

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

112th Legislative Day Tuesday, April 29, 2008

- Prayer 11
 By the chaplain, Rabbi Eliot Baskin, Director of Ministry, Jewish Community Chaplaincy & Rafael Spiritual Healing Center of Jewish Family Services of Denver. 12
- Pledge 14
 By Senator Ward. 15
- Call to Order 16
 By the President at 9:00 a.m. 17
- Roll Call 19
 Present--34. 20
 Excused--1; Romer. 21
 Present later--Romer. 22
- Quorum 23
 The President announced a quorum present. 24
- Reading of Journal 25
 On motion of Senator Schwartz, reading of the Journal of April 28, 2008 was dispensed with and the Journal was approved as corrected by the Secretary. 26

COMMITTEE OF REFERENCE REPORTS

- Judiciary 32
 After consideration on the merits, the Committee recommends that **HB08-1392** be referred to the Committee of the Whole with favorable recommendation. 33
- State, Veterans, & Military Affairs 36
 After consideration on the merits, the Committee recommends that **SCR08-009** be postponed indefinitely. 37

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Memorials -- SM08-002. 44

CONSIDERATION OF MEMORIALS

SM08-002 by Senator(s) Sandoval; --Memorializing Congressman Tom Lantos. 50

Amendment No. 1(L.001), by Senator Sandoval. 52

Amend printed memorial, page 2, line 2, strike "13" and substitute "14". 54

The amendment was declared **adopted** on the following roll call vote: 56

| YES | 34 | NO | 0 | EXCUSED | 1 | ABSENT | 0 |
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| Bacon | Y | Johnson | Y | Romer | E | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | Y |
| Brophy | Y | Kester | Y | Schultheis | Y | Veiga | Y |
| Cadman | Y | Kopp | Y | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | Y | Shaffer | Y | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | Y | Takis | Y | Windels | Y |
| Harvey | Y | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

On motion of Senator Sandoval, the memorial, as amended, was read at length and **adopted** by the following roll call vote:

| YES | 34 | NO | 0 | EXCUSED | 1 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | Y | Romer | E | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | Y |
| Brophy | Y | Kester | Y | Schultheis | Y | Veiga | Y |
| Cadman | Y | Kopp | Y | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | Y | Shaffer | Y | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | Y | Takis | Y | Windels | Y |
| Harvey | Y | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

Co-sponsors added: Bacon, Boyd, Brophy, Cadman, Gibbs, Gordon, Groff, Hagedorn, Harvey, Isgar, Johnson, Keller, Kester, Kopp, McElhany, Mitchell S., Morse, Penry, Renfroe, Schultheis, Schwartz, Shaffer, Spence, Takis, Tapia, Taylor, Tochtrop, Tupa, Veiga, Ward, Wiens, Williams and Windels.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Third Reading of Bills -- Final Passage.

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:

SB08-239 by Senator(s) Bacon; also Representative(s) Jahn--Concerning increasing from a class 4 felony to a class 3 felony the penalty for leaving the scene of an accident involving death, and making an appropriation in connection therewith.

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

| YES | 34 | NO | 0 | EXCUSED | 1 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | Y | Romer | E | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | Y |
| Brophy | Y | Kester | Y | Schultheis | Y | Veiga | Y |
| Cadman | Y | Kopp | Y | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | Y | Shaffer | Y | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | Y | Takis | Y | Windels | Y |
| Harvey | Y | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

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

Co-sponsors added: Boyd, Gibbs, Groff, Keller, Kopp, Penry, Shaffer, Spence, Tochtrop and Williams.

HB08-1264 by Representative(s) Roberts; also Senator(s) Shaffer--Concerning statewide electronic read-only access to specific information maintained by the judicial department.

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

| YES | 34 | NO | 0 | EXCUSED | 1 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | Y | Romer | E | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | Y |
| Brophy | Y | Kester | Y | Schultheis | Y | Veiga | Y |
| Cadman | Y | Kopp | Y | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | Y | Shaffer | Y | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | Y | Takis | Y | Windels | Y |
| Harvey | Y | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

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

Co-sponsors added: Boyd, Penry and Ward.

HB08-1141 by Representative(s) Curry; also Senator(s) Bacon--Concerning sufficient water supplies for land use approval.

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

| YES | 24 | NO | 10 | EXCUSED | 1 | ABSENT | 0 |
|----------|----|-------------|----|------------|---|-----------|---|
| Bacon | Y | Johnson | Y | Romer | E | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | Y |
| Brophy | N | Kester | Y | Schultheis | N | Veiga | Y |
| Cadman | N | Kopp | N | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | N | Shaffer | Y | Wiens | N |
| Gordon | Y | Mitchell S. | N | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | Y | Takis | Y | Windels | Y |
| Harvey | N | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | N | Taylor | N | | |

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

Co-sponsors added: Boyd, Hagedorn, Isgar, Schwartz, Tochtrop and Tupa.

HB08-1114 by Representative(s) White, Butcher, Kerr J., Liston, Marostica, McFadyen, Stafford; also Senator(s) Isgar, Brophy, Kester, McElhany, Mitchell S., Shaffer, Taylor, Tochtrop--Concerning the reimbursement of nursing facilities under the "Colorado Medical Assistance Act", and, in connection therewith, amending the reimbursement system for class I nursing facilities and authorizing the department of health care policy and financing to charge and collect a quality assurance fee from certain class I nursing facilities, and making an appropriation.

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

| YES | 27 | NO | 7 | EXCUSED | 1 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | Y | Romer | E | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | Y |
| Brophy | Y | Kester | Y | Schultheis | N | Veiga | Y |
| Cadman | N | Kopp | N | Schwartz | Y | Ward | N |
| Gibbs | Y | McElhany | Y | Shaffer | Y | Wiens | N |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | Y | Takis | Y | Windels | Y |
| Harvey | N | Penry | N | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

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

Co-sponsors added: Boyd, Groff and Williams.

HB08-1346 by Representative(s) Curry; also Senator(s) Isgar--Concerning the funding of Colorado water conservation board projects, and making appropriations in connection therewith.

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

| YES | 34 | NO | 0 | EXCUSED | 1 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | Y | Romer | E | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | Y |
| Brophy | Y | Kester | Y | Schultheis | Y | Veiga | Y |
| Cadman | Y | Kopp | Y | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | Y | Shaffer | Y | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | Y | Takis | Y | Windels | Y |
| Harvey | Y | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

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

Co-sponsors added: Brophy, Gibbs, Kester, Kopp, Mitchell S., Penry, Schwartz, Shaffer, Tapia, Taylor, Tochtrop, Ward and Wiens.

HB08-1319 by Representative(s) Soper; also Senator(s) Kester--Concerning factory-built structures, and, in connection therewith, requiring every factory-built structure occupied after a specified date to be certified by the division of housing, specifying educational, testing, and liability insurance coverage requirements for manufactured home, mobile home, and factory-built residential structure installers and installation inspectors, and making an appropriation.

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

| YES | 27 | NO | 7 | EXCUSED | 1 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | Y | Romer | E | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | Y |
| Brophy | N | Kester | Y | Schultheis | N | Veiga | Y |
| Cadman | N | Kopp | N | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | N | Shaffer | Y | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | N | Williams | Y |
| Hagedorn | Y | Morse | Y | Takis | Y | Windels | Y |
| Harvey | Y | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | N | Taylor | Y | | |

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

Co-sponsors added: Boyd, Penry, Schwartz, Tochtrop and Wiens.

HB08-1115 by Representative(s) Liston, Gardner B., Kerr J., King, Labuda, Looper, Marostica, Sonnenberg, Soper, Stephens, Todd, Vaad; also Senator(s) Renfroe--Concerning retaliation against a judge, and making an appropriation in connection therewith.

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

| YES | 34 | NO | 0 | EXCUSED | 1 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | Y | Romer | E | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | Y |
| Brophy | Y | Kester | Y | Schultheis | Y | Veiga | Y |
| Cadman | Y | Kopp | Y | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | Y | Shaffer | Y | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | Y | Takis | Y | Windels | Y |
| Harvey | Y | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

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

Co-sponsors added: Kopp, Morse, Penry, Schultheis, Shaffer, Spence, Taylor and Wiens.

HB08-1049 by Representative(s) Benefield, Buescher, Massey, McNulty; also Senator(s) Groff, Penry, Romer, Shaffer, Spence, Windels--Concerning the extension of the years for which a taxpayer may claim the income tax credit for child care facilities.

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

| YES | 32 | NO | 2 | EXCUSED | 1 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | Y | Romer | E | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | Y |
| Brophy | Y | Kester | Y | Schultheis | N | Veiga | Y |
| Cadman | N | Kopp | Y | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | Y | Shaffer | Y | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | Y | Takis | Y | Windels | Y |
| Harvey | Y | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

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

Co-sponsors added: Bacon, Boyd, Isgar, Kester, Mitchell S., Morse, Schwartz, Taylor,

Tochtrop, Tupa, Veiga, Ward, Wiens and Williams.

HB08-1274 by Representative(s) King; also Senator(s) Tupa-Concerning the modification of the address confidentiality program administered by the secretary of state, and making an appropriation therefor.

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

| YES | 34 | NO | 0 | EXCUSED | 1 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | Y | Romer | E | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | Y |
| Brophy | Y | Kester | Y | Schultheis | Y | Veiga | Y |
| Cadman | Y | Kopp | Y | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | Y | Shaffer | Y | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | Y | Takis | Y | Windels | Y |
| Harvey | Y | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

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

Co-sponsors added: Boyd, Penry, Schwartz and Wiens.

IMMEDIATE RECONSIDERATION OF HB08-1274

HB08-1274 by Representative(s) King; also Senator(s) Tupa-Concerning the modification of the address confidentiality program administered by the secretary of state, and making an appropriation therefor.

Having voted on the prevailing side, Senator Mitchell moved for immediate reconsideration of the last Senate action, Third Reading of Bill -- Final Passage, on **HB08-1274**. A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

THIRD READING OF BILLS -- FINAL PASSAGE -- cont.

HB08-1274 by Representative(s) King; also Senator(s) Tupa-Concerning the modification of the address confidentiality program administered by the secretary of state, and making an appropriation therefor.

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

| YES | 31 | NO | 3 | EXCUSED | 1 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | N | Romer | E | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | Y |
| Brophy | Y | Kester | Y | Schultheis | Y | Veiga | Y |
| Cadman | N | Kopp | Y | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | Y | Shaffer | Y | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | N | Morse | Y | Takis | Y | Windels | Y |
| Harvey | Y | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

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

Co-sponsors added: Bacon, Cadman, Gibbs, Shaffer, and Windels.

HB08-1157 by Representative(s) Roberts, Kefalas, Kerr A., Massey, Gardner B., Jahn, Kerr J., King, Labuda, Lundberg, Marostica, Mitchell V., Stafford, Stephens, Summers, Todd, Weissmann, Witwer; also Senator(s) Windels, Penry--Concerning the creation of a youth advisory council, and making an appropriation therefor.

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

| YES | 26 | NO | 8 | EXCUSED | 1 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | Y | Romer | E | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | Y |
| Brophy | N | Kester | Y | Schultheis | N | Veiga | Y |
| Cadman | N | Kopp | Y | Schwartz | Y | Ward | N |
| Gibbs | Y | McElhany | N | Shaffer | Y | Wiens | N |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | Y | Takis | Y | Windels | Y |
| Harvey | N | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | N | Taylor | Y | | |

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

Co-sponsors added: Bacon, Boyd, Gibbs, Groff, Isgar, Johnson, Keller, Morse, Schwartz, Shaffer, Spence, Tochtrop, Tupa and Williams.

HB08-1232 by Representative(s) Stafford, Carroll T., Jahn, Kerr A., Marshall; also Senator(s) Bacon-- Concerning the domestic violence offender management board, and, in connection therewith, continuing the domestic violence offender management board, and making an appropriation.

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

| YES | 26 | NO | 8 | EXCUSED | 1 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | Y | Romer | E | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | Y |
| Brophy | N | Kester | Y | Schultheis | N | Veiga | Y |
| Cadman | N | Kopp | N | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | N | Shaffer | Y | Wiens | N |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | Y | Takis | Y | Windels | Y |
| Harvey | N | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | N | Taylor | Y | | |

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

Co-sponsors added: Boyd, Gibbs, Groff, Morse, Shaffer, Williams and Windels.

HB08-1222 by Representative(s) McNulty, Gardner C., Summers, Massey, Kerr J., Witwer, Vaad, Gardner B., King, Looper, Marostica, May M., Mitchell V., Roberts, Rose, Sonnenberg, Stephens, White; also Senator(s) Harvey, Renfroe, Kester, Kopp, McElhany, Taylor, Wiens-- Concerning an expansion of the definition of renewable energy resources to include certain types of hydroelectricity.

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

| YES | 34 | NO | 0 | EXCUSED | 1 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | Y | Romer | E | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | Y |
| Brophy | Y | Kester | Y | Schultheis | Y | Veiga | Y |
| Cadman | Y | Kopp | Y | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | Y | Shaffer | Y | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | Y | Takis | Y | Windels | Y |
| Harvey | Y | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

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

Co-sponsors added: Brophy, Gibbs, Isgar, Mitchell S., Penry, Schwartz, Spence, Tochtrop and Ward.

HB08-1376 by Representative(s) Buescher, Pommer, White; also Senator(s) Keller, Morse, Johnson-- Concerning transfers of moneys to the capital construction fund.

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

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| YES | 34 | NO | 0 | EXCUSED | 1 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | Y | Romer | E | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | Y |
| Brophy | Y | Kester | Y | Schultheis | Y | Veiga | Y |
| Cadman | Y | Kopp | Y | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | Y | Shaffer | Y | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | Y | Takis | Y | Windels | Y |
| Harvey | Y | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

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

Co-sponsors added: Bacon, Gibbs, Wiens and Windels.

HB08-1349 by Representative(s) Gagliardi; also Senator(s) Windels--Concerning the modification of procedures for the collection of property taxes in connection with tax increment financing on the part of certain authorities established by municipalities.

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

| YES | 33 | NO | 1 | EXCUSED | 1 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | Y | Romer | E | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | Y |
| Brophy | Y | Kester | Y | Schultheis | Y | Veiga | Y |
| Cadman | Y | Kopp | Y | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | Y | Shaffer | Y | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | N | Morse | Y | Takis | Y | Windels | Y |
| Harvey | Y | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

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

HB08-1110 by Representative(s) Witwer, Curry, Lambert, Lundberg, Massey, McNulty, Mitchell V., Roberts, White; also Senator(s) Kopp, Gibbs, Harvey, Mitchell S., Renfroe--Concerning an income tax deduction for a landowner's direct costs incurred in performing wildfire mitigation measures.

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

| YES | 33 | NO | 1 | EXCUSED | 1 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | Y | Romer | E | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | Y |
| Brophy | Y | Kester | Y | Schultheis | Y | Veiga | N |
| Cadman | Y | Kopp | Y | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | Y | Shaffer | Y | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | Y | Takis | Y | Windels | Y |
| Harvey | Y | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

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

Co-sponsors added: Brophy, Groff, Isgar, Johnson, Kester, Morse, Penry, Schultheis, Schwartz, Shaffer, Taylor, Tochtrop, Tupa, Ward, Wiens and Williams.

HB08-1308 by Representative(s) Stafford; also Senator(s) Johnson--Concerning treatment that may result in harm to certain animals.

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

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| YES | 34 | NO | 0 | EXCUSED | 1 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | Y | Romer | E | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | Y |
| Brophy | Y | Kester | Y | Schultheis | Y | Veiga | Y |
| Cadman | Y | Kopp | Y | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | Y | Shaffer | Y | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | Y | Takis | Y | Windels | Y |
| Harvey | Y | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

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

Co-sponsors added: Tupa.

HB08-1373 by Representative(s) Buescher, Pommer, White; also Senator(s) Keller, Morse, Johnson-- Concerning the breast and cervical cancer prevention and treatment fund, and making an appropriation in connection therewith.

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

| YES | 34 | NO | 0 | EXCUSED | 1 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | Y | Romer | E | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | Y |
| Brophy | Y | Kester | Y | Schultheis | Y | Veiga | Y |
| Cadman | Y | Kopp | Y | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | Y | Shaffer | Y | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | Y | Takis | Y | Windels | Y |
| Harvey | Y | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

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

Co-sponsors added: Boyd, Gibbs, Groff, Hagedorn, Isgar, Kester, Mitchell S., Penry, Schwartz, Shaffer, Spence, Tapia, Tochtrop, Tupa, Veiga, Ward, Wiens, Williams and Windels.

SB08-242 by Senator(s) Boyd, Mitchell S.; also Representative(s) Benefield--Concerning inclusion of the first authorized distributor of record in the chain of distribution for the purpose of a prescription drug pedigree.

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

| YES | 34 | NO | 0 | EXCUSED | 1 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | Y | Romer | E | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | Y |
| Brophy | Y | Kester | Y | Schultheis | Y | Veiga | Y |
| Cadman | Y | Kopp | Y | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | Y | Shaffer | Y | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | Y | Takis | Y | Windels | Y |
| Harvey | Y | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

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

Co-sponsors added: Hagedorn, Tochtrop and Williams.

SB08-230 by Senator(s) Morse, Keller, Johnson, Hagedorn, Gordon, Isgar, Kester, Mitchell S., Romer, Taylor, Veiga, Williams, Windels; also Representative(s) Buescher, Pommer, White, McGihon, Carroll T., Casso, Ferrandino, Frangas, Hodge, Marostica, Marshall, Middleton, Soper, Stafford, Todd--Concerning the authority of certain hospital care providers as units of government under medicaid.

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

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| YES | 26 | NO | 8 | EXCUSED | 1 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | Y | Romer | E | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | Y |
| Brophy | N | Kester | Y | Schultheis | N | Veiga | Y |
| Cadman | N | Kopp | N | Schwartz | Y | Ward | N |
| Gibbs | Y | McElhany | Y | Shaffer | Y | Wiens | N |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | Y | Takis | Y | Windels | Y |
| Harvey | Y | Penry | N | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | N | Taylor | Y | | |

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

Co-sponsors added: Boyd, Gibbs, Shaffer and Tupa.

SB08-011 by Senator(s) Morse, Boyd; also Representative(s) Massey, Green--Concerning funding for the provision of uncompensated trauma care to persons injured in motor vehicle accidents in Colorado, and making an appropriation therefor.

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

| YES | 26 | NO | 9 | EXCUSED | 0 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | N | Romer | Y | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | Y |
| Brophy | N | Kester | Y | Schultheis | N | Veiga | Y |
| Cadman | N | Kopp | N | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | N | Shaffer | Y | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | N | Williams | Y |
| Hagedorn | Y | Morse | Y | Takis | N | Windels | Y |
| Harvey | Y | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | N | Taylor | Y | | |

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

Co-sponsors added: Isgar, Keller, Schwartz, Tapia, Tochtrop, Wiens and Windels.

SB08-240 by Senator(s) Gordon; also Representative(s) Casso--Concerning the procedures to create an online system allowing electors who make a self-affirmation of their voting qualification and whose signatures are on file with the department of state to make changes in their voter registration records, and making an appropriation therefor.

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

| YES | 19 | NO | 16 | EXCUSED | 0 | ABSENT | 0 |
|----------|----|-------------|----|------------|---|-----------|---|
| Bacon | Y | Johnson | N | Romer | Y | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | Y |
| Brophy | N | Kester | N | Schultheis | N | Veiga | Y |
| Cadman | N | Kopp | N | Schwartz | Y | Ward | N |
| Gibbs | Y | McElhany | N | Shaffer | Y | Wiens | N |
| Gordon | Y | Mitchell S. | N | Spence | N | Williams | Y |
| Hagedorn | Y | Morse | Y | Takis | N | Windels | Y |
| Harvey | N | Penry | N | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | N | Taylor | N | | |

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

Co-sponsors added: Groff.

On motion of Senator Veiga, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB08-245 and HB08-1388 were made Special Orders at 10:18 a.m.

Committee of the Whole The hour of 10:18 a.m. having arrived, Senator Veiga moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Veiga was called to the Chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

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:

SB08-245 by Senator(s) Windels; also Representative(s) Buescher--Concerning authorization for the direct payment by the state treasurer of a scheduled payment on bonds issued by a state-supported institution of higher education when the institution will not be able to make the payment.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, April 28, page 1212 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

Senator Gordon moved that the Committee of the Whole rise, report progress, and beg leave to sit again at 3:30 p.m. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.

REPORT OF THE COMMITTEE OF THE WHOLE

Passed on Second Reading: SB08-245 as amended.

Committee of the Whole in recess.

MESSAGE FROM THE HOUSE

April 29, 2008
Mr. President:

The Speaker has appointed Representatives Looper, chairman, Butcher, and McFadyen as House conferees on the First Conference Committee on HB08-1007.

The House has adopted and transmits herewith HJR08-1028, as printed in House Journal.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR08-1028 by Representative(s) Borodkin, Witwer, Carroll T., McNulty, Gardner B., Gallegos, Looper, Balmer, Ferrandino, Benefield, Buescher, Butcher, Carroll M., Casso, Fischer, Gagliardi, Garza-Hicks, Green, Hodge, Jahn, Judd, Kefalas, Kerr J., King, Labuda, Levy, Liston, Madden, Marostica, Marshall, Massey, McFadyen, McGihon, McKinley, Merrifield, Mitchell V., Peniston, Pommer, Primavera, Rice, Riesberg, Roberts, Scanlan, Solano, Sonnenberg, Stafford, Stephens, Summers, Todd, Vaad, Weissmann, White; also Senator(s) Shaffer and Gordon--Concerning the declaration of April 27th through May 3rd, 2008, as "Holocaust Awareness Week".

On motion of Senator Shaffer, the resolution was read at length and **adopted** by the following roll call vote:

| YES | 35 | NO | 0 | EXCUSED | 0 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | Y | Romer | Y | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | Y |
| Brophy | Y | Kester | Y | Schultheis | Y | Veiga | Y |
| Cadman | Y | Kopp | Y | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | Y | Shaffer | Y | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | Y | Takis | Y | Windels | Y |
| Harvey | Y | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

Co-sponsors added: Bacon, Boyd, Brophy, Cadman, Gibbs, Groff, Hagedorn, Harvey, Isgar, Johnson, Keller, Kester, Kopp, McElhany, Mitchell S., Morse, Penry, Renfroe, Romer,

Sandoval, Schultheis, Schwartz, Spence, Takis, Tapia, Taylor, Tochtrop, Tupa, Veiga, Ward, Wiens, Williams and Windels.

COMMITTEE OF REFERENCE REPORTS

Appropriations After consideration on the merits, the Committee recommends that HB08-1393 be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that HB08-1385 be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that HB08-1082 be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that HB08-1397 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 12, line 24, strike "(\$81,207) and 1.0 FTE," and substitute "(\$81,207),".

Appropriations After consideration on the merits, the Committee recommends that HB08-1396 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 5, line 2, strike "In" and substitute "(1) In";

strike lines 9 and 10 and substitute "act.";

after line 10, insert the following:

"(2) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2007, the sum of twenty-five thousand dollars (\$25,000) and 0.2 FTE, or so much thereof as may be necessary, for the provision of legal services to the department of public health and environment related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of public health and environment out of the appropriation made in subsection (1) of this section.

(3) The moneys appropriated in this section shall remain available until the purposes of this act have been accomplished."

Senate in recess. Senate reconvened.

Call of the Senate. Call raised.

COMMITTEE OF REFERENCE REPORTS

Appropriations After consideration on the merits, the Committee recommends that HB08-1344 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, line 17, strike "(2) (a)" and substitute "(2)";

line 18, after "LAW", insert "THAT CAN BE CONSTRUED TO REDUCE THE STATUTORY PERIOD SET FORTH IN THIS SECTION,";

line 21, strike "WITHIN" and substitute "AFTER THE CAUSE OF ACTION

ACCRUES.";

strike lines 22 through 27.

Page 5, strike line 1;

strike lines 25 through 27.

Strike page 6.

Page 7, strike line 1 through 19.

Renumber succeeding sections accordingly.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SCR08-008** be postponed indefinitely.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB08-1378** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 5, line 24, strike "THE";

strike lines 25 through 27 and substitute the following:

"A LOCAL GOVERNMENT MAY CONDUCT A RANKED VOTING ELECTION USING THE SINGLE TRANSFERABLE VOTE METHOD, IN WHICH A WINNING THRESHOLD IS CALCULATED BASED ON THE NUMBER OF SEATS TO BE FILLED AND THE NUMBER OF VOTES CAST SO THAT NO MORE THAN THE CORRECT NUMBER OF CANDIDATES CAN WIN. THE BALLOTS SHALL BE COUNTED IN ROUNDS, WITH SURPLUS VOTES TRANSFERRED FROM WINNING CANDIDATES AND CANDIDATES WITH THE FEWEST VOTES ELIMINATED ACCORDING TO THE METHODOLOGY ESTABLISHED BY THE SECRETARY OF STATE BY RULE, UNTIL THE NUMBER OF CANDIDATES REMAINING EQUALS THE NUMBER OF SEATS TO BE FILLED. A LOCAL GOVERNMENT MAY ALSO CONDUCT AN ELECTION PURSUANT TO THIS SUBSECTION (4) USING THE PRINCIPLES OF INSTANT RUNOFF VOTING SPECIFIED IN SUBSECTION (3) OF THIS SECTION TO ENSURE THAT EACH ELECTOR HAS EQUAL VOTING POWER AND THAT AN ELECTOR'S LOWER RANKING OF A CANDIDATE DOES NOT COUNT AGAINST THE CANDIDATE TO WHOM THE ELECTOR GAVE THE HIGHEST RANK."

Page 6, strike line 1.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB08-1394** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB08-1401** be referred to the Committee on Appropriations with favorable recommendation.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SJR08-036** be referred to the Senate for final action.

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MESSAGE FROM THE HOUSE

April 29, 2008
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB08-1399, amended as printed in House Journal, April 25, page 1599, and amended on Third Reading as printed in House Journal, April 29. HB08-1410, amended as printed in House Journal, April 28, page 1643.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB08-206, amended as printed in House Journal, April 28, page 1642. SB08-075, amended as printed in House Journal, April 28, page 1642. SB08-013, amended as printed in House Journal, April 28, page 1643-1644.

The Speaker has appointed Representatives King, chairman, Buescher, and Jahn as House conferees on the First Conference Committee on SB08-205.

April 29, 2008
Mr. President:

The House has postponed indefinitely SB08-190, 140, 164. The bills are returned herewith.

MESSAGE FROM THE REVISOR OF STATUTES

April 29, 2008

We herewith transmit:

Without comment, as amended, HB08-1399 and 1410.
Without comment, as amended, SB08-013, 075 and 206.

COMMITTEE OF REFERENCE REPORTS

Finance

The Committee on Finance has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

**MEMBERS OF THE
ADVISORY COMMITTEE ON
GOVERNMENTAL ACCOUNTING**

for a term expiring May 18, 2009:

Kellie J. Case of Colorado Springs, Colorado, to serve as a representative of city and town government, appointed.

for terms expiring May 18, 2011:

Gregory W. Demko of Loveland, Colorado, to serve as a representative of city and county government, appointed;

Donald J. McMahan of Avon, Colorado, to serve as a certified public accountant, appointed;

Steven R. Shipley of Centennial, Colorado, to serve as a representative of special services districts, reappointed.

Finance

The Committee on Finance has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

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MEMBER OF THE
WORKERS' COMPENSATION COST
CONTAINMENT BOARD

for a term expiring December 13, 2010:

Tasha R. Greene of Ault, Colorado to represent an employer who has demonstrated good risk management experience with respect to their workers' compensation insurance, appointed.

Finance After consideration on the merits, the Committee recommends that **HB08-1403** be referred to the Committee of the Whole with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **HB08-1405** be referred to the Committee on Appropriations with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **HB08-1365** be referred to the Committee of the Whole with favorable recommendation.

RECONSIDERATION OF HB08-1346

HB08-1346 by Representative(s) Curry; also Senator(s) Isgar--Concerning the funding of Colorado water conservation board projects, and making appropriations in connection therewith.

Having voted on the prevailing side, Senator Isgar moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on **HB08-1346**. A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

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:

HB08-1346 by Representative(s) Curry; also Senator(s) Isgar--Concerning the funding of Colorado water conservation board projects, and making appropriations in connection therewith.

A majority of those elected to the Senate having voted in the affirmative, Senator Isgar was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 1(L.011), by Senator Isgar.

Amend rerevised bill, page 27, strike lines 14 through 17 and substitute the following:

"appropriated, out of any moneys in the Colorado water conservation board construction fund not otherwise appropriated, to the department of natural resources, for allocation to the Colorado water conservation board, for the fiscal year beginning July 1, 2008, the".

The amendment was declared **passed** on the following roll call vote:

| YES | 30 | NO | 0 | EXCUSED | 5 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | E | Romer | Y | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | Y |
| Brophy | Y | Kester | Y | Schultheis | Y | Veiga | Y |
| Cadman | Y | Kopp | Y | Schwartz | Y | Ward | E |
| Gibbs | Y | McElhany | Y | Shaffer | E | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | E | Takis | Y | Windels | Y |
| Harvey | E | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

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

| YES | 30 | NO | 0 | EXCUSED | 5 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | E | Romer | Y | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | Y |
| Brophy | Y | Kester | Y | Schultheis | Y | Veiga | Y |
| Cadman | Y | Kopp | Y | Schwartz | Y | Ward | E |
| Gibbs | Y | McElhany | Y | Shaffer | E | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | E | Takis | Y | Windels | Y |
| Harvey | E | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

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

CONFERENCE COMMITTEE GRANTED FURTHER POWERS

SB08-208 by Senator(s) Windels; also Representative(s) Benefield--Concerning background investigations of school employees.

Senator Windels moved that the Senate Conferees on the First Conference Committee on **SB08-208** be granted permission to go beyond the scope of the differences between the two Houses.

A majority of all members elected to the Senate having voted in the affirmative, the motion was declared **adopted**.

SENATE SERVICES REPORT

- Correctly Printed:** SB08-245, and 246; SJR08-041; SR08-006.
- Correctly Engrossed:** SB08-011, 230, 239, 240, and 242; SJR08-028.
- Correctly Reengrossed:** SB08-224, 225, 228, 231, 233, 234, 235, 236, 237, and 238.
- Correctly Revised:** HB08-1049, 1110, 1114, 1115, 1141, 1157, 1222, 1232, 1264, 1274, 1308, 1319, 1346, 1349, 1373, and 1376,
- Correctly Rerevised:** HB08-1136, 1223, and 1377.

Committee of the Whole reconvened.

SPECIAL ORDERS -- SECOND READING OF BILLS -- cont.

HB08-1388 by Representative(s) Pommer; also Senator(s) Windels--Concerning the financing of public schools, and making an appropriation therefor.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, April 25, pages 1155-1156 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 28, pages 1200-1201 and placed in members' bill files.)

Amendment No. 3(L.042), by Senator Windels.

Amend reengrossed bill, page 9, strike lines 5 through 9 and substitute the following:

"**SECTION 6.** 22-54-105 (1) (b) (II) (A), (2) (b) (II) (A), and (4), Colorado Revised Statutes, are amended to read:

22-54-105. Instructional supplies and materials - capital

reserve and insurance reserve - at-risk funding - preschool and kindergarten funding. (1) (b) (II) (A) ~~Except as provided in sub-subparagraph (B) of this subparagraph (H);~~ For the 1998-99 budget year and budget years thereafter THROUGH THE 2007-08 BUDGET YEAR, the dollar amount required to be budgeted per pupil pursuant to this paragraph (b) shall be increased each year by the same percentage that the statewide base per pupil funding is increased pursuant to section 22-54-104 (5). ~~Such~~ FOR THE 2008-08 BUDGET YEAR AND BUDGET YEARS THEREAFTER, THE DOLLAR AMOUNT REQUIRED TO BE BUDGETED PER PUPIL PURSUANT TO THIS PARAGRAPH (b) SHALL BE INCREASED EACH YEAR BY THE RATE OF INFLATION. THE amount OF ANY INCREASE PURSUANT TO THIS PARAGRAPH (b) shall be rounded to the nearest dollar.

(2) (b) (II) (A) ~~Except as provided in sub-subparagraph (B) of this subparagraph (H);~~ For the 1998-99 budget year and budget years thereafter THROUGH THE 2007-08 BUDGET YEAR, the minimum dollar amount required to be budgeted per pupil pursuant to this paragraph (b) shall be increased each year by the same percentage that the statewide base per pupil funding is increased pursuant to section 22-54-104 (5). FOR THE 2008-09 BUDGET YEAR AND BUDGET YEARS THEREAFTER, THE DOLLAR AMOUNT REQUIRED TO BE BUDGETED PER PUPIL PURSUANT TO THIS PARAGRAPH (b) SHALL BE INCREASED EACH YEAR BY THE RATE OF INFLATION. THE amount OF ANY INCREASE PURSUANT TO THIS PARAGRAPH (b) shall be rounded to the nearest dollar.

(4) ~~For the 2001-02 budget year and any".~~

As amended, laid over until Wednesday, April 30, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Veiga, the Report of the Committee of the Whole was adopted on the following roll call vote:

| YES | 30 | NO | 0 | EXCUSED | 5 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | E | Romer | Y | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | Y |
| Brophy | Y | Kester | Y | Schultheis | Y | Veiga | Y |
| Cadman | Y | Kopp | Y | Schwartz | Y | Ward | E |
| Gibbs | Y | McElhany | Y | Shaffer | E | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | E | Takis | Y | Windels | Y |
| Harvey | E | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

The Committee of the Whole took the following action:

Passed on Second Reading: SB08-245 as amended.

Laid over until Wednesday, April 30: HB08-1388 as amended.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Third Reading of Bills -- Final Passage -- SB08-243.

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:

SB08-243 by Senator(s) Gordon; also Representative(s) Carroll M.--Concerning the creation of the election reform commission, and making an appropriation therefor.

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

| YES | 21 | NO | 9 | EXCUSED | 5 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | E | Romer | Y | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | Y |
| Brophy | N | Kester | N | Schultheis | N | Veiga | Y |
| Cadman | N | Kopp | N | Schwartz | Y | Ward | E |
| Gibbs | Y | McElhany | Y | Shaffer | E | Wiens | N |
| Gordon | Y | Mitchell S. | N | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | E | Takis | Y | Windels | Y |
| Harvey | E | Penry | N | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | N | Taylor | Y | | |

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

Committee of the Whole

On motion of Senator Veiga, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Veiga 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 bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB08-1240 by Representative(s) Butcher, Liston; also Senator(s) Sandoval--Concerning continuation of the regulation of debt collection, and, in connection therewith, repealing the collection agency board.

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, March 18, pages 604-605 and placed in members' bill files.)

Amendment No. 2(L.013), by Senator Sandoval.

Amend reengrossed bill, page 6, strike lines 7 through 10, and substitute the following:

"**SECTION 9.** 12-14-122 (1) (a) (II), (2) (c) (II), (2) (c) (III), and (3) (b), Colorado Revised Statutes, are amended to read:

12-14-122. Collection agency license - notification of change and reapplication requirements. (1) (a) Upon any of the following changes, the licensee shall notify the administrator in writing of such change within thirty days after its occurrence:

(II) If a corporation OR LIMITED LIABILITY COMPANY, change in ownership of ten or more percent but less than fifty percent of the corporate stock OR OWNERSHIP INTEREST.

(2) (c) The changes which require a".

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

HB08-1364 by Representative(s) Benefield and Massey, Casso, Ferrandino, Gagliardi, Gallegos, Kerr A., King, Labuda, Liston, Merrifield, Middleton, Peniston, Pommer, Scanlan, Solano, Stephens, Summers, Todd; also Senator(s) Windels, Schwartz, Tupa--Concerning interdepartmental data protocols.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, April 23, page 1114 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

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- HB08-1390** by Representative(s) McGihon; also Senator(s) Isgar--Concerning the CoverColorado program.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

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- HB08-1368** by Representative(s) Buescher, McKinley; also Senator(s) Brophy, Romer, Tupa--Concerning the taxation of property used to produce alternating current electricity from a renewable energy source.

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, April 24, page 1136 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

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- HB08-1370** by Representative(s) Middleton; also Senator(s) Bacon--Concerning increasing the level of services provided by school counselors to students in public secondary schools, and, in connection therewith, creating the counselor corps grant program and making an appropriation.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 25, page 1160 and placed in members' bill files.)

Amendment No. 2(L.006), by Senator Bacon.

Amend reengrossed bill, page 5, line 13, after "THE", insert "STATE".

Page 7, line 10, strike "22-90-106." and substitute "22-90-105.".

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

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- HB08-1353** by Representative(s) Madden, Buescher, Curry, Roberts; also Senator(s) Isgar, Penry--Concerning the implementation of additional requirements to verify the validity of a state income tax credit claimed by a taxpayer for donating a conservation easement in the state, requiring a post-enactment review of the implementation of this act, and making an appropriation in connection therewith.

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, April 23, page 1108 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

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- HB08-1033** by Representative(s) Levy, Benefield, Borodkin, Buescher, Ferrandino, Fischer, Frangas, Massey, Merrifield, Rice, White; also Senator(s) Sandoval, Bacon, Gibbs, Isgar, Keller, Penry, Schwartz, Veiga--Concerning the tax credit for costs incurred in preservation of historic properties.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

69
- HB08-1010** by Representative(s) McFadyen, Merrifield; also Senator(s) Takis--Concerning the fines imposed for violations involving motor vehicles, and making an appropriation in connection therewith.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 25, page 1160 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

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- HB08-1127** by Representative(s) Liston; also Senator(s) Gibbs--Concerning the income tax credit for taxpayers who hire employees with developmental disabilities. 1
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Amendment No. 1, Finance Committee Amendment. 4
(Printed in Senate Journal, April 23, page 1107 and placed in members' bill files.) 5
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 7
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- HB08-1255** by Representative(s) Gardner C.; also Senator(s) Gibbs and Brophy--Concerning the teacher loan forgiveness pilot program, and, in connection therewith, expanding the operation of the program within rural school districts. 10
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Amendment No. 1, Education Committee Amendment. 14
(Printed in Senate Journal, April 23, page 1128 and placed in members' bill files.) 15
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Amendment No. 2, Appropriations Committee Amendment. 17
(Printed in Senate Journal, April 25, pages 1160-1161 and placed in members' bill files.) 18
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 20
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- HB08-1072** by Representative(s) Soper, Pommer; also Senator(s) Williams--Concerning employment incentives for people with disabilities through a medicaid buy-in program, and making an appropriation therefor. 23
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Amendment No. 1, Health & Human Services Committee Amendment. 27
(Printed in Senate Journal, April 23, page 1115 and placed in members' bill files.) 28
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Amendment No. 2, Appropriations Committee Amendment. 30
(Printed in Senate Journal, April 25, page 1161 and placed in members' bill files.) 31
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Amendment No. 3(L.013), by Senators Williams and Sandoval. 33
34
Amend reengrossed bill, page 7, line 3, after the period, add "ANY EMPLOYER-SPONSOR HEALTH INSURANCE PLAN SHALL BE THE PRIMARY PAYER, AND ANY PAYMENTS MADE UNDER MEDICAID SHALL BE SECONDARY. IN THE EVENT THAT THE EMPLOYER-SPONSORED HEALTH INSURANCE PLAN PROVIDES BENEFITS THAT ARE NOT EQUIVALENT TO THE BENEFITS PROVIDED UNDER MEDICAID, MEDICAID SHALL PROVIDE ALL ADDITIONAL BENEFITS THAT ARE NOT PROVIDED BY THE EMPLOYER-SPONSORED HEALTH INSURANCE PLAN." 35
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Amendment No. 4(L.011), by Senator Williams. 45
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Amend the Appropriations Committee Report, dated April 25, 2008, strike line 3, and substitute the following: 47
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"Page 9, line 1, strike "1 and 2" and substitute "1, 2, and 3"; 50
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strike lines 3 through 7 and substitute the following:"; 52
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line 4 of the committee report, after "(a)", insert "(I)"; 54
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line 7, strike "act;." and substitute "act; and";"; 56
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after line 7, insert the following: 58
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"line 8, strike "(b)" and substitute "(II)"; 60
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line 9, strike "and" and substitute "or"; 62
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after line 9, insert the following: 64
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"(b) (I) The final fiscal estimate for House Bill 08-1409, as reflected in the appropriations clause for said act, shows a net general fund savings that is equal to or greater than the final general fund fiscal estimate for this act, as reflected in section 3 of this act; and 66
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(II) House Bill 08-1409 is enacted at the second regular session of the sixty-sixth general assembly and becomes law; and";

line 11, after "that", insert "one of";

line 12, strike "requirement" and substitute "requirements".

Amendment No. 5(L.010), by Senator Williams.

Amend reengrossed bill, page 5, line 15, strike "EARNED";

line 17, strike "EARNED".

Page 6, line 6, strike "EARNED".

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

HB08-1225 by Representative(s) Rice and Buescher, Primavera; also Senator(s) Williams and Ward-- Concerning an increase in the property tax exemption for business personal property, and making an appropriation in connection therewith.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 25, page 1161 and placed in members' bill files.)

Amendment No. 2(L.006), by Senator Williams.

Amend reengrossed bill, page 2, line 15, strike "2008;" and substitute "2009;";

line 16, strike "YEAR" and substitute "YEARS";

line 17, strike "2008;" and substitute "2009, AND JANUARY 1, 2010;";

line 19, strike "2009," and substitute "2011," and strike "2010;" and substitute "2012;";

line 21, strike "2011," and substitute "2013," and strike "2012." and substitute "2014.";

line 23, strike "2013," and substitute "2015,".

Page 3, line 2, strike "2012," and substitute "2014,".

Page 7, strike lines 23 through 27.

Page 8, strike lines 1 through 8.

Re-number succeeding section accordingly.

Page 1, strike lines 102 and 103 and substitute the following:

"BUSINESS PERSONAL PROPERTY."

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

HB08-1342 by Representative(s) Kefalas; also Senator(s) Ward--Concerning measures to improve child support enforcement, and making an appropriation in connection therewith.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

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- HB08-1150** by Representative(s) Todd, Green, Stafford; also Senator(s) Williams, Tochtrop, Keller--
Concerning a program for providing additional therapies to persons with disabilities who are
eligible to receive medicaid. 1
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Amendment No. 1, Appropriations Committee Amendment. 5
(Printed in Senate Journal, April 25, page 1161 and placed in members' bill files.) 6
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As amended, ordered revised and placed on the calendar for Third Reading and Final 8
Passage. 9
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- HB08-1036** by Representative(s) McFadyen, Green, Levy, Marostica, McNulty, Merrifield, Rice,
Sonnenberg, Swalm; also Senator(s) Williams, Takis, Gibbs--Concerning prevention of
dangerous conditions on roadways. 11
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 15
(For further action, see Amendments to the Report of the Committee of the Whole.) 16
17
- HB08-1204** by Representative(s) Peniston; also Senator(s) Williams--Concerning the provision of
preschool through twelfth-grade educational services to students who receive educational
services in facilities, and making an appropriation in connection therewith. 18
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Amendment No. 1, Education Committee Amendment. 22
(Printed in Senate Journal, April 23, pages 1124-1128 and placed in members' bill files.) 23
24
Amendment No. 2(L.008), by Senator Williams. 25
26
Amend reengrossed bill, page 8, line 4, strike "COLORADO;" and
substitute "COLORADO, ONE OF WHOM SHALL HAVE EXPERTISE IN SPECIAL
EDUCATION;". 27
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Page 9, strike line 27. 31
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Page 10, strike lines 1 through 7. 33
34
Reletter succeeding paragraphs accordingly. 35
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Page 10, line 24, strike "(e)" and substitute "(d)". 37
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Page 11, line 26, strike "(2)" and substitute "(3)". 39
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Page 12, after line 1, insert the following: 41
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"(2) THE FACILITY SCHOOLS BOARD MAY MAKE
RECOMMENDATIONS TO THE STATE BOARD AND TO THE DEPARTMENT OF
HUMAN SERVICES REGARDING ANY OF THE FOLLOWING ISSUES: 43
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(a) THE PROCESS FOR PLACING A CHILD OR YOUTH IN A FACILITY
WHEN THE PLACEMENT IS INITIATED BY A PUBLIC ENTITY AND METHODS
FOR IMPROVING THE INVOLVEMENT OF SCHOOL DISTRICTS IN SUCH
PLACEMENT DECISIONS; 47
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(b) THE PROCESS FOR PLACING A CHILD OR YOUTH IN A FACILITY
WHEN THE PLACEMENT IS INITIATED BY ACTION BY OR REQUEST OF A
PRIVATE PERSON AND METHODS BY WHICH SCHOOL DISTRICTS MAY BE
INVOLVED IN SUCH PLACEMENT DECISIONS; 52
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(c) METHODS AND STRATEGIES FOR IMPROVING THE QUALITY OF
EDUCATIONAL SERVICES PROVIDED BY APPROVED FACILITY SCHOOLS AND
FOR IMPROVING THE EDUCATIONAL OUTCOMES FOR STUDENTS WHO
RECEIVE EDUCATIONAL SERVICES FROM APPROVED FACILITY SCHOOLS; 57
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(d) METHODS FOR RECRUITING AND RETAINING HIGHLY QUALIFIED
TEACHERS AND PARAPROFESSIONALS FOR EMPLOYMENT IN APPROVED
FACILITY SCHOOLS; 61
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(e) THE PROVISION OF APPROPRIATE SERVICES FOR STUDENTS WITH
DISABILITIES, INCLUDING THE PROCESS FOR DEVELOPING AND REVIEWING
INDIVIDUALIZED EDUCATION PROGRAMS; 66
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(f) METHODS OF REIMBURSING APPROVED FACILITY SCHOOLS FOR THE EXCESS COSTS INCURRED IN PROVIDING EDUCATIONAL SERVICES TO STUDENTS WITH DISABILITIES, INCLUDING DIRECT AND INDIRECT COSTS;

(g) THE LIABILITY OF THE SCHOOL DISTRICTS OF RESIDENCE FOR PROVIDING A FREE AND APPROPRIATE PUBLIC EDUCATION FOR THE STUDENTS WHO ARE PLACED IN A FACILITY AND PROCEDURES TO ENSURE STUDENTS' RIGHTS TO RECEIVE EDUCATIONAL SERVICES;

(h) THE OVERSIGHT AND MONITORING OF APPROVED FACILITY SCHOOLS; AND

(i) ANY OTHER ISSUES THAT ARE DETERMINED BY THE FACILITY SCHOOLS BOARD TO BE WITHIN ITS PURVIEW AND THAT ARE INTENDED TO IMPROVE EDUCATIONAL OUTCOMES FOR STUDENTS RECEIVING EDUCATIONAL SERVICES FROM APPROVED FACILITY SCHOOLS OR TO PROMOTE THE EFFICIENT DELIVERY OF EDUCATIONAL SERVICES TO STUDENTS WHO ARE PLACED IN FACILITIES."

Re-number succeeding subsection accordingly.

Page 13, line 22, strike "(2);" and substitute "(3);";

strike lines 26 and 27.

Page 14, strike line 1.

Re-letter succeeding paragraphs accordingly.

Page 14, line 4, strike "(e)" and substitute "(d)".

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

HB08-1167 by Representative(s) Frangas; also Senator(s) Boyd--Concerning specialized legal protections for certain members of vulnerable population groups, and, in connection therewith, prohibiting certain conduct with respect to the guaranteed issue of a medicare supplement policy for disabled persons, creating a working group to study health care issues for vulnerable populations, requiring certain retail establishments to provide toilet facilities to customers who suffer from certain medical conditions, and requiring the conduct of developmental screenings and assessments for certain children receiving welfare services.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, April 23, page 1115 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 25, page 1161 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

HB08-1227 by Representative(s) Madden; also Senator(s) Tapia--Concerning the public utilities commission, and, in connection therewith, continuing the public utilities commission under the sunset law, and making an appropriation.

Laid over until Wednesday, April 30, retaining its place on the calendar.

HB08-1372 by Representative(s) Primavera; also Senator(s) Hagedorn--Concerning the voluntary donation of umbilical cords for the purpose of aiding in the cure of life-threatening diseases through the use of adult blood stem cells.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills

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Calendar (HB08-1161, SB08-1208, HB08-1380) of April 29, was laid over until Wednesday, April 30, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB08-1036 by Representative(s) McFadyen, Green, Levy, Marostica, McNulty, Merrifield, Rice, Sonnenberg, Swalm; also Senator(s) Williams, Takis, Gibbs--Concerning prevention of dangerous conditions on roadways.

Senator Williams moved to amend the Report of the Committee of the Whole to show that the following amendment to HB 08-1036 did pass.

Amend reengrossed bill, page 2, line 10, strike "may SHALL" and substitute "may";

line 19, strike "SHALL" and substitute "MAY".

A majority of all members elected to the Senate having voted in the affirmative, the amendment to the Report of the Committee of the Whole was declared PASSED on the following roll call vote:

| YES | 30 | NO | 0 | EXCUSED | 5 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | E | Romer | Y | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | Y |
| Brophy | Y | Kester | Y | Schultheis | Y | Veiga | Y |
| Cadman | E | Kopp | Y | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | Y | Shaffer | E | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | E | Takis | Y | Windels | Y |
| Harvey | E | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Veiga, the Report of the Committee of the Whole was adopted on the following roll call vote:

| YES | 30 | NO | 0 | EXCUSED | 5 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | E | Romer | Y | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | Y |
| Brophy | Y | Kester | Y | Schultheis | Y | Veiga | Y |
| Cadman | E | Kopp | Y | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | Y | Shaffer | E | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | E | Takis | Y | Windels | Y |
| Harvey | E | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

The Committee of the Whole took the following action:

Passed on Second Reading: HB08-1240 as amended, HB08-1364 as amended, HB08-1390, HB08-1368 as amended, HB08-1370 as amended, HB08-1353 as amended, HB08-1033, HB08-1010 as amended, HB08-1127 as amended, HB08-1255 as amended, HB08-1072 as amended, HB08-1225 as amended, HB08-1342, HB08-1150 as amended, HB08-1036 as amended, HB08-1204 as amended, HB08-1167 as amended, HB08-1372. Laid over until Wednesday, April 30: HB08-1227, HB08-1161, HB08-1208, HB08-1380.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of House Amendments to Senate Bills.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB08-161 by Senator(s) Boyd, Spence, Groff; also Representative(s) Merrifield--Concerning eligibility for public medical benefits, and making an appropriation therefor.

Senator Boyd moved that the Senate concur in House amendments to **SB08-161**, as printed in House Journal, April 24, page 1564. The motion was **passed** by the following roll call vote:

| YES | 30 | NO | 0 | EXCUSED | 5 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | E | Romer | Y | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | Y |
| Brophy | Y | Kester | Y | Schultheis | Y | Veiga | Y |
| Cadman | E | Kopp | Y | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | Y | Shaffer | E | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | E | Takis | Y | Windels | Y |
| Harvey | E | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

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

| YES | 30 | NO | 0 | EXCUSED | 5 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | E | Romer | Y | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | Y |
| Brophy | Y | Kester | Y | Schultheis | Y | Veiga | Y |
| Cadman | E | Kopp | Y | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | Y | Shaffer | E | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | E | Takis | Y | Windels | Y |
| Harvey | E | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **repassed**.

SB08-165 by Senator(s) Williams; also Representative(s) Carroll M.--Concerning codification of the advisory council for persons with disabilities, and making an appropriation therefor.

Senator Williams moved that the Senate concur in House amendments to **SB08-165**, as printed in House Journal, April 24, page 1564. The motion was **passed** by the following roll call vote:

| YES | 29 | NO | 0 | EXCUSED | 6 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | E | Romer | Y | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | E |
| Brophy | Y | Kester | Y | Schultheis | Y | Veiga | Y |
| Cadman | E | Kopp | Y | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | Y | Shaffer | E | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | E | Takis | Y | Windels | Y |
| Harvey | E | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

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

| YES | 25 | NO | 4 | EXCUSED | 6 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | E | Romer | Y | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | E |
| Brophy | N | Kester | Y | Schultheis | N | Veiga | Y |
| Cadman | E | Kopp | N | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | Y | Shaffer | E | Wiens | N |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | E | Takis | Y | Windels | Y |
| Harvey | E | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **repassed**.

SB08-131 by Senator(s) Morse, Keller, Johnson; also Representative(s) Buescher, Pommer, White-- Concerning an increase in the funding to the supplemental old age pension health and medical care fund from the receipts collected from the state sales and use tax.

Laid over until Wednesday, April 30, retaining its place on the calendar.

SB08-057 by Senator(s) Kester; also Representative(s) Marshall--Concerning insurance coverage for hearing aids for minors, and making an appropriation therefor.

Senator Kester moved that the Senate concur in House amendments to **SB08-057**, as printed in House Journal, April 24, page 1566. The motion was **passed** by the following roll call vote:

| YES | 29 | NO | 0 | EXCUSED | 6 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | E | Romer | Y | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | E |
| Brophy | Y | Kester | Y | Schultheis | Y | Veiga | Y |
| Cadman | E | Kopp | Y | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | Y | Shaffer | E | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | E | Takis | Y | Windels | Y |
| Harvey | E | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

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

| YES | 25 | NO | 4 | EXCUSED | 6 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | E | Romer | Y | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | E |
| Brophy | N | Kester | Y | Schultheis | N | Veiga | Y |
| Cadman | E | Kopp | N | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | Y | Shaffer | E | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | E | Takis | Y | Windels | Y |
| Harvey | E | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | N | Taylor | Y | | |

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **repassed**.

SB08-152 by Senator(s) Tochtrop, Romer; also Representative(s) Gagliardi, Fischer, Kefalas-- Concerning the regulation of occupational therapy practitioners, and making an appropriation therefor.

Laid over until Wednesday, April 30, retaining its place on the calendar.

SB08-079 by Senator(s) Sandoval, Groff, Romer, Tapia, Tupa, Veiga, Williams; also Representative(s) Massey, Carroll T., Ferrandino, Marshall--Concerning assignment of in-state student classification to a student who is a United States citizen who has attended high school in Colorado for a specified period of time prior to the date the student received a secondary school certificate, and making an appropriation therefor.

Laid over until Wednesday, April 30, retaining its place on the calendar.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of April 29 was laid over until Wednesday, April 30, retaining its place on the calendar.

Third Reading of Bills -- Final Passage: SCR08-005.
 General Orders -- Second Reading of Bills - Consent Calendar: HB08-1318.
 Consideration of Resolutions: SJR08-021, SJR08-022, HJR08-1018, HJR08-1020,
 SJR08-029, SJR08-030, SJR08-031, SJR08-032, SJR08-033, SJR08-035, SR08-005,

SJR08-037, SJR08-038, SJR08-040, SJR08-025, SJR08-041. 1
 Consideration of Memorials: SJM08-003, SJM08-004, SJM08-005, SM08-003, 2
 SM08-004. 3
 Consideration of House Amendments to Senate Bills: SB08-002, SB08-090, SB08-033, 4
 SB08-106, SB08-026, SB08-006, SB08-194, SB08-119, SB08-071, SB08-168. 5
 Consideration of House Amendments to Senate Resolutions: SJR08-024. 6
 Consideration of Governor's Appointments: 7
 Members of the State Board of Stock Inspection Commissioners. 8
 Member of the Board of Trustees for Fort Lewis College. 9
 Member of the Board of Trustees for Adams State College. 10
 Members of the University of Colorado Hospital Authority Board of Directors. 11
 Members of the Colorado Commission on the Aging. 12
 Members of the Read-to-Achieve Board. 13
 Members of the Colorado Tourism Office Board of Directors. 14
 Members of the State Agricultural Commission. 15
 Members of the Fire and Police Pension Association Board of Directors. 16
 Members of the Colorado Wildlife Habitat Stamp Committee. 17
 Members of the Renewable Energy Authority Board of Directors. 18
 Members of the Colorado Water Conservation Board. 19
 Members of the Colorado Aeronautical Board. 20
 Members of the Board of Trustees for the University of Northern Colorado. 21
 Member of the Private Occupational School Board. 22
 Members of the Colorado Educational and Cultural Facilities Authority 23
 Board of Directors. 24
 Consideration of Conference Committee Reports: HB08-1180. 25
 Conference Committees to Report: HB08-1358, SB08-018, HB08-1345. 26

COMMITTEE OF REFERENCE REPORTS

Local Government After consideration on the merits, the Committee recommends that **SB08-223** be 33
 postponed indefinitely. 34
 Local Government After consideration on the merits, the Committee recommends that **HB08-1350** be 36
 amended as follows, and as so amended, be referred to the Committee of the Whole with 37
 favorable recommendation. 38
 Amend reengrossed bill, page 2, line 27, strike "UPON OR SERVING" and 40
 substitute "BEHIND THE METER OF". 41
 Page 3, line 4, strike "BOARD." and substitute "BOARD; EXCEPT THAT NO 43
 RENEWABLE ENERGY IMPROVEMENT SHALL BE AUTHORIZED THAT 44
 INTERFERES WITH A RIGHT HELD BY A PUBLIC UTILITY UNDER A 45
 CERTIFICATE ISSUED BY THE PUBLIC UTILITIES COMMISSION UNDER 46
 ARTICLE 5 OF TITLE 40, C.R.S. THE PUBLIC UTILITIES COMMISSION SHALL 47
 HAVE PRIMARY JURISDICTION TO ADJUDICATE DISPUTES AS TO WHETHER 48
 A RENEWABLE ENERGY IMPROVEMENT INTERFERES WITH SUCH A RIGHT." 49
 Page 4, strike line 1 and substitute the following: 51
 "IMPROVEMENTS TO SERVE THAT STRUCTURE OR OTHER STRUCTURES ON 53
 CONTIGUOUS PROPERTY UNDER COMMON OWNERSHIP."; 54
 after line 12, insert the following: 56
 "**SECTION 6.** 30-11-107.3 (2) (b), Colorado Revised Statutes, is 58
 amended to read: 59
**30-11-107.3. Incentives for installation of renewable energy 61
 fixtures - definitions.** (2) For purposes of this section, unless the 62
 context otherwise requires: 63
 (b) "Renewable energy fixture" means any fixture, product, 65
 system, device, or interacting group of devices that produces electricity 66
 ENERGY from renewable resources, including, but not limited to, 67
 photovoltaic systems, solar thermal systems, small wind systems, biomass 68
 systems, or geothermal systems." 69

Renumber succeeding sections accordingly.

Page 6, line 25, strike "UPON OR SERVING" and substitute "BEHIND THE METER OF".

Page 7, line 3, strike "BOARD." and substitute "BOARD; EXCEPT THAT NO RENEWABLE ENERGY IMPROVEMENT SHALL BE AUTHORIZED THAT INTERFERES WITH A RIGHT HELD BY A PUBLIC UTILITY UNDER A CERTIFICATE ISSUED BY THE PUBLIC UTILITIES COMMISSION UNDER ARTICLE 5 OF TITLE 40, C.R.S. THE PUBLIC UTILITIES COMMISSION SHALL HAVE PRIMARY JURISDICTION TO ADJUDICATE DISPUTES AS TO WHETHER A RENEWABLE ENERGY IMPROVEMENT INTERFERES WITH SUCH A RIGHT.".

Page 16, line 11, strike "BODY." and substitute "BODY; EXCEPT THAT NO RENEWABLE ENERGY IMPROVEMENT SHALL BE AUTHORIZED THAT INTERFERES WITH A RIGHT HELD BY A PUBLIC UTILITY UNDER A CERTIFICATE ISSUED BY THE PUBLIC UTILITIES COMMISSION UNDER ARTICLE 5 OF TITLE 40, C.R.S. THE PUBLIC UTILITIES COMMISSION SHALL HAVE PRIMARY JURISDICTION TO ADJUDICATE DISPUTES AS TO WHETHER A RENEWABLE ENERGY IMPROVEMENT INTERFERES WITH SUCH A RIGHT.";

line 14, strike "UPON OR SERVING" and substitute "BEHIND THE METER OF".

Finance

After consideration on the merits, the Committee recommends that **HB08-1389** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, line 7, before "BENEFITS", insert "POLICY";

line 11, after the period, add "FOR A GROUP MODEL HEALTH MAINTENANCE ORGANIZATION, EXPECTED BENEFITS SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, THE COSTS OF PROVIDING OR ARRANGING FOR HEALTH CARE SERVICES.";

strike lines 12 through 19.

Renumber succeeding sections accordingly.

Page 4, line 15, strike "PUBLIC";

strike line 16 and substitute the following:

"CONFIDENTIAL AS DETERMINED BY THE COMMISSIONER. ANY INFORMATION NOT DETERMINED CONFIDENTIAL SHALL BE PUBLIC WHEN FILED.".

Page 5, line 5, before "BENEFITS", insert "EXPECTED" and, strike "REQUESTED" and substitute "EXPECTED";

line 18, strike "RATE FILING" and substitute "EXPECTED RATE FILING";

line 24, strike "INCREASE" and substitute "INCREASE, OR A REQUESTED RATE INCREASE OF LESS THAN FIVE PERCENT FOR DENTAL INSURANCE,".

Page 6, line 2, before "Rate", insert "FAILURE TO SUPPLY THE INFORMATION REQUIRED BY THIS SECTION WILL RENDER THE FILING INCOMPLETE. THE COMMISSIONER SHALL MAKE A DETERMINATION OF COMPLETENESS NO LATER THAN THIRTY DAYS FOLLOWING SUBMISSION OF THE FILING FOR REVIEW. ALL FILINGS NOT RETURNED ON OR BEFORE THE THIRTIETH DAY AFTER RECEIPT WILL BE CONSIDERED COMPLETE. FILINGS MAY BE REVIEWED FOR SUBSTANTIVE CONTENT, AND IF REVIEWED, ANY DEFICIENCY SHALL BE IDENTIFIED AND COMMUNICATED TO THE FILING CARRIER ON OR BEFORE THE FORTY-FIFTH DAY AFTER RECEIPT. CORRECTION OF ANY DEFICIENCY, INCLUDING DEFICIENCIES IDENTIFIED AFTER THE FORTY-FIFTH DAY SHALL BE ON A PROSPECTIVE BASIS, AND NO PENALTY SHALL BE APPLIED FOR A VIOLATION IDENTIFIED THAT WAS NOT WILLFUL.";

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line 14, strike "THE FOLLOWING NEW SUBSECTIONS," and substitute "A NEW SUBSECTION,".

Page 10, line 4, after the period, insert "IN DETERMINING IF RATES ARE EXCESSIVE, THE COMMISSIONER MAY CONSIDER THE EXPECTED FILED RATES IN RELATION TO THE ACTUAL RATES CHARGED.";

line 16, strike "UNJUST, UNFAIR, INEQUITABLE," and substitute "EXCESSIVE, INADEQUATE, UNFAIRLY";

line 24, before "BENEFITS", insert "EXPECTED".

Page 11, line 5, strike "BENEFITS RATIO" and substitute "EXPECTED BENEFITS RATIO FOR A HEALTH BENEFIT PLAN";

strike lines 10 and 11 and substitute the following:

"CARRIER MAY EXPEDITE THE REVIEW OF THE APPROVAL PROCESS FOR A CARRIER WHO MEETS THE BENEFITS RATIO PURSUANT TO THIS PARAGRAPH (b).";

strike lines 19 through 27.

Strike pages 12 and 13.

Page 14, strike lines 1 through 9 and substitute the following:

~~"(3) (e) (f) No schedule of charges or rates for enrollee coverage for health care services, or amendments thereto, may be used by a health maintenance organization until a copy of such schedule or amendments has been filed with the commissioner prior to the effective date as determined by rules promulgated by the commissioner.~~

~~(H) Such rates may be established in accordance with actuarial principles for various categories of enrollees, if rates applicable to an enrollee shall not be individually determined based on the status of such enrollee's health. The rates shall not be excessive, inadequate, or unfairly discriminatory. An annual certification, by a qualified actuary, to the appropriateness of the rates, based on reasonable assumptions, shall accompany the filing along with adequate supporting information. Such supporting information and any other additional background information regarding the rates requested by the commissioner or required by regulation shall not be treated as a public record subject to part 2 of article 72 of title 24, C.R.S., or section 10-16-422.";~~

line 22, before "VIOLATED", insert "KNOWINGLY".

Page 15, strike lines 22 through 27.

Page 16, strike lines 1 through 4 and substitute the following:

SECTION 9. 10-16-111, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

10-16-111. Annual statement and reports. (4) (a) ON OR BEFORE JUNE 1 OF EACH YEAR, A CARRIER DOING BUSINESS IN THIS STATE SHALL SUBMIT TO THE COMMISSIONER WHERE APPLICABLE, THE FOLLOWING COST INFORMATION FOR THE PREVIOUS CALENDAR YEAR:

(I) MEDICAL TREND ITEMIZED BY MEDICAL PROVIDER PRICE INCREASES, UTILIZATION CHANGES, MEDICAL COST SHIFTING, AND NEW MEDICAL PROCEDURES AND TECHNOLOGY;

(II) MEDICAL TREND ITEMIZED BY PHARMACEUTICAL PRICE INCREASES, UTILIZATION CHANGES, COST SHIFTING, AND THE INTRODUCTIONS OF NEW BRAND AND GENERIC DRUGS;

(III) DIVIDENDS PAID;

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- (IV) EXECUTIVE SALARIES, STOCK OPTIONS, OR BONUSES;
- (V) INSURANCE PRODUCER COMMISSIONS;
- (VI) PAYMENTS TO LEGAL COUNSEL;
- (VII) PROVISION FOR PROFIT AND CONTINGENCIES;
- (VIII) ADMINISTRATIVE EXPENDITURES WITH BREAKDOWNS FOR ADVERTISING OR MARKETING EXPENDITURES, PAID LOBBYING EXPENDITURES, AND STAFF SALARIES;
- (IX) EXPENDITURES FOR DISEASE OR CASE MANAGEMENT PROGRAMS OR PATIENT EDUCATION AND OTHER COST CONTAINMENT OR QUALITY IMPROVEMENT EXPENSES;
- (X) CHARITABLE CONTRIBUTIONS;
- (XI) LOSSES ON INVESTMENTS OR INVESTMENT INCOME;
- (XII) RESERVES ON HAND;
- (XIII) THE AMOUNT OF SURPLUS AND THE AMOUNT OF SURPLUS RELATIVE TO THE CARRIER'S RISK-BASED CAPITAL REQUIREMENT;
- (XIV) TAXES ITEMIZED BY CATEGORY;
- (XV) ADMINISTRATIVE RATIO;
- (XVI) ACTUAL BENEFITS RATIO; AND
- (XVII) THE NUMBER OF LIVES INSURED UNDER EACH BENEFIT PLAN THE CARRIER OFFERS TO SMALL EMPLOYERS.

(b) A CARRIER LICENSED IN MULTIPLE JURISDICTIONS MAY SATISFY THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (4) BY FILING THE COLORADO ALLOCATED PORTION OF NATIONAL DATA IF THE ACTUAL DATA IS NOT OTHERWISE AVAILABLE.

(c) THE COMMISSIONER SHALL AGGREGATE THE DATA SUBMITTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4) FOR ALL CARRIERS AND PUBLISH THE INFORMATION ON THE DIVISION'S WEB SITE. THE COMMISSIONER SHALL SUBMIT A REPORT ANNUALLY TO THE GENERAL ASSEMBLY THAT ANALYZES THE COST OF HEALTH CARE AND THE FACTORS THAT DRIVE THE COST OF HEALTH CARE ON AN INDIVIDUAL AND GROUP BASIS IN THIS STATE.

(d) THE COMMISSIONER SHALL REPORT ANNUALLY TO THE GENERAL ASSEMBLY REGARDING FINANCIAL INFORMATION ON CARRIERS THAT INCLUDES, BUT IS NOT LIMITED TO, BENEFITS RATIOS, RATE INCREASES, AND THE REASONS OR DATA TRACKED FOR COST INCREASES, AS APPLICABLE FOR HEALTH INSURANCE PROVIDED PURSUANT TO ARTICLE 16 OF THIS TITLE."

Renumber succeeding sections accordingly.

Page 16, line 16, strike "6, 11, and 12" and substitute "5, 10, and 11".

SECOND REPORT OF FIRST CONFERENCE COMMITTEE
ON SB08-208

THIS REPORT AMENDS THE
REREVISED BILL
AND IS A CORRECTED REPORT

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To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on SB08-208,
concerning background investigations of school employees, has met and
reports that it has agreed upon the following:

1. That the Senate accede to the House amendments made to the
bill, as the amendments appear in the rerevised bill, with the following
changes:

Amend rerevised bill, page 13, line 26, strike "COMPLETE AND
UNREDACTED".

Page 14, line 5, strike "AND THE STATE BOARD OF EDUCATION ARE" and
substitute "IS A";

line 6, strike "AGENCIES" and substitute "AGENCY";

line 8, strike "AND THE STATE BOARD OF EDUCATION";

line 16 strike "AND THE STATE";

line 17, strike "BOARD OF EDUCATION";

line 19, strike "COMPLETE AND";

line 20, strike "UNREDACTED".

Page 15, line 26, strike "COMPLETE AND";

line 27, strike "UNREDACTED".

Page 17, line 3, strike "AND THE STATE BOARD";

line 4, strike "OF EDUCATION";

line 22, strike "AND THE STATE BOARD";

line 23, strike "OF EDUCATION".

Page 18, line 8, strike "AND THE STATE";

line 9, strike "BOARD OF EDUCATION";

line 18, strike "EDUCATION AND THE STATE BOARD OF";

line 19, after "or", insert "ANY AGENCY".

2. That, under the authority granted the committee to consider
matters not at issue between the two houses, the following amendments
be recommended:

Page 16, line 6, after "(1)", insert "(a)";

after line 15, insert the following:

"(b) IF THE DEPARTMENT OF EDUCATION SEEKS TO CONTACT A
CRIME VICTIM FOR THE PURPOSES OF A LICENSURE HEARING, THE
DEPARTMENT SHALL CONTACT THE VICTIM'S ADVOCATE IN THE LAW
ENFORCEMENT AGENCY OR DISTRICT ATTORNEY'S OFFICE OF THE
JURISDICTION IN WHICH THE OFFENSE WAS PROSECUTED OR THE VICTIM'S
ADVOCATE IN THE ATTORNEY GENERAL'S OFFICE, IF APPLICABLE. THE
VICTIM'S ADVOCATE SHALL MAKE REASONABLE EFFORTS TO CONTACT THE
VICTIM, ADVISE THE VICTIM OF THE HEARING, AND INVITE THE VICTIM TO
PARTICIPATE IN THE LICENSURE HEARING. A VICTIM SHALL NOT BE
REQUIRED TO PARTICIPATE IN A LICENSURE HEARING."

Page 19, before line 1, insert the following:

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"SECTION 14. 24-72-308 (1) (f), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

24-72-308. Sealing of records. (1) (f) (III) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (f), THE DEPARTMENT OF EDUCATION MAY REQUIRE A LICENSED EDUCATOR OR AN APPLICANT FOR AN EDUCATOR'S LICENSE WHO FILES A PETITION TO SEAL A CRIMINAL RECORD TO NOTIFY THE DEPARTMENT OF EDUCATION OF THE PENDING PETITION TO SEAL. THE DEPARTMENT SHALL HAVE THE RIGHT TO INQUIRE INTO THE FACTS OF THE CRIMINAL OFFENSE FOR WHICH THE PETITION TO SEAL IS PENDING. THE EDUCATOR OR APPLICANT SHALL HAVE NO RIGHT TO PRIVACY OR PRIVILEGE THAT JUSTIFIES HIS OR HER REFUSAL TO ANSWER ANY QUESTIONS CONCERNING THE ARREST AND CRIMINAL RECORDS INFORMATION CONTAINED IN THE PENDING PETITION TO SEAL."

Renumber succeeding section accordingly.

Respectfully submitted,

Senate Committee:
(signed)
Senator Windels, Chair
Senator Bacon
Senator Spence

House Committee:
(signed)
Representative Benefield, Chair
Representative Solano
Representative Roberts

INTRODUCTION OF BILLS -- FIRST READING

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

HB08-1399 by Representative(s) Buescher, Carroll T., Curry, Gallegos, Gardner C., Hodge, Looper, McFadyen, Pommer, Sonnenberg, White, McKinley; also Senator(s) Isgar, Keller, Kester, Morse--Concerning the use of interest from moneys in the unclaimed property tourism promotion trust fund for state agricultural efforts, and, in connection therewith, specifying how such moneys shall be distributed, clarifying that the distributions shall begin in the 2008-09 state fiscal year, and creating the agriculture management fund, and making an appropriation.
Agriculture, Natural Resources & Energy

HB08-1410 by Representative(s) Kerr A., Frangas, Borodkin, Butcher, Casso, Ferrandino, Fischer, Gallegos, Green, Hodge, Kefalas, Labuda, Madden, Marshall, McFadyen, McGihon, Middleton, Peniston, Primavera, Scanlan, Soper, Todd; also Senator(s) Tochtrop-- Concerning a requirement that health insurance plans include coverage for colorectal cancer prevention services, and, in connection therewith, exempting certain small group basic health plans.
State, Veterans & Military Affairs

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Spence, Chair, Tochtrop, and Boyd as Senate Conferees on the First Conference Committee on HB08-1314.

TRIBUTES

Honoring:

Sara Schoder -- by Senator Hagedorn.
Tanya Santaus -- by Senator Ward.

On motion of Senator Gordon, the Senate adjourned until 9:00 a.m., Wednesday, April 30, 2008.

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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