HOUSE JOURNAL SIXTY-SEVENTH GENERAL ASSEMBLY STATE OF COLORADO

Second Regular Session

Twenty-eighth Legislative Day

Tuesday, February 9, 2010

Prayer by Pastor Mark Phillips, Berean Bible Church, Haxtun. 1 2 3 The Speaker called the House to order at 9:00 a.m. 4 5 Pledge of Allegiance led by Hillary Skiffington, Loveland High School. 6 7 The roll was called with the following result: 8 9 Present--59. 10 Excused--Representative(s) Frangas, McFadyen, Middleton, Pommer, Ryden, Swalm--6. 11 Present after roll call--Representative(s) Frangas, Middleton, 12 13 Pommer, Swalm. 14 The Speaker declared a quorum present. 15 16 17 18 On motion of Representative Bradford, the reading of the journal of February 8, 2010, was declared dispensed with and approved as corrected 19 20 by the Chief Clerk. 21 22 23 THIRD READING OF BILL(S)--FINAL PASSAGE 24 25 The following bill(s) (was)were considered on Third Reading. The title(s) (was)were publicly read. Reading of the bill at length was 26 27 dispensed with by unanimous consent. 28 29 HB10-1170 by Representative(s) DelGrosso, Nikkel; also Senator(s) 30 Bacon--Concerning the provision of alcohol beverages in 31 sealed containers in luxury boxes located in entertainment 32 venues with a seating capacity of at least one thousand 33 five hundred seats. 34 35 The question being "Shall the bill pass?". A roll call vote was taken. As shown by the following recorded vote, a 36 majority of those elected to the House voted in the affirmative and the 37 38 bill was declared **passed**. 39 40 YES 57 NO **EXCUSED** ABSENT 5 3 0 41 Acree Y Gerou Y McFadyen Е Ryden E Apuan 42 Y Hullinghorst Y McKinley Ν Scanlan Y 43 Y Y Y Balmer Judd McNulty Schafer S. Y

1	Baumgardne	r Y	Kagan	Y	Merrifield	Y	Solano	Y
2	Benefield	Y	Kefalas	Ν	Middleton	Y	Sonnenberg	Y
3	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
4	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
5	Court	Y	King S.	Y	Nikkel	Y	Summers	Ν
6	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
7	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
8	Ferrandino	Y	Levy	Y	Pommer	E	Todd	Y
9	Fischer	Ν	Liston	Y	Primavera	Y	Tyler	Y
10	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
11	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
12	Gardner B.	Y	May	Y	Riesberg	Ν	Waller	Y
13	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
14							Speaker	Y
15	15 Co-sponsor(s) added: Representative(s) Gerou, Labuda.							

HB10-1203
 by Representative(s) Kerr A.; also Senator(s) Steadman--Concerning the issuing of group life insurance, and, in connection therewith, deleting the requirement regarding the minimum number of persons that must be covered by the policy.

23 The question being "Shall the bill pass?".

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

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21	[
28	YES	59	NO	3	EXCUSED	3	ABSENT	0
29	Acree	Ν	Gerou	Y	McFadyen	Ε	Ryden	E
30	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
31	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
32	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
33	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
34	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
35	Casso	Y	Kerr J.	Ν	Murray	Y	Stephens	Y
36	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
37	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
38	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
39	Ferrandino	Y	Levy	Y	Pommer	E	Todd	Y
40	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
41	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
42	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
43	Gardner B.	Y	May	Ν	Riesberg	Y	Waller	Y
44	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
45							Speaker	Y
16	$C_{0-snonsor(s)}$	adde	d. Representat	ivel	a) Anuan Fran	<u></u>	iston	

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6 Co-sponsor(s) added: Representative(s) Apuan, Frangas, Liston.

48 <u>HB10-1076</u>
 49 by Representative(s) DelGrosso; also Senator(s) Heath--Concerning the classification of a participant in a property tax work-off program for purposes of employee labor benefits.

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53 The question being "Shall the bill pass?".

54 A roll call vote was taken. As shown by the following recorded vote, a

55 majority of those elected to the House voted in the affirmative and the bill

56 was declared **passed**.

2 Acree Y Gerou Y McFadyen E Ryden E 3 Apuan Y Hullinghorst Y McKinley Y Scanfar S. Y 4 Balmer Y Judd Y McNulty Y Schafer S. Y 5 Baumgardner Y Kagan Y Merrifield Y Solano Y 6 Benefield Y Kerr A. Y Miklosi Y Sonnenberg Y 7 Bradford Y Kerr A. Y Miklosi Y Sopper Y 8 Casso Y Kerr A. Y Miklosi Y Sopper Y 9 Court Y Kiston Y Primavera Y Tipton Y 10 Elerosso Y Labuda Y Pace Y Sommers Y 11 DelGrosso Y Labuda Y Pace Y Sommers Y Nuller Y 12 Fischer Y </th <th>1</th> <th>YES</th> <th>61</th> <th>NO</th> <th>1</th> <th>EVCUSED</th> <th>3</th> <th>ADCENT</th> <th>0</th>	1	YES	61	NO	1	EVCUSED	3	ADCENT	0
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6 Benefield Y Kera A. Y Middleton Y Soper Y 7 Bradford Y Kerr A. Y Miklosi Y Soper Y 9 Court Y Kerr J. Y Murray Y Stephens Y 9 Court Y King S. Y Nikkel Y Summers Y 10 Curry Y Labuda Y Pace Y Swaim Y 10 Curry Y Labuda Y Pace Y Swaim Y 10 Curry Y Labuda Y Pace Y Swaim Y 12 Ferrandino Y Levy Y Pommer E Told Y 13 Fischer Y Lowad Y Vises Y Wises Y Swaim Y 14 Frangas Y Lowad Ressman Y Swaim Y Swaim Y 15 Gardner B. <td>4</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td>	4								
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 48 Speaker Y 49 Co-sponsor(s) added: Representative(s) Acree, Apuan, Casso, Court, 50 DelGrosso, Fischer, Frangas, Hullinghorst, Kefalas, Kerr A., Labuda, Levy, 51 Merrifield, Primavera, Riesberg, Schafer S., Soper, Todd, Waller. 	29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45	majority of the was declared j YES Acree Apuan Balmer Baumgardner Benefield Bradford Casso Court Curry DelGrosso Ferrandino Fischer Frangas Gagliardi	59 59 7 7 7 7 7 7 7 7	NO Gerou Hullinghorst Judd Kagan Kefalas Kerr A. Kerr J. King S. Labuda Lambert Levy Liston Looper Massey	House 3 Y Y Y Y Y Y Y Y Y Y Y Y Y	EXCUSED McFadyen McKinley McNulty Merrifield Middleton Miklosi Murray Nikkel Pace Peniston Pommer Primavera Priola Rice	affir 3 E Y Y Y Y Y Y Y Y Y Y Y Y Y	ABSENT Ryden Scanlan Schafer S. Solano Sonnenberg Soper Stephens Summers Swalm Tipton Todd Tyler Vaad Vigil	e bill 0 E Y Y Y Y Y Y Y Y Y Y Y Y Y
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50 DelGrosso, Fischer, Frangas, Hullinghorst, Kefalas, Kerr A., Labuda, Levy, 51 Merrifield, Primavera, Riesberg, Schafer S., Soper, Todd, Waller.	29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47	majority of the was declared p YES Acree Apuan Balmer Baumgardner Benefield Bradford Casso Court Curry DelGrosso Ferrandino Fischer Frangas Gagliardi Gardner B.	59 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7	NO Gerou Hullinghorst Judd Kagan Kefalas Kerr A. Kerr J. King S. Labuda Labuda Lambert Levy Liston Looper Massey May	House 3 Y Y Y Y Y Y Y Y Y Y Y Y Y	EXCUSED McFadyen McFadyen McKinley McNulty Merrifield Middleton Miklosi Murray Nikkel Pace Peniston Pommer Primavera Priola Rice Riesberg	affir 3 E Y Y Y Y Y Y Y Y Y Y Y Y Y	ABSENT Ryden Scanlan Schafer S. Solano Sonnenberg Soper Stephens Summers Swalm Tipton Todd Tyler Vaad Vigil Waller Weissmann	e bill 0 E Y Y Y Y Y Y Y Y Y Y Y Y Y
51 Merrifield, Primavera, Riesberg, Schafer S., Soper, Todd, Waller.	29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48	majority of the was declared p YES Acree Apuan Balmer Baumgardner Benefield Bradford Casso Court Curry DelGrosso Ferrandino Fischer Frangas Gagliardi Gardner B. Gardner C.	59 59 Y Y Y Y Y Y Y Y	NO Gerou Hullinghorst Judd Kagan Kefalas Kerr A. Kerr J. King S. Labuda Lambert Levy Liston Looper Massey May McCann	House 3 Y Y Y Y Y Y Y Y Y Y Y Y Y	EXCUSED McFadyen McFadyen McKinley McNulty Merrifield Middleton Miklosi Murray Nikkel Pace Peniston Pommer Primavera Priola Rice Riesberg Roberts	affir 3 E Y Y Y Y Y Y Y Y Y Y Y Y Y	ABSENT Ryden Scanlan Schafer S. Solano Sonnenberg Soper Stephens Summers Swalm Tipton Todd Tyler Vaad Vigil Waller Weissmann Speaker	e bill 0 E Y Y Y Y Y Y Y Y Y Y Y Y Y
	29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49	majority of the was declared j YES Acree Apuan Balmer Baumgardner Benefield Bradford Casso Court Curry DelGrosso Ferrandino Fischer Frangas Gagliardi Gardner B. Gardner C.	59 Y Y Y Y Y Y Y Y Y Y Y Y Y	NO Gerou Hullinghorst Judd Kagan Kefalas Kerr A. Kerr J. King S. Labuda Lambert Levy Liston Looper Massey May McCann	House 3 Y Y Y Y Y Y Y Y Y Y Y Y Y	EXCUSED McFadyen McKinley McNulty Merrifield Middleton Miklosi Murray Nikkel Pace Peniston Pommer Primavera Priola Rice Riesberg Roberts	affir 3 E Y Y Y Y Y Y Y Y Y Y Y Y Y	ABSENT Ryden Scanlan Schafer S. Solano Sonnenberg Soper Stephens Summers Swalm Tipton Todd Tyler Vaad Vigil Waller Weissmann Speaker an, Casso, C	e bill 0 E Y Y Y Y Y Y Y Y Y Y Y Y Y
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52

by Representative(s) Priola, Balmer, Bradford, DelGrosso, Labuda, Nikkel, Riesberg, Schafer S., Stephens, Todd, Waller; also Senator(s) Schwartz--Concerning extending certain dates related to the petroleum storage tank fund. 53 HB10-1185 54 55 56

1 The question being "Shall the bill pass?".

2 A roll call vote was taken. As shown by the following recorded vote, a

3 majority of those elected to the House voted in the affirmative and the bill
4 was declared **passed**.

5 6 YES 62 NO 0 EXCUSED 3 ABSENT 0 7 Y McFadyen Ryden Y E E Acree Gerou 8 Y Y Y Y Scanlan Apuan Hullinghorst McKinley 9 Y Y Balmer Y Judd McNulty Y Schafer S. 10 Baumgardner Y Kagan Y Y Merrifield Y Solano Benefield Y Kefalas Y Middleton Y Y 11 Sonnenberg Kerr A. 12 Bradford Y Y Miklosi Y Y Soper 13 Casso Y Kerr J. Y Murray Y Stephens Y 14 Court Y King S. Y Nikkel Y Summers Y Y Y Y 15 Y Pace Swalm Curry Labuda 16 DelGrosso Y Lambert Y Peniston Y Tipton Y Y 17 Ferrandino Y Levy Y Pommer E Todd 18 Fischer Y Liston Y Primavera Y Tyler Y 19 Y Vaad Y Frangas Looper Y Priola Y 20 Vigil Y Gagliardi Y Y Rice Y Massey Y 21 Gardner B. Y Riesberg Y Waller Y May 22 Gardner C. Y McCann Y Roberts Y Weissmann Y 23 Speaker Y 24 Co-sponsor(s) added: Representative(s) Casso, Kerr J., Lambert, Vigil. 25 by Representative(s) Court and Murray; also Senator(s) 26 HB10-1047 27 White--Concerning the form of a statewide ballot title. 28 29 The question being "Shall the bill pass?". 30 A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative and the bill 31 was declared passed. 32 33 34 YES 55 NO 7 **EXCUSED** 3 ABSENT 0 35 Y Ε Ε Acree Y Gerou McFadyen Ryden Y Y Y Y 36 Apuan Hullinghorst McKinley Scanlan 37 Balmer Y Judd Y McNulty Y Schafer S. Y 38 Baumgardner Y Kagan Y Merrifield Y Solano Y 39 Benefield Y Kefalas Y Middleton Y Sonnenberg Ν Y 40 Bradford Ν Kerr A. Y Miklosi Y Soper 41 Y Kerr J. Y Murray Y Stephens Y Casso 42 Court Y King S. Y Nikkel Ν Summers Y 43 Y Y Y Y Curry Labuda Pace Swalm 44 DelGrosso Ν Lambert Ν Peniston Y Tipton Y Todd 45 Ferrandino Y Levy Y Pommer Ε Y Y Y Y Y 46 Fischer Liston Primavera Tyler 47 Y Priola Y Vaad Y Frangas Looper Ν 48 Y Vigil Y Gagliardi Massey Y Rice Y Y 49 Gardner B. May Y Riesberg Y Waller Y 50 Gardner C. Ν McCann Y Roberts Y Weissmann Y 51 Y Speaker

52 Co-sponsor(s) added: Representative(s) Apuan, Casso, Hullinghorst, Kerr J.,

53 Labuda, Rice, Schafer S., Todd, Tyler

- <u>SB10-035</u>
 by Senator(s) Newell; also Representative(s) Bradford--Concerning automatic enrollment in employee retirement plans.
- 4
- 5 The question being "Shall the bill pass?".
- A roll call vote was taken. As shown by the following recorded vote, a
 majority of those elected to the House voted in the affirmative and the bill
 was declared **passed**.

9								
10	YES	61	NO	1	EXCUSED	3	ABSENT	0
11	Acree	Y	Gerou	Y	McFadyen	Е	Ryden	E
12	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
13	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
14	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
15	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
16	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Ν
17	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
18	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
19	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
20	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
21	Ferrandino	Y	Levy	Y	Pommer	E	Todd	Y
22	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
23	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
24	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
25	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
26	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
27							Speaker	Y
28	Co-sponsor(s)	adde	ed. Representat	ive	s) Liston Scha	fer S	. Ťvler.	

28

Co-sponsor(s) added: Representative(s) Liston, Schafer S., Tyler.

29 30

31 32

33 34

35

HB10-1134 by Representative(s) Casso; also Senator(s) Kester--Concerning measures to prevent illegal interstate parimutuel wagering on racing, and, in connection therewith, authorizing the entry by Colorado into interstate compacts governing racing and the collection of source market fees from out-of-state simulcast activity.

3637 The question being "Shall the bill pass?".

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

-T I								
42	YES	62	NO	0	EXCUSED	3	ABSENT	0
43	Acree	Y	Gerou	Y	McFadyen	E	Ryden	E
44	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
45	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
46	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
47	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
48	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
49	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
50	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
51	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
52	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
53	Ferrandino	Y	Levy	Y	Pommer	E	Todd	Y
54	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
55	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
56	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y

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1 2 3	Gardner B. Gardner C.	Y Y	May McCann	Y Y	Riesberg Roberts	Y Y	Weissmann Speaker	Y Y Y
4	Co-sponsor(s)	adde	ed: Representat	tive(s	s) Labuda, Looj	per, l	Pace, Vigil.	
5 6 7 8 9	<u>HB10-1175</u>	als cor	o Senator(s) [npetency by	Гарі an	Looper, Tod aConcerning out-of-state artment of reg	g the app	demonstration demonstration demonstration de la demonstration de monstration de la demonstration de la demonst	on of
10 11 12 13 14 15	The question A roll call vot majority of the was declared p	te w ose e	as taken. As elected to the I	show	vn by the follo	owin affir	g recorded vo mative and th	ote, a e bill
16	YES	62	NO	0	EXCUSED	3	ABSENT	0
17	Acree	Y	Gerou	Y	McFadyen	E	Ryden	E
18	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
19	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
20	Baumgardner		Kagan	Ŷ	Merrifield	Ÿ	Solano	Ŷ
$\overline{21}$	Benefield	Ŷ	Kefalas	Ŷ	Middleton	Ŷ	Sonnenberg	Ŷ
$\frac{21}{22}$	Bradford	Ŷ	Kerr A.	Ŷ	Miklosi	Ŷ	Soper	Ŷ
$\frac{22}{23}$	Casso	Ŷ	Kerr J.	Ŷ	Murray	Ŷ	Stephens	Y
23 24					Nikkel		Summers	Y
	Court	Y	King S.	Y		Y		
25	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
26	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
27	Ferrandino	Y	Levy	Y	Pommer	E	Todd	Y
28	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
29	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
30	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
31	Gardner B.	Ŷ	May	Ŷ	Riesberg	Ÿ	Waller	Ŷ
32	Gardner C.	Ŷ	McCann	Ŷ	Roberts	Ŷ	Weissmann	Ŷ
33	Garanci C.	T	WieCalli	I	Roberts	1	Speaker	Ŷ
33 34	Co-sponsor(s)	add	ad. Paprasanta	tival	(c) Anuan Lah	nda	Merrifield N	
				uve(s) Apuali, Lau	uua,	wiennielu, N	IKKCI,
35	Soper, Stephen	s, v	1g11.					
36								
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38]	House in rece	SS.	House reconv	enec	l.	
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42	REPO	RT	(S) OF COM	MI	FTEE(S) OF	REI	FERENCE	
43					~ /			
44	APPROPRI A	TI	ONS					
45	After conside			nerits	s, the Commi	ittee	recommends	s the
46	following:	/I uti	on on the h		, the comm		recommenta	, the
47	ionowing.							
48	HB10-1001	ha	amandad as f		vs, and as so a	man	dad ba rafarr	ad to
40 49	<u>11D10-1001</u>	the			of the Who			rable
						JIE	with lavo	able
50		rec	ommendation	l.				
51			, ,•	-	A 1	р	. 1 . 15.1	
52	Amend the Tra					кер	ort, dated Feb	ruary
53	5, 2010, page	15,	atter line 20 i	nser	t:			
54	_							
55	"SECT	IO	N 8. Appr	opri	i ation. In a	ddit	ion to any	other
56	appropriation,	, the	ere is hereby	appr	opriated, out	of a	ny moneys in	n the

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fixed utility fund created in section 40-2-114, Colorado Revised Statutes, 1 2 not otherwise appropriated, to the department of regulatory agencies, for 3 allocation to the public utilities commission, for the fiscal year beginning 4 July 1, 2010, the sum of fifty-one thousand six hundred fifty-six dollars (\$51,656) cash funds and 0.5 FTE, or so much thereof as may be 5 6 necessary, for the implementation of this act.". 7 8 Renumber succeeding section accordingly. 9 10 Page 15 of the report, after line 31 insert: 11 12 "Page 1 of the printed bill, line 108, strike "and". 13 Page 1, line 109, strike "EQUIPMENT." and substitute 14 "EQUIPMENT, AND MAKING AN APPROPRIATION THEREFOR.".". 15 16 17 18 19 20 EDUCATION 21 After consideration on the merits, the Committee recommends the 22 following: 23 <u>HB10-10</u>54 24 be amended as follows, and as so amended, be referred to 25 the Committee of the Whole with favorable 26 recommendation: 27 28 Amend printed bill, strike everything below the enacting clause and 29 substitute: 30 31 **"SECTION 1.** Article 5 of title 23, Colorado Revised Statutes, is 32 amended BY THE ADDITION OF A NEW SECTION to read: 33 34 **23-5-140.** Lifesaving school safety information. (1) (a) THE 35 GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT: 36 37 (I) THE SAFETY OF STUDENTS, FACULTY, AND STAFF WHO WORK 38 AND LEARN ON THE CAMPUSES OF COLORADO INSTITUTIONS OF HIGHER 39 EDUCATION CAN BE ENHANCED BY INFORMING, ORGANIZING, AND 40 EMPOWERING THOSE INDIVIDUALS TO RESPOND APPROPRIATELY TO 41 EMERGENCY SITUATIONS ON CAMPUS; 42 43 (II) CRITICAL INCIDENTS THAT TAKE PLACE ON CAMPUSES ARE 44 UNIQUE, LIFE-CHANGING EVENTS THAT REQUIRE EXERCISING BASIC 45 SURVIVAL SKILLS DURING AN INTENSE PERIOD OF HIGH MENTAL AND 46 PHYSICAL STRESS. HAVING THE INFORMATION NECESSARY TO RESPOND 47 EFFECTIVELY TO THESE CRITICAL INCIDENTS CAN BE KEY TO A POSITIVE 48 INDIVIDUAL OR GROUP OUTCOME IN A TRUE LIFE OR DEATH SITUATION; 49 AND 50 51 (III) COLORADO INSTITUTIONS OF HIGHER EDUCATION SHOULD 52 ENSURE THAT ALL STUDENTS, FACULTY, AND STAFF RECEIVE UPDATED 53 SCHOOL SAFETY INFORMATION THAT REFLECTS BEST PRACTICES FOR THEIR 54 INSTITUTION AT THE BEGINNING OF EACH SCHOOL YEAR. 55 56 (b) THE GENERAL ASSEMBLY THEREFORE FINDS THAT THE

1 DISSEMINATION OF SAFETY INFORMATION TO STUDENTS, FACULTY, AND 2 STAFF THAT REFLECTS BEST PRACTICES FOR THE INSTITUTION MAY 3 ENCOURAGE STUDENTS, FACULTY, AND STAFF TO RESPOND 4 APPROPRIATELY AND IN COORDINATION WITH SCHOOL SAFETY PERSONNEL 5 IN EMERGENCY SITUATIONS. 6 7 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE 8 **REQUIRES:** 9 10 "INSTITUTION OF HIGHER EDUCATION" OR "INSTITUTION" (a) 11 MEANS A STATE INSTITUTION OF HIGHER EDUCATION AS DEFINED IN 12 SECTION 23-18-102 (10) (a), A JUNIOR COLLEGE, AN AREA VOCATIONAL 13 SCHOOL, OR A TECHNICAL COLLEGE. 14 (b) "SCHOOL BUILDING" MEANS A BUILDING, INCLUDING BUT NOT 15 16 LIMITED TO A CLASSROOM BUILDING OR A SCHOOL DORMITORY, THAT IS A 17 PUBLIC BUILDING OF AN INSTITUTION OF HIGHER EDUCATION. 18 19 (3) (a) EACH INSTITUTION OF HIGHER EDUCATION SHALL DEVELOP 20 POLICIES AND PROCEDURES THAT ARE TAILORED TO THE INSTITUTION AND 21 THAT REFLECT BEST PRACTICES CONCERNING CRITICAL INCIDENT 22 RESPONSE PROTOCOLS AND PERSONAL SAFETY ON CAMPUS AND IN SCHOOL 23 BUILDINGS ON CAMPUS. 24 25 (b) BEGINNING IN THE 2011-12 ACADEMIC YEAR, EACH 26 INSTITUTION SHALL DISSEMINATE SCHOOL SAFETY INFORMATION TO STUDENTS, FACULTY, AND STAFF CONCERNING THE POLICIES AND 27 28 PROCEDURES DEVELOPED PURSUANT TO PARAGRAPH (a) OF THIS 29 SUBSECTION (3). 30 31 **SECTION 2.** Act subject to petition - effective date. This act 32 shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 33 34 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a 35 referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act 36 within such period, then the act, item, section, or part shall not take effect 37 38 unless approved by the people at the general election to be held in 39 November 2010 and shall take effect on the date of the official 40 declaration of the vote thereon by the governor.". 41 42 43 44 HB10-1131 be amended as follows, and as so amended, be referred to 45 the Committee on Appropriations with favorable 46 recommendation: 47 48 Amend printed bill, page 3, line 8, strike "and". 49 50 Page 3, after line 8 insert: 51 52 "(e) Promoting sportsmen's activities and recreations, including 53 hunting and fishing, creates opportunities for youth to interact with their parents, provides circumstances in which to develop positive social and 54 55 behavioral traits, and expands youths' understanding of the important role 56 sportsmen play in wildlife and habitat conservation;

1 (f) Many youth lack an understanding of the opportunities that are 2 unique to persons in Colorado for developing careers and life skills relating to natural resources and the science, agricultural, and recreational 3 4 outdoor industries that operate in the state; and". 5 6 Reletter succeeding paragraph accordingly. 7 8 Page 5, line 3, strike "SOLELY". 9 10 Page 5, line 6, after the period add "IN ADDITION, THE EXECUTIVE 11 DIRECTOR MAY USE MONEYS RECEIVED BY THE DEPARTMENT OF NATURAL 12 RESOURCES FOR THE PURPOSES OF SECTION 24-33-109 (2) TO MAKE 13 AWARDS THROUGH THE GRANT PROGRAM TO ELIGIBLE ENTITIES THAT 14 PROVIDE OUTDOOR ACTIVITIES THAT MEET THE CRITERION SPECIFIED IN 15 SUBPARAGRAPH (IV) OF PARAGRAPH (a) OF SUBSECTION (3) OF THIS 16 SECTION. THE GRANT PROGRAM SHALL NOT RECEIVE APPROPRIATIONS OF GENERAL FUND MONEYS.". 17 18 19 Page 5, after line 16 insert: 20 21 "(II) ENCOURAGING YOUTH TO PARTICIPATE WITH THEIR PARENTS 22 IN OUTDOOR ACTIVITIES;". 23 Renumber succeeding subparagraphs accordingly. 24 25 26 Page 5, line 18, strike "AND". 27 28 Page 5, strike line 21 and substitute "OTHER NATURAL AREA OF THE STATE 29 THAT IS EITHER DEVELOPED FOR OUTDOOR RECREATIONAL ACTIVITIES OR 30 UNDEVELOPED; AND 31 32 (IV) WHETHER THE OUTDOOR ACTIVITY IS DESIGNED TO FOSTER 33 AN INTEREST IN AND A SENSE OF STEWARDSHIP TOWARD THE NATURAL 34 RESOURCES OF THE STATE BY PROVIDING SUMMER JOBS FOR YOUTH 35 INTERESTED IN CAREERS IN NATURAL RESOURCES OR PROVIDING OTHER 36 CAREER DEVELOPMENT OPPORTUNITIES; EXCEPT THAT THIS CRITERION IS 37 APPLICABLE ONLY TO GRANTS AWARDED FROM MONEYS RECEIVED BY THE 38 DEPARTMENT OF NATURAL RESOURCES FOR THE PURPOSES OF SECTION 39 24-33-109 (2).". 40 41 42 43 HB10-1171 be amended as follows, and as so amended, be referred to of the Whole with favorable 44 the Committee 45 recommendation: 46 Amend printed bill, page 4, strike lines 12 through 18. 47 48 49 Renumber succeeding sections accordingly. 50 51 52 53 be amended as follows, and as so amended, be referred to HB10-1183 54 the Committee of the Whole with favorable 55 recommendation: 56

1 Amend printed bill, page 4, after line 9 insert: 2 3 "(3) "COMMISSIONER" MEANS THE OFFICE OF THE COMMISSIONER 4 OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 1 OF 5 ARTICLE IX OF THE STATE CONSTITUTION.". 6 7 Renumber succeeding subsections accordingly. 8 9 Page 4, after line 13 insert: 10 11 "(6) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION 12 CREATED AND EXISTING PURSUANT TO SECTION 1 OF ARTICLE IX OF THE 13 STATE CONSTITUTION.". 14 15 Page 4, line 16, after "CREATED" insert "IN THE DEPARTMENT OF 16 EDUCATION". 17 18 Page 5, line 10, strike "ADVISORY COUNCIL" and substitute "STATE 19 BOARD". 20 21 Page 6, after line 6 insert: 22 23 "(4) The commissioner and the advisory council shall 24 REVIEW THE APPLICATIONS RECEIVED PURSUANT TO THIS SECTION AND 25 RECOMMEND APPLICANTS TO THE STATE BOARD FOR SELECTION. THE 26 STATE BOARD, AFTER REVIEWING THE APPLICATIONS AND CONSIDERING 27 THE RECOMMENDATIONS OF THE COMMISSIONER AND THE ADVISORY 28 COUNCIL, SHALL SELECT THE SCHOOL DISTRICTS AND CHARTER SCHOOLS 29 THAT WILL PARTICIPATE IN THE PILOT PROGRAM.". 30 31 Renumber succeeding subsections accordingly. 32 33 Page 6, line 7, strike "ADVISORY" and substitute "STATE BOARD". 34 35 Page 6, line 8, strike "COUNCIL" 36 37 Page 6, line 12, strike "SHALL" and substitute "MAY". 38 39 Page 6, line 13, strike "THAT THE" and substitute "THAT:". 40 41 Page 6, line 14, strike "SCHOOL" and substitute: 42 43 "(a) THE SCHOOL". 44 45 Page 6, line 16, strike "TITLE." and substitute "TITLE; AND". 46 47 Page 6, after line 16 insert: 48 49 "(b) THE STATE BOARD MAY NOT WAIVE THE PROVISIONS OF THE 50 "LICENSED PERSONNEL PERFORMANCE EVALUATION ACT", ARTICLE 9 OF 51 THIS TITLE; THE "COLORADO EDUCATOR LICENSING ACT OF 1991", 52 ARTICLE 60.5 OF THIS TITLE; OR THE "TEACHER EMPLOYMENT, COMPENSATION, AND DISMISSAL ACT OF 1990", ARTICLE 63 OF THIS 53 54 TITLE.". 55 56 Page 6, line 17, strike "ADVISORY" and substitute "STATE BOARD".

1 Page 6, line 18, strike "COUNCIL". 2 3 Page 6, line 23, strike "NINE" and substitute "ELEVEN". 4 5 Page 7, after line 4 insert: 6 7 "(c) A member appointed by the state board who has 8 EXPERTISE IN SCHOOL FINANCE; 9 10 A MEMBER APPOINTED BY THE STATE BOARD FROM A (d) 11 STATEWIDE ORGANIZATION THAT REPRESENTS TEACHERS;". 12 Reletter succeeding paragraphs accordingly. 13 14 15 Page 7, line 24, strike "SELECT THE SCHOOL" and substitute "RECOMMEND 16 APPLICANTS TO THE STATE BOARD FOR SELECTION.". 17 18 Page 7, strike lines 25 and 26. 19 20 21 22 **HEALTH & HUMAN SERVICES** 23 After consideration on the merits, the Committee recommends the 24 25 following: 26 27 HB10-1053 be amended as follows, and as so amended, be referred to 28 the Committee on Appropriations with favorable 29 recommendation: 30 31 32 33 Amend printed bill, strike everything below the enacting clause and 34 substitute: 35 36 **"SECTION 1. Legislative declaration.** (1) The general assembly hereby finds and declares that: 37 38 39 (a) The state demographer in the department of local affairs estimates that between 2005 and 2015, the portion of Colorado's 40 41 population that is over sixty-five years of age will increase by more than 42 twenty-three percent; 43 (b) The state demographer in the department of local affairs 44 estimates that between 2007 and 2035, the portion of Colorado's 45 46 population that is over sixty years of age will double; 47 48 (c) This drastic increase in the older adult population is driven by the aging "baby boomer" generation and will result in a parallel increase 49 in a demand for community long-term care services; 50 51 (d) Older adults and their families need quality health care 52 53 coverage and choice and flexibility in accessing in-home community 54 long-term care services that support their independence and ability to live 55 in the least restrictive environment; 56

1 (e) Coloradans deserve to have access to appropriate long-term 2 care services and supports and the proper level of health care; 3 4 (f) The state needs a long-term care delivery system that addresses 5 the needs of older adults and their families, and health care coverage and 6 coordination should not be fragmented or difficult to access but instead 7 should be integrated to meet the needs of older adults and families; 8 9 A community long-term care system needs to provide (g) maximum service delivery and make efficient use of available public 10 11 funds; 12 13 (h) Home- and community-based services can be a less costly 14 alternative to institutional placement; 15 16 (i) In 2005, the general assembly passed Senate Bill 05-173, concerning long-term care services under the "Colorado Medical 17 Assistance Act", in which a long-term care advisory committee, referred 18 to in this section as the "LTC advisory committee", was appointed. The 19 20 LTC advisory committee submitted a report to the joint budget committee 21 and the health and human services committees of the Senate and House 22 of Representatives with eighteen recommendations to improve the 23 long-term care delivery system in Colorado, including changing the rate 24 structure for alternative care facilities in Colorado, referred to in this 25 section as "ACFs". 26 27 One of the recommendations from the LTC advisory (**J**) 28 committee was to implement a tiered system of care for alternative care 29 residences; 30 31 (k) A pilot program that evaluates, financially models, and then 32 implements a tiered-rate payment system for ACFs to care for seniors 33 could result in Coloradans not being discharged to nursing homes prematurely because of incontinence, Alzheimer's disease, or dementia; 34 35 (1) The department of health care policy and financing should 36 37 conduct one or more studies of community-based services to reduce the overall state costs through the use of home- and community-based 38 39 services, including a study of past or current home- and community-based 40 clients who could potentially benefit from ACF tiered rates. If a study evaluating the system shows cost containment through proper utilization 41 42 controls, the state would then implement the program statewide within the 43 home- and community-based medicaid waivers. 44 45 (m) In 2000, the general assembly passed Senate Bill 00-1072, 46 creating the older Coloradans program, which provides moneys to area 47 agencies on aging to award grants for community-based services to persons sixty years of age or older to enable such persons to live in their 48

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(n) The department of human services should conduct a study of
persons sixty years of age or older who could potentially benefit from
older Coloradans program services with the understanding that, if the
study evaluating the program shows cost savings through the provision
of community-based services, the state would then develop a long-term
strategic plan for providing services through the older Coloradans

own homes and communities for as long as possible;

1 program.

3 The general assembly further supports the efforts of (2)community organizations to facilitate a coalition of business leaders and 4 5 allied advocacy and trade organizations, as well as stakeholders, similar 6 to those included in the LTC advisory committee. This support includes 7 asking for technical assistance to bring together stakeholders to outline a three-year plan to reconstitute the LTC advisory committee and make 8 9 recommendations through legislation and rule for the implementation of 10 the LTC advisory committee's recommendations.

11

12 **SECTION 2.** Part 1 of article 6 of title 25.5, Colorado Revised 13 Statutes, is amended BY THE ADDITION OF A NEW SECTION to 14 read:

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16 **25.5-6-108.5.** Community long-term care studies - authority 17 to implement - alternative care facility report. (1) (a) SUBJECT TO THE 18 RECEIPT OF SUFFICIENT MONEYS PURSUANT TO PARAGRAPH (b) OF THIS 19 SUBSECTION (1), THE STATE DEPARTMENT SHALL CONTRACT FOR ONE OR 20 MORE STUDIES OF THE POPULATION OF RECIPIENTS RECEIVING SERVICES 21 UNDER THE HOME- AND COMMUNITY-BASED WAIVERS AUTHORIZED 22 PURSUANT TO THIS ARTICLE. THE STATE DEPARTMENT SHALL MAKE 23 NECESSARY DATA AVAILABLE TO THE CONTRACTOR, INCLUDING BUT NOT 24 LIMITED TO DATA ON ACTIVITIES OF DAILY LIVING. IN SELECTING A 25 CONTRACTOR TO PERFORM A STUDY, THE STATE DEPARTMENT IS NOT 26 REQUIRED TO FOLLOW THE COMPETITIVE BIDDING REQUIREMENTS OF THE 27 "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S. THE 28 STATE DEPARTMENT SHALL PROVIDE COPIES OF A STUDY CONDUCTED 29 PURSUANT TO THIS SUBSECTION (1) TO MEMBERS OF THE HEALTH AND 30 HUMAN SERVICES COMMITTEES OF THE GENERAL ASSEMBLY, OR ANY 31 SUCCESSOR COMMITTEES, AND TO THE MEMBERS OF THE JOINT BUDGET 32 COMMITTEE.

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34 (b) IF A STUDY CONDUCTED PURSUANT TO THIS SUBSECTION (1) CONCLUDES THAT A PROGRAM OF HOME- AND COMMUNITY-BASED 35 36 SERVICES WOULD RESULT IN COST SAVINGS, THE STATE DEPARTMENT 37 SHALL RECOMMEND TO THE JOINT BUDGET COMMITTEE THAT THE 38 PROGRAM OPERATED PURSUANT TO HOME- AND COMMUNITY-BASED 39 WAIVERS BE IMPLEMENTED. THE JOINT BUDGET COMMITTEE MAY 40 AUTHORIZE THE STATE DEPARTMENT TO SEEK ANY NECESSARY FEDERAL 41 AUTHORIZATIONS AND TO IMPLEMENT THE PROGRAM. THE STATE 42 DEPARTMENT SHALL REPORT TO THE JOINT BUDGET COMMITTEE 43 ANNUALLY CONCERNING THE AMOUNT OF ANY SAVINGS REALIZED FROM 44 THE PROGRAM.

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46 (c) THE STATE DEPARTMENT IS AUTHORIZED TO SEEK AND ACCEPT 47 GIFTS, GRANTS, OR DONATIONS FROM PRIVATE AND PUBLIC SOURCES FOR 48 THE PURPOSES OF THIS SUBSECTION (1); EXCEPT THAT THE STATE 49 DEPARTMENT MAY NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS 50 SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS SUBSECTION 51 (1) OR ANY OTHER LAW OF THE STATE. THE STATE DEPARTMENT SHALL 52 TRANSMIT ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, 53 GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING 54 55 CASH FUND CREATED IN SECTION 25.5-1-109. 56

1 (2) (a) SUBJECT TO THE RECEIPT OF SUFFICIENT MONEYS, ONE OF 2 THE STUDIES CONTRACTED FOR PURSUANT TO SUBSECTION (1) OF THIS 3 SECTION SHALL INCLUDE RESEARCH AND ANALYSIS OF: 4 5 (I) THE NUMBER OF RECIPIENTS WITH INCONTINENCE, ALZHEIMER'S 6 DISEASE, DEMENTIA, OR OTHER DIAGNOSES THAT SEVERELY LIMIT THEIR 7 ACTIVITIES OF DAILY LIVING WHO WOULD BENEFIT FROM RECEIVING 8 ADDITIONAL SERVICES THROUGH AN ALTERNATIVE CARE FACILITY 9 THEREBY AVOIDING NURSING HOME PLACEMENT; 10 11 (II) THE ACTUARIALLY SOUND RATE FOR PROVIDING SERVICES FOR 12 THE RECIPIENTS AT AN ALTERNATIVE CARE FACILITY; 13 14 (III) THE AMOUNT OF SAVINGS ASSOCIATED WITH PROVIDING SERVICES AT AN ALTERNATIVE CARE FACILITY; 15 16 17 (IV)**RECOMMENDATIONS FOR UTILIZATION CONTROLS OR** 18 PROGRAM CONTROLS FOR A PROGRAM TO PROVIDE SERVICES AT AN 19 ALTERNATIVE CARE FACILITY; 20 21 (V) OTHER STATES' EXPERIENCES WITH TIERED RATES FOR 22 ALTERNATIVE CARE FACILITIES, INCLUDING COST SAVINGS OR COST 23 AVOIDANCE; AND 24 25 (VI)**RECOMMENDATIONS FOR MAINTAINING OR IMPROVING** 26 QUALITY OF CARE. 27 28 (b) THE STUDY CONDUCTED PURSUANT TO THIS SUBSECTION (2) 29 SHALL BE COMPLETED BY JULY 1, 2011. 30 31 **SECTION 3.** Part 2 of article 11 of title 26, Colorado Revised 32 Statutes, is amended BY THE ADDITION OF A NEW SECTION to 33 read: 34 26-11-205.7. Community long-term care study - strategic plan 35 36 - authority to implement. (1) (a) SUBJECT TO THE RECEIPT OF 37 SUFFICIENT MONEYS PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION 38 (1). THE STATE DEPARTMENT SHALL CONTRACT FOR A STUDY OF THE 39 POPULATION ELIGIBLE FOR SERVICES UNDER THE OLDER COLORADANS 40 PROGRAM CREATED PURSUANT TO SECTION 26-11-205.5. THE STATE 41 DEPARTMENT AND THE DEPARTMENT OF HEALTH CARE POLICY AND 42 FINANCING SHALL MAKE NECESSARY DATA AVAILABLE TO THE 43 CONTRACTOR. IN SELECTING A CONTRACTOR TO PERFORM THE STUDY, THE 44 STATE DEPARTMENT IS NOT REQUIRED TO FOLLOW THE COMPETITIVE 45 BIDDING REQUIREMENTS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 46 112 OF TITLE 24, C.R.S. THE STUDY SHALL INCLUDE RESEARCH AND 47 ANALYSIS OF: 48 49 (I) THE DEMOGRAPHIC CHANGES THAT WILL IMPACT THE DEMAND 50 FOR LONG-TERM CARE SERVICES AND SUPPORTS; 51 52 (II) THE NUMBER OF PERSONS SIXTY YEARS OF AGE OR OLDER WHO 53 WOULD BENEFIT FROM RECEIVING ADDITIONAL SERVICES THROUGH THE 54 OLDER COLORADANS PROGRAM THEREBY AVOIDING MORE EXPENSIVE 55 CARE NEEDS;

1 (III) THE AMOUNT OF SAVINGS ASSOCIATED WITH PROVIDING 2 SERVICES TO OLDER ADULTS IN THEIR OWN HOMES AND COMMUNITIES; 3 (IV)4 OTHER STATES' EXPERIENCES WITH LONG-TERM CARE 5 SERVICES AND SUPPORTS, INCLUDING COST SAVINGS OR COST AVOIDANCE; 6 AND 7 8 (V) RECOMMENDATIONS FOR A LONG-TERM STRATEGIC PLAN FOR 9 PROVIDING SERVICES THROUGH THE OLDER COLORADANS PROGRAM. 10 11 (b) (I) THE STATE DEPARTMENT IS AUTHORIZED TO SEEK AND 12 ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE AND PUBLIC 13 SOURCES FOR THE PURPOSES OF THIS SECTION; EXCEPT THAT THE STATE 14 DEPARTMENT MAY NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS 15 SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS SECTION OR 16 ANY OTHER LAW OF THE STATE. THE STATE DEPARTMENT SHALL 17 TRANSMIT ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, 18 GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT 19 THE SAME TO THE OLDER COLORADANS STUDY CASH FUND, WHICH FUND 20 IS HEREBY CREATED AND REFERRED TO IN THIS SECTION AS THE "FUND". 21 THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION 22 BY THE GENERAL ASSEMBLY TO THE STATE DEPARTMENT FOR THE DIRECT 23 AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THIS SECTION. 24 25 (II) ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE 26 OF THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS 27 PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE 28 INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED 29 TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS 30 REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN 31 THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE 32 GENERAL FUND OR ANOTHER FUND. 33 34 (2) IF THE STUDY CONDUCTED PURSUANT TO PARAGRAPH (a) OF 35 SUBSECTION (1) OF THIS SECTION CONCLUDES THAT INCREASING FUNDING 36 FOR COMMUNITY-BASED SERVICES AS PROVIDED IN THE OLDER 37 COLORADANS PROGRAM WOULD RESULT IN COST SAVINGS, BY JULY 1, 38 2011, SUBJECT TO THE RECEIPT OF SUFFICIENT MONEYS PURSUANT TO 39 PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION, THE STATE 40 DEPARTMENT SHALL REPORT TO THE MEMBERS OF THE HEALTH AND 41 HUMAN SERVICES COMMITTEES OF THE SENATE AND HOUSE OF 42 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, AND TO THE 43 MEMBERS OF THE JOINT BUDGET COMMITTEE A LONG-TERM STRATEGIC 44 PLAN, DEVELOPED IN COOPERATION WITH THE AREA AGENCIES ON AGING 45 CREATED PURSUANT TO SECTION 26-11-204, THAT IDENTIFIES THE 46 EXPECTED NEEDS FOR SERVICES AND RECOMMENDS POTENTIAL FUNDING 47 SOURCES. 48 49 (3) IF THE JOINT BUDGET COMMITTEE DETERMINES THAT 50 IMPLEMENTING THE RECOMMENDATIONS OF THE LONG-TERM STRATEGIC 51 PLAN DEVELOPED PURSUANT TO SUBSECTION (2) OF THIS SECTION WOULD 52 RESULT IN COST SAVINGS TO THE STATE, WITHOUT ADVERSELY AFFECTING 53 THE CARE PROVIDED, THE JOINT BUDGET COMMITTEE MAY IMPLEMENT THE 54 CHANGES OR RECOMMEND LEGISLATION TO IMPLEMENT THE CHANGES.

SECTION 4. 25.5-6-313, Colorado Revised Statutes, is amended 1 2 BY THE ADDITION OF A NEW SUBSECTION to read: 3 4 **25.5-6-313.** Rules - federal authorization. (1.5) THE RULES 5 ADOPTED BY THE STATE BOARD PURSUANT TO SUBSECTION (1) OF THIS 6 SECTION SHALL INCLUDE THE FOLLOWING PROVISIONS CONCERNING ADULT 7 DAY CARE FACILITIES: 8 9 (a) A DEFINITION OF A RESTRICTED ENVIRONMENT AND A 10 **RESTRICTIVE EGRESS ALERT DEVICE;** 11 12 (b) PARAMETERS GOVERNING HOW THE RESTRICTIVE EGRESS 13 ALERT DEVICE SHALL BE USED AND TESTED AND THE STAFF ROLES 14 REGARDING THE USE AND OVERSIGHT OF THE DEVICE; AND 15 16 (c) PARAMETERS GOVERNING A RESTRICTED ENVIRONMENT, 17 INCLUDING BUT NOT LIMITED TO STAFFING AND TRAINING REQUIREMENTS; 18 APPROPRIATENESS OF PLACEMENT; ASSESSMENT; PARTICIPANT'S RIGHTS; 19 RECORDS AND REPORTING REQUIREMENTS; BUILDING REQUIREMENTS 20 INCLUDING GROUNDS AND FIRE SAFETY; RESTRICTIVE EGRESS ALERT 21 SYSTEMS AND DEVICES; FENCING OR OTHER ENCLOSURES; AND THE 22 APPLICATION PROCESS TO OFFER A RESTRICTED ENVIRONMENT. 23 **SECTION 5.** Act subject to petition - effective date. This act 24 25 shall take effect at 12:01 a.m. on the day following the expiration of the 26 ninety-day period after final adjournment of the general assembly (August 27 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the 28 state constitution against this act or an item, section, or part of this act 29 30 within such period, then the act, item, section, or part shall not take effect 31 unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official 32 33 declaration of the vote thereon by the governor. 34 35 36 be amended as follows, and as so amended, be referred to 37 <u>HB10-1061</u> the Committee of the Whole with favorable 38 39 recommendation: 40 41 Amend printed bill, strike everything below the enacting clause and 42 substitute: 43 "SECTION 1. Short title. This act shall be known and may be 44 cited as the "Colorado Medical Donation Program Act of 2010". 45 46 47 **SECTION 2.** 12-22-133 (1) (a) and (2), Colorado Revised 48 Statutes, are amended to read: 49 50 12-22-133. Unused medication - licensed facilities - reuse -51 **rules.** (1) As used in this section and section 12-22-134, unless the context otherwise requires: 52 53 54 "Licensed facility" means a hospital, hospital unit, (a) 55 COMMUNITY MENTAL HEALTH CENTER, ACUTE TREATMENT CENTER, hospice, nursing care facility, or assisted living residence that is required 56

to be licensed pursuant to section 25-3-101, C.R.S., OR A LICENSED 1 2 LONG-TERM CARE FACILITY AS DEFINED IN SECTION 25-1-124, C.R.S. 3 4 (2) (a) If donated by the patient, resident, or the patient's or 5 resident's next of kin UPON THE DEATH OR DISCHARGE OF A PATIENT OR 6 A RESIDENT OR IF A PATIENT'S OR RESIDENT'S MEDICATION IS 7 DISCONTINUED, a licensed facility may return unused medication to a 8 pharmacist within the licensed facility PRESCRIPTION DRUG OUTLET in 9 order for the medication to be redispensed to another patient or resident of that licensed facility. A pharmacist may redispense a returned 10 medication that is prescribed to a patient or resident of a licensed facility 11 12 if the medication was originally dispensed to another patient or resident 13 of the licensed facility or may donate a returned medication DONATED to 14 a nonprofit entity that has the legal authority to possess the medication OR TO A PRACTITIONER AUTHORIZED BY LAW TO PRESCRIBE THE DRUG. 15 16 17 (b) NOTHING IN THIS SUBSECTION (2) SHALL BE CONSTRUED TO 18 CREATE OR ABROGATE ANY LIABILITY ON BEHALF OF A PRESCRIPTION 19 DRUG MANUFACTURER FOR THE STORAGE, DONATION, ACCEPTANCE, OR 20 DISPENSING OF A MEDICATION OR TO CREATE ANY CIVIL CAUSE OF ACTION 21 AGAINST A PRESCRIPTION DRUG MANUFACTURER, IN ADDITION TO THAT 22 WHICH IS AVAILABLE UNDER APPLICABLE LAW. 23 24 (c) Medications shall only be available to be dispensed to another 25 person or donated to a nonprofit entity under this section if the 26 medications are: 27 28 (a) (I) Liquid and the vial is still sealed and properly stored; 29 30 (b) (II) Individually packaged and the packaging has not been 31 damaged; or 32 33 (c) (III) In the original, unopened, sealed, and tamper-evident unit dose packaging. 34 35 **SECTION 3.** Act subject to petition - effective date. This act 36 shall take effect at 12:01 a.m. on the day following the expiration of the 37 ninety-day period after final adjournment of the general assembly (August 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a 38 39 40 referendum petition is filed pursuant to section 1 (3) of article V of the 41 state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect 42 unless approved by the people at the general election to be held in 43 44 November 2010 and shall take effect on the date of the official 45 declaration of the vote thereon by the governor.". 46 47 Page 1, strike lines 102 and 103 and substitute "PROGRAM AS A VOLUNTARY PROGRAM FOR DISPENSING UNUSED MEDICAL PRODUCTS.". 48 49 50 51 HB10-1122 be amended as follows, and as so amended, be referred to 52 53 the Committee of the Whole with favorable 54 recommendation: 55 56 Amend printed bill, page 15, strike lines 2 through 11 and substitute:

1 **"SECTION 2.** Act subject to petition - effective date. This act 2 shall take effect at 12:01 a.m. on the day following the expiration of the 3 ninety-day period after final adjournment of the general assembly (August 4 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a 5 referendum petition is filed pursuant to section 1 (3) of article V of the 6 state constitution against this act or an item, section, or part of this act 7 within such period, then the act, item, section, or part shall not take effect 8 unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official 9 10 declaration of the vote thereon by the governor.". 11 12 13 14 **<u>HB10-1145</u>** be postponed indefinitely. 15 16 17 18 JUDICIARY 19 20 After consideration on the merits, the Committee recommends the 21 following: 22 23 HB10-1132 be referred to the Committee of the Whole with favorable 24 recommendation. 25 26 27 be amended as follows, and as so amended, be referred to HB10-1133 28 the Committee of the Whole with favorable 29 recommendation: 30 31 Amend printed bill, strike everything below the enacting clause and 32 substitute: 33 34 **"SECTION 1.** 6-1-1103 (2) (a), Colorado Revised Statutes, is amended, and the said 6-1-1103 (2) is further amended BY THE 35 ADDITION OF A NEW PARAGRAPH, to read: 36 37 38 **6-1-1103.** Definitions. As used in this part 11, unless the context 39 otherwise requires: 40 41 (2) "Equity purchaser" means a person, OTHER THAN A PERSON 42 WHO ACQUIRES A PROPERTY FOR THE PURPOSE OF USING SUCH PROPERTY AS HIS OR HER PERSONAL RESIDENCE, who in the course of the person's 43 44 business, vocation, or occupation, acquires title to a residence in 45 foreclosure; except that the term does not include a person who acquires 46 such title: 47 48 (a) For the purpose of using such property as his or her personal 49 residence for at least one year; 50 51 (h) AS A RESULT OF A SHORT SALE TRANSACTION IN WHICH A 52 SHORT SALE ADDENDUM FORM, AS PROMULGATED BY THE COLORADO 53 REAL ESTATE COMMISSION, IS PART OF THE CONTRACT USED TO ACQUIRE 54 A RESIDENCE IN FORECLOSURE AND SUCH TRANSACTION COMPLIES WITH 55 SECTION 6-1-1121. 56

1 **SECTION 2.** The introductory portion to 6-1-1103 (4) (a) and 2 6-1-1103 (8), Colorado Revised Statutes, are amended, and the said 3 6-1-1103 is further amended BY THE ADDITION OF A NEW 4 SUBSECTION, to read: 5

6 6-1-1103. Definitions. As used in this part 11, unless the context
 7 otherwise requires:
 8

(4) (a) "Foreclosure consultant" means a person who does not, 9 10 directly or through an associate, take or acquire any interest in or title to the residence in foreclosure A HOMEOWNER'S PROPERTY and who, in the 11 course of such person's business, vocation, or occupation, makes a 12 solicitation, representation, or offer to a home owner to perform, in 13 14 exchange for compensation from the home owner or from the proceeds 15 of any loan or advance of funds, a service that the person represents will 16 do any of the following:

17

18 (8) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF 19 THIS SUBSECTION (8), "residence in foreclosure" means a residence or 20 dwelling, as defined in sections 5-1-201 and 5-1-301, C.R.S., that is 21 occupied as the home owner's principal place of residence and that is 22 encumbered by a residential mortgage loan that is at least thirty days 23 delinquent or in default.

(b) WITH RESPECT TO SUBPART 3 OF THIS PART 11, "RESIDENCE IN
FORECLOSURE" MEANS, A RESIDENCE OR DWELLING, AS DEFINED IN
SECTIONS 5-1-201 AND 5-1-301, C.R.S., THAT IS OCCUPIED AS THE HOME
OWNER'S PRINCIPAL PLACE OF RESIDENCE, IS ENCUMBERED BY A
RESIDENTIAL MORTGAGE LOAN, AND AGAINST WHICH A FORECLOSURE
ACTION HAS BEEN COMMENCED OR AS TO WHICH AN EQUITY PURCHASER
OTHERWISE HAS ACTUAL KNOWLEDGE THAT THE LOAN IS AT LEAST THIRTY
DAYS DELINQUENT OR IN DEFAULT.

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(9) "SHORT SALE" OR "SHORT SALE TRANSACTION" MEANS A
TRANSACTION IN WHICH THE RESIDENCE IN FORECLOSURE IS SOLD WITH
THE CONSENT OF THE HOLDER OF EVIDENCE OF DEBT FOR AN AMOUNT
THAT IS LESS THAN THE AMOUNT OF THE DEBTOR'S OUTSTANDING
OBLIGATION UNDER SUCH EVIDENCE OF DEBT.

40 **SECTION 3.** 6-1-1104 (4), Colorado Revised Statutes, is 41 amended to read: 42

6-1-1104. Foreclosure consulting contract. (4) A foreclosure
consulting contract shall be dated and personally signed, with each page
being initialed, by each home owner of the residence in foreclosure and
the foreclosure consultant and shall be acknowledged by a notary public
in the presence of the home owner at the time the contract is signed by the
home owner.

50 **SECTION 4.** 6-1-1111, Colorado Revised Statutes, is amended 51 to read: 52

53 **6-1-1111. Written contract required.** Every contract shall be 54 written in at least twelve-point, bold-faced LEGIBLE type and fully 55 completed, signed, and dated by the home owner and equity purchaser 56 prior to the execution of any instrument quit-claiming, assigning, transferring, conveying, or encumbering an interest in the residence in
 foreclosure.

SECTION 5. 6-1-1120, Colorado Revised Statutes, is amended
to read:
6-1-1120. Language. Any contract, rental agreement, lease,
option or right to repurchase, and any notice, conveyance, lien,
encumbrance, consent, or other document or instrument signed by a home

owner, shall be written in English; and shall be accompanied by a written
translation from English into any other language principally spoken by the
home owner, certified by the person making the translation as a true and
correct translation of the English version. The translated version shall be
presumed to have equal status and credibility as the English version.
EXCEPT THAT, IF THE HOME OWNER'S PRINCIPAL LANGUAGE IS OTHER THAN
ENGLISH, THE HOME OWNER SHALL BE PROVIDED WITH A NOTICE, WRITTEN
IN THE HOME OWNER'S PRINCIPAL LANGUAGE, AS FOLLOWS:

17 18 **THIS TRANSACTION INVOLVES IMPORTANT AND COMPLEX** 19 LEGAL CONSEQUENCES, INCLUDING YOUR RIGHT TO 20 CANCEL THIS TRANSACTION WITHIN THREE BUSINESS 21 DAYS FOLLOWING THE DATE YOU SIGNED THIS 22 **CONTRACT. YOU SHOULD CONSULT WITH AN ATTORNEY** 23 **OR SEEK ASSISTANCE FROM A HOUSING COUNSELOR BY** 24 CALLING THE COLORADO FORECLOSURE HOTLINE AT 25 CURRENT, CORRECT TELEPHONE

NUMBER].

SECTION 6. Part 11 of article 1 of title 6, Colorado Revised
Statutes, is amended BY THE ADDITION OF A NEW SECTION to
read:

31
32 6-1-1121. Short sales. (1) WITH RESPECT TO ANY SHORT SALE
33 OFFER MADE TO A HOME OWNER OF A RESIDENCE IN FORECLOSURE, THE
34 EQUITY PURCHASER SHALL:

(a) PROVIDE FULL DISCLOSURE, BOTH TO THE HOMEOWNER AND TO
THE HOLDER OF THE EVIDENCE OF DEBT ON THE RESIDENCE IN
FORECLOSURE, OF THE EXISTENCE OF ANY SUBSEQUENT PURCHASER OF
THE RESIDENCE IN FORECLOSURE FROM THE EQUITY PURCHASER;

(b) COMPLY WITH ALL APPLICABLE RULES ADOPTED BY THE
42 COLORADO REAL ESTATE COMMISSION WITH REGARD TO SHORT SALES;
43 AND

44 45

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(c) COMPLY WITH SECTION 38-35-125, C.R.S.

47 **SECTION 7.** Act subject to petition - effective date. This act 48 shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a 49 50 51 referendum petition is filed pursuant to section 1 (3) of article V of the 52 state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect 53 unless approved by the people at the general election to be held in 54 November 2010 and shall take effect on the date of the official 55 56 declaration of the vote thereon by the governor.".

1 **HB10-1184** be postponed indefinitely. 2 3 4 be amended as follows, and as so amended, be referred to HB10-1188 5 the Committee of the Whole with favorable 6 recommendation: 7 8 Amend printed bill, page 4, after line 8 insert: 9 "(a) "HAZARD" MEANS A THREAT TO SAFETY OR OF DAMAGE TO 10 11 EQUIPMENT.". 12 13 Reletter succeeding paragraphs accordingly. 14 15 Page 4, line 12, after "MEANS" insert "A SEGMENT OF". 16 17 Page 4, line 13, strike everything after "RUN" and substitute "DURING 2008 18 OR 2009.". 19 20 Page 4, strike line 14. 21 22 Page 4, line 24, strike "EATING; OR" and substitute "EATING. FOR 23 PURPOSES OF THIS SECTION, "INCIDENTAL CONTACT" DOES NOT INCLUDE DROPPING OR DRAGGING ANY TYPE OF ANCHOR OR INTENTIONALLY 24 25 BROACHING A VESSEL; OR". 26 27 Page 5, line 8, strike "THOSE TERMS" and substitute ""LANDOWNER", "INVITEE", AND "LICENSEE"" and add a comma after "13-21-115". 28 29 30 Page 5, line 9, strike "(5),". 31 32 Page 5, line 15, strike "OR". 33 34 Page 5, line 17, change the period to a semicolon. 35 36 Page 5, after line 17 insert: 37 38 "(c) CREATE A PUBLIC TRUST IN ANY RIVER OR OTHER WATERS OF 39 THE STATE; OR 40 41 (d) AFFECT IN ANY WAY OWNERSHIP OF THE BED OR BANKS OF ANY 42 RIVER OR OTHER WATERS OF THE STATE.". 43 44 45 be referred to the Committee of the Whole with favorable 46 HB10-1233 recommendation. 47 48 49 be referred to the Committee of the Whole with favorable 50 HB10-1235 51 recommendation. 52 53 54 55 56

1		PRINTING REPORT
2 3 4 5 6 7	HB10-1297, 1307, 1308, 1	erk reports the following bills have been correctly printed: 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 331.
8 9 10 11 12 13	The Senate ha	MESSAGE(S) FROM THE SENATE as adopted and transmits herewith: SJR10-011.
14 15 16 17 18 19		INTRODUCTION OF BILLS First Reading
20 21 22	The following indicated:	g bills were read by title and referred to the committees
22 23 24 25 26 27	<u>HB10-1332</u>	by Representative(s) Miklosi, Apuan, Gagliardi, Kefalas, Primavera, Tyler; also Senator(s) RomerConcerning the creation of the "Medical Clean Claims Transparency and Uniformity Act". Health and Human Services
28		
29 30 31 32 33 34 35 36 37 38	<u>HB10-1333</u>	by Representative(s) Vigil, Todd, Apuan, Court, Curry, Ferrandino, Fischer, Frangas, Gagliardi, Hullinghorst, Kagan, Kefalas, Levy, Massey, McFadyen, McKinley, Middleton, Miklosi, Pace, Peniston, Pommer, Riesberg, Ryden, Scanlan, Schafer S., Solano, Soper, Tyler; also Senator(s) Schwartz and NewellConcerning the creation of the green jobs Colorado training program in the office of the governor, and, in connection therewith, creating the green jobs Colorado advisory council and the green jobs Colorado training fund. Business Affairs and Labor
39 40		
41 42 43 44 45	HB10-1334 Committee or	by Representative(s) King S.; also Senator(s) Steadman Concerning changes to indecency crimes. In Judiciary
46 47		INTRODUCTION OF RESOLUTION
48 49 50	The following rules:	resolution was read by title and laid over one day under the
51 52 53 54 55 56	<u>SJR10-011</u>	by Senator(s) Boyd; also Representative(s) Stephens Concerning opposition to the recommendations issued by the United States Preventive Services Task Force regarding breast cancer screening.

1 **NOTICE OF CALENDARED ITEM(S)** 2 3 On motion of Representative Weissmann, the following bill(s) will be calendared for Second Reading on February 12, 2010: HB10-1054, 1171, 4 1183, 1061, 1122, 1132, 1133, 1188, 1233, 1235. 5 6 7 On motion of Representative Weissmann, the following bill(s) calendared for Second Reading, February 10, will be laid over until February 19, 2010: **HB10-1021**. 8 9 10 11 12 13 On motion of Representative Weissmann, the House adjourned until 9:00 a.m., February 10, 2010. 14 15 Approved: TERRANCE D. CARROLL, 16 17 Speaker 18 19 Attest: 20 MARILYN EDDINS, 21 Chief Clerk