

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 2, 2011
Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

HB11-1145 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 6, line 11, strike "amended, and the said
2 26-6-107 (1) is" and substitute "amended to read:".

3 Page 6, strike lines 12 and 13.

4 Page 7, strike lines 14 through 27.

5 Page 8, strike line 1 and substitute:

6 "SECTION 4. Part 1 of article 6 of title 26, Colorado Revised
7 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
8 read:

9 **26-6-107.3. Investigations registry - creation - fee - advisory**
10 **committee - report - fund.** (1) THERE IS HEREBY CREATED BY THE
11 STATE DEPARTMENT THE INVESTIGATIONS REGISTRY, REFERRED TO IN THIS
12 SECTION AS THE "REGISTRY". THE REGISTRY SHALL INCLUDE THE RESULTS
13 OF FINGERPRINT-BASED CRIMINAL HISTORY RECORDS CHECKS REQUIRED
14 FOR EACH EMPLOYEE OF A CHILD CARE PROVIDER LICENSED PURSUANT TO
15 THIS PART 1. AN EMPLOYEE SHALL HAVE HIS OR HER FINGERPRINT-BASED
16 CRIMINAL HISTORY RECORDS CHECK SUBMITTED TO THE REGISTRY AT THE
17 TIME HE OR SHE IS FIRST HIRED AS A CHILD CARE EMPLOYEE. IF THE
18 EMPLOYEE MOVES TO A DIFFERENT LICENSED FACILITY, HE OR SHE SHALL
19 BE REQUIRED TO OBTAIN A NEW FINGERPRINT-BASED CRIMINAL HISTORY
20 RECORDS CHECK FOR ANY NON-FLAGGED SYSTEM. THE REGISTRY SHALL
21 BE ACCESSIBLE TO CHILD CARE PROVIDERS WITH RESPECT TO THEIR OWN

1 EMPLOYEES OR PROSPECTIVE EMPLOYEES AND THE STATE DEPARTMENT,
2 AND PARENTS OR LEGAL GUARDIANS SHALL HAVE ACCESS TO CLEARANCE
3 INFORMATION ONLY, INCLUDING A DESCRIPTION OF WHICH CHECKS WERE
4 RUN, AND NOT THE FULL RESULTS OF THE FINGERPRINT-BASED CRIMINAL
5 HISTORY RECORDS CHECK. THE STATE DEPARTMENT SHALL SET AN
6 ANNUAL FEE, NOT TO EXCEED TWENTY-FIVE DOLLARS, TO BE PAID BY
7 INDIVIDUALS OR FACILITIES THAT USE THE REGISTRY.

8 (2) THERE IS HEREBY CREATED THE INVESTIGATIONS REGISTRY
9 ADVISORY COMMITTEE. THE PURPOSE OF THE ADVISORY COMMITTEE IS TO
10 RECOMMEND THE STRUCTURE FOR THE REGISTRY AND DEVELOP
11 RECOMMENDATIONS FOR ITS IMPLEMENTATION. THE ADVISORY
12 COMMITTEE SHALL CONSIDER, AT A MINIMUM, THE STRUCTURE OF THE
13 REGISTRY, THE POSSIBILITY OF ESTABLISHING A TRACKING SYSTEM FOR
14 CHILD CARE WORKERS AND CHILDREN WHO UTILIZE THE CHILD CARE
15 SYSTEM, AND THE FEASIBILITY OF INCLUDING TRAINING RECORDS IN THE
16 REGISTRY. THE MEMBERSHIP OF THE ADVISORY COMMITTEE SHALL
17 INCLUDE A REPRESENTATIVE FROM THE STATE DEPARTMENT, A
18 REPRESENTATIVE FROM THE OFFICE OF PROFESSIONAL DEVELOPMENT, TWO
19 CHILD CARE PROVIDERS, AND A CHILD CARE EMPLOYEE. THE ADVISORY
20 COMMITTEE SHALL SUBMIT ITS RECOMMENDATIONS TO THE STATE
21 DEPARTMENT NO LATER THAN OCTOBER 1, 2011.

22 (3) ON OR BEFORE JANUARY 30, 2012, THE STATE DEPARTMENT
23 SHALL REPORT ON THE PROGRESS OF THE REGISTRY TO THE EDUCATION
24 COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR
25 ANY SUCCESSOR COMMITTEES.

26 (4) THE STATE DEPARTMENT SHALL NOT BE OBLIGATED TO
27 IMPLEMENT THE PROVISIONS OF THIS SECTION UNTIL MONEYS IN A
28 SUFFICIENT AMOUNT, AS DETERMINED BY THE STATE DEPARTMENT, HAVE
29 BEEN RECEIVED AND CREDITED TO THE FUND CREATED IN SUBSECTION (5)
30 OF THIS SECTION. GENERAL FUND MONEYS SHALL NOT BE APPROPRIATED
31 FOR THE IMPLEMENTATION OF THIS SECTION.

32 (5) (a) THE STATE DEPARTMENT IS AUTHORIZED TO SEEK AND
33 ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES
34 FOR THE PURPOSES OF THIS SECTION; EXCEPT THAT THE STATE
35 DEPARTMENT SHALL NOT ACCEPT A GIFT, GRANT, OR DONATION IF IT IS
36 SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS SECTION OR
37 ANY OTHER LAW OF THE STATE. THE STATE DEPARTMENT SHALL
38 TRANSMIT ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS,
39 GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT
40 THE SAME TO THE INVESTIGATIONS REGISTRY FUND, WHICH FUND IS
41 HEREBY CREATED AND REFERRED TO IN THIS SUBSECTION (5) AS THE
42 "FUND".

1 (b) THE MONEYS CREDITED TO THE FUND SHALL BE CONTINUOUSLY
2 APPROPRIATED TO THE STATE DEPARTMENT FOR THE DIRECT AND INDIRECT
3 COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THIS SECTION.

4 (c) ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSES
5 OF THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS
6 PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE
7 INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED
8 TO THE FUND.

9 (d) ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING
10 IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND
11 AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR
12 ANOTHER FUND.

13 (6) THE STATE DEPARTMENT SHALL NOTIFY THE REVISOR OF
14 STATUTES IN WRITING WHEN SUFFICIENT FUNDS HAVE BEEN RECEIVED TO
15 IMPLEMENT THE PROVISIONS OF THIS SECTION."

16 Renumber succeeding sections accordingly.

17 Page 9, after line 9 insert:

18 "SECTION 7. **Effective date.** This act shall take effect upon
19 receipt of written notice to the revisor of statutes as specified in Section
20 4 of this act."

21 Renumber succeeding section accordingly.

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