

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

Twenty-eighth Legislative Day

Tuesday, February 9, 2010

- 1 Prayer by Pastor Mark Phillips, Berean Bible Church, Haxtun.  
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,  
11 Pommer, Ryden, Swalm--6.  
12 Present after roll call--Representative(s) Frangas, Middleton,  
13 Pommer, Swalm.  
14  
15 The Speaker declared a quorum present.  
16 \_\_\_\_\_  
17  
18 On motion of Representative Bradford, the reading of the journal of  
19 February 8, 2010, was declared dispensed with and approved as corrected  
20 by the Chief Clerk. \_\_\_\_\_  
21  
22

**THIRD READING OF BILL(S)--FINAL PASSAGE**

- 23  
24  
25 The following bill(s) (was)were considered on Third Reading. The  
26 title(s) (was)were publicly read. Reading of the bill at length was  
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?".  
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	57	NO	5	EXCUSED	3	ABSENT	0
41	Acree	Y	Gerou	Y	McFadyen	E	Ryden	E
42	Apuan	Y	Hullinghorst	Y	McKinley	N	Scanlan	Y
43	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y

1	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
2	Benefield	Y	Kefalas	N	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	N
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	N	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	N	Waller	Y
13	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
14							Speaker	Y

15 Co-sponsor(s) added: Representative(s) Gerou, Labuda.

16  
 17 **HB10-1203** by Representative(s) Kerr A.; also Senator(s) Steadman--  
 18 Concerning the issuing of group life insurance, and, in  
 19 connection therewith, deleting the requirement regarding  
 20 the minimum number of persons that must be covered by  
 21 the policy.

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

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

27	YES	59	NO	3	EXCUSED	3	ABSENT	0
29	Acree	N	Gerou	Y	McFadyen	E	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.	N	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	N	Riesberg	Y	Waller	Y
44	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
45							Speaker	Y

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

47  
 48 **HB10-1076** by Representative(s) DelGrosso; also Senator(s) Heath--  
 49 Concerning the classification of a participant in a property  
 50 tax work-off program for purposes of employee labor  
 51 benefits.

52  
 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**.

	YES	61	NO	1	EXCUSED	3	ABSENT	0
1								
2	Acree	Y	Gerou	Y	McFadyen	E	Ryden	E
3	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
4	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
5	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
6	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
7	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
8	Casso	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	Swalm	Y
11	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
12	Ferrandino	Y	Levy	Y	Pommer	E	Todd	Y
13	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
14	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
15	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
16	Gardner B.	N	May	Y	Riesberg	Y	Waller	Y
17	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Acree, Court, Gerou, Kefalas, Labuda,  
 20 Looper, McNulty, Riesberg, Roberts, Stephens, Summers, Tyler, Vigil.

21  
 22 **HB10-1137** by Representative(s) Gardner B.; also Senator(s)  
 23 Steadman--Concerning the use of people first language in  
 24 the drafting of laws.

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

	YES	59	NO	3	EXCUSED	3	ABSENT	0
31								
32	Acree	Y	Gerou	Y	McFadyen	E	Ryden	E
33	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
34	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
35	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
36	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
37	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
38	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	N
39	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
40	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
41	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
42	Ferrandino	Y	Levy	Y	Pommer	E	Todd	Y
43	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
44	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
45	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
46	Gardner B.	Y	May	N	Riesberg	Y	Waller	Y
47	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	N
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.

52  
 53 **HB10-1185** by Representative(s) Priola, Balmer, Bradford, DelGrosso,  
 54 Labuda, Nikkel, Riesberg, Schafer S., Stephens, Todd,  
 55 Waller; also Senator(s) Schwartz--Concerning extending  
 56 certain dates related to the petroleum storage tank fund.

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**.

	YES	62	NO	0	EXCUSED	3	ABSENT	0
7	Acree	Y	Gerou	Y	McFadyen	E	Ryden	E
8	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
9	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
10	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
11	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
12	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
13	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
14	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
15	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
16	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
17	Ferrandino	Y	Levy	Y	Pommer	E	Todd	Y
18	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
19	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
20	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
21	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
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  
 26 **HB10-1047** by Representative(s) Court and Murray; also Senator(s)  
 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  
 31 majority of those elected to the House voted in the affirmative and the bill  
 32 was declared **passed**.

	YES	55	NO	7	EXCUSED	3	ABSENT	0
35	Acree	Y	Gerou	Y	McFadyen	E	Ryden	E
36	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
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	N
40	Bradford	N	Kerr A.	Y	Miklosi	Y	Soper	Y
41	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
42	Court	Y	King S.	Y	Nikkel	N	Summers	Y
43	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
44	DelGrosso	N	Lambert	N	Peniston	Y	Tipton	Y
45	Ferrandino	Y	Levy	Y	Pommer	E	Todd	Y
46	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
47	Frangas	Y	Looper	N	Priola	Y	Vaad	Y
48	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
49	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
50	Gardner C.	N	McCann	Y	Roberts	Y	Weissmann	Y
51							Speaker	Y

52 Co-sponsor(s) added: Representative(s) Apuan, Casso, Hullinghorst, Kerr J.,  
 53 Labuda, Rice, Schafer S., Todd, Tyler

54  
 55

1 **SB10-035** by Senator(s) Newell; also Representative(s) Bradford--  
 2 Concerning automatic enrollment in employee retirement  
 3 plans.  
 4

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

	YES	61	NO	1	EXCUSED	3	ABSENT	0
11	Acree	Y	Gerou	Y	McFadyen	E	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	N
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) added: Representative(s) Liston, Schafer S., Tyler.  
 29

30 **HB10-1134** by Representative(s) Casso; also Senator(s) Kester--  
 31 Concerning measures to prevent illegal interstate pari-  
 32 mutuel wagering on racing, and, in connection therewith,  
 33 authorizing the entry by Colorado into interstate compacts  
 34 governing racing and the collection of source market fees  
 35 from out-of-state simulcast activity.  
 36

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

	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

1	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
2	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
3							Speaker	Y

4 Co-sponsor(s) added: Representative(s) Labuda, Looper, Pace, Vigil.

5  
6 **HB10-1175** by Representative(s) Looper, Todd, Acree, DelGrosso;  
7 also Senator(s) Tapia--Concerning the demonstration of  
8 competency by an out-of-state applicant in a field  
9 regulated by the department of regulatory agencies.

10  
11 The question being "Shall the bill pass?".

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

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	Y	Kagan	Y	Merrifield	Y	Solano	Y
21	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
22	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
23	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
24	Court	Y	King S.	Y	Nikkel	Y	Summers	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.	Y	May	Y	Riesberg	Y	Waller	Y
32	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
33							Speaker	Y

34 Co-sponsor(s) added: Representative(s) Apuan, Labuda, Merrifield, Nikkel,  
35 Soper, Stephens, Vigil.

36  
37  
38 House in recess. House reconvened.  
39  
40

## 41 42 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

### 43 44 **APPROPRIATIONS**

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

47  
48 **HB10-1001** be amended as follows, and as so amended, be referred to  
49 the Committee of the Whole with favorable  
50 recommendation:

51  
52 Amend the Transportation and Energy Committee Report, dated February  
53 5, 2010, page 15, after line 20 insert:

54  
55 **"SECTION 8. Appropriation.** In addition to any other  
56 appropriation, there is hereby appropriated, out of any moneys in the

1 fixed utility fund created in section 40-2-114, Colorado Revised Statutes,  
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  
5 (\$51,656) cash funds and 0.5 FTE, or so much thereof as may be  
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  
14 Page 1, line 109, strike "EQUIPMENT." and substitute  
15 "EQUIPMENT, AND MAKING AN APPROPRIATION THEREFOR."."

16  
17  
18  
19  
20 **EDUCATION**

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

23  
24 **HB10-1054** 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 (a) "INSTITUTION OF HIGHER EDUCATION" OR "INSTITUTION"  
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

15 (b) "SCHOOL BUILDING" MEANS A BUILDING, INCLUDING BUT NOT  
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  
27 STUDENTS, FACULTY, AND STAFF CONCERNING THE POLICIES AND  
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  
33 ninety-day period after final adjournment of the general assembly (August  
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  
36 state constitution against this act or an item, section, or part of this act  
37 within such period, then the act, item, section, or part shall not take effect  
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  
54 parents, provides circumstances in which to develop positive social and  
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  
3 relating to natural resources and the science, agricultural, and recreational  
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  
17 GENERAL FUND MONEYS.".

18  
19 Page 5, after line 16 insert:

20  
21 "(II) ENCOURAGING YOUTH TO PARTICIPATE WITH THEIR PARENTS  
22 IN OUTDOOR ACTIVITIES;".

23  
24 Renumber succeeding subparagraphs accordingly.

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  
44 the Committee of the Whole with favorable  
45 recommendation:

46  
47 Amend printed bill, page 4, strike lines 12 through 18.

48  
49 Renumber succeeding sections accordingly.

50  
51  
52  
53 **HB10-1183** be amended as follows, and as so amended, be referred to  
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,  
53 COMPENSATION, AND DISMISSAL ACT OF 1990", ARTICLE 63 OF THIS  
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 (d) A MEMBER APPOINTED BY THE STATE BOARD FROM A  
11 STATEWIDE ORGANIZATION THAT REPRESENTS TEACHERS;"

12

13 Reletter succeeding paragraphs accordingly.

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

23 **HEALTH & HUMAN SERVICES**

24 After consideration on the merits, the Committee recommends the  
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  
37 assembly hereby finds and declares that:

38

39 (a) The state demographer in the department of local affairs  
40 estimates that between 2005 and 2015, the portion of Colorado's  
41 population that is over sixty-five years of age will increase by more than  
42 twenty-three percent;

43

44 (b) The state demographer in the department of local affairs  
45 estimates that between 2007 and 2035, the portion of Colorado's  
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  
49 the aging "baby boomer" generation and will result in a parallel increase  
50 in a demand for community long-term care services;

51

52 (d) Older adults and their families need quality health care  
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 (g) A community long-term care system needs to provide  
10 maximum service delivery and make efficient use of available public  
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,  
17 concerning long-term care services under the "Colorado Medical  
18 Assistance Act", in which a long-term care advisory committee, referred  
19 to in this section as the "LTC advisory committee", was appointed. The  
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 (J) One of the recommendations from the LTC advisory  
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  
34 prematurely because of incontinence, Alzheimer's disease, or dementia;  
35
- 36 (l) The department of health care policy and financing should  
37 conduct one or more studies of community-based services to reduce the  
38 overall state costs through the use of home- and community-based  
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  
41 evaluating the system shows cost containment through proper utilization  
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  
48 persons sixty years of age or older to enable such persons to live in their  
49 own homes and communities for as long as possible;  
50
- 51 (n) The department of human services should conduct a study of  
52 persons sixty years of age or older who could potentially benefit from  
53 older Coloradans program services with the understanding that, if the  
54 study evaluating the program shows cost savings through the provision  
55 of community-based services, the state would then develop a long-term  
56 strategic plan for providing services through the older Coloradans

1 program.

2  
3 (2) The general assembly further supports the efforts of  
4 community organizations to facilitate a coalition of business leaders and  
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  
8 a three-year plan to reconstitute the LTC advisory committee and make  
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:

15  
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.

33  
34 (b) IF A STUDY CONDUCTED PURSUANT TO THIS SUBSECTION (1)  
35 CONCLUDES THAT A PROGRAM OF HOME- AND COMMUNITY-BASED  
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.

45  
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  
54 THE SAME TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING  
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  
15 SERVICES AT AN ALTERNATIVE CARE FACILITY;

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  
35 **26-11-205.7. Community long-term care study - strategic plan**  
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;

56

1 (III) THE AMOUNT OF SAVINGS ASSOCIATED WITH PROVIDING  
2 SERVICES TO OLDER ADULTS IN THEIR OWN HOMES AND COMMUNITIES;

3  
4 (IV) 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.

55

1           **SECTION 4.** 25.5-6-313, Colorado Revised Statutes, is amended  
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  
24           **SECTION 5. Act subject to petition - effective date.** This act  
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  
28 referendum petition is filed pursuant to section 1 (3) of article V of the  
29 state constitution against this act or an item, section, or part of this act  
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  
32 November 2010 and shall take effect on the date of the official  
33 declaration of the vote thereon by the governor.

34  
35  
36  
37 **HB10-1061** be amended as follows, and as so amended, be referred to  
38 the Committee of the Whole with favorable  
39 recommendation:

40  
41 Amend printed bill, strike everything below the enacting clause and  
42 substitute:

43  
44           **"SECTION 1. Short title.** This act shall be known and may be  
45 cited as the "Colorado Medical Donation Program Act of 2010".

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  
52 context otherwise requires:

53  
54           (a) "Licensed facility" means a hospital, hospital unit,  
55 COMMUNITY MENTAL HEALTH CENTER, ACUTE TREATMENT CENTER,  
56 hospice, nursing care facility, or assisted living residence that is required



1 to be licensed pursuant to section 25-3-101, C.R.S., OR A LICENSED  
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  
10 ~~of that licensed facility. A pharmacist may redispense a returned~~  
11 ~~medication that is prescribed to a patient or resident of a licensed facility~~  
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  
15 TO A PRACTITIONER AUTHORIZED BY LAW TO PRESCRIBE THE DRUG.

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  
34 dose packaging.

35  
36 **SECTION 3. Act subject to petition - effective date.** This act  
37 shall take effect at 12:01 a.m. on the day following the expiration of the  
38 ninety-day period after final adjournment of the general assembly (August  
39 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a  
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  
42 within such period, then the act, item, section, or part shall not take effect  
43 unless approved by the people at the general election to be held in  
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**  
48 **VOLUNTARY PROGRAM FOR DISPENSING UNUSED MEDICAL PRODUCTS.**".

49  
50  
51  
52 **HB10-1122** be amended as follows, and as so amended, be referred to  
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  
 9 November 2010 and shall take effect on the date of the official  
 10 declaration of the vote thereon by the governor."

11

12

13

14 **HB10-1145** be postponed indefinitely.

15

16

17

18

19 **JUDICIARY**

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 **HB10-1133** be amended as follows, and as so amended, be referred to  
 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  
 35 amended, and the said 6-1-1103 (2) is further amended BY THE  
 36 ADDITION OF A NEW PARAGRAPH, to read:

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  
 43 AS HIS OR HER PERSONAL RESIDENCE, who ~~in the course of the person's~~  
 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:

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

8  
9           (4) (a) "Foreclosure consultant" means a person who does not,  
10 directly or through an associate, take or acquire any interest in or title to  
11 ~~the residence in foreclosure~~ A HOMEOWNER'S PROPERTY and who, in the  
12 course of such person's business, vocation, or occupation, makes a  
13 solicitation, representation, or offer to a home owner to perform, in  
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.

24  
25           (b) WITH RESPECT TO SUBPART 3 OF THIS PART 11, "RESIDENCE IN  
26 FORECLOSURE" MEANS, A RESIDENCE OR DWELLING, AS DEFINED IN  
27 SECTIONS 5-1-201 AND 5-1-301, C.R.S., THAT IS OCCUPIED AS THE HOME  
28 OWNER'S PRINCIPAL PLACE OF RESIDENCE, IS ENCUMBERED BY A  
29 RESIDENTIAL MORTGAGE LOAN, AND AGAINST WHICH A FORECLOSURE  
30 ACTION HAS BEEN COMMENCED OR AS TO WHICH AN EQUITY PURCHASER  
31 OTHERWISE HAS ACTUAL KNOWLEDGE THAT THE LOAN IS AT LEAST THIRTY  
32 DAYS DELINQUENT OR IN DEFAULT.

33  
34           (9) "SHORT SALE" OR "SHORT SALE TRANSACTION" MEANS A  
35 TRANSACTION IN WHICH THE RESIDENCE IN FORECLOSURE IS SOLD WITH  
36 THE CONSENT OF THE HOLDER OF EVIDENCE OF DEBT FOR AN AMOUNT  
37 THAT IS LESS THAN THE AMOUNT OF THE DEBTOR'S OUTSTANDING  
38 OBLIGATION UNDER SUCH EVIDENCE OF DEBT.

39  
40           **SECTION 3.** 6-1-1104 (4), Colorado Revised Statutes, is  
41 amended to read:

42  
43           **6-1-1104. Foreclosure consulting contract.** (4) A foreclosure  
44 consulting contract shall be dated and personally signed, with each page  
45 being initialed, by each home owner ~~of the residence in foreclosure~~ and  
46 the foreclosure consultant and shall be acknowledged by a notary public  
47 in the presence of the home owner at the time the contract is signed by the  
48 home owner.

49  
50           **SECTION 4.** 6-1-1111, Colorado Revised Statutes, is amended  
51 to read:

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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,

1 transferring, conveying, or encumbering an interest in the residence in  
2 foreclosure.

3

4 **SECTION 5.** 6-1-1120, Colorado Revised Statutes, is amended  
5 to read:

6 **6-1-1120. Language.** Any contract, rental agreement, lease,  
7 option or right to repurchase, and any notice, conveyance, lien,  
8 encumbrance, consent, or other document or instrument signed by a home  
9 owner, shall be written in English; ~~and shall be accompanied by a written~~  
10 ~~translation from English into any other language principally spoken by the~~  
11 ~~home owner, certified by the person making the translation as a true and~~  
12 ~~correct translation of the English version. The translated version shall be~~  
13 ~~presumed to have equal status and credibility as the English version.~~  
14 EXCEPT THAT, IF THE HOME OWNER'S PRINCIPAL LANGUAGE IS OTHER THAN  
15 ENGLISH, THE HOME OWNER SHALL BE PROVIDED WITH A NOTICE, WRITTEN  
16 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  
26 NUMBER].

27

28 **SECTION 6.** Part 11 of article 1 of title 6, Colorado Revised  
29 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
30 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:

35

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

40

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

44

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

46

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  
49 ninety-day period after final adjournment of the general assembly (August  
50 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a  
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  
53 within such period, then the act, item, section, or part shall not take effect  
54 unless approved by the people at the general election to be held in  
55 November 2010 and shall take effect on the date of the official  
56 declaration of the vote thereon by the governor."

1 **HB10-1184** be postponed indefinitely.

2  
3

4 **HB10-1188** be amended as follows, and as so amended, be referred to  
5 the Committee of the Whole with favorable  
6 recommendation:

7

8 Amend printed bill, page 4, after line 8 insert:

9

10 "(a) "HAZARD" MEANS A THREAT TO SAFETY OR OF DAMAGE TO  
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  
24 DROPPING OR DRAGGING ANY TYPE OF ANCHOR OR INTENTIONALLY  
25 BROACHING A VESSEL; OR".

26

27 Page 5, line 8, strike "THOSE TERMS" and substitute "'LANDOWNER",  
28 "INVITEE", AND "LICENSEE"' and add a comma after "13-21-115".

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

46 **HB10-1233** be referred to the Committee of the Whole with favorable  
47 recommendation.

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50 **HB10-1235** be referred to the Committee of the Whole with favorable  
51 recommendation.

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**NOTICE OF CALENDARED ITEM(S)**

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On motion of Representative Weissmann, the following bill(s) will be calendared for Second Reading on February 12, 2010: **HB10-1054, 1171, 1183, 1061, 1122, 1132, 1133, 1188, 1233, 1235.**

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.**

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On motion of Representative Weissmann, the House adjourned until 9:00 a.m., February 10, 2010.

Approved:  
TERRANCE D. CARROLL,  
Speaker

Attest:  
MARILYN EDDINS,  
Chief Clerk

