f) ADVERTISES OR PRESENTS ONESELF AS A REGISTERED PRIVATE INVESTIGATOR WITHOUT HOLDING AN ACTIVE REGISTRATION;

(g) PERFORMS PRIVATE INVESTIGATIONS FOR OR ON BEHALF OF AN AGENCY THAT IS NOT LICENSED UNDER THIS ARTICLE; OR

(h) COMMITS AN ACT OR OMISSION THAT FAILS TO MEET THE GENERALLY ACCEPTED STANDARDS OF PRACTICE FOR PRIVATE INVESTIGATORS.

PART 3

PRIVATE INVESTIGATION AGENCIES - LICENSURE

12-58.5-301. Private investigation agency license - qualifications - designated manager requirements - criminal history record check required - rules. (1) (a) A PRIVATE INVESTIGATION AGENCY APPLYING FOR A LICENSE ARTICLE MUST SATISFY THE REQUIREMENTS FOR LICENSURE AS SET FORTH IN THIS SECTION. THE DIRECTOR MAY ISSUE A LICENSE TO AN AGENCY APPLICANT THAT, UPON APPLICATION IN THE FORM AND MANNER DETERMINED BY THE DIRECTOR, PAYMENT OF THE REQUIRED FEE, AND SATISFACTION OF THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION, PROVIDES EVIDENCE SATISFACTORY TO THE DIRECTOR THAT THE AGENCY:

(I) IS A SOLE PROPRIETORSHIP, AND THE SOLE PROPRIETOR:

(A) IS AT LEAST TWENTY-ONE YEARS OF AGE;

(B) IS LAWFULLY PRESENT IN THE UNITED STATES;

(C) DEMONSTRATES KNOWLEDGE AND UNDERSTANDING OF THE LAWS AND RULES AFFECTING THE ETHICS AND ACTIVITIES OF PRIVATE INVESTIGATORS IN THIS STATE BY PASSING A JURISPRUDENCE EXAMINATION DEVELOPED AND APPROVED BY THE DIRECTOR; AND

(D) HAS VERIFIABLE, APPLICABLE EXPERIENCE AS A PRIVATE INVESTIGATOR OR EQUIVALENT EXPERIENCE WITH A LOCAL, STATE, OR FEDERAL LAW ENFORCEMENT AGENCY, MILITARY POLICE, THE FEDERAL BUREAU OF INVESTIGATION, OR OTHER EQUIVALENT EXPERIENCE; OR

(II) IS A CORPORATION, PARTNERSHIP, FIRM, ASSOCIATION, OR OTHER BUSINESS ENTITY THAT HAS A DESIGNATED MANAGER WHO:

(A) IS AT LEAST TWENTY-ONE YEARS OF AGE;

(B) IS LAWFULLY PRESENT IN THE UNITED STATES;

(C) OPERATES THE AGENCY, IS IN CHARGE OF THE SUPERVISION OF ALL PRIVATE INVESTIGATIONS CONDUCTED BY THE AGENCY, AND IS RESPONSIBLE FOR NO MORE THAN ONE AGENCY AT A TIME;

(D) DEMONSTRATES KNOWLEDGE AND UNDERSTANDING OF THE LAWS AND RULES AFFECTING THE ETHICS AND ACTIVITIES OF PRIVATE INVESTIGATORS IN THIS STATE BY PASSING A JURISPRUDENCE EXAMINATION DEVELOPED AND APPROVED BY THE DIRECTOR; AND

(E) HAS VERIFIABLE, APPLICABLE EXPERIENCE AS A PRIVATE INVESTIGATOR OR EQUIVALENT EXPERIENCE WITH A LOCAL, STATE, OR FEDERAL LAW ENFORCEMENT AGENCY, MILITARY POLICE, THE FEDERAL BUREAU OF INVESTIGATION, OR OTHER EQUIVALENT EXPERIENCE.

(b) THE DIRECTOR SHALL DETERMINE, BY RULE, THE AMOUNT

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AND TYPE OF EXPERIENCE, WHICH MAY INCLUDE POSTSECONDARY EDUCATION, THAT A SOLE PROPRIETOR AGENCY APPLICANT OR DESIGNATED MANAGER OF AN AGENCY APPLICANT MUST HAVE TO SATISFY THE EXPERIENCE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (1).

(2) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION, THE SOLE PROPRIETOR OR DESIGNATED MANAGER OF AN AGENCY APPLICANT, AS APPLICABLE, SHALL HAVE HIS OR HER FINGERPRINTS TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE APPLICANT IS REQUIRED TO SUBMIT PAYMENT BY CERTIFIED CHECK OR MONEY ORDER FOR THE FINGERPRINTS AND FOR THE ACTUAL COSTS OF THE RECORD CHECK AT THE TIME THE FINGERPRINTS ARE SUBMITTED TO THE COLORADO BUREAU OF INVESTIGATION. UPON RECEIPT OF FINGERPRINTS AND PAYMENT FOR COSTS, THE COLORADO BUREAU OF INVESTIGATION SHALL CONDUCT A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION AND SHALL FORWARD THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK TO THE DIRECTOR.

12-58.5-302. Surety bond required - rules. A LICENSED PRIVATE INVESTIGATION AGENCY SHALL NOT ENGAGE IN PRIVATE INVESTIGATION ACTIVITIES, AND SHALL NOT EMPLOY REGISTERED PRIVATE INVESTIGATORS TO ENGAGE IN PRIVATE INVESTIGATIONS ON THE AGENCY'S BEHALF, UNLESS THE LICENSED AGENCY POSTS AND MAINTAINS, OR IS COVERED BY, A SURETY BOND IN AN AMOUNT DETERMINED BY THE DIRECTOR BY RULE. THE BOND MUST BE SUFFICIENT TO COVER THE REGISTERED PRIVATE INVESTIGATORS EMPLOYED BY THE LICENSED AGENCY.

12-58.5-303. Agency responsibilities - rules. IF A LICENSED AGENCY IS A CORPORATION, PARTNERSHIP, FIRM, ASSOCIATION, OR OTHER BUSINESS ENTITY OTHER THAN A SOLE PROPRIETORSHIP, THE LICENSED AGENCY SHALL HAVE A DESIGNATED MANAGER AT ALL TIMES TO OVERSEE THE PRIVATE INVESTIGATION OPERATIONS OF THE AGENCY AND TO SUPERVISE THE REGISTERED PRIVATE INVESTIGATOR EMPLOYEES OF THE AGENCY. THE DIRECTOR, BY RULE, MAY ESTABLISH THE SUPERVISORY RESPONSIBILITIES OF AN AGENCY OVER ITS REGISTERED PRIVATE INVESTIGATOR EMPLOYEES AND THE PROCESS FOR AN AGENCY TO FOLLOW IF IT LOSES ITS DESIGNATED MANAGER.

12-58.5-304. Grounds for discipline. (1) THE DIRECTOR MAY DISCIPLINE AN APPLICANT OR LICENSEE PURSUANT TO SECTION 12-58.5-107 IF THE APPLICANT OR LICENSEE, OR THE DESIGNATED MANAGER OF OR REGISTRANT EMPLOYED BY THE APPLICANT OR LICENSEE:

(a) VIOLATES AN ORDER OF THE DIRECTOR, A PROVISION OF THIS ARTICLE, OR A RULE ADOPTED UNDER THIS ARTICLE;

(b) FAILS TO MEET THE REQUIREMENTS OF SECTION 12-58.5-301 OR USES FRAUD, MISREPRESENTATION, OR DECEIT IN APPLYING FOR OR ATTEMPTING TO APPLY FOR A LICENSE;

(c) IS CONVICTED OF OR HAS ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE TO A FELONY, TO AN OFFENSE THE UNDERLYING FACTUAL BASIS OF WHICH HAS BEEN FOUND BY THE COURT TO INVOLVE UNLAWFUL SEXUAL BEHAVIOR, DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S., OR STALKING, AS DEFINED IN SECTION 18-3-602, C.R.S.; OR TO VIOLATION OF A PROTECTION ORDER, AS DEFINED IN SECTION 18-6-803.5, C.R.S. IN CONSIDERING THE DISCIPLINARY ACTION, THE DIRECTOR SHALL ACT IN ACCORDANCE WITH SECTION 24-5-101, C.R.S.;

(d) FAILS TO REQUIRE THE DESIGNATED MANAGER OR A REGISTRANT EMPLOYED BY THE LICENSEE TO REPORT TO THE DIRECTOR A CRIMINAL CONVICTION OF OR PLEA TO A CRIME SPECIFIED IN PARAGRAPH (c) OF THIS SUBSECTION (1);

(e) IS A SOLE PROPRIETOR AND FAILS TO REPORT HIS OR HER OWN CRIMINAL CONVICTION OF OR PLEA TO A CRIME SPECIFIED IN PARAGRAPH (c) OF THIS SUBSECTION (1);

(f) FAILS TO REVIEW THE CRIMINAL HISTORY OF THE DESIGNATED MANAGER OR A REGISTRANT EMPLOYED BY THE LICENSEE IN ACCORDANCE WITH A SCHEDULE ESTABLISHED BY THE DIRECTOR BY

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RULE;

(g) HAS BEEN SUBJECT TO DISCIPLINE RELATED TO THE PRACTICE OF PRIVATE INVESTIGATIONS IN ANOTHER JURISDICTION. EVIDENCE OF DISCIPLINARY ACTION IN ANOTHER JURISDICTION IS PRIMA FACIE EVIDENCE SUPPORTING DENIAL OF A LICENSE OR OTHER DISCIPLINARY ACTION IF THE VIOLATION WOULD BE GROUNDS FOR DISCIPLINARY ACTION IN THIS STATE;

(h) COMMITS AN ACT OR OMISSION THAT FAILS TO MEET THE GENERALLY ACCEPTED STANDARDS OF PRACTICE FOR PRIVATE INVESTIGATION AGENCIES;

(i) FAILS TO COMPLY WITH SURETY BOND REQUIREMENTS AS SPECIFIED IN SECTION 12-58.5-302;

(j) FAILS TO ADEQUATELY SUPERVISE ITS EMPLOYEE REGISTRANTS WHO PERFORM PRIVATE INVESTIGATIONS ON THE AGENCY'S BEHALF;

(k) EMPLOYS OR USES A PRIVATE INVESTIGATOR TO PERFORM PRIVATE INVESTIGATIONS FOR THE AGENCY IF THE PRIVATE INVESTIGATOR DOES NOT POSSESS A VALID, ACTIVE REGISTRATION;

(l) ADVERTISES OR PRESENTS ITSELF AS A LICENSED AGENCY WITHOUT HOLDING AN ACTIVE AGENCY LICENSE;

(m) ENGAGES IN FALSE OR MISLEADING ADVERTISING, MISREPRESENTATION, OR FRAUD;

(n) CONTRACTS WITH A REGISTERED PRIVATE INVESTIGATOR TO PERFORM PRIVATE INVESTIGATIONS ON BEHALF OF THE LICENSED AGENCY; OR

(o) IS A CORPORATION, PARTNERSHIP, FIRM, ASSOCIATION, OR BUSINESS ENTITY OTHER THAN A SOLE PROPRIETORSHIP AND:

(I) FAILS TO EMPLOY AND MAINTAIN A DESIGNATED MANAGER WHO SATISFIES THE QUALIFICATIONS IN SECTION 12-58.5-301 (1) (a) (II) TO OPERATE THE AGENCY AND SUPERVISE ITS OPERATIONS UNLESS THE AGENCY LOSES ITS DESIGNATED MANAGER AND FOLLOWS THE PROCESS SPECIFIED IN THE DIRECTOR'S RULES ADOPTED UNDER SECTION 12-58.5-303; OR

(II) EMPLOYS A DESIGNATED MANAGER WHO SERVES AS A DESIGNATED MANAGER FOR MORE THAN ONE LICENSED AGENCY.

SECTION 13. In Colorado Revised Statutes, 24-34-104, **repeal** (47.5) (i); and **add** (51.5) (h) as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment.

(47.5) The following agencies, functions, or both, shall terminate on September 1, 2016:

(i) ~~The voluntary licensing of private investigators by the director of the division of professions and occupations in accordance with article 58.5 of title 12, C.R.S.~~

(51.5) The following agencies, functions, or both, terminate on September 1, 2020:

(h) THE REGISTERING OF PRIVATE INVESTIGATORS AND THE LICENSING OF PRIVATE INVESTIGATION AGENCIES BY THE DIRECTOR OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN ACCORDANCE WITH ARTICLE 58.5 OF TITLE 12, C.R.S.

SECTION 14. In Colorado Revised Statutes, 24-72-204, **amend** (7) (b) (VIII) as follows:

24-72-204. Allowance or denial of inspection - grounds - procedure - appeal - definitions. (7) (b) Notwithstanding paragraph (a) of this subsection (7), only upon obtaining a completed requestor release form under section 42-1-206 (1) (b), C.R.S., the department may allow inspection of the information referred to in paragraph (a) of this subsection (7) for the following uses:

(VIII) For use by any private investigator ~~licensed~~ REGISTERED pursuant to ~~section 12-58.5-105~~ SECTION 12-58.5-201, C.R.S., ~~licensed~~ private ~~investigative~~ INVESTIGATION agency LICENSED PURSUANT TO SECTION 12-58.5-301, or licensed security service for any purpose permitted under this paragraph (b);

SECTION 15. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

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Health & Human Services

After consideration on the merits, the Committee recommends that **SB14-032** be **amended** as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 2, before "**repeal**" insert "**amend** (6) (n) introductory portion; and".

Page 2, line 3, strike "and (6) (n)".

Page 2, strike lines 10 through 25 and substitute:

"(n) Treat a child who is ~~two years of age or older~~ but less than eight years of age unless the complementary and alternative health care practitioner:".

Strike page 3.

Page 4, strike lines 1 and 2.

Renumber succeeding section accordingly.

Health & Human Services

After consideration on the merits, the Committee recommends that **HB14-1051** be **amended** as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 4, line 17, after the period insert "ADDITIONALLY, THE STATE DEPARTMENT, COMMUNITY-CENTERED BOARDS, AND PROVIDERS SHALL REPORT ON THE USE AND EFFECTIVENESS OF ANY MONEYS APPROPRIATED IN THE PRECEDING STATE FISCAL YEAR FOR INCREASING SYSTEM CAPACITY.".

Health & Human Services

After consideration on the merits, the Committee recommends that **SB14-143** be **referred** to the Committee on Appropriations with favorable recommendation.

Health & Human Services

After consideration on the merits, the Committee recommends that **SB14-078** be **postponed indefinitely**.

Education

After consideration on the merits, the Committee recommends that **HB14-1190** be **referred** to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Education

After consideration on the merits, the Committee recommends that **SB14-149** be **referred** to the Committee of the Whole with favorable recommendation.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **HB14-1194** be **referred** to the Committee on Legislative Council.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **HB14-1166** be **referred** to the Committee of the Whole with favorable recommendation.

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Agriculture, Natural Resources, & Energy

After consideration on the merits, the Committee recommends that **HB14-1174** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

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SENATE SERVICES REPORT

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Correctly Engrossed: SB14-093.
Correctly Reengrossed: SB14-049, 114, 129 and 142.
Correctly Rerevised: HB14-1005, 1008, 1050, 1083 and 1099.

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MESSAGE FROM THE REVISOR OF STATUTES

February 26, 2014

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We herewith transmit:

Without comment, HB14-1188 and 1254.
 Without comment, as amended, HB14-1034, 1082, 1191, and 1210.

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INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR14-017 by Senator(s) Schwartz; also Representative(s) Hamner--Concerning national fish hatcheries in Colorado.

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

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INTRODUCTION OF BILLS -- FIRST READING

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

SB14-150 by Senator(s) Todd and Zenzinger, Crowder, Guzman, Johnston, Kefalas, Kerr, Newell, Nicholson, Schwartz, Steadman; also Representative(s) Hamner--Concerning the Colorado school counselor corps grant program.
 Education

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THIRD READING OF BILLS -- FINAL PASSAGE

On third reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

SB14-093 by Senator(s) Jahn, Hodge, Tochtrop, Renfroe; also Representative(s) May, Priola, Williams--Concerning equivalent authority for pipeline companies to acquire right-of-way.

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

YES	24	NO	10	EXCUSED	1	ABSENT	0
Aguilar		N Heath		Y King		Y Scheffel	Y
Balmer		Y Herpin		N Lambert		N Schwartz	Y
Baumgardner		E Hill		N Lundberg		N Steadman	Y
Brophy		N Hodge		Y Marble		N Tochtrop	Y
Cadman		Y Jahn		Y Newell		Y Todd	Y
Crowder		Y Johnston		Y Nicholson		Y Ulibarri	Y
Grantham		Y Jones		N Renfroe		Y Zenzinger	Y
Guzman		Y Kefalas		N Rivera		N President	Y
Harvey		Y Kerr		Y Roberts		Y	

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

Co-sponsor(s) added: Balmer.

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

HB14-1022 by Representative(s) Landgraf, Schafer, Peniston; also Senator(s) Newell--Concerning alignment of the duration of the child care authorization notice with the child care assistance eligibility period for children participating in the Colorado child care assistance program.

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

SB14-029 by Senator(s) Newell; also Representative(s) Fischer--Concerning the establishment of a paint stewardship program for the environmentally sound disposal of postconsumer architectural paint.

Amendment No. 1, Agriculture, Natural Resources, & Energy Committee Amendment.
(Printed in Senate Journal, February 6, page(s) 175-176 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, February 21, page(s) 333-334 and placed in members' bill files.)

Amendment No. 3(L.003), by Senator Newell.

Amend printed bill, page 10, strike lines 6 through 9 and substitute:

"(B) REQUIRE THAT ANY FUNDS GENERATED BY THE AGGREGATE

AMOUNT OF FEES CHARGED TO CONSUMERS BE PLACED BACK INTO THE PROGRAM.".

Page 12, after line 9 insert:

"(5) THE AGGREGATE AMOUNT OF FEES CHARGED TO CONSUMERS PURSUANT TO THIS SECTION SHALL BE IN AN AMOUNT NOT TO EXCEED THE ACTUAL COST OF THE PROGRAM.".

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

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

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB14-029 by Senator(s) Newell; also Representative(s) Fischer--Concerning the establishment of a paint stewardship program for the environmentally sound disposal of postconsumer architectural paint.

Senator Balmer moved to amend the Report of the Committee of the Whole to show that the following amendment to SB14-029 did pass.

Amend the Newell floor amendment (SB029_L.003), page 1, line 8, strike "PROGRAM." and substitute "PROGRAM AND SHALL NEVER EXCEED SEVENTY-FIVE CENTS PER GALLON OF PAINT.".

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

YES	16	NO	18	EXCUSED	1	ABSENT	0
Aguilar	N	Heath	N	King	Y	Scheffel	Y
Balmer	Y	Herpin	Y	Lambert	Y	Schwartz	N
Baumgardner	E	Hill	Y	Lundberg	Y	Steadman	N
Brophy	Y	Hodge	N	Marble	Y	Tochtrop	N
Cadman	Y	Jahn	N	Newell	N	Todd	N
Crowder	Y	Johnston	N	Nicholson	N	Ulibarri	N
Grantham	Y	Jones	N	Renfroe	Y	Zenzinger	N
Guzman	N	Kefalas	N	Rivera	Y	President	N
Harvey	Y	Kerr	N	Roberts	Y		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	19	NO	15	EXCUSED	1	ABSENT	0
Aguilar	Y	Heath	Y	King	N	Scheffel	N
Balmer	N	Herpin	N	Lambert	N	Schwartz	Y
Baumgardner	E	Hill	N	Lundberg	N	Steadman	Y
Brophy	N	Hodge	Y	Marble	N	Tochtrop	Y
Cadman	N	Jahn	Y	Newell	Y	Todd	Y
Crowder	N	Johnston	Y	Nicholson	Y	Ulibarri	Y
Grantham	N	Jones	Y	Renfroe	N	Zenzinger	Y
Guzman	Y	Kefalas	Y	Rivera	N	President	Y
Harvey	Y	Kerr	Y	Roberts	N		

The Committee of the Whole took the following action:

Passed on second reading: SB14-029 as amended, HB14-1022.

MESSAGE FROM THE HOUSE

February 27, 2014

Madam President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB14-1054, amended as printed in House Journal, February 26, page 398. HB14-1108, amended as printed in House Journal, February 26, pages 406-407.

MESSAGE FROM THE REVISOR OF STATUTES

February 27, 2014

We herewith transmit:

Without comment, as amended, HB14-1054 and 1108.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB14-1024, 1059, 1111.

On motion of Majority Leader Heath, the Senate adjourned until 9:00 a.m., Friday, February 28, 2014.

Approved:

Morgan Carroll
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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