

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

16th Legislative Day Thursday, January 28, 2010

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

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

Pledge By Senator Kester.

Roll Call Present--34.
 Excused--1, Penry.
 Present later--1, Penry.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Whitehead, reading of the Journal of Wednesday, January 27, 2010, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

January 27, 2010

The House has adopted and returns herewith SJR10-007.

COMMITTEE OF REFERENCE REPORTS

Health & Human Services After consideration on the merits, the Committee recommends that **SB10-109** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 5, strike "**department**" and substitute "**state health agency**".

Page 2, line 9, strike "RELATIONSHIP"" and substitute "RELATIONSHIP", FOR PURPOSES OF THE MEDICAL MARIJUANA PROGRAM,".

Page 3, line 5, strike "DEPARTMENT." and substitute "STATE HEALTH AGENCY.".

Page 3, line 21, strike "DEPARTMENT" and substitute "STATE HEALTH AGENCY".

Page 3, after line 22 insert:

"(f) "STATE HEALTH AGENCY" MEANS THE PUBLIC HEALTH RELATED ENTITY OF STATE GOVERNMENT DESIGNATED BY THE GOVERNOR BY EXECUTIVE ORDER PURSUANT TO SECTION 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION.".

Page 3, line 23, strike "department" and substitute "~~department~~ STATE HEALTH AGENCY".

Page 4, line 7, strike "EXAMINERS, AS AUTHORIZED IN" and substitute "EXAMINERS FOR A SUSPECTED VIOLATION OF SECTION 14 OF ARTICLE

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XVIII OF THE STATE CONSTITUTION, PARAGRAPH (a) OR (b) OF SUBSECTION (3) OF THIS SECTION, OR THE RULES PROMULGATED BY THE STATE HEALTH AGENCY PURSUANT TO THIS SUBSECTION (2).".

Page 4, strike line 8.

Page 4, line 9, strike "department" and substitute "~~department~~ STATE HEALTH AGENCY".

Page 4, line 13, strike "department" and substitute "~~department~~ STATE HEALTH AGENCY".

Page 4, line 16, strike "DEPARTMENT" and substitute "STATE HEALTH AGENCY".

Page 4, line 24, strike "DEPARTMENT" and substitute "STATE HEALTH AGENCY".

Page 5, line 5, strike "department" and substitute "~~department~~ STATE HEALTH AGENCY".

Page 5, strike lines 8 through 16 and substitute "constitution.".

Page 5, line 20, strike "DEPARTMENT" and substitute "STATE HEALTH AGENCY".

Page 6, strike lines 20 through 27.

Page 7, strike lines 1 through 23 and substitute:

"(4) **Enforcement.** (a) IF THE STATE HEALTH AGENCY HAS REASONABLE CAUSE TO BELIEVE THAT A PHYSICIAN HAS VIOLATED SECTION 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION, PARAGRAPH (a) OR (b) OF SUBSECTION (3) OF THIS SECTION, OR THE RULES PROMULGATED BY THE STATE HEALTH AGENCY PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE STATE HEALTH AGENCY MAY REFER THE MATTER TO THE STATE BOARD OF MEDICAL EXAMINERS CREATED IN SECTION 12-36-103, C.R.S., FOR AN INVESTIGATION AND DETERMINATION.

(b) IF THE STATE HEALTH AGENCY HAS REASONABLE CAUSE TO BELIEVE THAT A PHYSICIAN HAS VIOLATED PARAGRAPH (c) OF SUBSECTION (3) OF THIS SECTION, THE STATE HEALTH AGENCY SHALL CONDUCT A HEARING PURSUANT TO SECTION 24-4-104, C.R.S., TO DETERMINE WHETHER A VIOLATION HAS OCCURRED.

(c) UPON A FINDING OF UNPROFESSIONAL CONDUCT PURSUANT TO SECTION 12-36-117 (1) (mm), C.R.S., BY THE STATE BOARD OF MEDICAL EXAMINERS OR A FINDING OF A VIOLATION OF PARAGRAPH (c) OF SUBSECTION (3) OF THIS SECTION BY THE STATE HEALTH AGENCY, THE STATE HEALTH AGENCY SHALL RESTRICT A PHYSICIAN'S AUTHORITY TO RECOMMEND THE USE OF MEDICAL MARIJUANA, WHICH RESTRICTIONS MAY INCLUDE THE REVOCATION OR SUSPENSION OF A PHYSICIAN'S PRIVILEGE TO RECOMMEND MEDICAL MARIJUANA. THE RESTRICTION SHALL BE IN ADDITION TO ANY SANCTION IMPOSED BY THE STATE BOARD OF MEDICAL EXAMINERS.

(d) WHEN THE STATE HEALTH AGENCY HAS OBJECTIVE AND REASONABLE GROUNDS TO BELIEVE AND FINDS, UPON A FULL INVESTIGATION, THAT A PHYSICIAN HAS BEEN GUILTY OF DELIBERATE AND WILLFUL VIOLATION OF SECTION 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION, THIS SECTION, OR THE RULES PROMULGATED BY THE STATE HEALTH AGENCY PURSUANT TO SUBSECTION (2) OF THIS SECTION OR THAT THE PUBLIC HEALTH, SAFETY, OR WELFARE IMPERATIVELY REQUIRES EMERGENCY ACTION, AND THE EXECUTIVE DIRECTOR INCORPORATES THOSE FINDINGS INTO HIS OR HER ORDER, THE EXECUTIVE DIRECTOR MAY ORDER THAT THE STATE HEALTH AGENCY SUMMARILY

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SUSPEND A PHYSICIAN'S AUTHORITY TO RECOMMEND THE USE OF MEDICAL MARIJUANA PENDING THE PROCEEDINGS SET FORTH IN PARAGRAPH (a) OR (b) OF THIS SUBSECTION (4), WHICH SHALL BE PROPERLY INSTITUTED AND DETERMINED. FOR PURPOSES OF THIS PARAGRAPH (d), "FULL INVESTIGATION" MEANS A REASONABLE ASCERTAINMENT OF THE UNDERLYING FACTS ON WHICH THE ACTION IS BASED.

(5) Revocation and surrender of patient identification card upon criminal conviction. ANY PATIENT WHO IS CONVICTED OF A CRIMINAL OFFENSE UNDER ARTICLE 18 OF TITLE 18, C.R.S., SENTENCED OR ORDERED BY A COURT TO DRUG OR SUBSTANCE ABUSE TREATMENT, OR SENTENCED TO THE DIVISION OF YOUTH CORRECTIONS SHALL IMMEDIATELY SURRENDER HIS OR HER PATIENT REGISTRY IDENTIFICATION CARD TO THE COURT, WHICH CARD SHALL BE NULL AND VOID UPON CONVICTION OR SENTENCING; HOWEVER, A PATIENT WHO SURRENDERS HIS OR HER REGISTRY IDENTIFICATION CARD PURSUANT TO THIS SUBSECTION (5) MAY APPLY TO THE COURT WITH JURISDICTION OVER THE CRIMINAL MATTER, AND, UPON A FINDING BY THE COURT THAT IT IS IN THE PATIENT'S BEST MEDICAL INTEREST AND THE INTEREST OF JUSTICE, THE COURT MAY ORDER THAT A PATIENT'S REGISTRY IDENTIFICATION CARD BE REISSUED AND REINSTATED.

(6) A PARENT WHO SUBMITS A MEDICAL MARIJUANA REGISTRY APPLICATION FOR HIS OR HER CHILD SHALL HAVE HIS OR HER SIGNATURE NOTARIZED ON THE APPLICATION."

Page 7, line 24, strike "(5)" and substitute "(7)", and strike "department" and substitute "~~department~~ STATE HEALTH AGENCY".

Page 8, line 1, strike "department's" and substitute "~~department's~~ STATE HEALTH AGENCY'S", and strike "program." and substitute "program, AND THE STATE BOARD OF MEDICAL EXAMINERS' DIRECT AND INDIRECT COSTS ASSOCIATED WITH INVESTIGATING AND PROSECUTING REFERRALS OF PHYSICIANS FROM THE STATE HEALTH AGENCY IN RELATION TO THE MEDICAL MARIJUANA PROGRAM."

Page 8, strike line 3 and substitute "EXECUTIVE DIRECTOR. THE STATE HEALTH AGENCY SHALL PROMULGATE RULES THAT ALLOW A PATIENT TO CLAIM INDIGENCE AS IT RELATES TO PAYING THE FEE APPROVED PURSUANT TO THIS SUBSECTION (7) AND THAT ESTABLISH THE STANDARD FOR INDIGENCE, THE PROCESS THE STATE HEALTH AGENCY SHALL USE TO DETERMINE WHETHER A PERSON WHO CLAIMS INDIGENCE MEETS THE STANDARD FOR INDIGENCE, AND THE PROCESS TO WAIVE THE FEE APPROVED PURSUANT TO THIS SUBSECTION (7) IF THE STATE HEALTH AGENCY DETERMINES THAT THE PATIENT MEETS THE STANDARD FOR INDIGENCE. All fees collected by the ~~department~~ STATE HEALTH AGENCY through the".

Page 8, line 7, strike "(6)" and substitute "(8)".

Page 8, line 9, strike "department" and substitute "~~department~~ STATE HEALTH AGENCY".

Page 8, line 11, before "All" insert "THE STATE HEALTH AGENCY SHALL TRANSFER FROM THE MEDICAL MARIJUANA PROGRAM CASH FUND TO THE DEPARTMENT OF REGULATORY AGENCIES FOR THE BENEFIT OF THE STATE BOARD OF MEDICAL EXAMINERS MONEYS TO COVER THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH INVESTIGATING AND PROSECUTING REFERRALS OF PHYSICIANS FROM THE STATE HEALTH AGENCY IN RELATION TO THE MEDICAL MARIJUANA PROGRAM."

Page 8, line 17, strike "(6)" and substitute "(8)".

Page 8, strike lines 21 through 27.

Page 9, strike lines 1 through 7.

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Renumber succeeding sections accordingly.

Page 9, after line 16 insert:

"SECTION 3. 12-36-117 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

12-36-117. Unprofessional conduct - repeal.

(1) "Unprofessional conduct" as used in this article means:

(mm) FAILURE TO COMPLY WITH THE REQUIREMENTS OF SECTION 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION, SECTION 25-1.5-106, C.R.S., OR THE RULES PROMULGATED BY THE STATE HEALTH AGENCY PURSUANT TO SECTION 25-1.5-106 (2), C.R.S.

SECTION 4. 12-36-118 (5) (g), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

12-36-118. Disciplinary action by board - immunity.

(5) (g) (X) IN ALL CASES INVOLVING ALLEGED VIOLATIONS OF SECTION 12-36-117 (1) (mm), THE BOARD SHALL PROMPTLY NOTIFY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT OF ITS FINDINGS, INCLUDING WHETHER IT FOUND THAT THE PHYSICIAN VIOLATED SECTION 12-36-117 (1) (mm) AND ANY RESTRICTIONS IT PLACED ON THE PHYSICIAN WITH RESPECT TO RECOMMENDING THE USE OF MEDICAL MARIJUANA."

Renumber succeeding section accordingly.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR10-009 by Senator(s) Heath; also Representative(s) Primavera and Merrifield--Concerning recognition of the University of Colorado Anschutz Medical Campus as a leader in health education, research, and clinical care, and, in connection therewith, honoring the University of Colorado School of Medicine, the University of Colorado Cancer Center, and the University of Colorado Hospital for contributions to cancer research, prevention, and care, and their impact on Colorado's economy.

Laid over one day under Senate Rule 30(b).

INTRODUCTION OF BILLS -- FIRST READING

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

SB10-116 by Senator(s) Kopp, Tochtrop, Carroll M., Scheffel, Tapia, Whitehead, Williams; also Representative(s) Rice and Priola, Benefield, Casso, Gagliardi, Gerou, Kefalas, Kerr J., Liston, Middleton, Pommer, Riesberg, Soper, Vaad--Concerning the reimbursement of costs incurred on change orders in public works contracts.
Business, Labor and Technology

SB10-117 by Senator(s) Foster; also Representative(s) Primavera--Concerning medicaid coverage for over-the-counter medications.
Health and Human Services

SB10-118 by Senator(s) Tochtrop, Carroll M.; also Representative(s) Miklosi, Primavera--Concerning authorizing the department of human services to obtain a fingerprint-based criminal history record check on an individual who cares for a related child whose care is funded in whole or

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in part with moneys received from the Colorado child care assistance program.
Health and Human Services

**THIRD READING OF BILLS -- FINAL PASSAGE --
CONSENT CALENDAR**

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

SB10-031 by Senator(s) Scheffel; also Representative(s) Rice--Concerning a prohibition against the inclusion of facilities that offer gambling-related activities in a regional tourism project for purposes of the "Colorado Regional Tourism Act".

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Cadman, Foster, Heath, Hudak, King K., Lundberg, Newell, Schwartz, Steadman, Tapia, White and Williams.

SB10-014 by Senator(s) Tochtrop, Boyd; also Representative(s) Solano, Labuda--Concerning changes to the demonstration programs for system of care family advocates.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Carroll M., Gibbs, Newell and Williams.

SB10-010 by Senator(s) Boyd, Sandoval; also Representative(s) Kefalas--Concerning authorizing the department of human services to use a portion of existing appropriations to conduct an independent evaluation of the statewide strategic use fund.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

SB10-018 by Senator(s) King K., Johnston; also Representative(s) Merrifield, Massey, Middleton, Scanlan--Concerning the school awards program fund.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Sandoval

SB10-047 by Senator(s) King K.; also Representative(s) Loooper--Concerning rights relating to the disposition of the last remains of members of the armed forces.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Boyd, Brophy, Cadman, Carroll M., Foster, Gibbs, Heath, Keller, Kester, Kopp, Lundberg, Mitchell, Morse, Newell, Renfroe, Sandoval, Scheffel, Schultheis, Schwartz, Shaffer B., Spence, Tapia, Tochtrop, White, Whitehead and Williams.

SB10-037 by Senator(s) Kester; also Representative(s) Casso--Concerning an increase in the amounts payable from the horse breeders' and owners' awards and supplemental purse fund for costs of administration.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Spence, Tapia and Tochtrop.

SB10-038 by Senator(s) Hodge; also Representative(s) Fischer--Concerning the "organic certification act", and, in connection therewith, authorizing the commissioner of agriculture to contract with independent organics inspectors and altering the composition of the organic certification advisory board.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Carroll M., Newell, Schwartz and Whitehead.

SB10-053 by Senator(s) Foster; also Representative(s) Acree--Concerning the exception of weighted votes from voting requirements governing the board of directors of a metropolitan sewage disposal district.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

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

THIRD READING OF BILLS -- FINAL PASSAGE

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

SB10-049 by Senator(s) Sandoval, Bacon, Hudak, Steadman, Tochtrop; also Representative(s) Benefield, Frangas, Hullinghorst--Concerning the liability limits applicable to the life and health insurance protection association, and, in connection therewith, increasing the liability limits for annuity benefits, structured settlement annuities, and long-term care benefits.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Boyd, Carroll M., Johnston, Penry, Romer and Tapia.

SB10-043 by Senator(s) White; also Representative(s) Pommer--Concerning the repeal date of the office of the child's representative.

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Boyd, Carroll M., Foster, Gibbs, Heath, Hodge, Hudak, Keller, Morse, Newell, Sandoval, Schwartz, Shaffer B., Steadman, Tapia, Tochtrop, Whitehead and Williams.

SB10-052 by Senator(s) Brophy, Hodge; also Representative(s) Curry--Concerning the ability of the groundwater commission to alter the boundaries of a designated groundwater basin.

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

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YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Romer, Shaffer B., Tochtrop and Whitehead.

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

**GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR**

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

SB10-024 by Senator(s) Tochtrop, Lundberg, Morse, Williams; also Representative(s) Labuda, Benefield, Gardner B., King S., Liston, Peniston, Riesberg, Schafer S., Waller--Concerning the repeal of the authority of the board of directors of the fire and police pension association to affiliate with a local money purchase pension plan.

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

SB10-023 by Senator(s) Williams, Lundberg, Morse, Tochtrop; also Representative(s) Riesberg and Liston, Benefield, Gardner B., King S., Labuda, Peniston, Schafer S., Waller--Concerning the discretion of the board of directors of the fire and police pension association to adopt rules regarding the return to work by a member participating in the defined benefit system of the association who elects retirement.

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

SB10-022 by Senator(s) Morse, Lundberg, Tochtrop, Williams; also Representative(s) Riesberg and King S., Benefield, Gardner B., Labuda, Liston, Peniston, Schafer S., Waller--Concerning a member-approved increase in the member contribution rate to the statewide defined benefit plan administered by the fire and police pension association.

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

SB10-021 by Senator(s) Morse, Lundberg, Tochtrop, Williams; also Representative(s) Labuda, Benefield, Gardner B., King S., Liston, Peniston, Schafer S., Waller--Concerning a volunteer firefighter pension plan.

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, January 26, page 91 and placed in members' bill files.)

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

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR**

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB10-024, SB10-023, SB10-022, SB10-021 as amended.

Committee of the Whole

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

GENERAL ORDERS -- SECOND READING OF BILLS

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

SB10-019

by Senator(s) Schwartz, Brophy, Hodge, White, Whitehead; also Representative(s) Fischer, Baumgardner, Curry, Gardner C., McKinley--Concerning the valuation of new hydroelectric energy facilities for the purpose of property taxation.

Laid over until Wednesday, February 3, retaining its place on the calendar.

COMMITTEE OF REFERENCE REPORTS

Agriculture and Natural Resources

After consideration on the merits, the Committee recommends that **SB10-034** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, line 27, strike "IN ACCORDANCE" and substitute "CONSISTENT" and strike "FEDERAL".

Page 5, line 1, strike "ACT" and substitute "'FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT", 7 U.S.C. SEC. 136 ET SEQ., AS AMENDED,".

Page 5, line 2, strike everything after "RODENTICIDE" and substitute "ACT".

Page 5, strike line 3.

Page 9, line 9, strike "or (g)," and substitute "or (g)" and strike "OR (j.5)".

Page 9, line 10, strike "section, or paragraph (f) of subsection (2) of this" and substitute "section or paragraph (f) of subsection (2) of this".

Page 9, strike line 11 and substitute "section is a".

Education	After consideration on the merits, the Committee recommends that SB10-017 be postponed indefinitely.	1 2 3
Education	After consideration on the merits, the Committee recommends that SB10-058 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	4 5 6 7
	Amend printed bill, page 2, line 18, strike "TWO" and substitute "FOUR".	8 9
	Page 2, line 22, strike "TWO" and substitute "FOUR".	10 11

SENATE SERVICES REPORT

Correctly Engrossed: SJR10-007.
Correctly Enrolled: SJR10-007.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJR10-007.
The President has signed: SJR10-001, 002, and 005; SR10-005.
The President has signed: HJR10-1001, 1002.
The President has signed: HJR10-1004, 1005, 1006, 1007, 1008.

COMMITTEE OF REFERENCE REPORTS

Judiciary	After consideration on the merits, the Committee recommends that SB10-042 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	35 36 37 38
	Amend printed bill, page 2, line 2, strike "Part 1 of article 105 of title 11," and substitute "Title 6,".	39 40 41
	Page 2, line 3, strike "SECTION" and substitute "ARTICLE".	42 43
	Page 2, strike lines 5 through 7 and substitute:	44 45 46

PROTECTION AGAINST FINANCIAL EXPLOITATION

6-21-101. Legislative declaration. (1) THE GENERAL ASSEMBLY
HEREBY FINDS THAT:".

Page 3, line 1, strike "(I)" and substitute "(a)".
Page 3, line 3, strike "(II)" and substitute "(b)".
Page 3, line 6, strike "(III)" and substitute "(c)".
Page 3, line 11, strike "(IV)" and substitute "(d)".
Page 3, line 13, strike "(V)" and substitute "(e)".
Page 3, line 24, strike "(VI)" and substitute "(f)".
Page 3, line 27, after "ENFORCEMENT" insert "AND COUNTY DEPARTMENTS".
Page 4, line 2, strike "(VII)" and substitute "(g)".

Page 4, line 5, strike "ADULT PROTECTIVE SERVICE AGENCIES," and substitute "COUNTY DEPARTMENTS,".

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Page 4, line 8, strike "(b)" and substitute "(2)".

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Page 4, strike line 11.

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Page 4, line 12, strike "EXPLOITATION BY OFFERING" and substitute "TO OFFER".

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Page 4, line 14, strike "ADULT PROTECTIVE SERVICE AGENCIES." and substitute "COUNTY DEPARTMENTS.".

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Page 4, strike line 15 and substitute:

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"6-21-102. Definitions. AS USED IN THIS ARTICLE:

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(1) "ACCOUNT HOLDER" MEANS A PERSON WHO OPENS OR HAS AN ACCOUNT AT A FINANCIAL INSTITUTION ESTABLISHED PRIMARILY FOR PERSONAL, FAMILY, OR HOUSEHOLD PURPOSES."

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Page 4, line 16, strike "(a)" and substitute "(2)".

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Page 4, line 18, strike "(b)" and substitute "(3)".

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Page 4, strike lines 20 through 22 and substitute:

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"(4) "ELIGIBLE ACCOUNT HOLDER" MEANS AN ACCOUNT HOLDER WHO IS OR".

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Page 4, line 25, strike "(d)" and substitute "(5)".

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Page 5, line 1, strike "(e)" and substitute "(6)" and strike "BANK, INDUSTRIAL BANK," and substitute "STATE OR FEDERAL BANK,".

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Page 5, line 2, strike "FEDERAL".

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Page 5, strike line 4 and substitute:

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"6-21-103. Release of financial information - prior consent - financial exploitation investigations - civil immunity. (1) (a) A FINANCIAL INSTITUTION SHALL OFFER EACH ELIGIBLE".

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Page 5, line 5, strike "HOLDER" and substitute "HOLDER, AND MAY OFFER ALL ACCOUNT HOLDERS,".

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Page 5, line 6, strike "ELIGIBLE".

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Page 5, line 10, strike "(b)" and substitute "(c)" and strike "(3)," and substitute "(1),".

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Page 5, line 14, strike "(3)" and substitute "(1)".

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Page 5, line 16, strike "COMMISSIONER" and substitute "ATTORNEY GENERAL".

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Page 5, line 17, after "FROM" insert "THE DIVISION OF BANKING AND THE DIVISION OF FINANCIAL SERVICES IN THE DEPARTMENT OF REGULATORY AGENCIES, REPRESENTATIVES OF".

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Page 5, line 19, strike "TO" and substitute "THAT MAY".

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Page 5, line 21, strike "ELIGIBLE".

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Page 5, line 27, strike "ELIGIBLE".

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Page 6, line 3, strike "ELIGIBLE".

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Page 6, line 6, strike "ELIGIBLE".

Page 6, line 10, strike "ELIGIBLE".

Page 6, strike lines 12 through 25 and substitute:

"(2) NOTHING IN THIS ARTICLE OR IN A SIGNED PRIOR CONSENT FORM OBLIGATES A FINANCIAL INSTITUTION TO REPORT KNOWN OR SUSPECTED FINANCIAL EXPLOITATION OF AN ACCOUNT HOLDER."

Page 6, line 26, strike "**Repeal.**".

Page 6, strike line 27 and substitute "amended to read:

26-3.1-206. Prior consent form. ~~Upon request, A financial institution shall offer any adult over the age of sixty or any at-risk adult with an account at such institution~~ ELIGIBLE ACCOUNT HOLDERS, AS DEFINED IN SECTION 6-21-102, C.R.S., the option of signing an informed A PRIOR consent form prior to any report of financial exploitation, for placement in the account holder's file or record maintained by the financial institution. ~~The informed consent form shall waive confidentiality limitations related to an account holder's financial records maintained at the financial institution for the limited purpose of allowing the financial institution, the county department, and a local law enforcement agency access to the account holder's records for the limited purpose of investigating known or suspected financial exploitation of an at-risk adult~~ IN ACCORDANCE WITH SECTION 6-21-103, C.R.S."

Judiciary

After consideration on the merits, the Committee recommends that **SB10-054** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 3, line 14, strike "(f)" and substitute "(g)".

Page 4, line 15, after "ENVIRONMENT" insert "FOR SCHOOL DISTRICT EMPLOYEES OR CONTRACTORS".

Page 4, line 20, after "ENVIRONMENT" insert "FOR SCHOOL DISTRICT EMPLOYEES OR CONTRACTORS".

Page 4, line 23, strike "ENVIRONMENT," and substitute "ENVIRONMENT FOR SCHOOL DISTRICT EMPLOYEES OR CONTRACTORS,".

Page 4, after line 26 insert:

"(f) IF A JUVENILE IS VIOLENT TOWARD OR PHYSICALLY INJURES THE SCHOOL DISTRICT EMPLOYEE OR CONTRACTOR WHO IS PROVIDING EDUCATIONAL SERVICES TO THE JUVENILE PURSUANT TO THIS SECTION, THE SCHOOL DISTRICT SHALL NOT REQUIRE THE EMPLOYEE OR CONTRACTOR TO CONTINUE PROVIDING EDUCATIONAL SERVICES TO THE JUVENILE, AND THE SCHOOL DISTRICT MAY CHOOSE TO CEASE PROVIDING EDUCATIONAL SERVICES TO THE JUVENILE, UNLESS OTHERWISE REQUIRED BY THE FEDERAL IDEA ACT. IF A SCHOOL DISTRICT CEASES TO PROVIDE EDUCATIONAL SERVICES TO A JUVENILE PURSUANT TO THIS PARAGRAPH (f), THE SCHOOL DISTRICT SHALL NOTIFY THE OFFICIAL IN CHARGE OF THE JAIL OR FACILITY, AND THE OFFICIAL SHALL NOTIFY THE JUVENILE, THE JUVENILE'S PARENT OR LEGAL GUARDIAN, THE JUVENILE'S DEFENSE ATTORNEY, AND THE COURT HAVING JURISDICTION OVER THE JUVENILE'S CASE."

Page 4, line 27, strike "(f)" and substitute "(g)".

Page 6, line 2, after "(e)" insert "OR (f)".

Page 6, line 3, strike "(f)" and substitute "(g)".

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Page 10, line 15, strike "AND (2) (f)," and substitute "(2) (f), AND (2) (g),".

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, January 29, 2010.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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