

HOUSE JOURNAL
SIXTY-EIGHTH GENERAL ASSEMBLY
STATE OF COLORADO
Second Regular Session

Fiftieth Legislative Day

Wednesday, February 29, 2012

1 The Speaker called the House to order at 9:00 a.m.
 2

3 Prayer by the Reverend Doctor Cynthia Cearley, Montview Presbyterian
 4 Church, Denver.
 5

6 Pledge of Allegiance led by Sarah Lauer, Ian Dehmel, and Ben Pepper,
 7 Metropolitan State College, Denver.
 8

9 The roll was called with the following result:
 10

11 Present--64.
 12 Absent--Representative(s) Szabo--1.
 13 Present after roll call--Representative(s) Szabo.
 14

15 The Speaker declared a quorum present.
 16
 17

18 On motion of Representative Schafer, the reading of the journal of
 19 February 28, 2012, was declared dispensed with and approved as
 20 corrected by the Chief Clerk.
 21
 22

THIRD READING OF BILL(S)--FINAL PASSAGE

23 The following bill(s) was(were) considered on Third Reading. The
 24 title(s) was(were) publicly read. Reading of the bill at length was
 25 dispensed with by unanimous consent.
 26
 27

28
 29 **HB12-1040** by Representative(s) Casso; also Senator(s) Tochtrop--
 30 Concerning recognition of September 11 as a state holiday
 31 in certain years, and, in connection therewith, designating
 32 September 11 as "Patriot Day".
 33

34 Upon request of Representative Casso the bill was read at length.
 35 The question being "Shall the bill pass?".
 36 A roll call vote was taken. As shown by the following recorded vote, a
 37 majority of those elected to the House voted in the affirmative and the
 38 bill was declared **passed**.
 39

	YES	38	NO	27	EXCUSED	0	ABSENT	0
41	Acree	N	Fischer	Y	Looper	N	Solano	Y
42	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	N
43	Barker	N	Gerou	Y	McCann	N	Soper	N

1	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	N
2	Becker	N	Holbert	N	Miklosi	Y	Summers	N
3	Beezley	N	Hullinghorst	Y	Murray	N	Swalm	N
4	Bradford	N	Jones	Y	Nikkel	N	Swerdfeger	N
5	Brown	Y	Joshi	N	Pabon	Y	Szabo	N
6	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
7	Conti	N	Kefalas	Y	Peniston	Y	Tyler	Y
8	Coram	Y	Kerr A.	Y	Priola	N	Vaad	Y
9	Court	Y	Kerr J.	Y	Ramirez	N	Vigil	Y
10	DelGrosso	N	Labuda	N	Ryden	Y	Waller	N
11	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
12	Ferrandino	Y	Levy	N	Scott	N	Wilson	N
13	Fields	Y	Liston	Y	Singer	Y	Young	Y
14							Speaker	Y

15 Co-sponsor(s) added: Representative(s) Duran, Fields, Fischer, Hamner, Jones,
16 Kagan, Kefalas, Kerr A., Miklosi, Pabon, Pace, Peniston, Ryden, Schafer S.,
17 Singer, Todd, Vigil, Williams A., Young.

18
19 **HB12-1172** by Representative(s) Swalm, Conti; also Senator(s)
20 Harvey--Concerning the rates charged to consumers for
21 electricity, and, in connection therewith, prohibiting the
22 imputation of certain costs associated with reductions in
23 greenhouse gas emissions.

24
25 The question being "Shall the bill pass?".
26 A roll call vote was taken. As shown by the following recorded vote, a
27 majority of those elected to the House voted in the affirmative and the bill
28 was declared **passed**.

30	YES	35	NO	30	EXCUSED	0	ABSENT	0
31	Acree	Y	Fischer	N	Looper	Y	Solano	N
32	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
33	Barker	Y	Gerou	Y	McCann	N	Soper	N
34	Baumgardner	Y	Hamner	N	McKinley	Y	Stephens	Y
35	Becker	Y	Holbert	Y	Miklosi	N	Summers	Y
36	Beezley	Y	Hullinghorst	N	Murray	Y	Swalm	Y
37	Bradford	Y	Jones	N	Nikkel	Y	Swerdfeger	Y
38	Brown	Y	Joshi	Y	Pabon	N	Szabo	Y
39	Casso	N	Kagan	N	Pace	N	Todd	N
40	Conti	Y	Kefalas	N	Peniston	Y	Tyler	N
41	Coram	Y	Kerr A.	N	Priola	Y	Vaad	Y
42	Court	N	Kerr J.	Y	Ramirez	Y	Vigil	N
43	DelGrosso	Y	Labuda	N	Ryden	N	Waller	Y
44	Duran	N	Lee	N	Schafer S.	N	Williams A.	N
45	Ferrandino	N	Levy	N	Scott	Y	Wilson	N
46	Fields	N	Liston	Y	Singer	N	Young	N
47							Speaker	Y

48 Co-sponsor(s) added: Representative(s) Acree, Beezley, Brown, Coram,
49 DelGrosso, Holbert, Kerr J., Looper, Scott, Vaad, Waller.

50
51 **HB12-1210** by Representative(s) Beezley, Holbert, Becker, Joshi,
52 Kagan, Liston, Miklosi, Szabo; also Senator(s) Jahn--
53 Concerning the recognition of professionals in good
54 standing from other states to practice in Colorado.

55
56 The question being "Shall the bill pass?".

1 A roll call vote was taken. As shown by the following recorded vote, a
2 majority of those elected to the House voted in the affirmative and the bill
3 was declared **passed**.

	YES	45	NO	20	EXCUSED	0	ABSENT	0
6	Acree	Y	Fischer	N	Looper	Y	Solano	N
7	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
8	Barker	Y	Gerou	N	McCann	N	Soper	N
9	Baumgardner	Y	Hamner	N	McKinley	N	Stephens	Y
10	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
11	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
12	Bradford	Y	Jones	N	Nikkel	Y	Swerdfeger	Y
13	Brown	Y	Joshi	Y	Pabon	N	Szabo	Y
14	Casso	N	Kagan	Y	Pace	Y	Todd	N
15	Conti	Y	Kefalas	N	Peniston	Y	Tyler	Y
16	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
17	Court	N	Kerr J.	Y	Ramirez	Y	Vigil	Y
18	DelGrosso	Y	Labuda	N	Ryden	N	Waller	Y
19	Duran	N	Lee	Y	Schafer S.	Y	Williams A.	N
20	Ferrandino	N	Levy	Y	Scott	Y	Wilson	N
21	Fields	N	Liston	Y	Singer	Y	Young	Y
22							Speaker	Y

23 Co-sponsor(s) added: Representative(s) Barker, Murray, Priola.

24
25 **HB12-1144** by Representative(s) Fischer, Duran, Hamner,
26 Hullinghorst, Kefalas, Kerr A., Peniston, Ryden,
27 Schafer S., Solano, Tyler, Young; also Senator(s) Bacon--
28 Concerning authorizing institutions of higher education to
29 enter into employment contracts for non-tenure-track
30 classroom teachers.

31
32 The question being "Shall the bill pass?".
33 A roll call vote was taken. As shown by the following recorded vote, a
34 majority of those elected to the House voted in the affirmative and the bill
35 was declared **passed**.

	YES	36	NO	28	EXCUSED	0	ABSENT	1
38	Acree	N	Fischer	Y	Looper	N	Solano	Y
39	Balmer	N	Gardner B.	N	Massey	Y	Sonnenberg	N
40	Barker	N	Gerou	N	McCann	Y	Soper	Y
41	Baumgardner	N	Hamner	Y	McKinley	N	Stephens	N
42	Becker	N	Holbert	N	Miklosi	Y	Summers	N
43	Beezley	N	Hullinghorst	Y	Murray	N	Swalm	N
44	Bradford	N	Jones	Y	Nikkel	N	Swerdfeger	Y
45	Brown	N	Joshi	N	Pabon	Y	Szabo	N
46	Casso	Y	Kagan	Y	Pace	-	Todd	Y
47	Conti	N	Kefalas	Y	Peniston	Y	Tyler	Y
48	Coram	Y	Kerr A.	Y	Priola	N	Vaad	N
49	Court	Y	Kerr J.	N	Ramirez	Y	Vigil	Y
50	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
51	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
52	Ferrandino	Y	Levy	Y	Scott	N	Wilson	Y
53	Fields	Y	Liston	N	Singer	Y	Young	Y
54							Speaker	N

55 Co-sponsor(s) added: Representative(s) Casso, Fields, Singer, Todd, Vigil,
56 Wilson.

1 **HB12-1123** by Representative(s) Conti, Becker, Brown, DelGrosso,
 2 Holbert, Murray, Nikkel, Ramirez, Scott, Summers,
 3 Swalm, Szabo; also Senator(s) Williams S.--Concerning
 4 an increase in the transparency of proceedings before the
 5 public utilities commission by requiring the commission to
 6 report annually to the general assembly regarding matters
 7 discussed on the record in energy rate cases.

8
 9 The question being "Shall the bill pass?".
 10 A roll call vote was taken. As shown by the following recorded vote, a
 11 majority of those elected to the House voted in the affirmative and the bill
 12 was declared **passed**.

	YES	65	NO	0	EXCUSED	0	ABSENT	0
15	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
16	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
17	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
18	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
19	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
20	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
21	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
22	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
23	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
24	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
25	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
26	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
27	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
28	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
29	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
30	Fields	Y	Liston	Y	Singer	Y	Young	Y
31							Speaker	Y

32 Co-sponsor(s) added: Representative(s) Beezley, Joshi, Looper, Priola.

33
 34 **HB12-1168** by Representative(s) Young, Fischer, Kerr A., Levy; also
 35 Senator(s) Morse--Concerning clarification of provisions
 36 authorizing ignition interlock devices.

37
 38 The question being "Shall the bill pass?".
 39 A roll call vote was taken. As shown by the following recorded vote, a
 40 majority of those elected to the House voted in the affirmative and the bill
 41 was declared **passed**.

	YES	44	NO	21	EXCUSED	0	ABSENT	0
44	Acree	Y	Fischer	Y	Looper	N	Solano	Y
45	Balmer	Y	Gardner B.	Y	Massey	N	Sonnenberg	N
46	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
47	Baumgardner	N	Hamner	Y	McKinley	Y	Stephens	N
48	Becker	N	Holbert	N	Miklosi	Y	Summers	Y
49	Beezley	N	Hullinghorst	Y	Murray	N	Swalm	N
50	Bradford	N	Jones	Y	Nikkel	N	Swerdfeger	Y
51	Brown	N	Joshi	N	Pabon	Y	Szabo	N
52	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
53	Conti	N	Kefalas	Y	Peniston	Y	Tyler	Y
54	Coram	N	Kerr A.	Y	Priola	N	Vaad	Y
55	Court	Y	Kerr J.	N	Ramirez	Y	Vigil	Y
56	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y

1	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
2	Ferrandino	Y	Levy	Y	Scott	N	Wilson	Y
3	Fields	Y	Liston	N	Singer	Y	Young	Y
4							Speaker	Y

5 Co-sponsor(s) added: Representative(s) Casso, Duran, Fields, Hamner, Kagan,
6 McCann, Pabon, Pace, Ryden, Schafer S., Todd, Vigil, Wilson.

7
8 **HB12-1006** by Representative(s) Todd, Barker, Murray, Ramirez,
9 Soper, Summers, Waller; also Senator(s) Spence, Aguilar,
10 Bacon, Brophy, Giron, Roberts--Concerning the voluntary
11 contribution designation benefiting the American Red
12 Cross Colorado disaster response, readiness, and
13 preparedness fund that appears on the state individual
14 income tax return forms.

15
16 The question being "Shall the bill pass?".
17 A roll call vote was taken. As shown by the following recorded vote, a
18 majority of those elected to the House voted in the affirmative and the bill
19 was declared **passed**.

21	YES	65	NO	0	EXCUSED	0	ABSENT	0
22	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
23	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
24	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
25	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
26	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
27	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
28	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
29	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
30	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
31	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
32	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
33	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
34	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
35	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
36	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
37	Fields	Y	Liston	Y	Singer	Y	Young	Y
38							Speaker	Y

39 Co-sponsor(s) added: Representative(s) Conti, Fields, Kerr A., Kerr J., Massey,
40 Pabon, Pace, Priola, Schafer S., Singer, Vigil, Young.

41
42 **HB12-1023** by Representative(s) Nikkel; also Senator(s) King S.--
43 Concerning the creation of a fallen heroes license plate,
44 and in connection therewith, making an appropriation.

45
46 The question being "Shall the bill pass?".
47 A roll call vote was taken. As shown by the following recorded vote, a
48 majority of those elected to the House voted in the affirmative and the bill
49 was declared **passed**.

51	YES	60	NO	5	EXCUSED	0	ABSENT	0
52	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
53	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	N
54	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
55	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
56	Becker	N	Holbert	N	Miklosi	Y	Summers	Y

1	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
2	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
3	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
4	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
5	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
6	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
7	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
8	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
9	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
10	Ferrandino	N	Levy	N	Scott	Y	Wilson	Y
11	Fields	Y	Liston	Y	Singer	Y	Young	Y
12							Speaker	Y

13 Co-sponsor(s) added: Representative(s) Casso, Coram, Duran, Hamner,
14 Kerr A., Massey, Pace, Ramirez, Schafer S., Stephens, Todd, Young.

15
16 **HB12-1041** by Representative(s) Labuda; also Senator(s) Guzman--
17 Concerning the creation of an electronic death registration
18 system in the department of public health and
19 environment, and, in connection therewith, making an
20 appropriation.

21
22 The question being "Shall the bill pass?".

23 A roll call vote was taken. As shown by the following recorded vote, a
24 majority of those elected to the House voted in the affirmative and the bill
25 was declared **passed**.

26	YES	64	NO	1	EXCUSED	0	ABSENT	0
28	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
29	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
30	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
31	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
32	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
33	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
34	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
35	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
36	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
37	Conti	Y	Kefalas	N	Peniston	Y	Tyler	Y
38	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
39	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
40	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
41	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
42	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
43	Fields	Y	Liston	Y	Singer	Y	Young	Y
44							Speaker	Y

45 Co-sponsor(s) added: Representative(s) Hullinghorst, Schafer S., Young.

46
47 **HB12-1052** by Representative(s) Summers; also Senator(s) Boyd and
48 Roberts--Concerning the collection of health care work
49 force data from health care professionals, and in
50 connection therewith, making an appropriation.

51
52 The question being "Shall the bill pass?".

53 A roll call vote was taken. As shown by the following recorded vote, a
54 majority of those elected to the House voted in the affirmative and the bill
55 was declared **passed**.

56

	YES	45	NO	20	EXCUSED	0	ABSENT	0
1								
2	Acree	N	Fischer	Y	Looper	N	Solano	Y
3	Balmer	N	Gardner B.	Y	Massey	Y	Sonnenberg	N
4	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
5	Baumgardner	N	Hamner	Y	McKinley	Y	Stephens	N
6	Becker	N	Holbert	N	Miklosi	Y	Summers	Y
7	Beezley	N	Hullinghorst	Y	Murray	N	Swalm	N
8	Bradford	N	Jones	Y	Nikkel	N	Swerdfeger	Y
9	Brown	N	Joshi	N	Pabon	Y	Szabo	Y
10	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
11	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
12	Coram	N	Kerr A.	Y	Priola	Y	Vaad	Y
13	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
14	DelGrosso	N	Labuda	Y	Ryden	Y	Waller	N
15	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
16	Ferrandino	Y	Levy	Y	Scott	N	Wilson	Y
17	Fields	Y	Liston	N	Singer	Y	Young	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Court, Fields, Fischer, Jones, Kefalas,
 20 Kerr A., Kerr J., Labuda, Massey, Schafer S., Singer, Todd, Wilson, Young.

21
 22
 23
 24 On motion of Representative Holbert, the House resolved itself into
 25 Committee of the Whole for consideration of General Orders, and he was
 26 called to the Chair to act as Chairman.

27
 28
 29
 30
 31 **GENERAL ORDERS--SECOND READING OF BILLS**

32
 33 The Committee of the Whole having risen, the Chairman reported the
 34 titles of the following bills had been read (reading at length had been
 35 dispensed with by unanimous consent), the bills considered and action
 36 taken thereon as follows:

37
 38 (Amendments to the committee amendment are to the printed committee
 39 report which was printed and placed in the members' bill file.)

40
 41 **HB12-1105** by Representative(s) Becker; also Senator(s) Tochtrop--
 42 Concerning wind energy property rights.

43
 44 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
 45 dated January 30, 2012, and placed in member's bill file; Report also
 46 printed in House Journal, January 31, page 120.

47
 48 Amendment No. 2, by Representative(s) Becker.

49
 50 Amend printed bill, page 3, line 14, strike "TWENTY" and substitute
 51 "NINETY".

52
 53 Page 3, line 16, strike "TWENTY" and substitute "NINETY".
 54
 55

1 Amendment No. 3, by Representative(s) Becker.

2

3 Amend printed bill, page 4, strike lines 6 and 7.

4

5 Renumber succeeding C.R.S. section numbers accordingly.

6

7 As amended, ordered engrossed and placed on the Calendar for Third
8 Reading and Final Passage.

9

10 HB12-1237 by Representative(s) Williams A.; also Senator(s)
11 Harvey--Concerning the records kept by the unit owners'
12 association of a common interest community.

13

14 Amendment No. 1, Local Government Report, dated February 20, 2012,
15 and placed in member's bill file; Report also printed in House Journal,
16 February 21, pages 332-333.

17

18 As amended, ordered engrossed and placed on the Calendar for Third
19 Reading and Final Passage.

20

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

25

26 Amendment No. 1, by Representative(s) Barker.

27

28 Amend printed bill, page 6, strike lines 13 and 14 and substitute:

29

30 "(a) ~~The division of fire safety, created in section 24-33.5-1201;~~
31 ~~and~~".

32

33 Page 9, line 11, strike "part 12 of this article" and substitute "~~part 12 of~~
34 ~~this article~~".

35

36 Page 9, line 12, strike "and" and substitute "~~and~~".

37

38 Page 13, line 12, strike "TWENTY" and substitute "TWENTY-ONE".

39

40 Page 13, after line 14 insert:

41

42 "(II) THE DIRECTOR OF THE DIVISION OF FIRE SAFETY CREATED IN
43 PART 12 OF THIS ARTICLE, OR HIS OR HER DESIGNEE;".

44

45 Renumber succeeding subparagraphs accordingly.

46

47 Page 18, strike lines 13 through 27.

48

49 Strike pages 19 through 21.

50

51 Page 22, strike lines 1 through 7.

52

53 Renumber succeeding sections accordingly.

54

55 Page 22, line 16, strike "~~division~~ OFFICE" and substitute "division".

56

- 1 Page 22, line 17, strike "DIVISION OF".
- 2
- 3 Page 22, line 18, strike "HOMELAND SECURITY in the" and substitute "~~in~~
- 4 ~~the~~".
- 5
- 6 Page 23, line 1, strike "~~division~~ OFFICE" and substitute "division".
- 7
- 8 Page 23, line 2, strike "DIVISION OF HOMELAND".
- 9
- 10 Page 23, line 3, strike "SECURITY in the" and substitute "~~in the~~".
- 11
- 12 Page 24, strike line 4 and substitute "(1) (c) as follows:".
- 13
- 14 Page 24, line 8, strike "~~division~~ OFFICE" and substitute "division".
- 15
- 16 Page 24, line 9, strike "DIVISION OF HOMELAND SECURITY in the" and
- 17 substitute "~~in the~~".
- 18
- 19 Page 24, line 10, strike "~~division~~ "OFFICE"." and substitute ""division".".
- 20
- 21 Page 24, strike lines 11 through 27.
- 22
- 23 Strike pages 25 through 28.
- 24
- 25 Page 29, strike lines 1 through 16.
- 26
- 27 Page 30, strike lines 20 through 27.
- 28
- 29 Page 31, strike lines 1 and 2.
- 30
- 31 Renumber succeeding sections accordingly.
- 32
- 33 Page 31, strike lines 4 and 5 and substitute "(1) introductory portion and
- 34 (1) (v) (I) as follows:".
- 35
- 36 Page 31, line 24, strike " ~~division~~ OFFICE" and substitute "division".
- 37
- 38 Page 31, line 25, strike "~~division~~ "OFFICE", in the" and substitute
- 39 ""division", ~~in the~~".
- 40
- 41 Page 31, line 26, strike "DIVISION OF HOMELAND SECURITY".
- 42
- 43 Page 32, strike lines 5 through 27.
- 44
- 45 Strike pages 33 through 36.
- 46
- 47 Page 37, strike lines 1 through 5.
- 48
- 49 Page 37, line 7, strike "and **repeal** (2) (b)" and substitute "**repeal** (2) (b);
- 50 and **add** (2) (i)".
- 51
- 52 Page 38, strike lines 9 and 10 and substitute
- 53
- 54 "(A) ~~Division of fire safety, created by part 12 of article 33.5 of~~
- 55 ~~this title; and~~".
- 56

1 Page 38, after line 15 insert:

2

3 "(i) DIVISION OF FIRE SAFETY, THE HEAD OF WHICH IS THE
4 DIRECTOR OF THE DIVISION OF FIRE SAFETY. THE DIVISION OF FIRE SAFETY
5 AND THE OFFICE OF THE DIRECTOR THEREOF, CREATED BY PART 12 OF
6 ARTICLE 33.5 OF THIS TITLE, AND THEIR POWERS, DUTIES, AND FUNCTIONS
7 ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF PUBLIC
8 SAFETY."

9

10 Page 42, strike lines 17 and 18 and substitute "division of fire safety in
11 the office of preparedness, security, and fire safety in the department of
12 public".

13

14 Page 43, line 6, strike "and **repeal** (2) (b)" and substitute "**repeal** (2) (b);
15 and **add** (2) (i)".

16

17 Page 43, line 11, strike "SECURITY." and substitute "SECURITY; AND".

18

19 Page 43, after line 11 insert:

20

21 "(i) DIVISION OF FIRE SAFETY".

22

23 Page 43, line 12, strike "**amend**".

24

25 Page 43, line 13, strike "24-33.5-1201" and substitute "24-33.5-1201,
26 **amend** (1) and (3) (b); and **repeal** (3) (c) and (3) (d)".

27

28 Page 43, line 14, strike "**Office**" and substitute "**Division**".

29

30 Page 43, strike lines 16 through 18 and substitute "the DEPARTMENT THE
31 division of fire safety, referred to in this part 12 as the "division". The
32 head of the division ~~shall be~~ IS the director of the division of fire safety,
33 referred to".

34

35 Page 43, strike lines 22 through 27.

36

37 Page 44, strike lines 1 through 10.

38

39 Page 45, line 13, strike "**amend** (1) and (2.5); and".

40

41 Page 45, strike lines 16 through 18.

42

43 Page 45, strike lines 21 through 26.

44

45 Page 46, strike line 1 and substitute "**amend** (1) (k); and **repeal** (1) (m)".

46

47 Page 46, line 3, strike "**office.** (1) The ~~division~~ OFFICE" and substitute
48 "**division.** (1) The division".

49

50 Page 46, strike lines 12 and 13.

51

52 Page 46, strike lines 18 through 27.

53

54 Page 47, strike lines 1 through 12.

55

56 Renumber succeeding sections accordingly.

- 1 Page 47, line 13, strike "**amend**".
2
3 Page 47, strike line 14 and substitute "24-33.5-1204, **amend** (2) as
4 follows:".
5
6 Page 47, line 17, strike "(1) For the".
7
8 Page 47, strike lines 18 through 24.
9
10 Page 49, strike lines 16 through 27.
11
12 Strike pages 50 through 63.
13
14 Page 64, strike lines 1 through 12.
15
16 Renumber succeeding sections accordingly.
17
18 Page 65, strike lines 4 through 27.
19
20 Page 66, strike lines 1 through 11.
21
22 Renumber succeeding sections accordingly.
23
24 Amendment No. 2, by Representative(s) Barker.
25
26 Amend printed bill, page 4, line 13, strike "(11), and (12)" and substitute
27 "and (11)".
28
29 Page 5, strike lines 10 through 13.
30
31 Renumber succeeding subsections accordingly.
32
33 As amended, ordered engrossed and placed on the Calendar for Third
34 Reading and Final Passage.
35
36 HB12-1125 by Representative(s) Ramirez, Sonnenberg, Looper; also
37 Senator(s) Steadman--Concerning procedures related to
38 the costs of impounded animals.
39
40 Amendment No. 1, by Representative(s) McKinley.
41
42 Amend printed bill, page 2, line 6, after "(a)" insert "(I)".
43
44 Page 3, after line 4 insert:
45
46 "(II) AS SOON AS PRACTICABLE, BUT NO LATER THAN
47 TWENTY-FOUR HOURS AFTER AN IMPOUNDMENT DESCRIBED UNDER
48 SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), AN IMPOUND AGENCY SHALL
49 ALLOW A LICENSED VETERINARIAN OF THE OWNER'S OR CUSTODIAN'S
50 CHOOSING AND AT HIS OR HER EXPENSE TO EXAMINE THE ANIMAL, WHICH
51 EXAMINATION MAY INCLUDE TAKING PHOTOGRAPHS OF THE ANIMAL AND
52 TAKING BIOLOGICAL SAMPLES FOR THE PURPOSE OF DIAGNOSTIC TESTING.
53 FOLLOWING SUCH EXAMINATION, THE IMPOUND AGENCY SHALL ALLOW,
54 AT REASONABLE HOURS AND UPON THE OWNER'S OR CUSTODIAN'S REQUEST
55 AND EXPENSE, THE VETERINARIAN TO MAKE SUBSEQUENT VISITS AS
56 NECESSARY IN ORDER TO PROVIDE MEDICAL CARE OR CONDUCT

1 FOLLOW-UP EXAMINATIONS. NOTHING IN THIS SUBPARAGRAPH (II)
2 PREVENTS AN IMPOUND AGENCY FROM PROVIDING REASONABLE MEDICAL
3 CARE TO ANY IMPOUNDED ANIMAL AS OTHERWISE AUTHORIZED BY THIS
4 SECTION."

5

6 As amended, ordered engrossed and placed on the Calendar for Third
7 Reading and Final Passage.

8

9

10 **HB12-1149** by Representative(s) Beezley, Holbert, Acree, Balmer,
11 Becker, Murray, Ramirez, Summers; also Senator(s)
12 Johnston--Concerning parents' authority to request
13 interventions for low-performing schools.

14

15 Amendment No. 1, Education Report, dated February 6, 2012, and placed
16 in member's bill file; Report also printed in House Journal, February 7,
17 page 173.

18

19 Amendment No. 2, Appropriations Report, dated February 24, 2012, and
20 placed in member's bill file; Report also printed in House Journal,
21 February 24, page 369.

22

23 Amendment No. 3, by Representative(s) Beezley.

24

25 Amend printed bill, page 2, line 11, strike "TAKE ONE OF" and substitute
26 "REFORM THE PUBLIC SCHOOL BY IMPLEMENTING AN ACTION SELECTED BY
27 THE LOCAL SCHOOL BOARD OR THE INSTITUTE FROM AMONG".

28

29 Page 2, line 13, strike "AN ACTION," and substitute "THE LOCAL SCHOOL
30 BOARD OR THE INSTITUTE TO REFORM THE PUBLIC SCHOOL,".

31

32 Page 3, line 1, strike "DIRECTED ACTION" and substitute "ACTION TO
33 REFORM THE PUBLIC SCHOOL".

34

35 Page 3, line 14, strike "TAKE" and substitute "REFORM THE PUBLIC SCHOOL
36 BY IMPLEMENTING".

37

38 Page 3, line 16, after the period, add "THE STATE BOARD MAY
39 RECOMMEND THAT THE LOCAL SCHOOL BOARD OR THE INSTITUTE
40 IMPLEMENT A PARTICULAR ACTION SPECIFIED IN PARAGRAPH (a) OF
41 SUBSECTION (5) OF THIS SECTION.

42

43 (c) WITHIN THIRTY DAYS AFTER RECEIVING A DIRECTION FROM THE
44 STATE BOARD PURSUANT TO THIS SUBSECTION (7) TO REFORM A PUBLIC
45 SCHOOL, THE LOCAL SCHOOL BOARD OR THE INSTITUTE SHALL SELECT
46 FROM AMONG THE ACTIONS SPECIFIED IN PARAGRAPH (a) OF SUBSECTION
47 (5) OF THIS SECTION THE ACTION OR ACTIONS IT WILL IMPLEMENT TO
48 REFORM THE PUBLIC SCHOOL. AT THE PUBLIC MEETING AT WHICH IT MAKES
49 THE SELECTION, THE LOCAL SCHOOL BOARD OR THE INSTITUTE SHALL,
50 UPON REQUEST, TAKE TESTIMONY FROM THE PARENTS OF STUDENTS
51 ENROLLED IN THE PUBLIC SCHOOL THAT IS THE SUBJECT OF THE ACTION.
52 THE LOCAL SCHOOL BOARD OR THE INSTITUTE SHALL IMPLEMENT THE
53 ACTION TO TAKE EFFECT IN THE FOLLOWING SCHOOL YEAR; EXCEPT THAT
54 THE STATE BOARD MAY GRANT AN EXTENSION OF TIME OF UP TO ONE FULL
55 SCHOOL YEAR TO IMPLEMENT THE REFORM ACTION BASED ON A SHOWING
56 BY THE LOCAL SCHOOL BOARD OR THE INSTITUTE THAT IT IS NOT FEASIBLE

1 TO IMPLEMENT THE ACTION IN THE NEXT SCHOOL YEAR WITH THE LEVEL
2 OF INTEGRITY NECESSARY TO MAKE THE REFORM ACTION SUCCESSFUL."

3

4 Amendment No. 4, by Representative(s) Beezley.

5

6 Amend printed bill, page 3, line 3, after the period add "IF A PETITION
7 INCLUDES THE SIGNATURE OF MORE THAN ONE BIOLOGICAL OR ADOPTIVE
8 PARENT OR LEGAL GUARDIAN FROM A STUDENT'S HOUSEHOLD, THE
9 PETITION SHALL REMAIN VALID, BUT ONLY ONE SIGNATURE FROM A
10 HOUSEHOLD WILL BE COUNTED IN DETERMINING WHETHER THE PETITION
11 MEETS THE REQUIREMENTS FOR NUMBER OF SIGNATURES SPECIFIED IN THIS
12 PARAGRAPH (a)."

13

14 Amendment No. 5, by Representative(s) Beezley.

15

16 Amend printed bill, page 3, line 2, before "A", insert "EACH PETITION
17 SHALL IDENTIFY THE PUBLIC SCHOOL TO WHICH IT APPLIES AND SHALL
18 INCLUDE THE FOLLOWING STATEMENT AT THE TOP OF EACH PAGE: "BY
19 SIGNING THIS PETITION, A PERSON AFFIRMS THAT HE OR SHE IS THE PARENT
20 OR LEGAL GUARDIAN OF A STUDENT CURRENTLY ENROLLED IN THE PUBLIC
21 SCHOOL IDENTIFIED ON THIS PETITION AND THAT HE OR SHE UNDERSTANDS
22 THAT ONLY ONE SIGNATURE PER FAMILY IS ALLOWED ON THIS PETITION
23 AND DUPLICATE SIGNATURES WILL NOT BE COUNTED.""

24

25 Amendment No. 6, by Representative(s) Beezley.

26

27 Amend printed bill, page 2, line 8, before "TWO" insert "AT LEAST".

28

29 Page 2, line 14, after "SIGNED" insert "BY AT LEAST SIXTY PERCENT OF THE
30 FAMILIES OF THE STUDENTS ENROLLED IN THE SCHOOL; EXCEPT THAT, IF
31 THE PARENTS SUBMIT THE PETITION AFTER THE PUBLIC SCHOOL OPERATES
32 UNDER A PRIORITY IMPROVEMENT OR TURNAROUND PLAN FOR A COMBINED
33 TOTAL OF MORE THAN TWO CONSECUTIVE SCHOOL YEARS, THE PETITION
34 SHALL BE SIGNED".

35

36 Amendment No. 7, by Representative(s) Beezley.

37

38 Amend printed bill, page 2, line 15, after the period, insert "WHEN
39 SUBMITTING A PETITION TO THE STATE BOARD, THE PARENTS SHALL
40 SIMULTANEOUSLY PROVIDE A COPY OF THE PETITION TO THE AFFECTED
41 PUBLIC SCHOOL AND TO THE APPROPRIATE LOCAL SCHOOL BOARD IF THE
42 AFFECTED PUBLIC SCHOOL IS A SCHOOL OF A SCHOOL DISTRICT."

43

44 Amendment No. 8, by Representative(s) Beezley.

45

46 Amend printed bill, page 3, line 10, after the period, insert "IN
47 CONSIDERING THE PETITION, THE STATE BOARD SHALL CONSIDER WHETHER
48 THE PUBLIC SCHOOL HAS DEMONSTRATED IMPROVEMENT IN ITS LEVEL OF
49 ACHIEVEMENT ON THE PERFORMANCE INDICATORS IN THE PRECEDING TWO
50 YEARS."

51

52 Amendment No. 9, by Representative(s) Beezley.

53

54 Amend printed bill, page 3, line 2, after "INCLUDE", insert "THE
55 SIGNATURE OF".

56

1 Page 3, line 3, strike "ADULT SIGNATURE" and substitute "BIOLOGICAL OR
2 ADOPTIVE PARENT OR LEGAL GUARDIAN".

3
4 As amended, ordered engrossed and placed on the Calendar for Third
5 Reading and Final Passage.

6
7 **HB12-1216** by Representative(s) Becker, Gerou, Levy; also Senator(s)
8 Lambert, Hodge, Steadman--Concerning the financing of
9 the division of motor vehicles in the department of
10 revenue.

11
12 Amendment No. 1, Appropriations Report, dated February 24, 2012, and
13 placed in member's bill file; Report also printed in House Journal,
14 February 24, pages 369-373.

15
16 As amended, ordered engrossed and placed on the Calendar for Third
17 Reading and Final Passage.

18
19 On motion of Representative Waller, the following bills on the General
20 Orders Calendar were laid over until March 1, retaining place on
21 Calendar: **HB12-1017, 1005, 1026, 1121, 1116**.

22
23
24
25 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

26
27 Passed Second Reading: **HB12-1105 amended, 1237 amended, 1283**
28 **amended, 1125 amended, 1149 amended, 1216 amended.**

29
30 Laid over until date indicated retaining place on Calendar: **HB12-1017,**
31 **1005, 1026, 1121, 1116--March 1, 2012.**

32
33 The Chairman moved the adoption of the Committee of the Whole
34 Report. As shown by the following roll call vote, a majority of those
35 elected to the House voted in the affirmative, and the Report was
36 **adopted.**

37
38

	YES	61	NO	4	EXCUSED	0	ABSENT	0
39	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
40	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
41	Barker	Y	Gerou	Y	McCann	Y	Soper	N
42	Baumgardner	Y	Hamner	N	McKinley	Y	Stephens	Y
43	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
44	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
45	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
46	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
47	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
48	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
49	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
50	Court	N	Kerr J.	Y	Ramirez	Y	Vigil	Y
51	DelGrosso	Y	Labuda	N	Ryden	Y	Waller	Y
52	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
53	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
54	Fields	Y	Liston	Y	Singer	Y	Young	Y
55							Speaker	Y

56

1 House in recess. House reconvened.
2
3

4 **APPOINTMENT**
5

6 The Speaker announced the following temporary appointment:
7

8 **STATE, VETERANS, & MILITARY AFFAIRS**

9 Representative Nikkel to replace Representative Liston for the
10 meeting on Wednesday, February 29, 2012.
11

12
13 House in recess. House reconvened.
14
15

16
17 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**
18

19 **ECONOMIC & BUSINESS DEVELOPMENT**

20 After consideration on the merits, the Committee recommends the
21 following:
22

23 **HB12-1175** be referred to the Committee of the Whole with favorable
24 recommendation.
25

26
27 **SB12-024** be amended as follows, and as so amended, be referred to
28 the Committee of the Whole with favorable
29 recommendation:
30

31 Amend reengrossed bill, page 3, line 10, after "(a) (I)" insert "(A)".
32

33 Page 3, line 11, strike "directors," and substitute "directors OR EXECUTIVE
34 COMMITTEE,".
35

36 Page 3, line 17, after "examination" insert "IN ADVANCE" and after the
37 period add:
38

39 "IF THERE IS NO FORMAL AGENDA, RESIDENTIAL MEMBERS OR THEIR
40 REPRESENTATIVES ARE NONETHELESS ENTITLED TO A GENERAL
41 DESCRIPTION OF THE PURPOSE OF THE MEETING AND THE SUBJECT MATTER
42 THAT WILL BE DISCUSSED.
43

44 (B) THE BOARD SHALL INFORM ALL MEMBERS, AT LEAST
45 ANNUALLY, OF THE METHOD BY WHICH MEETING AGENDAS AND OTHER
46 INFORMATION REQUIRED BY SUB-SUBPARAGRAPH (A) OF THIS
47 SUBPARAGRAPH (I) WILL BE PROVIDED, INCLUDING THE PHYSICAL
48 LOCATION OF PLACES WHERE AGENDAS AND MEETING NOTICES MAY BE
49 POSTED OR THE WEB ADDRESS WHERE ON-LINE POSTINGS MAY BE MADE.
50 THE BOARD SHALL GIVE AT LEAST THIRTY DAYS' ADVANCE NOTICE OF ANY
51 CHANGE IN THE MANNER OR MEANS BY WHICH MEETING INFORMATION
52 WILL BE PROVIDED."
53
54
55
56

1 **EDUCATION**

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

4
5 **HB12-1240** be amended as follows, and as so amended, be referred to
6 the Committee on Finance with favorable
7 recommendation:

8
9 Amend printed bill, page 5, after line 3 insert:

10
11 "SECTION 5. In Colorado Revised Statutes, 22-7-1018, **amend**
12 (2) (c) as follows:

13
14 **22-7-1018. Cost study.** (2) The entity selected to conduct the cost
15 study shall submit reports to the department of education and the
16 department of higher education in accordance with the following
17 timeline:

18
19 (c) On or before October 1, ~~2012~~, 2014, a report of the costs
20 pertaining to implementation of the diploma endorsements."

21
22 Renumber succeeding sections accordingly.

23
24 Page 10, line 23, strike "OR A".

25
26 Page 10, line 24, strike "LETTER OF CREDIT".

27
28 Page 11, after line 14 insert:

29
30 "SECTION 21. In Colorado Revised Statutes, 22-2-107, **amend**
31 (1) (s), (1) (t); and **add** (1) (u) as follows:

32
33 **22-2-107. State board - power.** (1) The state board has the
34 power:

35
36 (s) To approve programs by nonpublic, nonparochial schools to
37 provide educational services to students pursuant to section 22-33-203,
38 and to approve services to be provided to at-risk students pursuant to
39 agreements entered into pursuant to section 22-33-204; ~~and~~

40
41 (t) To render a decision on the appeal of the state charter school
42 institute's approval or denial of an institute charter school application or
43 the revocation or nonrenewal of an institute charter school contract
44 pursuant to part 5 of article 30.5 of this title; AND

45
46 (u) TOPROMULGATE RULES CONCERNING PARENTAL NOTIFICATION
47 WHEN A SCHOOL EMPLOYEE IS CHARGED WITH OR ARRESTED FOR A
48 CRIMINAL OFFENSE.

49
50 **SECTION 22.** In Colorado Revised Statutes, 22-60.5-107, **add**
51 (10) as follows:

52
53 **22-60.5-107. Grounds for denying, annulling, suspending, or**
54 **revoking license, certificate, endorsement, or authorization.** (10) THE
55 COMMISSIONER OF EDUCATION MAY ISSUE SUBPOENAS TO COMPEL THE
56 PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY

1 EVIDENCE, AND MATERIALS IN SUPPORT OF THE DEPARTMENT'S
2 INVESTIGATION OF ALLEGATIONS THAT, IF TRUE, MAY ESTABLISH GROUNDS
3 FOR DENYING, ANNULLING, REVOKING, OR SUSPENDING AN EDUCATOR
4 LICENSE, CERTIFICATE, ENDORSEMENT, OR AUTHORIZATION. UPON
5 FAILURE OF A PERSON TO COMPLY WITH SUCH SUBPOENA, THE DISTRICT
6 COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON RESIDES OR
7 CONDUCTS BUSINESS, UPON APPLICATION BY THE DEPARTMENT WITH
8 NOTICE TO THE SUBPOENAED PERSON, MAY ISSUE TO THE SUBPOENAED
9 PERSON AN ORDER REQUIRING THAT PERSON TO PRODUCE THE RELEVANT
10 PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO
11 ORDERED, OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER
12 INVESTIGATION OR QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT
13 MAY BE PUNISHED BY THE COURT AS CONTEMPT OF COURT.

14
15 **SECTION 23.** In Colorado Revised Statutes, 22-2-130, **amend** (2)
16 (b) and (2) (c) as follows:

17
18 **22-2-130. Supplemental on-line education grant program -**
19 **legislative declaration - definitions - creation - eligibility - award -**
20 **fund.** (2) As used in this section, unless the context otherwise requires:

21
22 (b) "Eligible charter school" means:

23
24 (I) A charter school that is authorized by an eligible school district
25 pursuant to part 1 of article 30.5 of this title and that does not operate an
26 on-line program OR AS AN ON-LINE SCHOOL; or

27
28 (II) An institute charter school that is authorized pursuant to part
29 5 of article 30.5 of this title, that enrolls fewer than three thousand
30 students, as determined by the institute charter school's pupil enrollment
31 certified by the state charter school institute on behalf of the institute
32 charter school to the state board pursuant to section 22-30.5-513 (3) (a),
33 and that does not operate an on-line program OR AS AN ON-LINE SCHOOL.

34
35 (c) "Eligible school district" means a school district that does not
36 export an on-line program OR ON-LINE SCHOOL to students receiving the
37 program at a location outside of the school district's geographic
38 boundaries and that enrolls fewer than three thousand students, as
39 determined by the school district's pupil enrollment certified to the state
40 board pursuant to section 22-54-112.

41
42 **SECTION 24.** In Colorado Revised Statutes, 22-11-103, **amend**
43 (28) as follows:

44
45 **22-11-103. Definitions.** As used in this article, unless the context
46 otherwise requires:

47
48 (28) "Public school" shall have the same meaning as provided in
49 section 22-1-101 and includes, but is not limited to, a district charter
50 school, an institute charter school, ~~and~~ an on-line program, as defined in
51 section 22-30.7-102 (9), AND AN ON-LINE SCHOOL, AS DEFINED IN SECTION
52 22-30.7-102 (9.5).

53
54 **SECTION 25.** In Colorado Revised Statutes, 22-11-307, **amend**
55 (2.5) as follows:

56

1 **22-11-307. Accreditation of public schools.** (2.5) In adopting its
2 school accreditation policies for its on-line programs AND ON-LINE
3 SCHOOLS, as defined in ~~section~~ SECTIONS 22-30.7-102 (9) AND
4 22-30.7-102 (9.5), a local school board or the institute board shall include
5 a review of the on-line program's OR SCHOOL'S alignment to the quality
6 standards outlined in section 22-30.7-105 (3) (b).

7
8 **SECTION 26.** In Colorado Revised Statutes, 22-20-109, **amend**
9 (2.5) (a), (4) (a), (5) (a), (6), (7) introductory portion, (7) (b), (7) (c), and
10 (7) (d) as follows:

11
12 **22-20-109. Tuition - rules.** (2.5) (a) When a child with a
13 disability is placed out of the home in a group home and attends school
14 in an administrative unit other than the child's administrative unit of
15 residence and the school does not provide the child with an on-line
16 program OR ON-LINE SCHOOL pursuant to article 30.7 of this title, the
17 district of residence shall be responsible for paying the tuition charge for
18 educating the child to the administrative unit of attendance.

19
20 (4) (a) When a child with a disability enrolls and attends a school
21 in an administrative unit other than the child's administrative unit of
22 residence pursuant to the provisions of section 22-36-101, and the school
23 does not provide the child an on-line program OR ON-LINE SCHOOL
24 pursuant to article 30.7 of this title, the district of residence shall be
25 responsible for paying the tuition charge for educating the child to the
26 administrative unit of attendance.

27
28 (5) (a) When a child with a disability enrolls in and attends a
29 district charter school pursuant to the provisions of part 1 of article 30.5
30 of this title or an institute charter school pursuant to part 5 of article 30.5
31 of this title, including a district or institute charter school that provides an
32 on-line program OR OPERATES AS AN ON-LINE SCHOOL pursuant to article
33 30.7 of this title, the district of residence shall be responsible for paying
34 to the district or institute charter school the tuition charge for the excess
35 costs incurred in educating the child.

36
37 (6) (a) When a child with a disability enrolls in and attends an
38 on-line program OR ON-LINE SCHOOL pursuant to article 30.7 of this title
39 that is not provided by a district or institute charter school, the district of
40 residence shall be responsible for paying to the provider of the on-line
41 program OR ON-LINE SCHOOL the tuition charge for the excess costs
42 incurred in educating the child.

43
44 (b) The provider of the on-line program OR ON-LINE SCHOOL shall
45 not charge the district of residence tuition for the excess costs incurred in
46 educating a child with a disability who receives educational services from
47 the provider of the on-line program OR ON-LINE SCHOOL unless the child
48 meets the criteria for funding pursuant to section 22-20-114 (1) (c) (II).

49
50 (c) The on-line provider shall provide notice to the administrative
51 unit of attendance, the administrative unit of residence, and the district of
52 residence if it is not an administrative unit, in accordance with state board
53 rules adopted pursuant to subsection (7) of this section when a child with
54 a disability applies to enroll in the on-line program OR ON-LINE SCHOOL.
55 The notice shall be in writing and shall also be sent to the special
56 education directors for the administrative units of residence and of

1 attendance. If the on-line provider does not intend to seek tuition costs,
2 notification is not required.

3
4 (d) The amount of the tuition charge shall be determined pursuant
5 to rules adopted by the state board pursuant to subsection (7) of this
6 section. The tuition responsibility shall be reflected in a contract entered
7 into by the administrative unit of residence, the district of residence if it
8 is not an administrative unit, the administrative unit of attendance, and the
9 district of attendance if it is not an administrative unit. Under the
10 circumstances described in this subsection (6), the provisions of section
11 22-20-108 (8) shall not apply.

12
13 (7) For the 2004-05 budget year and budget years thereafter, the
14 state board shall promulgate rules pertaining to the education of children
15 with disabilities in charter schools and rules pertaining to the education
16 of children with disabilities through on-line programs AND ON-LINE
17 SCHOOLS. Both sets of rules shall include, but need not be limited to, rules
18 to:

19
20 (b) Define the types and amounts of allowable costs in excess of
21 the per pupil funding for the child with a disability, as determined
22 pursuant to article 54 of this title, and any other state and federal revenues
23 received for educating the child, that a charter school, ~~or~~ on-line program,
24 OR ON-LINE SCHOOL may charge as tuition to a district of residence;

25
26 (c) Define other applicable revenues that a district of residence of
27 a child with a disability shall apply in paying the tuition charge for excess
28 costs incurred in educating the child at a charter school or through an
29 on-line program OR ON-LINE SCHOOL;

30
31 (d) Specify the limitations on the number of staff members per
32 number of students that a charter school, ~~or~~ on-line program, OR ON-LINE
33 SCHOOL shall provide in educating children with disabilities;

34
35 **SECTION 27.** In Colorado Revised Statutes, 22-30.5-103,
36 **amend** (6) as follows:

37
38 **22-30.5-103. Definitions.** As used in this part 1, unless the
39 context otherwise requires:

40
41 (6) "On-line pupil" means:

42
43 (a) For the 2007-08 budget year, a child who receives educational
44 services predominantly through an on-line program OR ON-LINE SCHOOL
45 created pursuant to article 30.7 of this title.

46
47 (b) For the 2008-09 budget year, and for each budget year
48 thereafter, a child who receives educational services predominantly
49 through a multi-district ~~program~~ ON-LINE SCHOOL, as defined in section
50 22-30.7-102 ~~(6)~~ (9.5), created pursuant to article 30.7 of this title.

51
52 **SECTION 28.** In Colorado Revised Statutes, 22-30.5-104,
53 **amend** (8) as follows:

54
55 **22-30.5-104. Charter school - requirements - authority.** (8) A
56 charter school shall be authorized to offer any educational program,

1 including but not limited to an on-line program OR ON-LINE SCHOOL
2 CREATED pursuant to article 30.7 of this title, that may be offered by a
3 school district and that is research-based and has been proven to be
4 effective, unless expressly prohibited by state law.

5
6 **SECTION 29.** In Colorado Revised Statutes, 22-30.5-112,
7 **amend** (2) (a.7) as follows:

8
9 **22-30.5-112. Charter schools - financing - definitions -**
10 **guidelines.** (2) (a.7) For the 2000-01 budget year through the 2008-09
11 budget year, each charter school shall annually allocate the minimum per
12 pupil dollar amount specified in section 22-54-105 (2) (b), multiplied by
13 the number of students enrolled in the charter school who are not students
14 enrolled in an on-line program OR AN ON-LINE SCHOOL, as defined in
15 ~~section~~ SECTIONS 22-30.7-102 (9) AND 22-30.7-102 (9.5), to a fund
16 created by the charter school for capital reserve purposes, as set forth in
17 section 22-45-103 (1) (c) and (1) (e), or solely for the management of
18 risk-related activities, as identified in section 24-10-115, C.R.S., and
19 article 13 of title 29, C.R.S., or among such allowable funds. Said moneys
20 shall be used for the purposes set forth in section 22-45-103 (1) (c) and
21 (1) (e) and may not be expended by the charter school for any other
22 purpose. Any moneys remaining in ~~such~~ THE fund that have not been
23 expended prior to the 2009-10 budget year shall be budgeted for the
24 purposes set forth in section 22-45-103 (1) (c) and (1) (e) in the 2009-10
25 budget year or any budget year thereafter.

26
27 **SECTION 30.** In Colorado Revised Statutes, 22-30.5-112.1,
28 **amend** (1) (k) (II) as follows:

29
30 **22-30.5-112.1. Charter schools - definitions - exclusive**
31 **jurisdiction districts - authorized on or after July 1, 2004 - financing.**
32 (1) As used in this section, unless the context otherwise requires:

33
34 (k) "On-line pupil enrollment" means:

35
36 (II) For the 2008-09 budget year, and for budget years thereafter,
37 the number of pupils, on October 1 within the applicable budget year or
38 the school day nearest said date, enrolled in, attending, and actively
39 participating in a multi-district ~~program~~ ON-LINE SCHOOL, as defined in
40 section 22-30.7-102 (6), created pursuant to article 30.7 of this title, by
41 the district charter school.

42
43 **SECTION 31.** In Colorado Revised Statutes, 22-30.5-112.3,
44 **amend** (1) (a.7) (II) as follows:

45
46 **22-30.5-112.3. Charter schools - additional aid from district.**
47 (1) (a.7) (II) As used in this paragraph (a.7), "pupils" means
48 pupils, other than pupils enrolled in an on-line program OR ON-LINE
49 SCHOOL, as defined in ~~section~~ SECTIONS 22-30.7-102 (9) AND 22-30.7-102
50 (9.5), who are enrolled in a charter school.

51
52 **SECTION 32.** In Colorado Revised Statutes, 22-30.5-502,
53 **amend** (9) as follows:

54
55 **22-30.5-502. Definitions.** As used in this part 5, unless the
56 context otherwise requires:

1 (9) "On-line pupil" means:

2
3 (a) For the 2007-08 budget year, a child who receives educational
4 services predominantly through an on-line program OR ON-LINE SCHOOL
5 created pursuant to article 30.7 of this title;

6
7 (b) For the 2008-09 budget year, and for each budget year
8 thereafter, a child who receives educational services predominantly
9 through a multi-district ~~program~~ ON-LINE SCHOOL, as defined in section
10 22-30.7-102 (6), created pursuant to article 30.7 of this title.

11
12 **SECTION 33.** In Colorado Revised Statutes, 22-30.5-507,
13 **amend** (9) as follows:

14
15 **22-30.5-507. Institute charter school - requirements -**
16 **authority.** (9) An institute charter school is authorized to offer any
17 educational program, including but not limited to an on-line program OR
18 ON-LINE SCHOOL pursuant to article 30.7 of this title, that may be offered
19 by a school district, unless expressly prohibited by its charter contract or
20 by state law.

21
22 **SECTION 34.** In Colorado Revised Statutes, 22-30.5-513,
23 **amend** (1) (j) (II) as follows:

24
25 **22-30.5-513. Institute charter schools - definitions - funding.**
26 (1) As used in this section, unless the context otherwise requires:

27
28 (j) "On-line pupil enrollment" means:

29
30 (II) For the 2008-09 budget year, and for budget years thereafter,
31 the number of pupils, on October 1 within the applicable budget year or
32 the school day nearest said date, enrolled in, attending, and actively
33 participating in a multi-district ~~program~~ ON-LINE SCHOOL, as defined in
34 section 22-30.7-102 (6), created pursuant to article 30.7 of this title by the
35 institute charter school.

36
37 **SECTION 35.** In Colorado Revised Statutes, **amend** 22-30.5-514
38 as follows:

39
40 **22-30.5-514. Institute charter school - capital reserve, risk**
41 **management, and instructional purposes.** (1) For the 2004-05 budget
42 year through the 2008-09 budget year, each institute charter school shall
43 annually allocate the minimum per pupil dollar amount specified in
44 section 22-54-105 (2) (b), multiplied by the number of students enrolled
45 in the institute charter school who are not students enrolled in an on-line
46 program OR ON-LINE SCHOOL, as defined in ~~section~~ SECTIONS 22-30.7-102
47 (9) AND 22-30.7-102 (9.5), to a fund created by the institute charter school
48 for capital reserve purposes, as set forth in section 22-45-103 (1) (c) and
49 (1) (e), or solely for the management of risk-related activities, as
50 identified in section 24-10-115, C.R.S., and article 13 of title 29, C.R.S.,
51 or among such allowable funds. Said moneys shall be used for the
52 purposes set forth in section 22-45-103 (1) (c) and (1) (e) and may not be
53 expended by the institute charter school for any other purpose. Any
54 moneys remaining in ~~such~~ THE fund that have not been expended prior to
55 the 2009-10 budget year shall be budgeted for the purposes set forth in
56 section 22-45-103 (1) (c) and (1) (e) in the 2009-10 budget year or any

1 budget year thereafter.

2
3 (2) For the 2004-05 budget year through the 2008-09 budget year,
4 each institute charter school shall annually allocate the minimum per
5 pupil dollar amount specified in section 22-54-105 (1) (b), multiplied by
6 the number of students enrolled in the institute charter school who are not
7 students enrolled in an on-line program OR ON-LINE SCHOOL, as defined
8 in ~~section~~ SECTIONS 22-30.7-102 (9) AND 22-30.7-102 (9.5), to accounts
9 created by the institute charter school for instructional supplies and
10 materials, instructional capital outlays, or other instructional purposes, as
11 set forth in section 22-45-103 (1) (a) (II), or among such accounts.
12 Moneys may be transferred among the three accounts. The moneys in the
13 accounts shall be used for the purposes set forth in section 22-45-103 (1)
14 (a) (II) and may not be expended by the institute charter school for any
15 other purpose. Any moneys in the accounts that are not projected to be
16 expended during a budget year shall be budgeted for the purposes set
17 forth in section 22-45-103 (1) (a) (II) in the next budget year. Nothing in
18 this subsection (2) shall be construed to require that interest on moneys
19 in the accounts be specifically allocated to the accounts. Any moneys
20 remaining in any ~~such~~ THE account that have not been expended prior to
21 the 2009-10 budget year shall be budgeted for the purposes set forth in
22 section 22-45-103 (1) (a) (II) in the 2009-10 budget year or any budget
23 year thereafter.

24
25 **SECTION 36.** In Colorado Revised Statutes, 22-30.5-515,
26 **amend** (1) (b) as follows:

27
28 **22-30.5-515. Institute charter school - additional aid.**
29 (1) (b) As used in this subsection (1), "pupils" means pupils other than
30 pupils enrolled in an on-line program OR ON-LINE SCHOOL, as defined in
31 ~~section~~ SECTIONS 22-30.7-102 (9) AND 22-30.7-102 (9.5), who are
32 enrolled in a qualified charter school.

33
34 **SECTION 37.** In Colorado Revised Statutes, 22-30.7-101, **amend**
35 (1) (e) and (1) (f) as follows:

36
37 **22-30.7-101. Legislative declaration.** (1) The general assembly
38 hereby finds and declares that:

39
40 (e) On-line programs AND ON-LINE SCHOOLS must be accountable
41 to students and parents and to the institutions that accredit on-line
42 programs AND ON-LINE SCHOOLS;

43
44 (f) The state has a role in ensuring quality oversight of on-line
45 programs AND ON-LINE SCHOOLS, but the state should not replace a school
46 district or an authorizing entity in directly administering on-line programs
47 AND ON-LINE SCHOOLS;

48
49 **SECTION 38.** In Colorado Revised Statutes, 22-30.7-102,
50 **amend** (2), (6), (8), and (13) as follows:

51
52 **22-30.7-102. Definitions.** As used in this article, unless the
53 context otherwise requires:

54
55 (2) "Authorizer" means an entity that authorizes an on-line
56 program OR ON-LINE SCHOOL. "Authorizer" shall include a school district,

1 any group of two or more school districts, a board of cooperative services
 2 created pursuant to section 22-5-104, or the state charter school institute
 3 established pursuant to section 22-30.5-503.

4
 5 (6) "Multi-district ~~program~~ ON-LINE SCHOOL" means an on-line
 6 ~~program~~ SCHOOL that serves a student population drawn from two or
 7 more school districts.

8
 9 (8) "On-line learning expert" means a person with special
 10 knowledge of and experience in the teaching or administration of
 11 ~~multi-district programs, single district programs,~~ SINGLE-DISTRICT
 12 ON-LINE PROGRAMS AND ON-LINE SCHOOLS, MULTI-DISTRICT ON-LINE
 13 SCHOOLS, or supplemental programs for students in kindergarten through
 14 twelfth grade.

15
 16 (13) "Single-district ON-LINE program" OR "SINGLE-DISTRICT
 17 ON-LINE SCHOOL" means an on-line program OR ON-LINE SCHOOL that
 18 serves only students who reside within a single school district. ~~or, in the~~
 19 ~~case of a program authorized by one or more districts or a board of~~
 20 ~~cooperative services, an on-line program that serves only students who~~
 21 ~~reside within the authorizing districts or within the member districts of~~
 22 ~~the authorizing board of cooperative services.~~

23
 24 **SECTION 39.** In Colorado Revised Statutes, 22-30.7-103,
 25 **amend** (2), (3) (b), (3) (d), (3) (i), (3) (j), (3) (l), and (3) (m) as follows:

26
 27 **22-30.7-103. Division of on-line learning - created - duties.**

28 (2) **Purposes.** The purposes of the on-line division are:

29
 30 (a) To support on-line programs AND ON-LINE SCHOOLS, students,
 31 parents, authorizers, and other entities related to on-line learning by
 32 providing information and access to available data; and

33
 34 (b) To facilitate the certification of multi-district ~~programs~~
 35 ON-LINE SCHOOLS in accordance with rules promulgated by the state board
 36 pursuant to section 22-30.7-106.

37
 38 (3) **Duties.** The on-line division shall have the following duties:

39
 40 (b) To evaluate applications for certification of multi-district
 41 ~~programs~~ ON-LINE SCHOOLS using criteria adopted by rules promulgated
 42 by the state board pursuant to section 22-30.7-106 and to recommend that
 43 the state board grant or deny certification based upon the criteria;

44
 45 (d) To recommend to the state board on or before September 1,
 46 2007, a process, timeline, and standard MOU form for use by
 47 multi-district ~~programs~~ ON-LINE SCHOOLS and school districts in crafting
 48 memoranda of understanding pursuant to section 22-30.7-111 regarding
 49 the placement of learning centers within the boundaries of a school
 50 district. At a minimum, the standard MOU form shall include the
 51 information specified in section 22-30.7-111 (1) (b).

52
 53 (i) To establish a process and timeline for documenting and
 54 tracking complaints concerning on-line programs AND ON-LINE SCHOOLS;

55
 56 (j) To collect resources to support the implementation of quality

1 on-line programs AND ON-LINE SCHOOLS and make the resources available
2 to on-line programs AND ON-LINE SCHOOLS upon request;

3
4 (l) To annually collect and review information concerning sound
5 financial and accounting practices and resources for each on-line program
6 AND ON-LINE SCHOOL. The information may be the same information
7 submitted by on-line charter schools pursuant to section 22-30.5-109 (1);
8 and

9 (m) If the on-line division has reason to believe that an on-line
10 program OR ON-LINE SCHOOL is not in substantial compliance with one or
11 more of the statutory or regulatory requirements applicable to on-line
12 programs AND ON-LINE SCHOOLS, to provide notice to the on-line program
13 OR ON-LINE SCHOOL, and its authorizer, and require that the on-line
14 program OR ON-LINE SCHOOL, together with its authorizer, address a plan
15 for coming into compliance. The plan may be included in the school plan
16 required pursuant to section 22-11-210 (2).

17
18 **SECTION 40.** In Colorado Revised Statutes, **amend** 22-30.7-105
19 as follows:

20
21 **22-30.7-105. Program criteria - guidelines - quality standards**
22 **- records - rules.** (1) (a) A school district ~~a group of two or more school~~
23 ~~districts, a board of cooperative services created pursuant to section~~
24 ~~22-5-104,~~ and the state charter school institute established pursuant to
25 section 22-30.5-503 are hereby authorized to create or oversee
26 single-district ON-LINE programs OR SINGLE-DISTRICT ON-LINE SCHOOLS.

27
28 (b) A school district, a group of two or more school districts, a
29 board of cooperative services created pursuant to section 22-5-104, and
30 the state charter school institute established pursuant to section
31 22-30.5-503 are hereby authorized to create or oversee multi-district
32 ~~programs~~ ON-LINE SCHOOLS, subject to the requirement that the authorizer
33 apply to the on-line division for certification of the multi-district ~~program~~
34 ON-LINE SCHOOL as described in section 22-30.7-106.

35
36 (c) Nothing in this article shall be construed to prohibit an on-line
37 program OR ON-LINE SCHOOL from providing supplemental on-line
38 courses.

39
40 (2) The following guidelines shall apply to each on-line program
41 OR ON-LINE SCHOOL that is created or overseen pursuant to the provisions
42 of this article:

43
44 (a) A student who is participating in an on-line program OR
45 ON-LINE SCHOOL shall be subject to compulsory school attendance as
46 provided in article 33 of this title and shall be deemed to comply with the
47 compulsory attendance requirements through participation in the on-line
48 program OR ON-LINE SCHOOL.

49
50 (b) Each student participating in an on-line program OR ON-LINE
51 SCHOOL shall be subject to the statewide assessments administered
52 pursuant to section 22-7-409.

53
54 (c) The provisions of article 36 of this title concerning schools of
55 choice shall apply to an on-line program OR ON-LINE SCHOOL
56 implemented pursuant to this article.

- 1 (d) The provisions of the "Education Accountability Act of 2009",
2 article 11 of this title, shall apply to an on-line program OR ON-LINE
3 SCHOOL implemented pursuant to this article in the same manner as said
4 provisions apply to the other public schools operating in this state.
5
- 6 (3) (a) An on-line program OR ON-LINE SCHOOL that is
7 administered pursuant to the provisions of this article shall satisfy the
8 quality standards established by rules promulgated by the state board
9 pursuant to paragraph (b) of this subsection (3).
10
- 11 (b) On or before January 1, 2008, the state board, in consultation
12 with the on-line division, shall promulgate rules establishing quality
13 standards for on-line programs AND ON-LINE SCHOOLS administered
14 pursuant to the provisions of this article. The rules shall include, but need
15 not be limited to, the establishment of quality standards in the following
16 areas:
17
- 18 (I) An on-line program's OR ON-LINE SCHOOL'S governance, vision,
19 and organization;
20
- 21 (II) Standards-based curricula and data-driven instructional
22 practices;
23
- 24 (III) Technological capacity and support;
25
- 26 (IV) Internet safety;
27
- 28 (V) Sound financial and accounting practices and resources;
29
- 30 (VI) Student academic performance and improvement;
31
- 32 (VII) Monitoring and assessment of student academic
33 performance and improvement;
34
- 35 (VIII) Course completion measurements;
36
- 37 (IX) Attendance tracking procedures;
38
- 39 (X) Data analysis, management, and reporting;
40
- 41 (XI) Guidance counseling;
42
- 43 (XII) Engagement of parents and communities in on-line
44 programs AND ON-LINE SCHOOLS;
45
- 46 (XIII) Provisions for students with special needs, including gifted
47 and talented students and English language learners; and
48
- 49 (XIV) Program evaluation and improvement.
50
- 51 (c) Repealed.
52
- 53 (4) (a) The records of each student participating in a multi-district
54 ~~program~~ ON-LINE SCHOOL shall be maintained on a permanent basis by the
55 authorizer of the multi-district ~~program~~ ON-LINE SCHOOL; except that, if
56 a charter school provides the multi-district ~~program~~ ON-LINE SCHOOL,

1 only the charter school and not the authorizer shall be required to
2 maintain the records. The records shall include, but need not be limited
3 to:

4
5 (I) Attendance data;

6
7 (II) Test, evaluation, and statewide assessment results;

8
9 (III) Immunization records, as required by sections 25-4-902 and
10 25-4-903, C.R.S.; and

11
12 (IV) Such other records as are required under law concerning
13 enrolled students, including but not limited to records required by state or
14 federal statutes concerning the education of students with disabilities.

15
16 (b) (I) If a student enrolled in a school within a school district
17 transfers to an on-line program OR ON-LINE SCHOOL, the school district
18 shall transmit to the on-line program OR ON-LINE SCHOOL all performance,
19 attendance, and assessment data concerning the student within thirty days
20 after the school district receives notice from the on-line program OR
21 ON-LINE SCHOOL that the student has enrolled in the on-line program OR
22 ON-LINE SCHOOL.

23
24 (II) If a student enrolled in an on-line program OR ON-LINE
25 SCHOOL transfers to a school within a school district, the on-line program
26 OR ON-LINE SCHOOL shall transmit to the school all performance,
27 attendance, and assessment data concerning the student within thirty days
28 after the on-line program OR ON-LINE SCHOOL receives notice from the
29 school district that the student has enrolled in the school.

30
31 (5) Each student participating in an on-line program OR ON-LINE
32 SCHOOL shall be a resident of this state and shall demonstrate that he or
33 she possesses the appropriate electronic equipment and resources to
34 participate in the program OR SCHOOL; except that an on-line program OR
35 ON-LINE SCHOOL may provide such equipment and resources to a student
36 to enable the student to participate in the on-line program OR ON-LINE
37 SCHOOL.

38
39 **SECTION 41.** In Colorado Revised Statutes, **amend** 22-30.7-106
40 as follows:

41
42 **22-30.7-106. Certification of multi-district on-line schools -**
43 **criteria - rules.** (1) If a school district, a group of two or more school
44 districts, a board of cooperative services created pursuant to section
45 22-5-104, or the state charter school institute established pursuant to
46 section 22-30.5-503 chooses to authorize a multi-district ~~program~~
47 ON-LINE SCHOOL, the school district, group of two or more school
48 districts, board of cooperative services, or state charter school institute
49 shall, prior to authorizing the multi-district ~~program~~ ON-LINE SCHOOL,
50 apply to the on-line division for certification of the multi-district ~~program~~
51 ON-LINE SCHOOL.

52
53 (2) Notwithstanding the provisions of subsection (1) of this
54 section, the state board may, in its discretion, waive the requirement that
55 an authorizer that chooses to authorize a multi-district ~~program~~ ON-LINE
56 SCHOOL apply to the on-line division for certification of the ~~program~~

1 SCHOOL if the multi-district program ON-LINE SCHOOL that the authorizer
2 seeks to authorize has ten or fewer students from outside the school
3 district enrolled in the program SCHOOL.
4

5 (3) Notwithstanding the provisions of subsection (1) of this
6 section, an authorizer of a single-district ON-LINE program OR ON-LINE
7 SCHOOL that becomes a multi-district program ON-LINE SCHOOL shall not
8 be required to apply to the on-line division for certification of the
9 multi-district program ON-LINE SCHOOL in the event that ten or fewer
10 students from outside the school district in which the single-district
11 ON-LINE program OR ON-LINE SCHOOL is operating enroll in the program
12 MULTI-DISTRICT ON-LINE SCHOOL.
13

14 (4) The state board shall promulgate rules specifying criteria to be
15 used by the on-line division in certifying multi-district programs ON-LINE
16 SCHOOLS. The criteria shall include, but need not be limited to, the
17 following:
18

19 (a) Whether the authorizer of the multi-district program ON-LINE
20 SCHOOL possesses adequate resources and the capacity to oversee the
21 multi-district program ON-LINE SCHOOL, including but not limited to
22 oversight of the following components of the multi-district program
23 ON-LINE SCHOOL:
24

25 (I) Curriculum and instruction;

26 (II) Use of software applications and technology;

27 (III) Data gathering, analysis, and reporting;

28 (IV) Human resources management;

29 (V) Financial management, facilities management, and risk
30 management; and
31

32 (VI) Other relevant public education administration functions;
33

34 (b) Whether the plan for operating and monitoring the
35 multi-district program ON-LINE SCHOOL agreed to by the authorizer of the
36 multi-district program ON-LINE SCHOOL and the principal, director, or
37 other chief administrator of the multi-district program ON-LINE SCHOOL
38 adequately addresses, at a minimum, consideration of the following
39 elements:
40

41 (I) The multi-district program's ON-LINE SCHOOL'S vision, mission,
42 and goals;
43

44 (II) The multi-district program's ON-LINE SCHOOL'S organizational
45 structure and governance, including governing board and school policies
46 and procedures;
47

48 (III) Equitable access for all students;

49 (IV) Guidance counseling for all students enrolled in the
50 multi-district program ON-LINE SCHOOL;
51

52
53
54
55
56

- 1 (V) Student academic credit policies;
2
3 (VI) Student achievement and attendance policies, including but
4 not limited to monitoring graduation and dropout rates;
5
6 (VII) Student records policies and procedures;
7
8 (VIII) Student admission and placement policies and procedures;
9
10 (IX) Staff development plans;
11
12 (X) Student services, including counseling and tutorial support;
13
14 (XI) Staff, student, and parent handbooks;
15
16 (XII) Employment and contractor policies and procedures;
17
18 (XIII) Annual budgeting and finance practices;
19
20 (XIV) Facility plans, including any contemplated physical sites;
21
22 (XV) Risk management;
23
24 (XVI) Data development, analysis, and reporting; and
25
26 (XVII) Policies and procedures for facilitating communication
27 between the multi-district ~~program~~ ON-LINE SCHOOL, parents, and school
28 districts in which students who are enrolled in the multi-district ~~program~~
29 ON-LINE SCHOOL reside; and
30
31 (c) The degree to which the multi-district ~~program~~ ON-LINE
32 SCHOOL will satisfy the quality standards for on-line programs AND
33 ON-LINE SCHOOLS described in section 22-30.7-105.
34
35 (5) On or before January 1, 2008, the state board shall promulgate
36 rules establishing processes and timelines by which a prospective
37 authorizer may apply to the on-line division for certification of a
38 multi-district ~~program~~ ON-LINE SCHOOL pursuant to this section.
39
40 (6) On or before January 1, 2008, the state board shall create an
41 expedited procedure for the approval or denial of certification for
42 multi-district ~~programs~~ ON-LINE SCHOOLS that were operating as of
43 January 1, 2007.
44
45 (7) Notwithstanding any provision of this section to the contrary,
46 an authorizer of a multi-district ~~program~~ ON-LINE SCHOOL that was
47 operating as of January 1, 2007, may continue to operate until August 1,
48 2008, without receiving certification of the ~~program~~ SCHOOL by the
49 on-line division pursuant to this section.
50
51 (8) The state board shall not approve the certification of a
52 multi-district ~~program~~ ON-LINE SCHOOL until the state board has
53 promulgated rules for such certification pursuant to this section.
54
55 **SECTION 42.** In Colorado Revised Statutes, 22-30.7-107,
56 **amend** (2) and (3) as follows:

1 **22-30.7-107. Funding.** (2) For the 2008-09 budget year, and for
2 each budget year thereafter, for purposes of determining total program
3 funding pursuant to article 54 of this title:
4

5 (a) (I) A school district that is providing a single-district ON-LINE
6 program OR ON-LINE SCHOOL, or a school district in which a district
7 charter school is providing a single-district ON-LINE program OR ON-LINE
8 SCHOOL, shall include each student who is enrolled in the single-district
9 ON-LINE program OR ON-LINE SCHOOL as of October 1 of the applicable
10 budget year in the school district's pupil enrollment for the applicable
11 budget year and shall receive the school district's per-pupil funding for
12 each student enrolled in the single-district ON-LINE program OR ON-LINE
13 SCHOOL.
14

15 (II) An institute charter school that is providing a single-district
16 ON-LINE program OR ON-LINE SCHOOL shall include each student who is
17 enrolled in the single-district ON-LINE program OR ON-LINE SCHOOL as of
18 October 1 of the applicable budget year in the institute charter school's
19 pupil enrollment for the applicable budget year and shall receive the
20 per-pupil funding of the institute charter school's accounting district for
21 each student enrolled in the single-district ON-LINE program OR ON-LINE
22 SCHOOL.
23

24 (b) (I) A school district that is providing a multi-district ~~program~~
25 ON-LINE SCHOOL, or a school district in which a district charter school is
26 providing a multi-district ~~program~~ ON-LINE SCHOOL, shall include each
27 student who is enrolled in the multi-district ~~program~~ ON-LINE SCHOOL as
28 of October 1 of the applicable budget year in the school district's on-line
29 pupil enrollment for the applicable budget year and shall receive on-line
30 funding, as specified in section 22-54-104 (4.5).
31

32 (II) An institute charter school that is providing a multi-district
33 ~~program~~ ON-LINE SCHOOL shall include each student who is enrolled in
34 the multi-district ~~program~~ ON-LINE SCHOOL as of October 1 of the
35 applicable budget year in the institute charter school's on-line enrollment
36 for the applicable budget year and shall receive on-line funding, as
37 specified in section 22-54-104 (4.5).
38

39 (3) For the 2008-09 budget year, and for each budget year
40 thereafter, an authorizer that is providing an on-line program OR ON-LINE
41 SCHOOL may receive funding for each student enrolled in the on-line
42 program OR ON-LINE SCHOOL, regardless of whether the student was
43 included in the pupil enrollment or on-line pupil enrollment of a school
44 district or institute charter school for the preceding school year.
45

46 **SECTION 43.** In Colorado Revised Statutes, 22-30.7-108,
47 **amend** (1) as follows:
48

49 **22-30.7-108. Extracurricular and interscholastic activities.**
50 (1) A student who is participating in an on-line program OR AN ON-LINE
51 SCHOOL, other than a student who is participating in the on-line program
52 OR ON-LINE SCHOOL after having been expelled from a public school, may
53 participate on an equal basis in any extracurricular or interscholastic
54 activity offered by a public school or offered by a private school, at the
55 private school's discretion, as provided in section 22-32-116.5.
56

1 **SECTION 44.** In Colorado Revised Statutes, **amend**
2 22-30.7-109.5 as follows:

3
4 **22-30.7-109.5. On-line programs and on-line schools - report**
5 **to authorizer and department.** Each on-line program AND ON-LINE
6 SCHOOL shall annually submit to its authorizer and to the department
7 information, pursuant to state board rules, concerning sound financial and
8 accounting practices and resources. A multi-district on-line ~~program~~
9 SCHOOL shall notify its authorizer and the department of any intent to
10 amend the program's OR SCHOOL'S application for certification, which
11 shall include any intent to expand grade levels served by the program OR
12 SCHOOL, any intent to change education service providers, or other
13 intended changes, as defined by the state board. If the department
14 concludes that the on-line program OR ON-LINE SCHOOL should not be
15 permitted to amend its application for certification, based on the quality
16 standards established by the state board pursuant to section 22-30.7-105,
17 the department shall notify the authorizer and the on-line program OR
18 ON-LINE PROGRAM of its decision within thirty days of receiving the
19 notification from the program OR SCHOOL. The authorizer shall then have
20 thirty days to appeal the department's decision to the state board, pursuant
21 to the state board's administrative policies.

22
23 **SECTION 45.** In Colorado Revised Statutes, **amend** 22-30.7-111
24 as follows:

25
26 **22-30.7-111. Learning centers - memoranda of understanding**
27 **- rules - appeal process.** (1) (a) A multi-district ~~program~~ ON-LINE
28 SCHOOL that intends to provide instruction to students within one or more
29 learning centers shall, before providing such instruction, seek to enter into
30 a memorandum of understanding with each school district in which the
31 multi-district ~~program~~ ON-LINE SCHOOL intends to provide instruction
32 within a learning center.

33
34 (b) A multi-district ~~program~~ ON-LINE SCHOOL that intends to
35 provide instruction to students within a learning center shall notify the
36 school district in which the proposed learning center is located of the
37 multi-district ~~program's~~ ON-LINE SCHOOL'S intention in writing at least
38 ninety days before the multi-district ~~program~~ ON-LINE SCHOOL intends to
39 commence providing such instruction. The notice shall include the
40 standard MOU form that addresses, at a minimum, the following
41 information as it applies to each learning center to be located within the
42 school district:

43
44 (I) A description of any curricula that will be offered by the
45 multi-district ~~program~~ ON-LINE SCHOOL at the learning center;

46
47 (II) The proposed location of the learning center;

48
49 (III) The grade levels to be served at the learning center;

50
51 (IV) The number of students projected to attend the multi-district
52 ~~program~~ ON-LINE SCHOOL at the learning center;

53
54 (V) Any building permits or certifications of building safety that
55 may be required by law;

56

1 (VI) A list of all staff positions at the learning center, including
2 a description of duties for each position;

3
4 (VII) Measures to ensure compliance with state and federal laws
5 concerning educator licensing and fingerprint-based criminal history
6 record checks;

7
8 (VIII) The name of and contact information for the multi-district
9 ~~program~~ ON-LINE SCHOOL and the names of and contact information for
10 all learning center administrators; and

11
12 (IX) The plans for one or more public meetings to be held prior
13 to the opening of a learning center.

14
15 (c) Within forty-five days after receiving the notice and standard
16 MOU form from a multi-district ~~program~~ ON-LINE SCHOOL pursuant to
17 paragraph (b) of this subsection (1), the school district and the
18 multi-district ~~program~~ ON-LINE SCHOOL shall meet to discuss the terms of
19 the memorandum of understanding, based on the standard MOU form
20 provided with the notice. The school district and the multi-district
21 ~~program~~ ON-LINE SCHOOL may mutually agree to change the information
22 in the standard MOU form provided with the notice or to include
23 information in the memorandum of understanding in addition to that
24 included in the standard MOU form.

25
26 (d) Within forty-five days after receiving the notice and the
27 standard MOU form pursuant to paragraph (b) of this subsection (1), the
28 school district and the multi-district ~~program~~ ON-LINE SCHOOL shall hold
29 at least one public meeting at which they shall receive public input
30 concerning location of one or more learning centers within the school
31 district.

32
33 (e) No later than forty-five days after the school district receives
34 the notice and standard MOU form pursuant to paragraph (b) of this
35 subsection (1), the school district shall notify the multi-district ~~program~~
36 ON-LINE SCHOOL, the on-line division, and the state board in writing of the
37 school district's decision whether to enter into a memorandum of
38 understanding with the multi-district ~~program~~ ON-LINE SCHOOL for
39 operation of a learning center within the school district. If the school
40 district does not provide notice of its decision within forty-five days, the
41 standard MOU form provided by the multi-district ~~program~~ ON-LINE
42 SCHOOL with the notice shall become effective on the forty-sixth day
43 following the school district's receipt of the notice and standard MOU
44 form, and the multi-district ~~program~~ ON-LINE SCHOOL may proceed under
45 the terms of the standard MOU form as provided to the school district.

46
47 (f) A school district may refuse to enter into a memorandum of
48 understanding with a multi-district ~~program~~ ON-LINE SCHOOL for the
49 operation of a learning center within the school district only if:

50
51 (I) The standard MOU form provided by the multi-district
52 ~~program~~ ON-LINE SCHOOL fails to satisfy the requirements described in
53 paragraph (b) of this subsection (1); or

54
55 (II) The school district reasonably determines that the
56 multi-district ~~program~~ ON-LINE SCHOOL is contrary to the best interests of

1 the pupils, parents, community, or school district.

2

3 (g) If a school district refuses to enter into a memorandum of
4 understanding with a multi-district ~~program~~ ON-LINE SCHOOL for
5 operation of a learning center, the multi-district ~~program~~ ON-LINE SCHOOL
6 may appeal the school district's decision to the state board pursuant to the
7 provisions of subsection (6) of this section.

8

9 (h) Notwithstanding any provision of this section to the contrary,
10 a multi-district ~~program~~ ON-LINE SCHOOL that seeks to operate a learning
11 center within a school district shall not be required to enter into a
12 memorandum of understanding with the school district if the school
13 district is the authorizer of the multi-district ~~program~~ ON-LINE SCHOOL.

14

15 (i) Notwithstanding any provision of this section to the contrary,
16 a school district and a multi-district ~~program~~ ON-LINE SCHOOL may
17 mutually agree in writing to decline to enter into a memorandum of
18 understanding.

19

20 (j) To ensure that all students have a reasonable opportunity to
21 benefit from on-line education, a school district and a multi-district
22 ~~program~~ ON-LINE SCHOOL shall make good faith efforts to craft and enter
23 into a memorandum of understanding pursuant to the provisions of this
24 section.

25

26 (2) A memorandum of understanding entered into by a school
27 district and a multi-district ~~program~~ ON-LINE SCHOOL pursuant to the
28 provisions of this section shall be effective for three years. A school
29 district and a multi-district ~~program~~ ON-LINE SCHOOL may enter into an
30 unlimited number of successive memoranda of understanding.

31

32 (3) If a school district and a multi-district ~~program~~ ON-LINE
33 SCHOOL enter into a memorandum of understanding pursuant to the
34 provisions of this section, the memorandum of understanding shall
35 include consideration of all learning centers that the multi-district
36 ~~program~~ ON-LINE SCHOOL proposes, at the time the memorandum of
37 understanding is crafted, to operate within the school district, and the
38 memorandum of understanding shall supersede any memorandum of
39 understanding previously entered into by the school district and the
40 multi-district ~~program~~ ON-LINE SCHOOL.

41

42 (4) (a) If a multi-district ~~program~~ ON-LINE SCHOOL is operating a
43 learning center within a school district under the terms of a memorandum
44 of understanding, and the multi-district ~~program~~ ON-LINE SCHOOL seeks
45 to operate an additional learning center within the school district, which
46 additional learning center is not contemplated in an existing memorandum
47 of understanding, the multi-district ~~program~~ ON-LINE SCHOOL shall
48 provide notice to the school district of the multi-district ~~program~~'s
49 ON-LINE SCHOOL'S intention to operate an additional learning center. The
50 notice shall include the standard MOU form.

51

52 (b) Upon receiving notice from a multi-district ~~program~~ ON-LINE
53 SCHOOL as described in paragraph (a) of this subsection (4), the school
54 district shall decide whether to seek to craft a new memorandum of
55 understanding with the multi-district ~~program~~ ON-LINE SCHOOL, and the
56 school district shall notify the multi-district ~~program~~ ON-LINE SCHOOL of

1 the school district's decision within thirty days after receiving the notice
2 described in paragraph (a) of this subsection (4).

3
4 (c) (I) If the multi-district ~~program~~ ON-LINE SCHOOL receives
5 notice within thirty days that the school district has decided to seek to
6 craft a new memorandum of understanding, the multi-district ~~program~~
7 ON-LINE SCHOOL and the school district shall seek to craft a new
8 memorandum of understanding pursuant to the provisions of this section.

9
10 (II) If the multi-district ~~program~~ ON-LINE SCHOOL does not receive
11 notice within thirty days after the school district's decision, or the
12 multi-district ~~program~~ ON-LINE SCHOOL receives notice that the school
13 district has decided not to seek to craft a new memorandum of
14 understanding, the multi-district ~~program~~ ON-LINE SCHOOL may begin to
15 operate the additional learning center.

16
17 (5) On or before October 1, 2007, the state board shall approve the
18 standard MOU form, which shall, at a minimum, include the information
19 specified in paragraph (b) of subsection (1) of this section. The standard
20 MOU form approved by the state board shall be based on the standard
21 MOU form recommended by the on-line division pursuant to section
22 22-30.7-103 (3) (d).

23
24 (6) (a) On or before January 1, 2008, the state board shall
25 promulgate rules establishing procedures and timelines by which a
26 multi-district ~~program~~ ON-LINE SCHOOL may appeal to the state board a
27 decision by a school district to refuse to enter into a memorandum of
28 understanding with the multi-district ~~program~~ ON-LINE SCHOOL for the
29 operation of a learning center within the school district.

30
31 (b) If the state board determines that a school district's decision to
32 refuse to enter into a memorandum of understanding was contrary to the
33 best interests of the pupils, parents, community, or school district, the
34 state board shall issue an order directing the school district to enter into
35 a final memorandum of understanding with the multi-district ~~program~~
36 ON-LINE SCHOOL regarding the placement of one or more learning centers
37 within the school district and to use the standard MOU form provided
38 with the notice pursuant to paragraph (b) of subsection (1) of this section
39 as the basis for the final memorandum of understanding.

40
41 (c) Upon receiving notice from a multi-district ~~program~~ ON-LINE
42 SCHOOL that the multi-district ~~program~~ ON-LINE SCHOOL is appealing a
43 decision by a school district to refuse to enter into a memorandum of
44 understanding with the multi-district ~~program~~ ON-LINE SCHOOL, the state
45 board shall resolve the dispute within forty-five days by either affirming
46 the school district's decision or issuing an order directing the school
47 district to enter into a memorandum of understanding with the
48 multi-district ~~program~~ ON-LINE SCHOOL, as described in paragraph (b) of
49 this subsection (6).

50
51 (7) Notwithstanding any provision of this section to the contrary,
52 a multi-district ~~program~~ ON-LINE SCHOOL that operates one or more
53 learning centers within a school district as of January 1, 2007, may
54 continue to operate learning centers within the school district until August
55 1, 2008, without entering into a memorandum of understanding with the
56 school district. A multi-district ~~program~~ ON-LINE SCHOOL that operates

1 one or more learning centers within a school district as of January 1,
2 2007, shall provide notification to the school district on or before
3 September 1, 2007, of any learning centers being operated by the
4 multi-district ~~program~~ ON-LINE SCHOOL within the school district. The
5 notice shall include the information described in subparagraphs (I)
6 through (VIII) of paragraph (b) of subsection (1) of this section.

7
8 **SECTION 46.** In Colorado Revised Statutes, 22-33-104, **amend**
9 (1) (c) as follows:

10
11 **22-33-104. Compulsory school attendance.** (1) (c) A student
12 who participates in an on-line program OR ON-LINE SCHOOL pursuant to
13 the provisions of article 30.7 of this title shall be deemed to attend school
14 in accordance with the requirements of this subsection (1).

15
16 **SECTION 47.** In Colorado Revised Statutes, 22-33-105, **amend**
17 (5) (a) as follows:

18
19 **22-33-105. Suspension, expulsion, and denial of admission.**
20 (5) (a) Whenever a petition filed in juvenile court alleges that a child at
21 least twelve years of age but under eighteen years of age has committed
22 an offense that would constitute unlawful sexual behavior, as defined in
23 section 16-22-102 (9), C.R.S., or a crime of violence, as defined in
24 section 18-1.3-406, C.R.S., if committed by an adult or whenever charges
25 filed in district court allege that a child has committed such an offense,
26 basic identification information concerning such child and the details of
27 the alleged delinquent act or offense shall be provided immediately to the
28 school district in which the child is enrolled in accordance with the
29 provisions of section 19-1-304 (5), C.R.S. Upon receipt of such
30 information, the board of education of the school district or its designee
31 shall determine whether the student has exhibited behavior that is
32 detrimental to the safety, welfare, and morals of the other students or of
33 school personnel in the school and whether educating the student in the
34 school may disrupt the learning environment in the school, provide a
35 negative example for other students, or create a dangerous and unsafe
36 environment for students, teachers, and other school personnel. The
37 determination may be made in executive session to the extent allowed by
38 section 24-6-402 (4) (h), C.R.S. If the board of education or its designee,
39 in accordance with the provisions of this subsection (5), makes a
40 determination that the student should not be educated in the school, it may
41 proceed with suspension or expulsion in accordance with subsection (2)
42 of this section and section 22-33-106. Alternatively, the board of
43 education or its designee may determine that it will wait until the
44 conclusion of the juvenile proceedings to consider the expulsion matter,
45 in which case it shall be the responsibility of the district to provide the
46 student with an appropriate alternate education program, including but not
47 limited to an on-line program OR ON-LINE SCHOOL authorized pursuant to
48 article 30.7 of this title, or a home-based education program during the
49 period pending the resolution of the juvenile proceedings. Information
50 made available to the school district and not otherwise available to the
51 public pursuant to the provisions of section 19-1-304, C.R.S., shall
52 remain confidential.

53
54 **SECTION 48.** In Colorado Revised Statutes, 22-54-103, **amend**
55 (8.5) (a) (II) and (10) (a) (II) (B) as follows:

56

1 **22-54-103. Definitions - repeal.** As used in this article, unless the
2 context otherwise requires:

3
4 (8.5) (a) "On-line pupil enrollment" means:

5
6 (II) For the 2008-09 budget year, and for budget years thereafter,
7 the number of pupils, on October 1 within the applicable budget year or
8 the school day nearest said date, enrolled in, attending, and actively
9 participating in a multi-district ~~program~~ ON-LINE SCHOOL, as defined in
10 section 22-30.7-102 (6), created pursuant to article 30.7 of this title.

11
12 (10) (a) (II) "Pupil enrollment" shall include:

13
14 (B) For the 2008-09 budget year, and for budget years thereafter,
15 a pupil who is enrolled in, attending, and actively participating in a
16 single-district on-line program OR ON-LINE SCHOOL operated pursuant to
17 article 30.7 of this title.

18
19 **SECTION 49.** In Colorado Revised Statutes, 22-54-126, **amend**
20 (1) (b) as follows:

21
22 **22-54-126. Declining enrollment districts with new charter**
23 **schools - additional aid - definitions.** (1) As used in this section, unless
24 the context otherwise requires:

25
26 (b) "New charter school enrollment" means the number of pupils
27 enrolled in a new district charter school of a declining enrollment district
28 on October 1 or the school date nearest said date in the budget year in
29 which the new district charter school is opened in the declining
30 enrollment district minus the number of pupils enrolled as of that date in
31 an on-line program OR AN ON-LINE SCHOOL who are also enrolled in the
32 new district charter school of the declining enrollment district.

33
34 **SECTION 50.** In Colorado Revised Statutes, 22-58-101, **amend**
35 (2) as follows:

36
37 **22-58-101. Legislative declaration.** (2) The general assembly
38 therefore finds that it is in the best interests of the state to encourage
39 school districts and charter schools to test alternative models of school
40 funding by collecting data to show the effects a model would have if it
41 were implemented, while continuing to receive actual funding pursuant
42 to the "Public School Finance Act of 1994", article 54 of this title. School
43 districts and charter schools are encouraged to consider funding models
44 that may address, at a minimum, the unique challenges of funding
45 students who are significantly at risk of academic failure, students who
46 are gifted and talented, students enrolled in on-line programs OR ON-LINE
47 SCHOOLS, students who return to public school after dropping out, and
48 students concurrently enrolled in high school and higher education
49 classes. School districts and charter schools are also encouraged to
50 consider models of education funding based on achievement rather than
51 attendance or hours of participation.

52
53 **SECTION 51.** In Colorado Revised Statutes, 22-82.9-104,
54 **amend** (3) as follows:

55
56 **22-82.9-104. Child nutrition school lunch protection program**

1 - **creation - administration - objectives.** (3) The department shall
2 approve a multi-district on-line ~~program~~ SCHOOL operating in learning
3 centers, as defined in section 22-30.7-102 (4), to participate in the
4 program and in the school lunch program so long as the multi-district
5 on-line ~~program~~ SCHOOL complies with the federal requirements for
6 participating in the school lunch program, including but not limited to
7 completing and submitting the required federal application form for each
8 student who chooses to participate in the school lunch program."

9
10 Renumber succeeding section accordingly.

11
12
13
14 **HB12-1252** be amended as follows, and as so amended, be referred to
15 the Committee on Appropriations with favorable
16 recommendation:

17
18 Amend printed bill, page 3, line 18, strike "MEANS A" and substitute "HAS
19 THE SAME MEANING AS SET FORTH IN SECTION 23-18-102 (10) (a), C.R.S.;

20 EXCEPT THAT THE TERM ALSO INCLUDES A PARTICIPATING PRIVATE
21 INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN SECTION 23-18-102
22 (8), C.R.S."

23
24 Page 3, strike lines 19 through 26.

25
26
27
28
29 **HEALTH & ENVIRONMENT**

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

32
33 **HB12-1303** be amended as follows, and as so amended, be referred to
34 the Committee on Finance with favorable
35 recommendation:

36
37 Amend printed bill, page 3, strike lines 22 and 23.

38
39 Renumber succeeding subsections accordingly.

40
41 Page 4, line 12, before "MEANS" insert "OR "CERTIFICATE HOLDER"".

42
43 Page 7, strike lines 19 through 23 and substitute "DEPARTMENT OF
44 EDUCATION;"

45
46 Page 7, line 27, strike "RECOGNIZED" and substitute "APPROVED".

47
48 Page 8, line 23, strike "PRESCRIBED" and substitute "DETERMINED".

49
50 Page 9, line 3, strike "CONTINUED".

51
52 Page 10, line 8, strike "C.R.S." and substitute "C.R.S., AND SHALL BASE
53 THE FEES CHARGED TO SPEECH-LANGUAGE PATHOLOGISTS CERTIFIED
54 UNDER THIS ARTICLE ON THE COST TO ADMINISTER THE PROGRAM DIVIDED
55 BY THE TOTAL NUMBER OF SPEECH-LANGUAGE PATHOLOGISTS."

56

- 1 Page 10, line 24, strike "ADOPT RULES ESTABLISHING" and substitute
2 "ESTABLISH".
3
- 4 Page 11, strike lines 16 through 18.
5
- 6 Reletter succeeding paragraphs accordingly.
7
- 8 Page 11, line 19, strike "RECOGNIZED" and substitute "APPROVED".
9
- 10 Page 12, line 6, strike "PATHOLOGIST." and substitute "PATHOLOGIST OR
11 OTHER PROFESSIONAL REGULATED UNDER THIS TITLE."
12
- 13 Page 12, strike line 24 and substitute "REGULATED;".
14
- 15 Page 13, line 13, strike "ESTABLISHED" and substitute "ADOPTED".
16
- 17 Page 14, line 2, strike "FORM OF HEALING EXCEPT AS AUTHORIZED" and
18 substitute "PROFESSION FOR WHICH LICENSURE, CERTIFICATION, OR
19 REGISTRATION IS REQUIRED".
20
- 21 Page 14, line 14, strike "REASONABLE GROUNDS" and substitute "PROOF".
22
- 23 Page 16, after line 21 insert:
24
- 25 "(l) HAS FAILED TO REFER A PATIENT TO THE APPROPRIATE
26 LICENSED HEALTH CARE PROFESSIONAL WHEN THE SERVICES REQUIRED BY
27 THE PATIENT ARE BEYOND THE LEVEL OF COMPETENCE OF THE
28 SPEECH-LANGUAGE PATHOLOGIST OR BEYOND THE SCOPE OF
29 SPEECH-LANGUAGE PATHOLOGY PRACTICE;".
30
- 31 Reletter succeeding paragraphs accordingly.
32
- 33 Page 16, line 27, strike "SPECIFIED" and substitute "DETERMINED".
34
- 35 Page 17, after line 1 insert:
36
- 37 "(o) HAS WILLFULLY OR NEGLIGENTLY ACTED IN A MANNER
38 INCONSISTENT WITH THE HEALTH OR SAFETY OF PERSONS UNDER HIS OR
39 HER CARE;
40
- 41 (p) HAS NEGLIGENTLY OR WILLFULLY PRACTICED
42 SPEECH-LANGUAGE PATHOLOGY IN A MANNER THAT FAILS TO MEET
43 GENERALLY ACCEPTED STANDARDS FOR SPEECH-LANGUAGE PATHOLOGY
44 PRACTICE;".
45
- 46 Reletter succeeding paragraphs accordingly.
47
- 48 Page 25, line 2, after "REVOKED" insert "OR WHO SURRENDERS HIS OR HER
49 CERTIFICATION TO AVOID DISCIPLINE".
50
- 51 Page 29, line 21, strike "2022." and substitute "2019."
52
- 53 Page 29, line 25, strike the first "(53.5)" and substitute "(50.5)" and strike
54 "(53.5) (c)" and substitute "(50.5) (e)".
55
- 56 Page 30, line 1, strike "(53.5)" and substitute "(50.5)".

1 Page 30, line 2, strike "2022:" and substitute "2019:".

2

3 Page 30, line 3, strike "(c)" and substitute "(e)".

4

5

6

7 **SB12-037** be amended as follows, and as so amended, be referred to
8 the Committee of the Whole with favorable
9 recommendation:

10

11 Amend reengrossed bill, page 4, line 23, after "written" insert "OR
12 ELECTRONIC".

13

14

15

16

17 **JUDICIARY**

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

20

21 **HB12-1266** be amended as follows, and as so amended, be referred to
22 the Committee on Appropriations with favorable
23 recommendation:

24

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

27

28 **"SECTION 1.** In Colorado Revised Statutes, 10-1-102, **amend**
29 **(3); and add (3.5) as follows:**

30

31 **10-1-102. Definitions.** As used in this title, unless the context
32 otherwise requires:

33

34 (3) "Admitted company" or "authorized company" designates
35 companies duly qualified and licensed to transact business in this state,
36 under the provisions of this title. "Nonadmitted companies" or
37 "unauthorized companies" designates companies not licensed to transact
38 business in this state, under the provisions of this title (except article 15)
39 ~~article 7 of title 12~~, and article 14 of title 24, C.R.S.

40

41 (3.5) "BAIL INSURANCE COMPANY" MEANS AN INSURER ENGAGED
42 IN THE BUSINESS OF WRITING BAIL BONDS THROUGH BONDING AGENTS AND
43 SUBJECT TO REGULATION BY THE DIVISION.

44

45 **SECTION 2.** In Colorado Revised Statutes, 10-1-103, **amend (3)**
46 **and (6) (b) (I) (D); and repeal (6) (b) (I) (A) as follows:**

47

48 **10-1-103. Division of insurance - subject to termination -**
49 **repeal of functions.** (3) All direct and indirect expenditures of the
50 division ~~shall be~~ ARE paid from the division of insurance cash fund,
51 which fund is hereby created in the state treasury. All fees collected
52 ~~pursuant to~~ UNDER sections 8-44-204 (7), C.R.S., 8-44-205 (6), C.R.S.,
53 10-2-413, 10-3-108, 10-3-207, 10-3.5-104, 10-3.5-107, 10-12-106,
54 10-15-103, 10-16-110 (1) and (2), 10-16-111 (1), 10-23-102, 10-23-104,
55 24-10-115.5 (5), C.R.S., and 29-13-102 (5), C.R.S., not including fees
56 retained ~~pursuant to~~ UNDER contracts entered into in accordance with

1 section 10-2-402 (5) or 24-34-101, C.R.S., and all taxes collected
2 ~~pursuant to~~ UNDER section 10-3-209 (4) designated for the division of
3 insurance, ~~shall be~~ ARE transmitted to the state treasurer, who shall credit
4 the ~~same~~ MONEYS to the division of insurance cash fund. THE DIVISION
5 SHALL USE all moneys credited to the division of insurance cash fund ~~shall~~
6 ~~be used~~ as provided in this section and in section 24-48.5-106, C.R.S.,
7 ~~shall not be deposited in or transferred~~ SUBJECT TO ANNUAL
8 APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE PURPOSES
9 AUTHORIZED IN THIS TITLE AND AS OTHERWISE AUTHORIZED BY LAW.
10 MONEYS IN THE FUND DO NOT REVERT to the general fund of this state or
11 to any other fund. ~~and shall be subject to annual appropriation by the~~
12 ~~general assembly for the purposes authorized in this title and as otherwise~~
13 ~~authorized by law.~~ In accordance with section 24-36-114, C.R.S., all
14 interest derived from the deposit and investment of moneys in the fund
15 ~~shall be~~ IS credited to the general fund.

16
17 ~~(6) (b) (I) (A) The functions of the division of insurance related~~
18 ~~to the licensing of bail bonding agents are repealed, effective July 1,~~
19 ~~2012, pursuant to the provisions of this section and section 12-7-112,~~
20 ~~C.R.S.~~

21
22 ~~(D) The functions of the division of insurance other than those~~
23 ~~functions related to the licensing of bail bonding agents, are repealed,~~
24 ~~effective July 1, 2017, pursuant to this section and section 24-34-104~~
25 ~~(48), C.R.S.~~

26
27 **SECTION 3.** In Colorado Revised Statutes, 10-1-108, **amend** (5),
28 (8), and (9) as follows:

29
30 **10-1-108. Duties of commissioner - reports - publications - fees**
31 **- disposition of funds - adoption of rules - examinations and**
32 **investigations.** (5) It is the duty of the commissioner to make such
33 investigations and examinations as are authorized by this title (except
34 article 15) ~~article 7 of title 12~~, and article 14 of title 24, C.R.S., and to
35 investigate such information as is presented to the commissioner by
36 authority that the commissioner believes to be reliable pertaining to
37 violation of the insurance laws of Colorado, and it is the commissioner's
38 duty to present the result of such investigations and examinations for
39 further investigation and prosecution to either the district attorney of the
40 proper judicial district or the attorney general when, in the commissioner's
41 opinion, such violations justify such action.

42
43 (8) It is the duty of the commissioner to examine all requests and
44 applications from insurers for certificates of authority to be issued
45 pursuant to section 10-3-105. The commissioner is authorized to refuse
46 to issue any such certificates of authority until the commissioner is
47 reasonably satisfied as to the qualifications and general fitness of the
48 insurer to comply with the requirements of the provisions of this title
49 (except article 15) ~~article 7 of title 12~~, and article 14 of title 24, C.R.S.

50
51 (9) It is the duty of the commissioner to transmit all surcharges,
52 costs, taxes, penalties, and fines collected by the division of insurance
53 under any provision of this title (except article 15) ~~article 7 of title 12~~, and
54 article 14 of title 24, C.R.S., to the department of the treasury. All funds
55 so transmitted shall be credited to the general fund; except that any funds
56 collected by the commissioner as reimbursement for out-of-state travel

1 costs in conjunction with the examination of an insurance company or
2 with an activity to improve regulation of insurance companies are hereby
3 continuously appropriated to the division of insurance in addition to any
4 other funds appropriated for its normal operation.

5

6 **SECTION 4.** In Colorado Revised Statutes, 10-1-110, **amend** (1)
7 introductory portion and (2) as follows:

8

9 **10-1-110. Grounds and procedure for suspension or**
10 **revocation of certificate or license of entities.** (1) The certificate of
11 authority of an insurance company to do business in this state may be
12 revoked or suspended by the commissioner for any reason specified in
13 this title ~~article 7 of title 12~~; and article 14 of title 24, C.R.S. Specifically,
14 the certificate may be suspended or revoked by the commissioner for
15 reasons that include, but are not limited to:

16

17 (2) If the commissioner finds upon examination, hearing, or other
18 evidence that any foreign or domestic insurance company has committed
19 any of the acts specified in subsection (1) of this section, or any other act
20 specified in this title ~~article 7 of title 12~~; and article 14 of title 24, C.R.S.,
21 for which the penalty is suspension or revocation of the certificate of
22 authority, the commissioner may suspend or revoke such certificate of
23 authority, if he or she deems it in the best interest of the public and the
24 policyholders of the company, notwithstanding any other provision of
25 said references. Notice of any revocation shall be published in one or
26 more daily newspapers in Denver that have a general state circulation.
27 Before suspending or revoking any certificate of authority of an insurance
28 company, the commissioner shall grant the company fifteen days in which
29 to show cause why such action should not be taken. Any final decision of
30 the commissioner to suspend or revoke a certificate of authority or license
31 of any person or entity regulated by the division of insurance shall be
32 subject to judicial review by the court of appeals pursuant to section
33 24-4-106 (11), C.R.S.

34

35 **SECTION 5.** In Colorado Revised Statutes, **amend** 10-1-111 as
36 follows:

37

38 **10-1-111. Invoking aid of courts.** The commissioner, through the
39 attorney general, may invoke the aid of the courts through injunction or
40 other proper process, mandatory or otherwise, to enforce any proper order
41 made by the commissioner or action taken by the commissioner; but
42 nothing in this title (except article 15) ~~article 7 of title 12~~; and article 14
43 of title 24, C.R.S., shall be construed to prevent the company or person
44 affected by any order, ruling, proceeding, act, or action of the
45 commissioner, or any person acting on behalf and at instance of the
46 commissioner, from testing the validity of the same in any court of
47 competent jurisdiction, through injunction, appeal, or other proper
48 process or proceeding, mandatory or otherwise.

49

50 **SECTION 6.** In Colorado Revised Statutes, **amend** 10-1-112 as
51 follows:

52

53 **10-1-112. Policy conditions required by other states.** The
54 policies of a domestic insurance company, when issued or delivered in
55 any other state, territory, district, or country, may contain any provision
56 required by the laws of the state, territory, district, or country in which the

1 same are issued, anything in this title (except article 15) ~~article 7 of title~~
2 ~~12~~, and article 14 of title 24, C.R.S., to the contrary notwithstanding.

3

4 **SECTION 7.** In Colorado Revised Statutes, 10-1-211, **add** (6) as
5 follows:

6

7 **10-1-211. Protocols for market conduct actions.** (6) SUBJECT
8 TO SECTION 16-4-108 (1.5), A BAIL PREMIUM IS EARNED IN ITS ENTIRETY
9 BY A COMPENSATED SURETY UPON THE DEFENDANT'S RELEASE FROM
10 CUSTODY.

11

12 **SECTION 8.** In Colorado Revised Statutes, 10-2-301, **amend** (6)
13 (a) and (6) (c) as follows:

14

15 **10-2-301. Continuing education requirement - advisory**
16 **committee.** (6) (a) The commissioner shall be responsible for
17 administering the continuing insurance education requirements under this
18 article ~~and the continuing education requirements under article 7 of title~~
19 ~~12, C.R.S.~~, and approving courses of instruction ~~which~~ THAT qualify for
20 such purposes. The commissioner shall promulgate such rules ~~and~~
21 ~~regulations~~ as the commissioner deems necessary to administer ~~such~~ THE
22 continuing education requirements, including the provisions and
23 requirements of this section. The commissioner shall also promulgate
24 ~~regulations~~ RULES requiring that producers ~~and bail bonding agents~~
25 ~~licensed under article 7 of title 12, C.R.S.~~, be required to provide to a
26 continuing education administrator proof of compliance with the
27 continuing education requirements as a condition of license renewal. For
28 persons licensed pursuant to section 10-11-116 (1) (c), compliance with
29 the continuing legal education credits requirements of the Colorado
30 supreme court shall be deemed to meet the requirements of this section.

31

32 (c) Each producer ~~and bail bonding agent~~ licensed under THIS
33 article ~~7 of title 12, C.R.S.~~, shall be IS responsible for paying to the
34 continuing education administrator a reasonable biennial fee for the
35 operation of the continuing education programs, which fee ~~shall be~~ IS
36 used to administer the provisions of this section.

37

38 **SECTION 9.** In Colorado Revised Statutes, 10-4-407, **amend** (1)
39 introductory portion; and **repeal** (1) (f) as follows:

40

41 **10-2-407. License - definitions of lines of insurance - authority.**
42 (1) Unless A PERSON IS denied licensure pursuant to section 10-2-801, ~~or~~
43 ~~12-7-106, C.R.S.~~, THE DIVISION SHALL ISSUE a person who has met the
44 requirements of sections 10-2-401 OR 10-2-404 ~~12-7-102, or 12-7-103,~~
45 ~~C.R.S.~~, ~~may be issued~~ an insurance producer license. An insurance
46 producer may receive qualification for a single license to include one or
47 more of the following lines of authority:

48

49 (f) ~~Bail bonding agent including a surety agent, as defined in~~
50 ~~section 12-7-101 (1), C.R.S.~~, ~~a cash bonding agent, as defined in section~~
51 ~~12-7-102 (1), C.R.S.~~, and ~~a professional cash bail agent, as defined in~~
52 ~~section 12-7-101 (7), C.R.S.~~;

53

54

55

1 **SECTION 10.** In Colorado Revised Statutes, 10-2-415.5, **amend**
2 (1), (2) (a), (2) (b) introductory portion, (2) (b) (I), and (3) as follows:
3

4 **10-2-415.5. Appointment of insurance producer - continuation**
5 **- renewal - exceptions.** (1) No insurance producer with ~~bail bonding~~
6 ~~agent authority as set forth in section 10-2-407 (1) (f)~~ shall claim to be a
7 representative or authorized or appointed agent of, or use any other term
8 implying a contractual relationship with, a particular ~~insurer~~ BAIL
9 INSURANCE COMPANY or accept applications on behalf of ~~such insurer~~ THE
10 BAIL INSURANCE COMPANY unless ~~such~~ THE insurance producer becomes
11 ~~pursuant to a~~ THROUGH A WRITTEN contract ~~in writing~~; a producer
12 appointee, appointed by that ~~insurer~~ BAIL INSURANCE COMPANY in
13 accordance with this section, to act in the capacity of an agent of the
14 ~~insurer~~ BAIL INSURANCE COMPANY.
15

16 (2) (a) ~~An insurer~~ A BAIL INSURANCE COMPANY shall notify the
17 commissioner of each INSURANCE producer ~~bail bonding agent~~
18 appointment. Each ~~insurer~~ BAIL INSURANCE COMPANY shall file with the
19 commissioner, monthly or at such other less frequent intervals as the
20 commissioner may prescribe, a current list of insurance producers that it
21 has appointed to solicit business on its behalf. The list shall contain all
22 relevant appointment information as prescribed by the commissioner,
23 including the effective date of appointment.
24

25 (b) Subject to renewal, each insurance producer ~~bail bonding~~
26 ~~agent~~ appointment shall remain in effect until:
27

28 (I) The insurance producer's license is allowed to expire,
29 discontinued, or cancelled by the insurance producer ~~bail bonding agent~~
30 or revoked by the commissioner; or
31

32 (3) Each active insurance producer ~~bail bonding agent~~
33 appointment shall be subject to renewal on October 1 of the renewal year.
34 The division shall provide a list of active insurance producer appointees
35 to the ~~insurer~~ BAIL INSURANCE COMPANY along with a renewal invoice
36 stating the fee required for the renewal of each active insurance producer
37 ~~bail bonding agent~~ appointment.
38

39 **SECTION 11.** In Colorado Revised Statutes, 10-2-415.7, **amend**
40 (2) as follows:
41

42 **10-2-415.7. Termination of insurance producer bail bonding**
43 **agent - notice - penalty.** (2) If the termination of an agent's appointment
44 is for any of the causes listed in section 10-1-128 OR 10-2-801, ~~12-7-106,~~
45 ~~or 12-7-109, C.R.S.,~~ the insurer shall notify the commissioner of the
46 reason and, if the commissioner so requests, the insurer shall provide any
47 information, records, statements, or other data pertaining to the
48 termination that may be used by the division in any action taken ~~pursuant~~
49 ~~to sections~~ UNDER SECTION 10-2-801. ~~and 12-7-106, C.R.S.~~
50

51 **SECTION 12.** In Colorado Revised Statutes, **add** 10-2-418 as
52 follows:
53

54 **10-2-418. Bail bonding authority.** (1) THE DIVISION SHALL
55 ADVISE STATE COURT ADMINISTRATORS THAT A PERSON MAY FURNISH A
56 BAIL BOND IF THE PERSON IS A LICENSED INSURANCE PRODUCER WITH A

1 POWER OF ATTORNEY FROM AN INSURANCE COMPANY, APPEARS ON THE
2 DIVISION'S WEB SITE AS AN ACTIVE INSURANCE PRODUCER WITH CASUALTY
3 AUTHORITY, AND IS APPOINTED BY THAT INSURANCE COMPANY.
4

5 (2) THE DIVISION SHALL ISSUE CREDENTIALS TO EACH INSURANCE
6 PRODUCER WHO IS APPOINTED BY A BAIL INSURANCE COMPANY THAT
7 CLEARLY IDENTIFIES THE PERSON AS HOLDING AUTHORITY TO ACT AS A
8 BAIL BOND AGENT.
9

10 **SECTION 13.** In Colorado Revised Statutes, 10-2-502, **amend**
11 (1) introductory portion as follows:
12

13 **10-2-502. Nonresident licensing - qualification.** (1) ~~Except for~~
14 ~~individuals or entities writing bail,~~ The commissioner may qualify an
15 applicant as a nonresident, unless the applicant is denied licensure
16 pursuant to section 10-2-801, and shall issue an insurance producer
17 license to any qualified nonresident person in accordance with the
18 following:
19

20 **SECTION 14.** In Colorado Revised Statutes, 10-2-702, **amend**
21 (2) as follows:
22

23 **10-2-702. Commissions.** (2) ~~Except for individuals or entities~~
24 ~~writing bail,~~ An insurer or insurance producer may pay or assign
25 commissions, service fees, brokerages, or other valuable consideration to
26 an insurance agency, business entity, or persons who do not sell, solicit,
27 or negotiate insurance in this state, unless the payment would violate
28 section 10-3-1104 (1) (g).
29

30 **SECTION 15.** In Colorado Revised Statutes, 10-2-801, **add** (1)
31 (q) as follows:
32

33 **10-2-801. Licenses - denial, suspension, revocation,**
34 **termination - reporting of actions - definitions.** (1) The commissioner
35 may place an insurance producer on probation; suspend, revoke, or refuse
36 to issue, continue, or renew an insurance producer license; order
37 restitution to be paid from an insurance producer; or assess a civil penalty
38 pursuant to section 10-2-804 or 10-3-1108, if, after notice to the insurance
39 producer licensee and after a hearing held in accordance with sections
40 24-4-104 and 24-4-105, C.R.S., the commissioner finds that as to the
41 licensee or applicant any one or more of the following conditions exist:
42

43 (q) PROFITING EITHER DIRECTLY OR INDIRECTLY FROM THE
44 BUSINESS OF A CASH-BONDING AGENT OR PROFESSIONAL CASH-BAIL AGENT
45 UNLESS THE PERSON PROFITING IS REGISTERED AS A CASH-BONDING AGENT
46 OR PROFESSIONAL CASH-BAIL AGENT AND THE PROFIT IS DERIVED FROM
47 THEIR OWN BUSINESS.
48

49 **SECTION 16.** In Colorado Revised Statutes, 10-3-101, **amend**
50 (2) as follows:
51

52 **10-3-101. Formation of insurance companies.** (2) When not
53 less than the amount required by section 10-3-201 has been paid in by the
54 incorporators and deposited with the commissioner, as provided for in
55 this title (except article 15) ~~article 7 of title 12,~~ and article 14 of title 24,
56 C.R.S., the commissioner shall cause an examination to be made either by

1 the commissioner or some disinterested person especially appointed by
2 the commissioner for the purpose, who shall certify that said provisions
3 have been complied with by said company, as far as applicable thereto.
4 Such certificate shall be filed in the office of the commissioner, who shall
5 thereupon deliver to such company a certified copy thereof, which,
6 together with a copy of the articles of incorporation, shall be filed in the
7 office of the recorder of deeds of the county wherein the company is to
8 be located, before the authority to commence business is granted. Any
9 filings required to be made with the commissioner pursuant to this
10 subsection (2) may be in an electronic format.

11
12 **SECTION 17.** In Colorado Revised Statutes, **amend** 10-3-103 as
13 follows:

14
15 **10-3-103. Names of companies.** No domestic insurance company
16 shall adopt the name of any existing company transacting a similar
17 business nor any name so similar as to be calculated to mislead the public,
18 but any domestic mutual or mutual assessment insurance company, upon
19 complying with the terms and conditions of this title (except article 15),
20 ~~article 7 of title 12~~, and article 14 of title 24, C.R.S., may be reorganized
21 and reincorporated as a joint stock company under the same name by
22 which it was incorporated as a mutual or assessment company, with the
23 omission of the word "mutual", and it is unlawful for any other company
24 to be incorporated or transact business under or by the name under which
25 any such mutual or mutual assessment company was operating at the time
26 of reincorporation.

27
28 **SECTION 18.** In Colorado Revised Statutes, **amend** 10-3-104 as
29 follows:

30
31 **10-3-104. Unauthorized companies - penalties.** Except for
32 reinsurance by an authorized insurer or insurance effected pursuant to the
33 provisions of article 5 or article 15 of this title, it is unlawful for any
34 person, company, or corporation in this state to procure, receive, or
35 forward applications for insurance in, or to issue or to deliver policies for,
36 any company not legally authorized to do business in this state, as
37 provided in this title ~~article 7 of title 12~~, and article 14 of title 24, C.R.S.
38 Any person violating the provisions of this section commits a class 1
39 misdemeanor and shall be punished as provided in section 18-1.3-501,
40 C.R.S.

41
42 **SECTION 19.** In Colorado Revised Statutes, **amend** 10-3-108 as
43 follows:

44
45 **10-3-108. File duly certified copy of charter.** Except pursuant
46 to the provisions of article 5 of this title, no foreign insurance company
47 shall transact any business in this state unless it first files in the office of
48 the commissioner a duly certified copy of its charter, articles of
49 incorporation, or deed of settlement, together with a statement, under
50 oath, of the president and secretary, or other chief officers of such
51 company, showing the condition of affairs of such company on the
52 thirty-first day of December next preceding the date of such oath. The
53 statement shall be in the same form and shall set forth the same
54 particulars as the annual statement required by this title (except article 15)
55 ~~article 7 of title 12~~, and article 14 of title 24, C.R.S. After filing its
56 articles of incorporation or charter with the secretary of state, no

1 insurance company shall be required to file its annual report or any other
2 instrument, except amendments to said articles of incorporation or
3 charter, in the office of the secretary of state or to pay to the secretary of
4 state an annual corporation tax. The filings required pursuant to this
5 section may be made in an electronic format.

6

7 **SECTION 20.** In Colorado Revised Statutes, **amend** 10-3-111 as
8 follows:

9

10 **10-3-111. Violations - penalty.** Except for violations of section
11 10-3-104 or article 15 of this title, any officer, director, stockholder,
12 attorney, or agent of any corporation or association who violates any of
13 the provisions of this title ~~article 7 of title 12~~, and article 14 of title 24,
14 C.R.S., who participates in or aids, abets, or advises or consents to any
15 such violation, and any person who solicits or knowingly receives any
16 money or property in violation of said references, is guilty of a
17 misdemeanor and, upon conviction thereof, shall be punished by
18 imprisonment in the county jail for not more than one year and by a fine
19 of not more than one thousand dollars, and any officer aiding or abetting
20 in any contribution made in violation of said references is liable to the
21 company or association for the amount so contributed. No person shall be
22 excused from attending and testifying or producing any books, papers, or
23 other documents, before any court, upon any investigation, proceeding,
24 or trial, for a violation of any of the provisions of said references upon the
25 ground or for the reason that the testimony or evidence, documentary or
26 otherwise, required of such person may tend to incriminate or degrade
27 him or her; but no person shall be prosecuted or subjected to any penalty
28 or forfeiture for or on account of any transaction, matter, or thing
29 concerning which he or she may so testify or produce evidence,
30 documentary or otherwise, and no testimony so given or produced shall
31 be used against him or her upon any criminal investigation or proceeding.

32

33 **SECTION 21.** In Colorado Revised Statutes, 10-3-113, **amend**
34 (2) as follows:

35

36 **10-3-113. Increase of capital.** (2) The provisions of this title
37 (except article 15) ~~article 7 of title 12~~, and article 14 of title 24, C.R.S.,
38 ~~shall~~ also apply in the formation and authorization of domestic insurance
39 companies formed upon the mutual plan, and to associations formed upon
40 the assessment plan, that are organized with a guaranty fund in lieu of
41 capital as provided in said references.

42

43 **SECTION 22.** In Colorado Revised Statutes, 10-3-123, **amend**
44 (2), (5), and (7) as follows:

45

46 **10-3-123. Assessment accident associations.** (2) Twenty-five or
47 more persons who are citizens of this state may form a corporation to
48 carry on the business of casualty insurance on the assessment plan, but no
49 such corporation shall begin to do business until a guaranty fund of at
50 least ten thousand dollars is provided and deposited, in cash or in such
51 securities as are permitted by law in the case of stock companies, with the
52 commissioner under the conditions named in this title (except article 15)
53 ~~article 7 of title 12~~, and article 14 of title 24, C.R.S. When this is done
54 and at least two hundred persons have subscribed in writing to be insured,
55 and when each has paid in at least one monthly assessment or premium,
56 the commissioner, if the laws have been complied with, shall issue a

1 certificate of authority for such corporation, which authorizes it to
2 commence business. The word "association" shall be used in the title or
3 name of all corporations organized under this section instead of the word
4 "company".
5

6 (5) Any corporation organized under the authority of any other
7 state or government to issue policies or certificates of casualty insurance
8 on the assessment plan, as a condition precedent to transacting business
9 in this state, shall pay such fees and comply with the same requirements
10 as exacted of stock casualty insurance companies of other states or
11 countries, as provided by this title (except article 15) ~~article 7 of title 12,~~
12 and article 14 of title 24, C.R.S., and thereafter be subject to the same
13 general laws and penalties of this title, unless otherwise provided in this
14 section, and it shall deposit with the commissioner or with the proper
15 official of some other state, for the protection of all its policyholders, a
16 sum not less than that required to be deposited by domestic casualty
17 insurance companies organized upon the mutual assessment plan. Such
18 corporation shall also file with the commissioner a copy of its policies or
19 certificates and applications therefor, for approval by the commissioner,
20 and a sworn statement from the proper officers of such corporation that
21 they have received a copy of this section, and shall be governed thereby
22 in issuing policies or certificates in this state. The commissioner may
23 thereupon issue or renew the authority of such corporation to do business
24 in this state.
25

26 (7) Any corporation doing a casualty insurance business in this
27 state on April 15, 1913, that is incorporated to do business on the
28 assessment plan may reincorporate under the provisions of this title
29 (except article 15) ~~article 7 of title 12,~~ and article 14 of title 24, C.R.S.,
30 but nothing in said references shall be construed as requiring any such
31 corporation to reincorporate, and any such corporation may continue to
32 exercise all rights, powers, and privileges conferred by said references,
33 or its articles of incorporation not inconsistent ~~herewith~~ WITH THIS
34 SUBSECTION (7).
35

36 **SECTION 23.** In Colorado Revised Statutes, 10-3-201, **amend**
37 (2) as follows:
38

39 **10-3-201. Cash capital - guaranty fund - deposit.** (2) The cash
40 or securities representing the minimum capital or guaranty fund and
41 surplus required by paragraph (a) of subsection (1) of this section shall be
42 deposited, in the case of domestic companies, with the commissioner in
43 the manner provided by law and, in the case of foreign or alien
44 companies, with the commissioner or with the duly authorized officer of
45 some other state of the United States; except that the guaranty fund of
46 mutual companies shall be construed to include deposits held for the
47 benefit of policyholders as provided in this title (except article 15) ~~article~~
48 ~~7 of title 12, C.R.S.,~~ and article 14 of title 24, C.R.S.
49

50 **SECTION 24.** In Colorado Revised Statutes, 10-3-206, **amend**
51 (1) as follows:
52

53 **10-3-206. Security deposits - certificates.** (1) The commissioner
54 shall receive and hold on deposit, in the manner provided in this law, the
55 securities of domestic companies that are deposited by any such company
56 under the provisions of this title (except article 15) ~~article 7 of title 12,~~

1 and article 14 of title 24, C.R.S., for the purpose of securing policyholders
2 or to comply with any similar law of another state to enable ~~such~~ THE
3 company to transact business in such state. All securities so offered for
4 deposit shall belong to and be the sole property of such company and
5 shall be free and clear of any claims whatsoever, and the commissioner
6 shall determine the same by proper inquiry.

7
8 **SECTION 25.** In Colorado Revised Statutes, 10-3-208, **amend**
9 (1) as follows:

10
11 **10-3-208. Financial statements.** (1) All insurance companies
12 doing business in this state, unless otherwise provided in this title (except
13 article 15) ~~article 7 of title 12~~, and article 14 of title 24, C.R.S., shall
14 make and file with the commissioner annually, on or before the first day
15 of March in each year, a statement under oath, upon a form to be
16 prescribed by the commissioner, stating the amount of all premiums
17 collected or contracted for in this state or from residents thereof, in cash
18 or notes, by the company making such statement during the year ending
19 the last day of December next preceding; the amounts actually paid
20 policyholders on losses and the amounts paid policyholders as returned
21 premiums by property and casualty insurance companies; the amount of
22 insurance reinsured in other companies authorized to do business in this
23 state and the amount of premiums paid therefor; the amount of insurance
24 reinsured in companies, naming them, not authorized to do business in
25 this state and the amount of premiums paid therefor; and the amount of
26 reinsurance accepted from admitted companies and the premiums
27 received from such reinsurance on residents of this state or risks located
28 in this state, with the name of the companies so reinsured. The annual
29 statement made to the commissioner pursuant to this section or other
30 provisions of said references shall at least include the substance of that
31 which is required by what is known as the convention blank form adopted
32 from year to year by the national association of insurance commissioners,
33 including any instructions, procedures, and guidelines not in conflict with
34 any provision of this title for completing the convention blank form.

35
36 **SECTION 26.** In Colorado Revised Statutes, 10-3-209, **amend**
37 (1) (c) as follows:

38
39 **10-3-209. Tax on premiums collected - exemptions - penalties.**
40 (1) (c) The taxes prescribed in paragraph (b) of this subsection (1) shall
41 constitute all taxes collectible under the laws of this state against any such
42 insurance companies, and no other occupation tax or other taxes shall be
43 levied or collected from any insurance company by any county, city, or
44 town within this state; but this title (except article 15) ~~article 7 of title 12~~,
45 and article 14 of title 24, C.R.S., shall not be construed to prohibit the
46 levy and collection of state, county, school, and municipal taxes upon the
47 real and personal property of such companies, nor shall it include or
48 prohibit the levy and collection of a tax to be paid on net workers'
49 compensation premiums, as provided under the "Colorado Medical
50 Disaster Insurance Fund Act", part 3 of article 46 of title 8, C.R.S.

51
52 **SECTION 27.** In Colorado Revised Statutes, 10-3-213, **amend**
53 (1) as follows:

54
55 **10-3-213. Investments eligible as admitted assets.** (1) Domestic
56 insurance companies may invest their funds in the categories of assets

1 described in sections 10-3-215 to 10-3-230 and 10-3-242. Every such
2 investment shall be an admitted asset of the company; except that, if the
3 section describing a category of asset contains a quantitative limitation,
4 an investment in that category of asset shall be an admitted asset under
5 that section to the extent that it does not exceed such limitation. Any such
6 limitation shall apply only with respect to the category of assets described
7 in that section and shall not constitute a general prohibition and shall not
8 be applicable to any other section. Except as provided in section
9 10-3-237, any investment, or part thereof, that does not qualify under any
10 of said sections shall not be an admitted asset under the provisions of this
11 part 2. Except as specifically provided in this title (except article 15)
12 ~~article 7 of title 12~~, and article 14 of title 24, C.R.S., a domestic insurance
13 company shall not be prohibited from acquiring or holding an asset that
14 is not an admitted asset, and such company may lend, pledge, sell,
15 transfer, assign, hypothecate, dispose of, or exchange any asset acquired
16 by it.

17
18 **SECTION 28.** In Colorado Revised Statutes, **amend** 10-3-214 as
19 follows:

20
21 **10-3-214. Quantitative investment limitations - manner of**
22 **applying.** In applying the investment limitations set forth in this part 2,
23 which are expressed as percentages of a company's admitted assets, there
24 shall be used as a base the total of all assets of the company that would be
25 admitted under this title (except article 15) ~~article 7 of title 12~~, and article
26 14 of title 24, C.R.S., without regard to such limitations and without
27 regard to any condition or restriction set forth in section 10-3-237 (2), and
28 asset values will be those values determined at the current annual
29 statement date or, in case of any statement or examination as of a date
30 other than an annual statement date, those values determined at such other
31 date. In applying any investment limitation set forth in this part 2, which
32 is expressed as a percentage of a company's surplus, the amount of the
33 company's surplus shall be that determined at the current annual statement
34 date or, in the case of any statement or examination as of a date other than
35 an annual statement date, the amount determined at such other date.

36
37 **SECTION 29.** In Colorado Revised Statutes, 10-3-230, **amend**
38 (1) introductory portion as follows:

39
40 **10-3-230. Additional investments.** (1) Domestic insurance
41 companies may invest in any additional investments, except items
42 specifically defined as nonadmitted assets in this title (except article 15)
43 ~~article 7 of title 12~~, and article 14 of title 24, C.R.S., without regard to any
44 limitation, condition, restriction, or exclusion set forth in sections
45 10-3-215 to 10-3-229 and 10-3-242, and regardless of whether the same
46 or a similar type of investment has been included in or omitted from any
47 such section, subject to the following provisions:

48
49 **SECTION 30.** In Colorado Revised Statutes, 10-3-235, **amend**
50 (2) and (4) as follows:

51
52 **10-3-235. Certain admitted assets deemed securities for**
53 **deposit purposes.** (2) For purposes of optional reserve deposits
54 permitted by section 10-7-101 (3) or other deposits permitted but not
55 required by this title (except article 15) ~~article 7 of title 12~~, and article 14
56 of title 24, C.R.S., the following admitted assets, in addition to those

1 referred to in subsection (1) of this section, shall be deemed to be
2 securities eligible for such deposits: Any asset qualified as an admitted
3 asset under section 10-3-220 or 10-3-226 to 10-3-228, and any life
4 insurance policy, to the extent of the company's interest in the cash value
5 thereof.

6
7 (4) For purposes of all deposits required or permitted by this title
8 (except article 15) ~~article 7 of title 12~~, and article 14 of title 24, C.R.S.,
9 assets shall be valued at their fair market value; except that, for purposes
10 of optional reserve deposits permitted by section 10-7-101 (3), or other
11 deposits permitted but not required by said references, bonds and
12 mortgages shall be valued at their current book values under the methods
13 used in determining admitted asset values for annual statement purposes.

14
15 **SECTION 31.** In Colorado Revised Statutes, **amend** 10-3-236 as
16 follows:

17
18 **10-3-236. Assets acquired through merger, consolidation, or**
19 **reinsurance.** Any investments acquired after May 31, 1969, through
20 merger, consolidation, or reinsurance that are not admitted assets under
21 this title (except article 15) ~~article 7 of title 12~~, and article 14 of title 24,
22 C.R.S., shall not be deemed admitted assets by reason of their acquisition
23 through merger, consolidation, or reinsurance.

24
25 **SECTION 32.** In Colorado Revised Statutes, 10-3-237, **amend**
26 (2) as follows:

27
28 **10-3-237. Assets acquired under prior law.**
29 (2) Notwithstanding any other provision of this title (except article 15)
30 ~~article 7 of title 12~~, and article 14 of title 24, C.R.S., any asset held by a
31 company on May 31, 1969, that is not an admitted asset under section
32 10-1-102 (2) or subsection (1) of this section and that did not meet the
33 requirements of the law in effect immediately prior to such date for an
34 investment of the company's reserves, paid-up capital stock, and other
35 liabilities but which, under such law, would have been taken into account
36 as an asset in determining the surplus of the company shall be taken into
37 account as an admitted asset at all times at which the company has
38 aggregate admitted assets under section 10-1-102 (2) and subsection (1)
39 of this section in an amount at least equal to the total of its reserves,
40 paid-up capital stock, and all other liabilities.

41
42 **SECTION 33.** In Colorado Revised Statutes, **amend** 10-3-238 as
43 follows:

44
45 **10-3-238. Refunds.** Whenever it appears to the satisfaction of the
46 commissioner that, because of some mistake of fact, error in calculation,
47 or erroneous interpretation of a statute of this or any other state, any
48 insurer or other person engaged in the business of insurance in this state
49 has paid to the commissioner or to the state of Colorado, pursuant to any
50 provision of this title (except article 15) ~~article 7 of title 12~~, and article 14
51 of title 24, C.R.S., any taxes, fees, or other charges in excess of the
52 amount legally chargeable against said insurer or other person during the
53 one-year period immediately preceding the discovery of such
54 overpayment, the commissioner has the authority to refund to such insurer
55 or other person the amount of such excess by applying the amount thereof
56 toward the payment of taxes, fees, or other charges already due, or that

1 may thereafter become due, from such insurer or other person until such
2 excess has been fully refunded; or, at the commissioner's discretion, the
3 commissioner may make a cash refund thereof.
4

5 **SECTION 34.** In Colorado Revised Statutes, 10-3-903, **amend**
6 (1) introductory portion; and **add** (1) (j), (1) (k), and (2) (l) as follows:
7

8 **10-3-903. Definition of transacting insurance business.** (1) Any
9 of the following acts in this state, effected by mail or otherwise, by an
10 unauthorized insurer constitute transacting insurance business in this state
11 as ~~such~~ THE term is used in section 10-3-105:
12

13 (j) FUNDING, EITHER DIRECTLY OR INDIRECTLY, THE CASH
14 QUALIFICATION BOND OF A CASH-BONDING AGENT OR PROFESSIONAL
15 CASH-BAIL AGENT WHEN THE MEANS DO NOT CONSTITUTE AN
16 ARM'S-LENGTH TRANSACTION UNDER REASONABLE COMMERCIAL
17 STANDARDS OR WHERE THE AGREEMENT TO REPAY IS CONTINGENT ON THE
18 VOLUME OR VALUE OF THE BONDS POSTED.
19

20 (k) EXCEPT FOR PAYMENTS FROM THE DEFENDANT OR A
21 THIRD-PARTY INDEMNITOR WHO APPLIED FOR THE BOND, PAYING, EITHER
22 DIRECTLY OR INDIRECTLY, FOR THE FORFEITURE OF A BAIL BOND POSTED
23 BY A CASH-BONDING AGENT OR PROFESSIONAL CASH-BAIL AGENT WHEN
24 THE PAYMENT IS MADE BY A PERSON OTHER THAN THE CASH-BONDING
25 AGENT OR PROFESSIONAL CASH-BAIL AGENT THAT POSTED THE BAIL BOND.
26

27 (2) The provisions of this section do not apply to:
28

29 (1) A PERSON LICENSED AS A CASH-BONDING AGENT OR
30 PROFESSIONAL CASH-BAIL AGENT UNDER ARTICLE 7 OF TITLE 12, C.R.S.,
31 UNLESS THE PERSON ENGAGES IN CONDUCT DESCRIBED IN SUBSECTION (1)
32 OF THIS SECTION.
33

34 **SECTION 35.** In Colorado Revised Statutes, 10-3-1104, **add** (1)
35 (mm) as follows:
36

37 **10-3-1104. Unfair methods of competition - unfair or deceptive**
38 **acts or practices.** (1) The following are defined as unfair methods of
39 competition and unfair or deceptive acts or practices in the business of
40 insurance:
41

42 (mm) PAYING A FEE OR REBATE OR GIVING OR PROMISING
43 ANYTHING OF VALUE TO A JAILER, PEACE OFFICER, CLERK, DEPUTY CLERK,
44 AN EMPLOYEE OF A COURT, DISTRICT ATTORNEY OR DISTRICT ATTORNEY'S
45 EMPLOYEES, OR A PERSON WHO HAS POWER TO ARREST OR TO HOLD A
46 PERSON IN CUSTODY AS A RESULT OF WRITING A BAIL BOND.
47

48 **SECTION 36.** In Colorado Revised Statutes, 10-12-105, **amend**
49 (1) as follows:
50

51 **10-12-105. Guaranty fund of mutual companies.** (1) Guaranty
52 fund certificates may be issued to provide a guaranty fund for domestic
53 life and fire insurance companies incorporated upon the mutual plan and
54 for domestic casualty insurance associations incorporated upon the
55 assessment plan, such fund to be held as security for the payment of all
56 losses and other policy liabilities of such companies. Guaranty fund

1 certificates may draw interest or dividends not exceeding in the aggregate
2 eight percent per annum, which shall only be paid from the profits of the
3 company. The certificates may only be retired or redeemed by using the
4 profits of the company for that purpose, but the full fund as required of
5 each kind of mutual and assessment company by this title (except article
6 15), ~~article 7 of title 12~~, and article 14 of title 24, C.R.S., shall at all times
7 be maintained. Such guaranty fund shall be a liability until redeemed or
8 retired. It shall only be used to pay policy claims or liabilities when the
9 contingent mutual liability of the policyholders has been drawn upon and
10 found insufficient to meet the losses of policy claims or when the
11 directors for any cause fail to provide for the payment of policy claims.

12
13 **SECTION 37.** In Colorado Revised Statutes, **amend** 10-12-106
14 as follows:

15
16 **10-12-106. Fees of mutual companies.** Mutual and assessment
17 companies, unless otherwise specified in this title (except article 15),
18 ~~article 7 of title 12~~, and article 14 of title 24, C.R.S., are required to pay
19 the same fees and be under the same supervision and authority of the
20 commissioner as companies that are engaged in the same kind of
21 insurance business and that are organized upon the joint-stock plan, and
22 they shall comply with the general laws of this title, unless otherwise
23 specified, and be subject to the penalties provided therein.

24
25 **SECTION 38.** In Colorado Revised Statutes, **repeal** article 7 of
26 title 12.

27
28 **SECTION 39.** In Colorado Revised Statutes, **add with amended**
29 **and relocated provisions** article 23 to title 10 as follows:

30 **ARTICLE 23**

31 **Cash Bonding Agents**

32
33
34
35 **10-23-101. [Formerly 12-7-101] Definitions.** As used in this
36 article, unless the context otherwise requires:

37
38 ~~(1) "Bail bonding agent" or "bonding agent" means any person~~
39 ~~who furnishes bail for compensation in any court or courts in this state~~
40 ~~and who is appointed by an insurer by power of attorney to execute or~~
41 ~~countersign bail bonds in connection with judicial proceedings and who~~
42 ~~is other than a full-time salaried officer or employee of an insurer or a~~
43 ~~person who pledges United States currency, a United States postal money~~
44 ~~order, a cashier's check, or other property as security for a bail bond in~~
45 ~~connection with a judicial proceeding, whether for compensation or~~
46 ~~otherwise.~~

47
48 ~~(1.3) "Bail insurance company" means an insurer as defined in~~
49 ~~section 10-1-102 (13), C.R.S., engaged in the business of writing bail~~
50 ~~appearance bonds through bonding agents which company is subject to~~
51 ~~regulation by the division of insurance in the department of regulatory~~
52 ~~agencies.~~

53
54 ~~(1.5) "Bail recovery" means actions taken by a person other than~~
55 ~~a peace officer to apprehend an individual or take an individual into~~
56 ~~custody because of the failure of such individual to comply with bail bond~~

1 requirements.

2

3 ~~(2) (Deleted by amendment, L. 96, p. 1177, § 1, effective June 1,~~
 4 ~~1996.)~~ (1) "CASH-BONDING AGENT" MEANS A PERSON WHO WAS LICENSED
 5 BY THE DIVISION AS OF JANUARY 1, 1992, TO WRITE BAIL BONDS AS A
 6 CASH-BONDING AGENT.

7

8 ~~(2.5) "Compensated surety" means any person in the business of~~
 9 ~~writing bail appearance bonds who is subject to regulation by the~~
 10 ~~Colorado division of insurance, including bonding agents and bail~~
 11 ~~insurance companies. Nothing in this subsection (2.5) shall be construed~~
 12 ~~to authorize bail insurance companies to write bail bonds except through~~
 13 ~~licensed bail bonding agents.~~

14

15 ~~(3) "Division" means the division of insurance.~~

16

17 ~~(4) (Deleted by amendment, L. 96, p. 1177, § 1, effective June 1,~~
 18 ~~1996.)~~

19

20 ~~(5) Repealed.~~

21

22 ~~(6) (2) "On the board" means that the name of a compensated~~
 23 ~~surety~~ THE PERSON has been publicly posted or disseminated by a court as
 24 being ineligible to write bail bonds pursuant to UNDER section 16-4-112
 25 (5) (e) or (5) (f), C.R.S.

26

27 ~~(7) (3) "Professional cash-bail agent" means a person who is an~~
 28 ~~authorized FURNISHES bail bond agent who furnishes bail for~~
 29 ~~compensation in any court or courts in this state in connection with~~
 30 ~~judicial proceedings and who is not a BY POSTING A BOND WITH THE~~
 31 ~~DIVISION. "PROFESSIONAL CASH-BAIL AGENT" DOES NOT MEAN A full-time~~
 32 ~~salaried officer or employee of an insurer nor a person who pledges~~
 33 ~~United States currency, a United States postal money order, a cashier's~~
 34 ~~check, or other property in connection with a judicial proceeding, whether~~
 35 ~~for compensation or otherwise.~~

36

37 **10-23-102. [Formerly 12-7-102] Registration required -**
 38 **qualifications - enforcement.** (1) No person can qualify QUALIFIES to be
 39 a ~~bail bonding agent unless such person is a licensed insurance producer~~
 40 ~~appointed to represent an insurance company or is a licensed, professional~~
 41 ~~cash-bail agent under article 2 of title 10, C.R.S. UNLESS THE PERSON~~
 42 ~~REGISTERS WITH THE DIVISION. However, any bail bonding agent who was~~
 43 ~~licensed by the division as of January 1, 1992, to write bail bonds as a~~
 44 ~~cash-bonding agent shall be permitted to MAY continue such licensure TO~~
 45 ~~BE REGISTERED upon compliance with the other requirements of this~~
 46 ~~article.~~

47

48 (2) No firm, partnership, association, or corporation, as such, shall
 49 be ~~licensed~~ REGISTERED. No person engaged as a law enforcement or
 50 judicial officer shall be ~~licensed~~ REGISTERED as a ~~bonding agent~~
 51 CASH-BONDING AGENT OR PROFESSIONAL CASH-BAIL AGENT.

52

53 ~~(a) and (b) (Deleted by amendment, L. 96, p. 1178, § 2, effective~~
 54 ~~June 1, 1996.)~~

55

56 ~~(c) to (e) (Deleted by amendment, L. 95, p. 280, § 2, effective July~~

1 ~~1, 1995.)~~

2
3 (3) (a) ~~The division is vested with the authority to enforce the~~
4 ~~provisions of this article. The division shall have authority to make~~
5 ~~investigations and promulgate such rules and regulations as may be~~
6 ~~necessary for the enforcement of this article.~~ ALL REGISTRATIONS EXPIRE
7 IN ACCORDANCE WITH A SCHEDULE ESTABLISHED BY THE COMMISSIONER,
8 AND THE REGISTRANT SHALL RENEW OR REINSTATE THE REGISTRATION IN
9 ACCORDANCE WITH THE RULES OF THE COMMISSIONER. IF THE
10 COMMISSIONER SCHEDULES A REGISTRATION TO EXPIRE FOR LONGER OR
11 SHORTER THAN A YEAR, THE FEE FOR THE COMMISSIONER SHALL
12 PROPORTIONALLY ADJUST THE RENEWAL FEE FOR THE REGISTRATION. THE
13 REGISTRANT MUST SATISFY ALL REGISTRATION AND RENEWAL
14 REQUIREMENTS TO QUALIFY TO REGISTER.

15
16 (b) THE COMMISSIONER SHALL GIVE A REGISTRANT A SIXTY-DAY
17 GRACE PERIOD TO RENEW THE REGISTRATION WITHOUT DISCIPLINE OR
18 SANCTIONS. THE COMMISSIONER MAY ESTABLISH RENEWAL FEES AND
19 DELINQUENCY FEES FOR REINSTATEMENT BY RULE. IF A PERSON FAILS TO
20 RENEW A REGISTRATION WHEN REQUIRED BY THE SCHEDULE ESTABLISHED
21 BY THE COMMISSIONER, THE REGISTRATION EXPIRES.

22
23 (4) ~~Each licensee's license shall expire biennially on January 1~~
24 ~~unless revoked or suspended prior thereto by the division or upon notice~~
25 ~~served upon the commissioner by the insurer or the employer or user of~~
26 ~~any license that such insurer, employer, or user has cancelled the~~
27 ~~licensee's authority to act for or in behalf of such insurer, employer, or~~
28 ~~user.~~ THE DIVISION SHALL TRANSMIT ALL FEES COLLECTED UNDER THIS
29 ARTICLE TO THE STATE TREASURER, WHO SHALL CREDIT THE FEES TO THE
30 DIVISION OF INSURANCE CASH FUND CREATED IN SECTION 10-1-103.

31
32 (5) The division shall prepare and deliver to each licensee
33 REGISTRANT a pocket card showing the name, address, and classification
34 of ~~such licensee~~ ~~Such~~ THE REGISTRANT. THE pocket card shall MUST
35 clearly state that ~~such~~ THE person is a ~~licensed bonding agent~~
36 AUTHORIZED TO PRACTICE AS A CASH-BONDING AGENT OR PROFESSIONAL
37 CASH-BAIL AGENT.

38
39 (6) ~~The division shall notify each bail bonding agent in writing on~~
40 ~~an annual basis regarding changes to the state laws regarding the~~
41 ~~regulation of bail bonding agents.~~

42
43 **10-23-103. [Formerly 12-7-103] Registration requirements -**
44 **application - qualification bond - forfeiture.** (1) ~~Any person desiring~~
45 ~~to engage in the business of bail bonding agent in this state~~ AN APPLICANT
46 FOR REGISTRATION AS A PROFESSIONAL CASH-BAIL AGENT shall supply the
47 following information to the division:

48
49 (a) ~~(Deleted by amendment, L. 96, p. 1179, § 4, effective June 1,~~
50 ~~1996.)~~

51
52 (b) ~~Repealed.~~

53
54 (e) (a) Whether the applicant DURING THE LAST TEN YEARS has
55 been convicted of a felony, entered a guilty plea to a felony, accepted a
56 plea of nolo contendere to a felony, or engaged in or committed an act

1 ~~described in section 12-7-106 (1) during the previous ten years~~ THAT
2 VIOLATES THIS ARTICLE, A RULE PROMULGATED UNDER THIS ARTICLE, OR
3 ANY ACT THAT WOULD VIOLATE THIS ARTICLE OR A RULE PROMULGATED
4 UNDER THIS ARTICLE IF IT HAD BEEN COMMITTED IN COLORADO; AND
5

6 (d) (b) ~~Such ANY other information as may be~~ required by this
7 article or by the division, including ~~but not limited to~~ a full-face
8 photograph, ~~In addition, each~~ FOR WHICH THE applicant shall pay the
9 actual costs associated with obtaining any IF A photograph that may be IS
10 required.

11
12 (e) and (f) ~~Repealed.~~

13
14 ~~(1.5)(a)~~ (2) Prior to submission of an application UNDER THIS
15 ARTICLE, each applicant shall have his or her fingerprints taken by a local
16 law enforcement agency ~~for the purpose of obtaining~~ TO OBTAIN a
17 fingerprint-based criminal history record check. The applicant is required
18 to submit payment by certified check or money order for the fingerprints
19 and for the actual costs of said THE record check at the time WHEN the
20 fingerprints are submitted to the Colorado bureau of investigation. Upon
21 receipt of fingerprints and receipt of the payment for costs, the Colorado
22 bureau of investigation shall conduct a state and national
23 fingerprint-based criminal history record check utilizing records of the
24 Colorado bureau of investigation and the federal bureau of investigation.
25

26 (b) For purposes of this subsection (1.5), "applicant" shall include
27 any:

28
29 (I) ~~Bail bonding agent, as defined in section 12-7-101 (1);~~

30
31 (II) ~~Professional cash bail agent, as defined in section 12-7-101~~
32 ~~(7); and~~

33
34 (III) ~~Bail bonding agent licensed to write bail bonds as a cash~~
35 ~~bonding agent, as described in section 12-7-102 (1).~~

36
37 (2) ~~(Deleted by amendment, L. 96, p. 1179, § 4, effective June 1,~~
38 ~~1996.)~~

39
40 (3) (a) ~~Each applicant who is to be authorized as a cash bonding~~
41 ~~agent pursuant to section 12-7-102 (1) shall be required to post a~~
42 ~~qualification bond in the amount of fifty thousand dollars with the~~
43 ~~division. The bond shall be to the people of the state of Colorado in favor~~
44 ~~of any court in this state, whether municipal, county, district, or other~~
45 ~~court. Any qualification bond for a cash bail bonding agent shall also be~~
46 ~~to the commissioner and the division to fulfill the purposes of this section.~~
47 ~~In the event of a forfeiture of a cash bonding agent's qualification bond,~~
48 ~~the division shall have priority over all other claimants to such bond. Such~~
49 ~~bond shall be conditioned upon full and prompt payment into the court~~
50 ~~ordering such bond forfeited. Bail bonding agents authorized as cash~~
51 ~~bonding agents pursuant to section 12-7-102 (1) may only issue bonds in~~
52 ~~accordance with the provisions of section 16-4-104 (1) (b) (III), C.R.S.~~
53 ~~In the event of a qualification bond forfeiture, a cash bonding agent shall~~
54 ~~be prohibited from writing new bail bonds until the qualification bond is~~
55 ~~restored to fifty thousand dollars.~~

56

1 ~~(b) If the name of a cash bonding agent is placed on the board~~
2 ~~pursuant to section 16-4-112 (5) (e), C.R.S., and remains on the board for~~
3 ~~the same forfeiture for more than thirty consecutive days, the court that~~
4 ~~placed the name of the cash bonding agent on the board shall order the~~
5 ~~division to declare the qualification bond of such cash bonding agent to~~
6 ~~be forfeited after a hearing as provided in section 12-7-106 (2). The~~
7 ~~division shall then order the cash bonding agent on the qualification bond~~
8 ~~to deposit with the court an amount equal to the amount of the bond~~
9 ~~issued by such cash bonding agent and declared forfeited by the court or~~
10 ~~the amount of the qualification bond, whichever is the smaller amount.~~
11 ~~The division shall suspend the license of such cash bonding agent until~~
12 ~~such time as all forfeitures and judgments ordered and entered against the~~
13 ~~cash bonding agent have been certified as paid or vacated by order of a~~
14 ~~court of record and another qualification bond in the required amount is~~
15 ~~posted with the division.~~

16
17 ~~(c) If the name of a bail bonding agent, other than a cash bonding~~
18 ~~agent, is placed on the board pursuant to section 16-4-112 (5) (e), C.R.S.,~~
19 ~~and remains on the board for the same forfeiture for more than forty-five~~
20 ~~consecutive days, the court that placed the name of the bail bonding agent~~
21 ~~on the board shall order the division to suspend the license of said bail~~
22 ~~bonding agent, after hearing pursuant to section 10-2-801, C.R.S., until~~
23 ~~such time as all forfeitures and judgments ordered and entered against~~
24 ~~said bail bonding agent have been certified as paid or vacated by order of~~
25 ~~a court of record. If the bail forfeiture judgment is not paid within fifteen~~
26 ~~days after the name of a bail insurance company has been placed on the~~
27 ~~board pursuant to section 16-4-112 (5) (f), C.R.S., the division shall also~~
28 ~~order the bail insurance company on the bond to pay the judgment after~~
29 ~~notice and hearing pursuant to sections 24-4-104 and 24-4-105, C.R.S.~~

30
31 ~~(4) to (7) (Deleted by amendment, L. 96, p. 1179, § 4, effective~~
32 ~~June 1, 1996.)~~

33
34 ~~(8) (a) Each applicant who is to be authorized as a professional~~
35 ~~cash bail agent pursuant to section 12-7-102 (1) shall be required to post~~
36 ~~a qualification bond in the amount of no less than fifty thousand dollars~~
37 ~~with the division. The bond shall be to the people of the state of Colorado~~
38 ~~in favor of any court in this state, whether municipal, county, district, or~~
39 ~~other court. Any qualification bond for a professional cash bail agent shall~~
40 ~~also be to the commissioner and the division to fulfill the purposes of this~~
41 ~~section. A professional cash bail agent shall not furnish a single bail~~
42 ~~greater than twice the amount of the bond posted with the division. In the~~
43 ~~event of a forfeiture of a professional cash bail agent's qualification bond,~~
44 ~~the division shall have priority over all other claimants to such bond. Such~~
45 ~~bond shall be conditioned upon full and prompt payment into the court~~
46 ~~ordering such bond forfeited. Bail bonding agents authorized as~~
47 ~~professional cash bail agents pursuant to section 12-7-102 (1) may only~~
48 ~~issue bonds in accordance with the provisions of section 16-4-104 (1) (b)~~
49 ~~(H), C.R.S. In the event of a qualification bond forfeiture, a professional~~
50 ~~cash bail agent shall be prohibited from writing new bail bonds until the~~
51 ~~qualification bond is restored to at least fifty thousand dollars.~~

52
53 ~~(b) If the name of a professional cash bail agent is placed on the~~
54 ~~board pursuant to section 16-4-112 (5) (e), C.R.S., and remains on the~~
55 ~~board for the same forfeiture for more than thirty consecutive days, the~~
56 ~~court that placed the name of the professional cash bonding agent on the~~

1 ~~board shall order the division to declare the qualification bond of such~~
2 ~~professional cash bail agent to be forfeited after a hearing as provided in~~
3 ~~section 12-7-106 (2). The division shall then order the professional cash~~
4 ~~bail agent on the qualification bond to deposit with the court an amount~~
5 ~~equal to the amount of the bond issued by such professional cash bail~~
6 ~~agent and declared forfeited by the court or the amount of the~~
7 ~~qualification bond, whichever is the smaller amount. The division shall~~
8 ~~suspend the license of such professional cash bail agent until such time~~
9 ~~as all forfeitures and judgments ordered and entered against the~~
10 ~~professional cash bail agent have been certified as paid or vacated by~~
11 ~~order of a court of record and another qualification bond in the required~~
12 ~~amount is posted with the division.~~

13
14 (3) ~~[Formerly 12-7-102.5 (7)] The~~ TO QUALIFY AS A professional
15 ~~cash bonding agent, shall be~~ THE APPLICANT MUST HAVE BEEN licensed as
16 ~~a bail bonding agent~~ AN INSURANCE PRODUCER WHO FURNISHES BAIL in
17 Colorado for four years ~~prior to~~ BEFORE applying for licensure
18 REGISTRATION as a professional cash bail agent.

19
20 **10-23-104. Fees.** (1) (a) EACH PROFESSIONAL CASH-BAIL AGENT
21 AND CASH-BONDING AGENT SHALL PAY AN APPLICATION FEE SET BY THE
22 DIVISION IN AN AMOUNT TO OFFSET THE DIRECT AND INDIRECT COST OF
23 PROCESSING REGISTRATION APPLICATIONS AND ISSUING A REGISTRATION.

24
25 (b) EACH PROFESSIONAL CASH-BAIL AGENT AND CASH-BONDING
26 AGENT SHALL PAY A REGISTRATION RENEWAL FEE SET BY THE DIVISION IN
27 AN AMOUNT THAT OFFSETS THE DIRECT AND INDIRECT COST OF
28 IMPLEMENTING THIS ARTICLE, NET OF THE TOTAL AMOUNT OF THE FEES
29 PAID BY THAT AGENT UNDER PARAGRAPH (c) OF THIS SUBSECTION (1).

30
31 (c) EACH PROFESSIONAL CASH-BAIL AGENT AND CASH-BONDING
32 AGENT SHALL PAY TO THE DIVISION A FEE OF ONE PERCENT ON THE GROSS
33 AMOUNT OF ALL PREMIUMS AND FEES COLLECTED OR CONTRACTED FOR
34 THE FURNISHING OF BAIL, LESS ANY PREMIUM OR FEE REFUNDED AFTER
35 BEING COLLECTED. THE DIVISION MAY LOWER THE FEE IF THE AMOUNT
36 COLLECTED WOULD EXCEED THE AMOUNT NEEDED TO IMPLEMENT THIS
37 ARTICLE PLUS A RESERVE OF SIXTEEN AND ONE-HALF PERCENT.

38
39 (d) THE PREMIUM FEE IS DUE AND PAYABLE ON THE FIFTEENTH DAY
40 OF JANUARY IN EACH YEAR. ANY PROFESSIONAL CASH-BAIL AGENT OR
41 CASH-BONDING AGENT FAILING OR REFUSING TO RENDER A STATEMENT
42 AND INFORMATION, OR TO PAY THE FEE UNDER THIS SECTION, FOR MORE
43 THAN THIRTY DAYS AFTER THE TIME SPECIFIED, IS LIABLE FOR A PENALTY
44 OF UP TO ONE HUNDRED DOLLARS FOR EACH ADDITIONAL DAY OF
45 DELINQUENCY. THE DIVISION MAY ASSESS THE PENALTY AND INTEREST AT
46 A RATE OF ONE PERCENT PER MONTH OR FRACTION THEREOF ON THE
47 UNPAID AMOUNT FROM THE DATE WHEN PAYMENT WAS DUE TO THE DATE
48 WHEN FULL PAYMENT IS MADE. THE DIVISION MAY SUSPEND THE
49 REGISTRATION OF A DELINQUENT AGENT UNTIL ANY FEES, PENALTIES, AND
50 INTEREST ARE FULLY PAID.

51
52 (2) THE DIVISION SHALL TRANSFER THE FEES IMPOSED BY THIS
53 SECTION TO THE TREASURER, WHO SHALL CREDIT THE FEE TO THE DIVISION
54 OF INSURANCE CASH FUND CREATED IN SECTION 10-1-103.

55
56 (3) FOR THE PURPOSE OF AUDITING A PROFESSIONAL CASH-BAIL

1 AGENT'S OR CASH-BONDING AGENT'S PREMIUM FEE STATEMENT, THE
2 DIVISION MAY EXAMINE ANY BOOKS, PAPERS, RECORDS, AGREEMENTS, OR
3 MEMORANDA BEARING UPON THE MATTERS REQUIRED TO BE INCLUDED IN
4 THE PREMIUM FEE STATEMENT. THE AGENT SHALL MAKE THE BOOKS,
5 PAPERS, RECORDS, AGREEMENTS, OR MEMORANDA AVAILABLE UPON
6 REQUEST TO THE DIVISION.

7
8 **10-23-105. [Formerly 12-7-103 (3) (a)] Qualification bond -**
9 **forfeiture.** (1) ~~Each applicant who is to be authorized as a cash-bonding~~
10 ~~agent pursuant to section 12-7-102 (1) shall be required to post a CASH~~
11 ~~qualification bond in the amount of fifty thousand dollars with the~~
12 ~~division. The bond shall MUST be to the people of the state of Colorado~~
13 ~~in favor of any court in this state, whether municipal, county, district, or~~
14 ~~other court, Any qualification bond for a cash bail bonding agent shall~~
15 ~~also be to the commissioner and TO the division to fulfill FOR the~~
16 ~~purposes of this section. In the event of a forfeiture of a cash-bonding~~
17 ~~agent's qualification bond, the division shall have HAS priority over all~~
18 ~~other claimants. To such bond. Such COMPLY WITH THIS SUBSECTION (1),~~
19 ~~THE bond shall MUST be conditioned upon full and prompt payment into~~
20 ~~the court ordering such THE bond forfeited. Bail bonding agents~~
21 ~~authorized as Cash-bonding agents pursuant to section 12-7-102 (1) may~~
22 ~~only SHALL NOT issue bonds EXCEPT in accordance with the provisions of~~
23 ~~section 16-4-104 (1) (b) (III), C.R.S. In the event of a qualification bond~~
24 ~~forfeiture, a cash-bonding agent shall be prohibited from writing SHALL~~
25 ~~NOT WRITE new bail bonds until the qualification bond is restored to fifty~~
26 ~~thousand dollars.~~

27
28 (2) **[Formerly 12-7-103 (8) (a)]** ~~Each applicant who is to be~~
29 ~~authorized as a professional cash-bail agent pursuant to section 12-7-102~~
30 ~~(1) shall be required to post a CASH qualification bond in the amount of~~
31 ~~no less than fifty thousand dollars with the division. The bond shall be to~~
32 ~~the people of the state of Colorado in favor of any court in this state,~~
33 ~~whether municipal, county, district, or other court, Any qualification bond~~
34 ~~for a professional cash bail agent shall also be to the commissioner and~~
35 ~~TO the division to fulfill FOR the purposes of this section. A professional~~
36 ~~cash-bail agent shall not furnish a single bail greater than twice the~~
37 ~~amount of the bond posted with the division. In the event of a forfeiture~~
38 ~~of a professional cash-bail agent's qualification bond, the division shall~~
39 ~~have HAS priority over all other claimants to such THE bond. Such TO~~
40 ~~COMPLY WITH THIS SUBSECTION (2), THE bond shall MUST be conditioned~~
41 ~~upon full and prompt payment into the court ordering such THE bond~~
42 ~~forfeited. Bail bonding agents authorized as Professional cash-bail agents~~
43 ~~pursuant to section 12-7-102 (1) may only SHALL NOT issue bonds EXCEPT~~
44 ~~in accordance with the provisions of section 16-4-104 (1) (b) (III), C.R.S.~~
45 ~~In the event of a qualification bond forfeiture, a professional cash-bail~~
46 ~~agent shall be prohibited from writing NOT WRITE new bail bonds until the~~
47 ~~qualification bond is restored to at least fifty thousand dollars.~~

48
49 (3) TO COMPLY WITH THIS SECTION, THE DIVISION MUST BE
50 DESIGNATED AS AN AUTHORIZED SIGNATORY WITH RIGHT OF
51 SURVIVORSHIP ON ANY BANK ACCOUNT, CERTIFICATION OF DEPOSIT,
52 COMMERCIAL INSTRUMENT, OR SECURITY THAT FUNDS THE BOND
53 REQUIRED BY THIS SECTION. THE RIGHT OF SURVIVORSHIP TERMINATES ON
54 THE LATER OF THE DATE ON WHICH ANY LIABILITY COVERED BY THE BOND
55 IS SATISFIED OR RELEASED OR THE THIRD ANNIVERSARY OF THE DEATH OF
56 THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT. WHEN

1 THE RIGHT OF SURVIVORSHIP TERMINATES, THE DIVISION SHALL RELEASE
2 THE BOND TO THE AGENT'S ESTATE OR, IF THE ESTATE HAS BEEN SETTLED,
3 TO THE HEIRS OF THE AGENT.

4

5 (4) TO QUALIFY UNDER THIS SECTION:

6

7 (a) A BANK ACCOUNT, CERTIFICATE OF DEPOSIT, COMMERCIAL
8 INSTRUMENT, OR SECURITY MUST BE IN THE LEGAL NAME OF THE
9 PROFESSIONAL CASH-BAIL OR CASH-BONDING AGENT AND NOT A TRADE
10 NAME OR OTHER BUSINESS NAME;

11

12 (b) THE QUALIFICATION BOND MUST CONSIST OF ASSETS THAT ARE
13 SOLELY OWNED AND IN THE NAME OF THE PROFESSIONAL CASH-BAIL OR
14 CASH-BONDING AGENT AND BE IMMEDIATELY AVAILABLE FOR
15 LIQUIDATION BY THE COMMISSIONER OR THE DIVISION;

16

17 (c) THE QUALIFICATION BOND MUST BE WORTH FIFTY THOUSAND
18 DOLLARS NET OF ANY PENALTY FOR WITHDRAWAL OR LIQUIDATION;

19

20 (d) THE PROFESSIONAL CASH-BAIL OR CASH-BONDING AGENT MAY
21 RECEIVE INTEREST THEREON, UNLESS THE PRINCIPAL AMOUNT OF THE
22 QUALIFICATION BOND FALLS BELOW THE REQUIRED FIFTY THOUSAND
23 DOLLARS, IF THE QUALIFICATION BOND IS AN INTEREST-BEARING
24 INSTRUMENT;

25

26 (e) THE TERMS OF THE LOAN, PROMISSORY NOTE, AND FINANCIAL
27 ARRANGEMENT MUST BE SUBMITTED TO THE DIVISION IF THE
28 QUALIFICATION BOND IS FUNDED BY THE PROCEEDS FROM A LOAN,
29 PROMISSORY NOTE, OR OTHER FINANCIAL ARRANGEMENT; AND

30

31 (f) THE AGREEMENT MUST TERMINATE AT A FIXED TIME AND ANY
32 RATE OF RETURN IS AN ANNUAL PERCENTAGE RATE AND NOT TIED TO ANY
33 PREMIUM OR COLLATERAL OR ANY OTHER DIRECT FUNCTION FROM WHICH
34 AN AGENT MAKES A PROFIT IF THE QUALIFICATION BOND CONSISTS OF
35 MONEYS FROM A LOAN, PROMISSORY NOTE, OR OTHER FINANCIAL
36 ARRANGEMENT.

37

38 (5) UPON REQUEST BY THE PERSON WHO POSTED THE
39 QUALIFICATION BOND TO BE REGISTERED UNDER THIS ARTICLE, THE
40 COMMISSIONER SHALL RELEASE THE BOND IF THE PERSON HAS NOT BEEN
41 REGISTERED OR LICENSED TO WRITE A BOND AS A PROFESSIONAL
42 CASH-BAIL AGENT OR CASH-BONDING AGENT WITHIN THE LAST SEVEN
43 YEARS. NEITHER THE COMMISSIONER NOR THE DIVISION ARE LIABLE TO
44 ANY OTHER PARTY FOR RELEASING THE QUALIFICATION BOND IN
45 ACCORDANCE WITH THIS SECTION.

46

47 **10-23-106. [Formerly 12-7-106] Discipline - hearing - civil**
48 **penalty.** (1) The division shall MAY deny, suspend, revoke, or refuse to
49 renew as may be appropriate, the license of any person engaged in the
50 business of bail bonding agent for any of the following reasons A
51 REGISTRATION, OR ISSUE A CEASE-AND-DESIST ORDER IN ACCORDANCE
52 WITH THIS SECTION, UPON REASONABLE GROUNDS THAT THE REGISTRANT:

53

54 (a) Failure of a cash bonding agent or professional cash bail agent
55 FAILED to post a qualified bond in the required amount with the division
56 during the period such person is WHILE engaged in the business within

1 ~~this state~~ or, if ~~such~~ THE bond ~~has been~~ WAS posted, ~~the forfeiture~~ IT WAS
2 FORFEITED or ~~cancellation of such bond~~ CANCELLED;

3
4 (b) ~~Knowingly failing~~ FAILED to comply with or knowingly
5 ~~violating any provisions of~~ VIOLATED this article or of any proper order
6 or rule of the division or any court of this state where the licensee
7 REGISTRANT knew or reasonably should have known of the provisions,
8 order or rule;

9
10 (c) ~~Any activity prohibited in~~ VIOLATED section ~~12-7-109 (1)~~
11 ~~12-7-107 (1)~~;

12
13 (d) ~~Failure to satisfy, pay, or otherwise discharge a bail forfeiture~~
14 ~~judgment after having his or her name placed on the board pursuant to~~
15 ~~section 16-4-112 (5) (e), C.R.S., for more than forty-five consecutive days~~
16 ~~for the same forfeiture~~ WAS CONVICTED OF A FELONY OR PLED GUILTY OR
17 NOLO CONTENDERE TO A FELONY WITHIN THE LAST TEN YEARS,
18 REGARDLESS OF WHETHER THE CONVICTION OR PLEA RESULTED FROM
19 CONDUCT IN OR CONDUCT RELATED TO THE BAIL BOND BUSINESS;

20
21 (e) ~~Conviction of a felony, a guilty plea to a felony, or a plea of~~
22 ~~nolo contendere to a felony within the last ten years, regardless of~~
23 ~~whether the conviction or plea resulted from conduct in or conduct related~~
24 ~~to the bail bond business~~ SERVED A SENTENCE UPON A CONVICTION OF A
25 FELONY IN A STATE CORRECTIONAL FACILITY, CITY OR COUNTY JAIL, OR
26 COMMUNITY CORRECTIONAL FACILITY OR UNDER THE SUPERVISION OF THE
27 STATE BOARD OF PAROLE OR ANY PROBATION DEPARTMENT WITHIN THE
28 LAST TEN YEARS;

29
30 (f) ~~Service of a sentence upon a conviction of a felony in a~~
31 ~~correctional facility, city or county jail, or community correctional facility~~
32 ~~or under the supervision of the state board of parole or any probation~~
33 ~~department within the last ten years~~ CONTINUED TO EXECUTE BAIL BONDS
34 IN ANY COURT IN THIS STATE WHILE ON THE BOARD IF THE BAIL
35 FORFEITURE JUDGMENT THAT RESULTED IN THE REGISTRANT'S BEING
36 PLACED ON THE BOARD HAS NOT BEEN PAID, STAYED, VACATED,
37 EXONERATED, OR OTHERWISE DISCHARGED;

38
39 (g) ~~Failure to report, to preserve without use and retain separately,~~
40 ~~or to return collateral taken as security on any bond to the principal,~~
41 ~~indemnitor, or depositor of such collateral;~~ FURNISHED BAIL IN ANY
42 COURT IN THIS STATE IN AN AMOUNT GREATER THAN TWICE THE AMOUNT
43 OF THE PROFESSIONAL CASH-BAIL AGENT'S BOND POSTED WITH THE
44 DIVISION.

45
46 (h) ~~Soliciting business in or about any place where prisoners are~~
47 ~~confined, arraigned, or in custody;~~

48
49 (i) ~~Failure to pay a final, nonappealable judgment award for~~
50 ~~failure to return or repay collateral received to secure a bond;~~

51
52 (j) ~~Hiring, contracting with, or paying compensation to any~~
53 ~~individual for bail recovery services in violation of the provisions of~~
54 ~~section 12-7-105.5;~~

55
56 (k) ~~Continuing to execute bail bonds in any court in this state~~

1 while on the board pursuant to section 16-4-112(5)(e), C.R.S., where the
2 bail forfeiture judgment that resulted in being placed on the board has not
3 been paid, stayed, vacated, exonerated, or otherwise discharged;

4
5 (1) ~~If a professional cash bail agent furnishes a single bail in any~~
6 ~~court in this state in an amount greater than twice the amount of the~~
7 ~~professional cash bail agent's bond posted with the division.~~

8
9 (2) ~~If the division denies, suspends, revokes, or refuses to renew~~
10 ~~any such license, the aggrieved person shall be given an opportunity for~~
11 ~~a hearing subject to judicial review as provided in article 4 of title 24,~~
12 ~~C.R.S. EXCEPT FOR THE REASONS LISTED IN PARAGRAPHS (d) AND (e) OF~~
13 ~~SUBSECTION (1) OF THIS SECTION, THE DIVISION, IN LIEU OF REVOKING OR~~
14 ~~SUSPENDING A REGISTRATION, MAY IN ANY ONE PROCEEDING, BY ORDER,~~
15 ~~REQUIRE THE REGISTRANT TO PAY A CIVIL PENALTY IN THE SUM OF NO LESS~~
16 ~~THAN THREE HUNDRED DOLLARS AND NO MORE THAN ONE THOUSAND~~
17 ~~DOLLARS FOR EACH OFFENSE. IF THE REGISTRANT FAILS TO PAY THE~~
18 ~~PENALTY WITHIN TWENTY DAYS AFTER THE MAILING OF THE ORDER,~~
19 ~~POSTAGE PREPAID, REGISTERED AND ADDRESSED TO THE LAST-KNOWN~~
20 ~~PLACE OF BUSINESS OF THE REGISTRANT, THE DIVISION MAY REVOKE THE~~
21 ~~REGISTRATION OR MAY SUSPEND THE REGISTRATION FOR SUCH A PERIOD~~
22 ~~AS THE COMMISSIONER MAY DETERMINE, UNLESS THE ORDER IS STAYED BY~~
23 ~~A COURT OF COMPETENT JURISDICTION. THE DIVISION SHALL TRANSMIT~~
24 ~~THE CIVIL PENALTY TO THE STATE TREASURER, WHO SHALL DEPOSIT IT IN~~
25 ~~THE GENERAL FUND.~~

26
27 (3) ~~Except for the reasons listed in paragraphs (e) and (f) of~~
28 ~~subsection (1) of this section, the commissioner, in lieu of revoking or~~
29 ~~suspending a license, may in any one proceeding, by order, require the~~
30 ~~licensee to pay to the commissioner, to be deposited in the general fund~~
31 ~~of the state, a civil penalty in the sum of no less than three hundred~~
32 ~~dollars and no more than one thousand dollars for each offense. Upon~~
33 ~~failure of the licensee to pay the penalty within twenty days after the~~
34 ~~mailing of the order, postage prepaid, registered and addressed to the~~
35 ~~last-known place of business of the licensee, the commissioner may~~
36 ~~revoke the license of the licensee or may suspend the license for such~~
37 ~~period as the commissioner may determine, unless the commissioner's~~
38 ~~order is stayed by an order of a court of competent jurisdiction. EXCEPT~~
39 ~~AS OTHERWISE PROVIDED IN THIS SECTION, THE COMMISSIONER NEED NOT~~
40 ~~FIND THAT THE ACTIONS THAT ARE GROUNDS FOR DISCIPLINE WERE~~
41 ~~WILLFUL BUT MAY CONSIDER WHETHER THE ACTIONS WERE WILLFUL WHEN~~
42 ~~DETERMINING THE NATURE OF DISCIPLINARY SANCTIONS TO BE IMPOSED.~~

43
44 (4) (a) THE COMMISSIONER MAY COMMENCE A PROCEEDING TO
45 DISCIPLINE A REGISTRANT WHEN THE COMMISSIONER HAS REASONABLE
46 GROUNDS TO BELIEVE THAT THE REGISTRANT HAS COMMITTED AN ACT
47 ENUMERATED IN THIS SECTION.

48
49 (b) IN ANY PROCEEDING HELD UNDER THIS SECTION, THE
50 COMMISSIONER MAY ACCEPT AS EVIDENCE OF GROUNDS FOR DISCIPLINARY
51 ACTION ANY DISCIPLINARY ACTION TAKEN AGAINST A REGISTRANT IN
52 ANOTHER JURISDICTION IF THE VIOLATION THAT PROMPTED THE
53 DISCIPLINARY ACTION IN THE OTHER JURISDICTION WOULD BE GROUNDS
54 FOR DISCIPLINARY ACTION UNDER THIS ARTICLE.

55
56 (5) DISCIPLINARY PROCEEDINGS, HEARINGS, AND OPPORTUNITY

1 FOR REVIEW MUST BE CONDUCTED IN ACCORDANCE WITH ARTICLE 4 OF
2 TITLE 24, C.R.S., BY THE COMMISSIONER OR BY AN ADMINISTRATIVE LAW
3 JUDGE, AT THE COMMISSIONER'S DISCRETION. THE COMMISSIONER MAY
4 EXERCISE ALL POWERS AND DUTIES CONFERRED BY THIS ARTICLE DURING
5 THE DISCIPLINARY PROCEEDINGS.

6
7 (6) (a) THE COMMISSIONER MAY REQUEST THE ATTORNEY
8 GENERAL TO SEEK AN INJUNCTION, IN ANY COURT OF COMPETENT
9 JURISDICTION, TO ENJOIN A PERSON FROM COMMITTING AN ACT
10 PROHIBITED BY THIS ARTICLE. WHEN SEEKING AN INJUNCTION UNDER THIS
11 PARAGRAPH (a), THE ATTORNEY GENERAL SHALL NOT BE REQUIRED TO
12 ALLEGE OR PROVE THE INADEQUACY OF ANY REMEDY AT LAW OR THAT
13 SUBSTANTIAL OR IRREPARABLE DAMAGE IS LIKELY TO RESULT FROM A
14 CONTINUED VIOLATION OF THIS ARTICLE.

15
16 (b) (I) THE COMMISSIONER MAY INVESTIGATE, HOLD HEARINGS,
17 AND GATHER EVIDENCE IN ALL MATTERS RELATED TO THE EXERCISE AND
18 PERFORMANCE OF THE POWERS AND DUTIES OF THE COMMISSIONER.

19
20 (II) IN ORDER TO AID THE COMMISSIONER IN ANY HEARING OR
21 INVESTIGATION INSTITUTED UNDER THIS SECTION, THE COMMISSIONER OR
22 AN ADMINISTRATIVE LAW JUDGE APPOINTED BY THE COMMISSIONER MAY
23 ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE
24 SUBPOENAS COMPELLING THE ATTENDANCE OF WITNESSES AND THE
25 PRODUCTION OF ALL RELEVANT RECORDS, PAPERS, BOOKS, DOCUMENTARY
26 EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION,
27 ACCUSATION, OR OTHER MATTER BEFORE THE COMMISSIONER OR AN
28 ADMINISTRATIVE LAW JUDGE.

29
30 (III) UPON FAILURE OF ANY WITNESS OR REGISTRANT TO COMPLY
31 WITH A SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY
32 WHERE THE SUBPOENAED PERSON OR REGISTRANT RESIDES OR CONDUCTS
33 BUSINESS, UPON APPLICATION BY THE COMMISSIONER WITH NOTICE TO THE
34 SUBPOENAED PERSON OR REGISTRANT, MAY ISSUE TO THE PERSON OR
35 REGISTRANT AN ORDER REQUIRING THE PERSON OR REGISTRANT TO
36 APPEAR BEFORE THE COMMISSIONER; TO PRODUCE THE RELEVANT PAPERS,
37 BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO
38 ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER
39 INVESTIGATION OR IN QUESTION. IF THE PERSON OR REGISTRANT FAILS TO
40 OBEY THE ORDER OF THE COURT, THE PERSON OR REGISTRANT MAY BE
41 HELD IN CONTEMPT OF COURT.

42
43 (c) THE COMMISSIONER MAY APPOINT AN ADMINISTRATIVE LAW
44 JUDGE UNDER PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO CONDUCT
45 HEARINGS, TAKE EVIDENCE, MAKE FINDINGS, AND REPORT THE FINDINGS
46 TO THE COMMISSIONER.

47
48 (7) (a) THE COMMISSIONER, THE COMMISSIONER'S STAFF, ANY
49 PERSON ACTING AS A WITNESS OR CONSULTANT TO THE COMMISSIONER,
50 ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS
51 ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS
52 ARTICLE IS IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT
53 AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER
54 CAPACITY AS COMMISSIONER, STAFF, CONSULTANT, OR WITNESS,
55 RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN
56 THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE

1 EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE
2 ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN
3 BY HIM OR HER WAS WARRANTED BY THE FACTS.
4

5 (b) A PERSON PARTICIPATING IN GOOD FAITH IN MAKING A
6 COMPLAINT OR REPORT OR IN AN INVESTIGATIVE OR ADMINISTRATIVE
7 PROCEEDING UNDER THIS SECTION IS IMMUNE FROM ANY CIVIL OR
8 CRIMINAL LIABILITY THAT OTHERWISE MIGHT RESULT BY REASON OF THE
9 PARTICIPATION.
10

11 (8) A FINAL ACTION OF THE COMMISSIONER IS SUBJECT TO JUDICIAL
12 REVIEW BY THE COURT OF APPEALS PURSUANT TO SECTION 24-4-106 (11),
13 C.R.S. A JUDICIAL PROCEEDING TO ENFORCE AN ORDER OF THE
14 COMMISSIONER MAY BE INSTITUTED IN ACCORDANCE WITH SECTION
15 24-4-106 (3), C.R.S.
16

17 (9) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN
18 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE COMMISSIONER,
19 WARRANTS FORMAL ACTION, NO PERSON SHALL RESOLVE THE COMPLAINT
20 BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.
21

22 (10) (a) IF IT APPEARS TO THE COMMISSIONER, BASED UPON
23 CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY
24 PERSON, THAT A REGISTRANT IS ACTING IN A MANNER THAT IS AN
25 IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR THAT
26 A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED
27 REGISTRATION, THE COMMISSIONER MAY ISSUE AN ORDER TO CEASE AND
28 DESIST SUCH ACTIVITY. THE ORDER MUST SET FORTH THE STATUTES AND
29 RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE
30 CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL
31 UNLAWFUL ACTS OR UNREGISTERED PRACTICES IMMEDIATELY CEASE.
32

33 (b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND
34 DESIST UNDER PARAGRAPH (a) OF THIS SUBSECTION (10), THE REGISTRANT
35 MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR
36 PRACTICES IN VIOLATION OF THIS ARTICLE HAVE OCCURRED. THE HEARING
37 MUST BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105,
38 C.R.S.
39

40 (11) (a) IF IT APPEARS TO THE COMMISSIONER, BASED UPON
41 CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY
42 PERSON, THAT A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS
43 ARTICLE, THEN, IN ADDITION TO ANY SPECIFIC POWERS GRANTED
44 PURSUANT TO THIS ARTICLE, THE COMMISSIONER MAY ISSUE TO THE
45 PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE COMMISSIONER
46 SHOULD NOT ISSUE A FINAL ORDER DIRECTING THE PERSON TO CEASE AND
47 DESIST FROM THE UNLAWFUL ACT OR UNREGISTERED PRACTICE.
48

49 (b) THE COMMISSIONER SHALL NOTIFY A PERSON AGAINST WHOM
50 AN ORDER TO SHOW CAUSE HAS BEEN ISSUED OF THE ISSUANCE OF THE
51 ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL
52 BASIS FOR THE ORDER, AND THE DATE SET BY THE COMMISSIONER FOR A
53 HEARING ON THE ORDER. THE NOTICE MAY BE SERVED ON THE PERSON
54 AGAINST WHOM THE ORDER HAS BEEN ISSUED BY PERSONAL SERVICE OR
55 BY CERTIFIED, POSTAGE-PREPAID, UNITED STATES MAIL. PERSONAL
56 SERVICE OR MAILING OF AN ORDER OR DOCUMENT CONSTITUTES NOTICE OF

1 THE ORDER TO THE PERSON.

2

3 (c) (I) THE COMMISSIONER SHALL HOLD THE HEARING ON AN
4 ORDER TO SHOW CAUSE NO SOONER THAN TEN AND NO LATER THAN
5 FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR
6 SERVICE OF THE NOTIFICATION BY THE COMMISSIONER AS PROVIDED IN
7 THIS SUBSECTION (11). THE HEARING MAY BE CONTINUED BY AGREEMENT
8 OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER
9 OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE
10 MATTER.

11

12 (II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS
13 BEEN ISSUED DOES NOT APPEAR AT THE HEARING, THE COMMISSIONER MAY
14 PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED
15 ON THE PERSON UNDER THIS SUBSECTION (11) AND SUCH OTHER EVIDENCE
16 RELATED TO THE MATTER AS THE COMMISSIONER DEEMS APPROPRIATE.
17 THE COMMISSIONER SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE
18 COMMISSIONER'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO
19 NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO
20 THAT PERSON BY OPERATION OF LAW. THE COMMISSIONER SHALL
21 CONDUCT THE HEARING IN ACCORDANCE WITH SECTIONS 24-4-104 AND
22 24-4-105, C.R.S.

23

24 (III) IF THE COMMISSIONER REASONABLY FINDS THAT THE PERSON
25 AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR
26 HAS ACTED WITHOUT THE REQUIRED LICENSURE, OR HAS OR IS ABOUT TO
27 ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS
28 ARTICLE, A FINAL CEASE-AND-DESIST ORDER MAY BE ISSUED, DIRECTING
29 THE PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR
30 UNREGISTERED PRACTICES.

31

32 (IV) THE COMMISSIONER SHALL PROVIDE NOTICE, IN THE MANNER
33 SET FORTH IN THIS SUBSECTION (11), OF THE FINAL CEASE-AND-DESIST
34 ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING IS CONDUCTED
35 TO EACH PERSON AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE
36 FINAL ORDER ISSUED IS EFFECTIVE WHEN ISSUED AND IS A FINAL ORDER
37 FOR PURPOSES OF JUDICIAL REVIEW.

38

39 (12) IF IT APPEARS TO THE COMMISSIONER, BASED UPON CREDIBLE
40 EVIDENCE PRESENTED TO THE COMMISSIONER, THAT A PERSON HAS
41 ENGAGED OR IS ABOUT TO ENGAGE IN AN UNREGISTERED ACT OR
42 PRACTICE; AN ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS
43 ARTICLE, A RULE PROMULGATED UNDER THIS ARTICLE, OR AN ORDER
44 ISSUED UNDER THIS ARTICLE; OR AN ACT OR PRACTICE CONSTITUTING
45 GROUNDS FOR ADMINISTRATIVE SANCTION UNDER THIS ARTICLE, THE
46 COMMISSIONER MAY ENTER INTO A STIPULATION WITH THE PERSON.

47

48 (13) IF ANY PERSON FAILS TO COMPLY WITH A FINAL
49 CEASE-AND-DESIST ORDER OR A STIPULATION, THE COMMISSIONER MAY
50 REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE
51 JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING,
52 AND IF SO REQUESTED, THE ATTORNEY GENERAL SHALL BRING SUIT FOR A
53 TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO
54 PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

55

56 (14) A PERSON AGGRIEVED BY THE FINAL CEASE-AND-DESIST

1 ORDER MAY SEEK JUDICIAL REVIEW OF THE COMMISSIONER'S
2 DETERMINATION OR OF THE COMMISSIONER'S FINAL ORDER AS PROVIDED
3 IN SUBSECTION (8) OF THIS SECTION.
4

5 **10-23-107. [Formerly 12-7-109] Prohibited activities -**
6 **penalties.** (1) It is unlawful for any licensee REGISTRANT under this
7 article to engage in any of the following activities:
8

9 (a) ~~Specify, suggest, or advise the employment of any particular~~
10 ~~attorney to represent such licensee's principal;~~ EXCEPT FOR THE BOND FEE,
11 TO FAIL TO RETURN ANY NONFORFEITED COLLATERAL OR SECURITY WITHIN
12 TEN WORKING DAYS AFTER RECEIPT OF A COPY OF THE COURT ORDER THAT
13 RESULTS IN A RELEASE OF THE BOND BY THE COURT, UNLESS:
14

15 (I) THE COLLATERAL ALSO SECURES OTHER OBLIGATIONS; OR
16

17 (II) (A) THE LATER OF THREE YEARS OR, IF THE COURT GRANTS AN
18 EXTENSION, SIX YEARS HAVE ELAPSED FROM THE DATE THE BOND WAS
19 POSTED; OR
20

21 (B) THE REGISTRANT IS EXONERATED AND, AT THE REQUEST OF
22 THE PERSON WHO TENDERED THE COLLATERAL OR SECURITY, RETURNS THE
23 COLLATERAL TO THE PERSON WHO POSTED THE COLLATERAL WITHIN TEN
24 BUSINESS DAYS AFTER THE THREE-YEAR PERIOD.
25

26 (b) Pay a fee or rebate or give or promise ~~to give~~ anything of
27 value to a jailer, ~~police officer,~~ peace officer, clerk, deputy clerk, ~~any~~
28 ~~other~~ AN employee of any A court, district attorney or ~~any of such~~ district
29 attorney's employees, or any person who has power to arrest or to hold
30 any A person in custody.
31

32 (c) ~~Pay a fee or rebate or give anything of value to an attorney in~~
33 ~~bail bond matters, except in defense of any action on a bond or as counsel~~
34 ~~to represent such bail bonding agent or such bonding agent's~~
35 ~~representative or employees~~ FAIL TO ISSUE TO THE PERSON FROM WHOM
36 COLLATERAL OR SECURITY IS TAKEN A RECEIPT WHICH INCLUDES A
37 DESCRIPTION OF THE COLLATERAL OR SECURITY AT THE TIME IT IS TAKEN
38 INTO THE CUSTODY OF THE BAIL BONDING AGENT;
39

40 (d) ~~Pay a fee or rebate or give or promise to give anything of value~~
41 ~~to the person on whose bond such licensee is surety;~~ FAIL TO POST A BOND
42 WITHIN TWENTY-FOUR HOURS AFTER RECEIPT OF FULL PAYMENT OR A
43 SIGNED CONTRACT FOR PAYMENT, OR, IF THE BOND IS NOT POSTED WITHIN
44 TWENTY-FOUR HOURS AFTER RECEIPT OF FULL PAYMENT OR A SIGNED
45 CONTRACT FOR PAYMENT, FAIL TO REFUND ALL MONEYS RECEIVED,
46 RELEASE ALL LIENS, AND RETURN ALL COLLATERAL WITHIN FORTY-EIGHT
47 HOURS AFTER RECEIPT OF THE PAYMENT OR CONTRACT.
48

49 (d.5) ~~Except for the fee received for the bond, to fail to return any~~
50 ~~collateral or security within ten working days after receipt of a copy of the~~
51 ~~court order that results in a release of the bond by the court, unless the~~
52 ~~collateral also secures other obligations in compliance with section~~
53 ~~12-7-108 (10). A copy of the court order shall be provided to the bonding~~
54 ~~agent in Colorado or the company, if any, for whom the bonding agent~~
55 ~~works whether in Colorado or out-of-state, or both, by the person for~~
56 ~~whom the bond was written, except that, if three years have elapsed from~~

1 the date of the posting of the bond, unless a judgment has been entered
2 against the surety or the principal for the forfeiture of the bond, or unless
3 the court grants an extension of the three-year time period for good cause
4 shown, the bail bonding agent, as principal or as surety, shall be
5 exonerated and, at the request of the person who tendered the collateral
6 or security, return the collateral or security to the person who posted the
7 collateral or security within ten business days after the three-year time
8 period. The commissioner may release a lien after the three-year time
9 period has expired if the lienholder cannot be contacted after an attempt
10 has been made by certified mail and the attempt has failed.

11
12 ~~(e) Accept anything of value from a person on whose bond such~~
13 ~~licensee is surety or from others on behalf of such person except the fee~~
14 ~~or premium on the bond, but the bail bonding agent may accept collateral~~
15 ~~security or other indemnity if: ACT AS A PROFESSIONAL CASH-BAIL AGENT~~
16 ~~OR CASH-BONDING AGENT IN ANY COURT WHILE THE NAME OF THE~~
17 ~~REGISTRANT IS ON THE BOARD OR WHEN A REGISTRANT HAS FAILED TO PAY~~
18 ~~A BAIL FORFEITURE JUDGMENT AFTER ALL APPLICABLE STAYS OF~~
19 ~~EXECUTION HAVE EXPIRED AND THE BOND HAS NOT BEEN OTHERWISE~~
20 ~~EXONERATED OR DISCHARGED;~~

21
22 ~~(I) No collateral or security in tangible property is taken by pledge~~
23 ~~or debt instrument which allows retention, sale, or other disposition of~~
24 ~~such property upon default except in accordance with the provisions of~~
25 ~~article 9 of title 4, C.R.S.;~~

26
27 ~~(II) No collateral or security interest in real property is taken by~~
28 ~~deed or any other instrument unless the bail bonding agent's interest in the~~
29 ~~property is limited to the amount of the bond;~~

30
31 ~~(III) The collateral or security taken by the bail bonding agent is~~
32 ~~not pledged directly to any court as security for any appearance bond; and~~
33

34 ~~(IV) The person from whom the collateral or security is taken is~~
35 ~~issued a receipt describing the condition of the collateral at the time it is~~
36 ~~taken into the custody of the bail bonding agent;~~

37
38 ~~(f) Coerce, suggest, aid and abet, offer promise of favor, or~~
39 ~~threaten any person on whose bond such licensee is surety or offers to~~
40 ~~become surety to induce that person to commit any crime;~~

41
42 ~~(g) Act as a bail bonding agent in any court of record in this state~~
43 ~~while the name of such licensee is on the board pursuant to section~~
44 ~~16-4-112 (5) (e), C.R.S., or under any circumstance where a licensee has~~
45 ~~failed to pay a bail forfeiture judgment after all applicable stays of~~
46 ~~execution have expired and the bond has not been otherwise exonerated~~
47 ~~or discharged;~~

48
49 ~~(h) to (j) Repealed.~~

50
51 ~~(k) Accept anything of value from a person on whose bond such~~
52 ~~licensee is indemnitor or from another on behalf of such principal except~~
53 ~~the premium; except that the bail bonding agent licensed under this article~~
54 ~~may accept collateral security or other indemnity from the person on~~
55 ~~whose bond such bail bonding agent is indemnitor or from another on~~
56 ~~behalf of such principal. All such collateral or other indemnity shall be~~

1 returned pursuant to the requirements contained in paragraph (d.5) of this
2 subsection (1). The bail bonding agent licensed under this article shall
3 preserve and separately retain such collateral and shall be responsible for
4 the return of all such collateral taken and shall be liable for failure thereof
5 as will also be the surety company. When a bail bonding agent accepts
6 collateral as security pursuant to this paragraph (k), such bail bonding
7 agent shall give a written receipt for such collateral to the person on
8 whose bond such bail bonding agent is indemnitor or to another on behalf
9 of such principal and the surety, which shall provide in detail a full
10 description of the collateral received. In the event of the failure of or
11 inability for any reason of a bail bonding agent or such bail bonding
12 agent's heirs or assignees to return collateral as required in this paragraph
13 (k), the commissioner or the commissioner's designee is authorized to
14 take immediate possession of the collateral and take whatever actions are
15 necessary and appropriate to assure compliance with the obligations of
16 this article relating to the return of collateral. The commissioner is
17 authorized to utilize any or all of the qualification bond required in
18 section 12-7-103 (3) for any costs incurred. Any such payment received
19 by the commissioner is hereby appropriated to the division of insurance
20 in addition to any other funds appropriated for its normal operation. The
21 commissioner shall forfeit a qualification bond in the amount necessary
22 to pay any final, nonappealable judgment award for failure to return
23 collateral, including costs and attorney's fees, if awarded.

24
25 (l) Sign or countersign blank bail bonds or execute a power of
26 attorney or otherwise authorize anyone to countersign such licensee's
27 name to bonds;

28
29 (m) For any one licensee to have more than one bond posted at
30 any one time and, in any single case, on behalf of any one person;

31
32 (n) Fail to issue to the person from whom collateral or security is
33 taken a receipt which includes a description of the collateral or security
34 at the time it is taken into the custody of the bail bonding agent;

35
36 (o) Failure to post a bond within twenty-four hours of receipt of
37 full payment or a signed contract for payment, or if the bond is not posted
38 within twenty-four hours of receipt of full payment or a signed contract
39 for payment, failure to refund all moneys received, release all liens, and
40 return all collateral within forty-eight hours of receipt of such payment or
41 contract.

42
43 (2) Any licensee A REGISTRANT who violates any provision of
44 subsection (1) of this section is guilty of a misdemeanor and, upon
45 conviction thereof, shall be punished by a fine of not more than one
46 thousand dollars, or by imprisonment in the county jail for not more than
47 one year, or by both such fine and imprisonment. Any criminal penalty
48 prescribed in this section for a violation of this article shall be IS in
49 addition to, and not exclusive of, any other applicable penalty prescribed
50 by law.

51
52 (3) Any A person who acts or attempts to act as a bail bonding
53 PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING agent and who is not
54 licensed REGISTERED as such under this article is guilty of a misdemeanor
55 and, upon conviction thereof, shall be punished by a fine of not more than
56 one thousand dollars, or by imprisonment in the county jail for not more

1 than one year, or by both such fine and imprisonment. UPON CONVICTION,
 2 THE COURT SHALL REQUIRE THE PERSON TO DISGORGE ANY PROFITS FROM
 3 ACTING AS A PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT
 4 AND FORWARD THE PROFITS TO THE STATE TREASURER, WHO SHALL
 5 DEPOSIT THE MONEYS IN THE GENERAL FUND.

6
 7 **10-23-108. [Formerly 12-7-112] Repeal - review of functions.**
 8 This article is repealed, effective ~~July 1, 2012~~ SEPTEMBER 1, 2017. Prior
 9 to ~~such~~ THE repeal, the licensing functions of the commissioner and the
 10 division shall be reviewed as provided for in section 24-34-104, C.R.S.

11
 12 **SECTION 40.** In Colorado Revised Statutes, 16-1-104, **add** (3.5)
 13 as follows:

14
 15 **16-1-104. Definitions.** (3.5) "BAIL BONDING AGENT" OR
 16 "BONDING AGENT" MEANS A INDIVIDUAL WHO IS IN THE BUSINESS OF
 17 WRITING APPEARANCE BONDS AND WHO IS SUBJECT TO REGULATION BY
 18 THE DIVISION OF INSURANCE IN THE DEPARTMENT OF REGULATORY
 19 AGENCIES, INCLUDING AN INSURANCE PRODUCER, CASH-BONDING AGENT,
 20 OR PROFESSIONAL CASH-BAIL AGENT.

21
 22 **SECTION 41.** In Colorado Revised Statutes, 16-3-503, **amend**
 23 (1) (c) as follows:

24
 25 **16-3-503. Bonds recovered for persons illegally in the country.**
 26 (1) (c) If it is determined that a defendant is illegally present in the
 27 country after a ~~bail~~ AN APPEARANCE bond is posted on a felony or a class
 28 1 or class 2 misdemeanor, the jail or court shall return all documents
 29 concerning the defendant that are signed by the bail bonding agent to the
 30 agent, and the agent shall return ~~the fees collected pursuant to section~~
 31 ~~12-7-108 (7), C.R.S.,~~ ANY PREMIUM, COMMISSION, OR FEE, NOT
 32 INCLUDING PREMIUM FINANCING FEES, BOND FILING FEES CHARGED BY A
 33 COURT OR LAW ENFORCEMENT AGENCY, AND THE ACTUAL COST OF
 34 STORING COLLATERAL IN A SECURE, SELF-SERVICE PUBLIC STORAGE
 35 FACILITY, to the court for forfeiture ~~pursuant to~~ UNDER subsection (2) of
 36 this section.

37
 38 **SECTION 42.** In Colorado Revised Statutes, 16-4-104, **amend**
 39 (1) (b) (III) as follows:

40
 41 **16-4-104. Bail bond - alternatives.** (1) When the amount of bail
 42 is fixed by the judge of a court of record, the judge shall also determine
 43 which of the following kinds of bond shall be required for the pretrial
 44 release of the defendant:

45
 46 (b) The defendant may be released from custody upon execution
 47 of bond in the full amount of the bail to be secured in any one or more, or
 48 any combination of, the following ways:

49
 50 (III) By ~~sureties~~ CASH OR SECURITIES worth at least one and
 51 one-half the amount of bail set in the bond or by a bail bonding agent. ~~or~~
 52 ~~a cash bonding agent qualified to write bail bonds pursuant to article 7 of~~
 53 ~~title 12, C.R.S.~~

54
 55 **SECTION 43.** In Colorado Revised Statutes, 16-4-112, **amend**
 56 (2) (a) and (2) (c); and **add** (6) as follows:

1 **16-4-112. Enforcement procedures for compensated sureties**
2 **- definitions.** (2) As used in this section, unless the context otherwise
3 requires:

4
5 (a) "Bail insurance company" means an insurer as defined in
6 section 10-1-102 (13), C.R.S., engaged in the business of writing ~~bail~~
7 appearance bonds through bonding agents, which company is subject to
8 regulation by the division of insurance in the department of regulatory
9 agencies.

10
11 (c) "Compensated surety" means any person WHO IS in the
12 business of writing ~~bail~~ appearance bonds AND who is subject to
13 regulation by the division of insurance in the department of regulatory
14 agencies, including bonding agents and bail insurance companies.
15 Nothing in this paragraph (c) ~~shall be construed to authorize~~ AUTHORIZES
16 bail insurance companies to write ~~bail~~ APPEARANCE bonds except through
17 ~~licensed~~ bail bonding agents.

18
19 (6) A BAIL INSURANCE COMPANY SHALL NOT WRITE BAIL BONDS
20 UNLESS THROUGH A LICENSED BAIL BONDING AGENT.

21
22 **SECTION 44.** In Colorado Revised Statutes, 24-34-104, **amend**
23 (43) introductory portion and (48.5); and **repeal** (43) (f) as follows:

24
25 **24-34-104. General assembly review of regulatory agencies**
26 **and functions for termination, continuation, or reestablishment.**
27 (43) The following agencies, functions, or both, ~~shall~~ terminate on July
28 1, 2012:

29
30 (f) ~~The licensing of bail bonding agents through the division of~~
31 ~~insurance in accordance with article 7 of title 12, C.R.S.;~~

32
33 (48.5) The following agencies, functions, or both, ~~shall~~ terminate
34 on September 1, 2017:

35
36 (a) The domestic violence offender management board created in
37 section 16-11.8-103, C.R.S.

38
39 (b) THE LICENSING OF PROFESSIONAL CASH-BAIL AGENTS AND
40 CASH-BONDING AGENTS UNDER ARTICLE 23 OF TITLE 10, C.R.S.

41
42 **SECTION 45.** In Colorado Revised Statutes, 2-3-1203, **repeal** (3)
43 (z) (III) as follows:

44
45 **2-3-1203. Sunset review of advisory committees.** (3) The
46 following dates are the dates for which the statutory authorization for the
47 designated advisory committees is scheduled for repeal:

48
49 (z) July 1, 2013:

50
51 (III) ~~The advisory committee to the division of insurance~~
52 ~~regarding bail bond issues, created in section 12-7-104.5, C.R.S.;~~

53
54 **SECTION 46.** In Colorado Revised Statutes, 24-31-303, **amend**
55 (1) (h) as follows:

56

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

3
4 (h) To establish standards for training in bail recovery practices.
5 ~~under sections 12-7-102.5 (1) (b) and 12-7-105.5 (1) (b), C.R.S. The~~
6 ~~board shall establish such standards on or before October 1, 1998.~~

7
8 **SECTION 47.** In Colorado Revised Statutes, 24-33.5-412, **repeal**
9 (1) (p) as follows:

10
11 **24-33.5-412. Functions of bureau - legislative review.** (1) The
12 bureau has the following authority:

13
14

~~(p) To conduct a criminal background check of an applicant who~~
15 ~~wishes to provide bail recovery services for a bail bonding agent under~~
16 ~~section 12-7-105.5 (1) (a), C.R.S.;~~

17
18 **SECTION 48. Effective date - applicability.** This act takes
19 effect July 1, 2012, and applies to offenses committed and applications
20 submitted on or after said date.

21
22 **SECTION 49. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety."

25
26
27
28 **HB12-1296** be postponed indefinitely.

29
30
31 **SB12-029** be referred to the Committee of the Whole with favorable
32 recommendation.

33
34
35 **SB12-042** be referred to the Committee of the Whole with favorable
36 recommendation.

37
38
39
40 **PRINTING REPORT**

41
42 The Chief Clerk reports the following bill has been correctly printed:
43 **HB12-1318.**

44
45
46 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

47
48 The Speaker has signed: **HB12-1073, 1100, 1198.**

49
50
51 **MESSAGE(S) FROM THE SENATE**

52
53
54 Upon announcement of President Shaffer, Senator Roberts will replace
55 Senator Nicholson as prime sponsor on HB12-1159.

56

1 Upon announcement of President Shaffer, Senator White will be added
2 as joint prime sponsor with Senator Guzman on HB 12-1012.

3
4
5 The Senate has passed on Third Reading and transmits to the Revisor of
6 Statutes: SB12-148, SB12-041, SB12-093.

7
8 HB12-1212 amended as printed in Senate Journal, February 28, 2012,
9 page 315.
10 HB12-1177 amended as printed in Senate Journal, February 28, 2012,
11 page 315.
12 SB12-133 amended as printed in Senate Journal, February 28, 2012,
13 page 317.
14 SB12-022 amended as printed in Senate Journal, February 28, 2012,
15 page 318.
16 SB12-091 amended as printed in Senate Journal, February 28, 2012,
17 pages 318-319.
18 SB12-060 amended as printed in Senate Journal, February 28, 2012,
19 page 319.
20 SB12-021 amended as printed in Senate Journal, February 28, 2012,
21 page 319.
22 SB12-038 amended as printed in Senate Journal, February 28, 2012,
23 pages 319-321.

24
25 The Senate has passed on Third Reading and returns herewith:
26 HB12-1015, HB12-1054, HB12-1158, HB12-1022, HB12-1010,
27 HB12-1096, HB12-1301, HB12-1147.

28
29
30 The Senate has postponed indefinitely HB12-1157. The bill is returned
31 herewith.

32
33
34 **MESSAGE(S) FROM THE REVISOR**

35
36 We herewith transmit:
37 Without comment, SB12-041, 093, and 148.
38 Without comment, as amended, HB12-1177 and 1212.
39 Without comment, as amended, SB12-021, 022, 038, 060, 091, and 133.

40
41
42
43 **INTRODUCTION OF BILLS**
44 **First Reading**

45
46 The following bills were read by title and referred to the committees
47 indicated:

48
49 **HB12-1319** by Representative(s) Gardner B.--Concerning building
50 inspections relating to utilities.

51 Committee on Local Government

52
53 **SB12-034** by Senator(s) King S., Tochtrop; also Representative(s)
54 Miklosi--Concerning repeal of the rapid screen program
55 to identify high-emitting motor vehicles.

56 Committee on Transportation

1 **SB12-122** by Senator(s) Williams S., Aguilar, Foster, Giron, Jahn,
2 Newell, Nicholson, Steadman; also Representative(s)
3 DelGrosso--Concerning avoiding potential conflicts of
4 interest in the provision of services to a person on
5 probation.
6 Committee on Economic and Business Development
7
8
9

10 **INTRODUCTION OF RESOLUTIONS**

11
12 The following resolutions were read by title and laid over one day under
13 the rules:
14

15 **HR12-1004** by Representative(s) Scott--Concerning a request that the
16 Bureau of Land Management's Colorado River Valley
17 field office prepare a revised resource management plan.
18

19 **SJR12-016** by Senator(s) Morse; also Representative(s) Stephens--
20 Concerning modifications to the Joint Rules of the Senate
21 and the House of Representatives.
22
23

24
25 **LAY OVER OF CALENDAR ITEM(S)**

26
27 On motion of Representative Waller, the following item(s) on the
28 Calendar was (were) laid over until March 1, retaining place on
29 Calendar:
30

31 Consideration of Third Reading--**HB12-1269**.
32 Consideration of General Orders--**HB12-1140, 1228, 1304, 1036, 1262**.
33 Consideration of Senate Amendment(s)--**HB12-1078, 1055,**
34 **HJR12-1010**.
35
36

37
38 On motion of Representative Waller, the House adjourned until
39 9:00 a.m., March 1, 2012.
40

41 Approved:

42
43 FRANK McNULTY,
44 Speaker

45 Attest:
46 MARILYN EDDINS,
47 Chief Clerk

