

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

104th Legislative Day Monday, April 21, 2008

Prayer By President Groff.
Pledge By Senator Tupa.
Call to Order By the President at 10:00 a.m.
Roll Call Present--35.
Quorum The President announced a quorum present.
Reading of Journal On motion of Senator Penry, reading of the Journal of April 18, 2008 was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE REVISOR OF STATUTES

April 18, 2008
We herewith transmit:
Without comment, as amended, HB08-1381.
Without comment, as amended, SB08-101 and 192.

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:
SB08-040 by Senator(s) Gordon; also Representative(s) Casso--Concerning online voter registration, and making an appropriation therefor.
Laid over until Tuesday, April 22, retaining its place on the calendar.
HB08-1261 by Representative(s) Buescher; also Senator(s) Bacon--Concerning the exemption from sales tax of the sale of aircraft to be removed from the state.
Laid over until Tuesday, April 22, retaining its place on the calendar.
SB08-065 by Senator(s) Spence; also Representative(s) Merrifield and Massey--Concerning teacher performance incentive programs, and making an appropriation therefor.
Laid over until Tuesday, April 22, retaining its place on the calendar.
SB08-200 by Senator(s) Veiga; also Representative(s) Judd, Borodkin, Carroll M., Carroll T., Casso, Ferrandino, Frangas, Green, Kerr A., Levy, Madden, Marshall, McGihon, Pommer, Todd--Concerning the expansion of prohibitions against discrimination.
The question being "Shall the bill pass?", the roll call was taken with the following result:

| YES | 20 | NO | 15 | 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 | Y | 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: Bacon, Boyd, Gibbs, Groff, Isgar, Keller, Morse, Romer, Sandoval, Schwartz, Shaffer, Tapia, Tupa, Williams and Windels.

SB08-184 by Senator(s) Romer; also Representative(s) Levy--Concerning the creation of the Colorado clean energy finance program.

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

| YES | 20 | NO | 15 | 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 | Y | 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: Bacon, Boyd, Gibbs, Groff, Schwartz, Shaffer, Tapia, Tupa, Veiga, Williams and Windels.

SB08-215 by Senator(s) Schwartz; also Representative(s) Riesberg--Concerning broadband telecommunications service, and, in connection therewith, directing the state's chief information officer to create an inventory of broadband telecommunications service areas and information service areas and authorizing the public utilities commission to establish a funding mechanism to help defray the cost of preparing the inventory.

Laid over until Tuesday, April 22, retaining its place on the calendar.

SB08-188 by Senator(s) Boyd; also Representative(s) Kerr J.--Concerning the establishment of a pilot program for Colorado hospitals to collaborate with direct-care nurses in order to model professional nursing practice involvement in issues of importance to nursing.

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

| YES | 23 | NO | 12 | EXCUSED | 0 | ABSENT | 0 |
|----------|----|-------------|----|------------|---|-----------|---|
| Bacon | Y | Johnson | Y | 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 | N |
| Gibbs | Y | McElhany | N | Shaffer | Y | Wiens | N |
| Gordon | Y | Mitchell S. | N | Spence | N | Williams | Y |
| Hagedorn | Y | Morse | Y | Takis | Y | Windels | Y |
| Harvey | N | 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: Bacon, Gibbs, Groff, Keller, Schwartz, Shaffer, Tapia, Tochtrop, Williams and Windels.

SB08-044 by Senator(s) Renfroe; also Representative(s) McFadyen--Concerning tuberculosis screening for higher education students.

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

| YES | 35 | NO | 0 | EXCUSED | 0 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | 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 | | |

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

Co-sponsors added: Gibbs, Schultheis, Wiens and Williams.

SCR08-003 by Senator(s) Tapia, Shaffer, Mitchell S., Isgar, Groff, Gordon, Bacon, Boyd, Keller, Morse, Romer, Williams; also Representative(s) White, Kerr A., Roberts, Madden-- Submitting to the registered electors of the state of Colorado an amendment to section 1 of article V of the constitution of the state of Colorado, concerning initiatives, and, in connection therewith, requiring the number of signatures gathered on a proposed initiative petition for state legislation to be equal to at least four percent of the votes cast in the previous election for governor; requiring the number of signatures gathered on a proposed initiative petition for an amendment to the constitution to be equal to at least six percent of the votes cast in the previous election for governor; requiring a minimum number of signatures for an initiative petition to amend the state constitution to be gathered from residents of each congressional district in the state; requiring an initiative petition for an amendment to the constitution to be filed with the secretary of state seven months before an election; and requiring a two-thirds vote of all members elected to each house of the general assembly to repeal or amend any law enacted by an initiative for a period of six years after the law becomes effective.

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

| YES | 27 | NO | 8 | EXCUSED | 0 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | Y | Romer | Y | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | N |
| 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 | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | N | Taylor | Y | | |

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

Co-sponsors added: Sandoval, Schwartz, Tochtrop and Windels.

IMMEDIATE RECONSIDERATION OF SCR08-003

SCR08-003 by Senator(s) Tapia, Shaffer, Mitchell S., Isgar, Groff, Gordon, Bacon, Boyd, Keller, Morse, Romer, Williams; also Representative(s) White, Kerr A., Roberts, Madden-- Submitting to the registered electors of the state of Colorado an amendment to section 1 of article V of the constitution of the state of Colorado, concerning initiatives, and, in connection therewith, requiring the number of signatures gathered on a proposed initiative petition for state legislation to be equal to at least four percent of the votes cast in the previous election for governor; requiring the number of signatures gathered on a proposed initiative petition for an amendment to the constitution to be equal to at least six percent of the votes cast in the previous election for governor; requiring a minimum number of signatures for an initiative petition to amend the state constitution to be gathered from residents of each congressional district in the state; requiring an initiative petition for an amendment to the constitution to be filed with the secretary of state seven months before an

election; and requiring a two-thirds vote of all members elected to each house of the general assembly to repeal or amend any law enacted by an initiative for a period of six years after the law becomes effective.

Having voted on the prevailing side, Senator Shaffer moved for immediate reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on **SCR08-003**. The roll call was taken with the following result:

| YES | 10 | NO | 25 | EXCUSED | 0 | ABSENT | 0 |
|----------|----|-------------|----|------------|---|-----------|---|
| Bacon | N | Johnson | N | Romer | N | Tochtrop | N |
| Boyd | N | Keller | N | Sandoval | N | Tupa | Y |
| Brophy | Y | Kester | N | Schultheis | Y | Veiga | N |
| Cadman | Y | Kopp | Y | Schwartz | N | Ward | Y |
| Gibbs | N | McElhany | N | Shaffer | N | Wiens | Y |
| Gordon | N | Mitchell S. | Y | Spence | N | Williams | N |
| Hagedorn | N | Morse | N | Takis | N | Windels | N |
| Harvey | Y | Penry | N | Tapia | N | President | N |
| Isgar | N | Renfroe | Y | Taylor | N | | |

Less than a majority of all members elected to the Senate having voted in the affirmative, reconsideration was LOST.

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

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

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

HB08-1359 by Representative(s) Buescher, King; also Senator(s) Penry, Tupa--Concerning the authority of certain licensed wineries to use common licensed premises for the production of wine in this state.

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

HB08-1371 by Representative(s) Madden, May M.; also Senator(s) Gordon--Concerning the authority of the director of research of the legislative council to submit bids for legislative printing, and, providing for the funding thereof.

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

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

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

| YES | 35 | NO | 0 | EXCUSED | 0 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | 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 | | |

The Committee of the Whole took the following action:

Passed on Second Reading: HB08-1359, HB08-1371.

Committee
of the
Whole

On motion of Senator Keller, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Keller 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:

SB08-170

by Senator(s) Bacon, Johnson, Penry; also Representative(s) Buescher, Fischer, Kefalas, Marostica--Concerning an extension of the period during which tax revenues may be allocated to a special fund by a downtown development authority in connection with tax increment financing.

Amendment No. 1, Local Government Committee Amendment.
(Printed in Senate Journal, March 5, page 474 and placed in members' bill files.)

Amendment No. 1(L.005), by Senator Bacon.

Amend the Local Government Committee report, dated February 28, 2008, page 1, strike line 1 and substitute the following:

"Amend printed bill, page 2, line 16, after "years", insert "OR SUCH LONGER PERIOD AS PROVIDED FOR IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (a)".

Page 3, line 8, after "WHICH", insert "PROPERTY";

line 9, strike "YEARS" and substitute "YEARS, WHICH EXTENSION SHALL COMMENCE UPON THE EXPIRATION OF THE ORIGINAL THIRTY-YEAR PERIOD,";

line 10, after "ALLOCATION", insert "OF PROPERTY TAXES";

line 15, after "EXTENSION.", insert "THE GOVERNING BODY MAY ALSO BY ORDINANCE EXTEND THE PERIOD DURING WHICH SALES TAXES SHALL BE ALLOCATED FOR ONE ADDITIONAL EXTENSION OF TWENTY YEARS WITH NO CHANGE TO THE ESTABLISHED SALES TAX BASE YEAR.";

strike lines 22 and 23 and substitute the following:

"BASIS FIFTY PERCENT OF THE PROPERTY TAXES LEVIED, OR SUCH GREATER AMOUNT AS MAY BE SET FORTH IN AN AGREEMENT NEGOTIATED BY THE MUNICIPALITY AND THE RESPECTIVE PUBLIC BODIES, AND ALLOCATED IN ACCORDANCE WITH THE";

strike lines 25 through 27.

Page 4, strike lines 1 and 2 and substitute the following:

"PAID INTO THE SPECIAL FUND OF THE MUNICIPALITY AND THE BALANCE OF SUCH TAXES SHALL BE PAID INTO THE FUNDS OF THE OTHER PUBLIC BODIES BY OR FOR WHICH SUCH TAXES ARE COLLECTED. NOT LATER THAN";

line 11 of the Committee Report, strike "BODY." and substitute "BODY.";

after line 11, insert the following:

"SECTION 2. 31-25-807 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

31-25-807. Powers - duties. (3) (f) THE MANNER AND METHOD BY WHICH THE REQUIREMENTS OF SUBPARAGRAPH (III) OF PARAGRAPH (a) OF THIS SUBSECTION (3) ARE TO BE IMPLEMENTED BY THE COUNTY ASSESSORS SHALL BE CONTAINED IN SUCH MANUALS, APPRAISAL PROCEDURES, AND INSTRUCTIONS, AS APPLICABLE, THAT THE PROPERTY TAX ADMINISTRATOR IS AUTHORIZED TO PREPARE AND PUBLISH PURSUANT

| | | |
|-----------|--|----|
| | TO SECTION 39-2-109 (1) (e), C.R.S." | 1 |
| | | 2 |
| | Renumber succeeding section accordingly." | 3 |
| | | 4 |
| | As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. | 5 |
| | | 6 |
| | | 7 |
| HB08-1183 | by Representative(s) Hodge; also Senator(s) Veiga--Concerning modifications to the program that allows performance-based incentives for new job creation. | 8 |
| | | 9 |
| | | 10 |
| | <u>Amendment No. 1, Business, Labor & Technology Committee Amendment.</u> | 11 |
| | (Printed in Senate Journal, February 26, page 372 and placed in members' bill files.) | 12 |
| | | 13 |
| | As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. | 14 |
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| | | 16 |
| HB08-1354 | by Representative(s) Levy; also Senator(s) Mitchell S.--Concerning authorization for the regional transportation district to finance transportation projects by issuing specified types of bonds authorized by federal law. | 17 |
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| | Ordered revised and placed on the calendar for Third Reading and Final Passage. | 21 |
| | | 22 |
| HB08-1253 | by Representative(s) White, Buescher, Pommer; also Senator(s) Morse, Keller, Johnson--Concerning the creation of the judicial department information technology cash fund, and making an appropriation in connection therewith. | 23 |
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| | <u>Amendment No. 1, Appropriations Committee Amendment.</u> | 27 |
| | (Printed in Senate Journal, April 16, page 981 and placed in members' bill files.) | 28 |
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| | As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. | 30 |
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| HB08-1175 | by Representative(s) Garza-Hicks, Gardner B., Kerr J., Lambert, Marostica, May M., McNulty, Rose, Witwer; also Senator(s) Kopp--Concerning the creation of the United States Army fourth infantry division special license plate, and making an appropriation in connection therewith. | 33 |
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| | <u>Amendment No. 1, Appropriations Committee Amendment.</u> | 38 |
| | (Printed in Senate Journal, April 16, page 980 and placed in members' bill files.) | 39 |
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| | As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. | 41 |
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| HB08-1171 | by Representative(s) Casso; also Senator(s) Gibbs--Concerning the exclusion of a federal excise tax paid on the first sale of a heavy vehicle from the purchase price of such vehicle for the purpose of determining tax liability. | 44 |
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| | Ordered revised and placed on the calendar for Third Reading and Final Passage. | 48 |
| | | 49 |
| HB08-1257 | by Representative(s) Vaad; also Senator(s) Williams--Concerning the issuance of a permit to operate a motor vehicle with an overweight divisible load, and making an appropriation in connection therewith. | 50 |
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| | Ordered revised and placed on the calendar for Third Reading and Final Passage. | 54 |
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| HB08-1109 | by Representative(s) Balmer; also Senator(s) Williams--Concerning an increase in the secretary of state's authority over charitable solicitations, and making an appropriation therefor. | 56 |
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| | Ordered revised and placed on the calendar for Third Reading and Final Passage. | 60 |
| | | 61 |
| HB08-1268 | by Representative(s) White, Buescher, Pommer; also Senator(s) Johnson, Keller, Morse--Concerning the authority of the department of human services to rent surplus facilities, and making an appropriation therefor. | 62 |
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| | <u>Amendment No. 1, Health & Human Services Committee Amendment.</u> | 66 |
| | (Printed in Senate Journal, March 24, page 661 and placed in members' bill files.) | 67 |
| | | 68 |
| | As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. | 69 |
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HB08-1250 by Representative(s) Pommer, Buescher, White; also Senator(s) Johnson, Keller, Morse--
Concerning the provision of necessary moneys for the provision of social services by
counties, and, in connection therewith, changing the calculation of distributions from the
county tax base relief fund, and making an appropriation in connection therewith.

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

HB08-1108 by Representative(s) Riesberg; also Senator(s) Morse--Concerning an increase in the
funding to the older Coloradans cash fund from the receipts collected from the state sales
and use tax, and making an appropriation therefor.

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

HB08-1100 by Representative(s) Gagliardi; also Senator(s) Keller--Concerning adjusting fees charged
by the office of the state registrar to support the Colorado responds to children with special
needs program, and making an appropriation therefor.

Amendment No. 1, Finance Committee Amendment.

(Printed in Senate Journal, March 5, page 472 and placed in members' bill files.)

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

HB08-1241 by Representative(s) Scanlan, Casso, Curry, Rose, White; also Senator(s) Schwartz, Gibbs--
Concerning the voluntary contribution designation benefiting the Colorado watershed
protection fund that appears on the state individual income tax return forms, and, in
connection therewith, extending the period for the contribution designation and changing
the name of the fund.

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

HB08-1103 by Representative(s) Kerr J., Marshall, Mitchell V., Primavera; also Senator(s) Isgar, Takis,
Taylor--Concerning the regulation of amusement rides by the division of oil and public
safety.

Amendment No. 1, Business, Labor & Technology Committee Amendment.

(Printed in Senate Journal, March 18, page 605 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, April 16, page 981 and placed in members' bill files.)

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

(For further action, see Amendments to the Report of the Committee of the Whole.)

HB08-1084 by Representative(s) Buescher; also Senator(s) Penry--Concerning an option for prepayment
of severance tax liability available to a taxpayer for mitigation of the impact of mineral or
mineral fuel severance.

Amendment No. 1, Agriculture, Natural Resources & Energy Committee Amendment.

(Printed in Senate Journal, April 17, page 992, was declared LOST.)

As amended, ordered revised 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 1:30 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: SB08-170 as amended, HB08-1183 as amended, HB08-1354,
HB08-1253 as amended, HB08-1175 as amended, HB08-1171, HB08-1257, HB08-1109,
HB08-1268 as amended, HB08-1250, HB08-1108, HB08-1100 as amended, HB08-1241,
HB08-1103 as amended, HB08-1084.

Laid over to the end of the General Order -- Second Reading of Bills, April 21: SB08-217
as amended, SB08-157 as amended, SB08-198, HB08-1164 as amended, HB08-1329,
HB08-1170, SB08-213.

Committee of the Whole in recess.

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 Resolutions -- SJR08-026.

CONSIDERATION OF RESOLUTIONS

SJR08-026 by Senator(s) Keller; also Representative(s) Green--Concerning the recognition and commendation of the Colorado School of Mines' Eighth Continent Project.

On motion of Senator Keller, 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, Gordon, Groff, Hagedorn, Harvey, Isgar, Johnson, Kester, Kopp, McElhany, Mitchell S., Morse, Penry, Renfroe, Romer, Sandoval, Schultheis, Schwartz, Shaffer, Spence, Takis, Tapia, Taylor, Tochtrop, Tupa, Veiga, Ward, Wiens, Williams and Windels.

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB08-1001

THIS REPORT AMENDS THE
REREVISED BILL

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

Your first conference committee appointed on HB08-1001, concerning the advancement of bioscience discoveries in Colorado, and making an appropriation therefor, has met and reports that it has agreed upon the following:

1. That the House accede to the Senate amendments made to the bill, as the amendments appear in the rerevised bill.
2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendments be recommended:

Amend rerevised bill, page 13, line 7, strike "continuously" and substitute "continuously";

strike lines 8 through 18 and substitute the following:

"appropriated SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY for the direct and indirect costs associated with the implementation of the program PURPOSES SPECIFIED IN THIS SECTION, INCLUDING ADMINISTRATION OF THE PROGRAM BY THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT. Any moneys in the fund not expended for the purpose of this section may be invested by the state treasurer as

provided by law. All interest and income derived from the investment and deposit of moneys in the fund shall be credited to the fund. Any unexpended and unencumbered moneys remaining in the fund at the end of a fiscal year shall remain in the fund and shall not be credited or transferred to the general fund or another fund; EXCEPT THAT ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND UPON THE REPEAL OF THIS SECTION SHALL BE TRANSFERRED TO THE GENERAL FUND. ANY MONEYS INCLUDED IN AN ANNUAL APPROPRIATION THAT ARE NOT EXPENDED OR ENCUMBERED AT THE END OF THE FISCAL YEAR SHALL REMAIN AVAILABLE FOR EXPENDITURE IN THE NEXT FISCAL YEAR WITHOUT FURTHER APPROPRIATION."

Page 17, line 16, strike "\$5,500,000)" and substitute "\$5,500,000), and 0.6 FTE,".

Respectfully submitted,

House Committee:
(signed)
Representative Riesberg, Chair
Representative J. Kerr
Representative Buescher

Senate Committee:
(signed)
Senator Bacon, Chair
Senator Veiga
Senator Johnson

MESSAGE FROM THE HOUSE

April 21, 2008
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB08-1344, amended as printed in House Journal, April 18, pages 1444-1447, and on Third Reading, as printed in House Journal, April 21.

HB08-1380, amended as printed in House Journal, April 18, pages 1447-1448.

The House has passed on Third Reading and returns herewith SB08-203.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB08-118, amended as printed in House Journal, April 18, page 1447.

INTRODUCTION OF BILLS -- FIRST READING

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

- SB08-233** by Senator(s) Windels and Williams; also Representative(s) Riesberg and Marostica-- Concerning the authority of the state treasurer to enter into certain lease-purchase agreements relating to state-supported institutions of higher education. Finance
- SB08-234** by Senator(s) Bacon; --Concerning procedural matters related to substance abuse treatment in criminal cases. Judiciary
- SB08-235** by Senator(s) Bacon; --Concerning adding the act of masturbation in public to the offense of public indecency. Judiciary
- SB08-236** by Senator(s) Bacon; --Concerning clarifying that a law enforcement officer may give notice of the contents of a protection order to the person who is the subject of the order for purposes of the knowledge element in a criminal case involving violation of the protection order. Judiciary
- SB08-237** by Senator(s) Bacon; --Concerning the circumstances under which a person is required to register as a sex offender based upon a conviction in a jurisdiction other than Colorado. Judiciary

- SB08-238

by Senator(s) Bacon; --Concerning a prohibition on the reproduction of sexually exploitative material in a criminal case.
Judiciary

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- SB08-239

by Senator(s) Bacon; --Concerning increasing from a class 4 felony to a class 3 felony the penalty for leaving the scene of an accident involving death.
Judiciary

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- HB08-1381

by Representative(s) Frangas, Casso; also Senator(s) Sandoval--Concerning measures to prevent the loss of a mortgagor's equity in real property used as collateral for a loan.
Business, Labor and Technology

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SENATE SERVICES REPORT

Correctly Printed: SB08-232; SCR08-008, and 009; SJR08-036, 037, and 038.
Correctly Engrossed: SB08-044, 065, 184, 188, 200, and 215; SCR08-003.
Correctly Reengrossed: SB08-038, 123, 133, 166, 194, and 212.
Correctly Revised: HJR08-1016, and 1029.
Correctly Enrolled: SB08-016.

Senate in recess. Senate reconvened.

Call of the Senate. Call raised.

Committee of the Whole reconvened.

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

- SB08-217

by Senator(s) Hagedorn, Johnson; also Representative(s) McGihon and Massey, Roberts--
Concerning the framework for developing the centennial care choices program to reform the health care system in Colorado.

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- Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, April 10, pages 882-883 and placed in members' bill files.)

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- Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 16, pages 979-980 and placed in members' bill files.)

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- Amendment No. 3(L.007), by Senator Hagedorn.

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- Strike the Appropriations Committee Report, dated April 16, 2008.

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- Strike the Health and Human Services Committee Report, dated April 9, 2008.

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- Amend printed bill, strike everything below the enacting clause and substitute the following:

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- "SECTION 1. Part 1 of article 1 of title 25.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

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- 25.5-1-125. Centennial care choices - value benefit plans - request for information - request for proposals - report to general assembly - definitions - legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

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- (a) THE BLUE RIBBON COMMISSION FOR HEALTH CARE REFORM, ESTABLISHED PURSUANT TO SECTION 10-16-131, C.R.S., AS IT EXISTED PRIOR TO JULY 1, 2008, SUBMITTED ITS RECOMMENDATIONS TO THE GENERAL ASSEMBLY IN JANUARY 2008, REGARDING COMPREHENSIVE PROPOSALS TO REFORM HEALTH CARE IN COLORADO, INCLUDING METHODS

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TO REDUCE OR ELIMINATE COLORADO'S UNINSURED POPULATION;

(b) THE GENERAL ASSEMBLY RECOGNIZES THAT WHILE COMPREHENSIVE HEALTH CARE REFORM IS A LAUDABLE GOAL, THE STATE LACKS THE FINANCIAL RESOURCES TO FULLY SOLVE ALL THE PROBLEMS FACING THIS STATE'S HEALTH CARE SYSTEM;

(c) WHILE UNABLE TO FULLY ADDRESS COMPREHENSIVE HEALTH CARE REFORM AT THIS TIME, IT IS IMPORTANT TO START THE PROCESS NOW AND LAY THE GROUNDWORK FOR ESTABLISHING A SECURE, STABLE PROGRAM THAT REDUCES COLORADO'S UNINSURED POPULATION, PROVIDES ASSISTANCE TO THE STATE'S LOW-INCOME INDIVIDUALS AND EMPLOYEES IN OBTAINING HEALTH CARE COVERAGE, ENCOURAGES EMPLOYERS TO CONTINUE OFFERING HEALTH CARE COVERAGE TO THEIR EMPLOYEES, AND IS SUSTAINABLE INTO THE FUTURE, EVEN DURING AN ECONOMIC DOWNTURN;

(d) IT IS ALSO CRITICAL THAT THE STATE MAXIMIZE FEDERAL FUNDS FOR MEDICAL ASSISTANCE PROGRAMS SO AS TO PROVIDE SERVICES AND ACCESS TO HEALTH CARE TO THE STATE'S NEEDY POPULATION;

(e) COLORADO CANNOT WAIT TO ADDRESS THE CURRENT PROBLEMS RELATED TO THE DELIVERY OF AFFORDABLE HEALTH CARE TO RESIDENTS OF THE STATE, AND IT IS THEREFORE CRITICAL TO START THE PROCESS TOWARD DEVELOPING A BALANCED PARTNERSHIP BETWEEN PRIVATE AND PUBLIC SECTORS IN COLORADO TO BEGIN TO PROVIDE AFFORDABLE HEALTH INSURANCE TO THOSE WHO ARE UNINSURED; AND

(f) TO THAT END, THIS SECTION CREATES THE OPPORTUNITY FOR HEALTH INSURANCE CARRIERS TO DEVELOP AND OFFER AN AFFORDABLE, BASELINE HEALTH INSURANCE PRODUCT NOT CURRENTLY AVAILABLE IN THE INDIVIDUAL MARKET, TO PROVIDE ACCESS TO HEALTH CARE COVERAGE FOR THE STATE'S UNINSURED POPULATION.

(2) (a) (I) THE STATE DEPARTMENT, IN COORDINATION WITH THE DIVISION OF INSURANCE AND A PANEL OF EXPERT ADVISORS APPOINTED BY THE GOVERNOR, WHICH SHALL INCLUDE PERSONS WITH EXPERTISE IN ACTUARIAL SCIENCES, PERSONS ENGAGED IN THE DESIGNING, IMPLEMENTATION, AND MANAGEMENT OF HEALTH BENEFIT PLANS, CONSUMERS, AND PERSONS REPRESENTING HEALTH CARE PROVIDERS, SHALL PREPARE A REQUEST FOR INFORMATION TO BE ISSUED TO HEALTH INSURANCE CARRIERS. THE REQUEST FOR INFORMATION SHALL REQUEST INTERESTED HEALTH INSURANCE CARRIERS TO PROVIDE INFORMATION REGARDING:

(A) THE DESIGN OF AND BENEFITS INCLUDED IN VALUE BENEFIT PLANS, REFERRED TO IN THIS SECTION AS VBPs, THAT APPROXIMATE EIGHTY PERCENT OF THE ACTUARIAL VALUE OF A PREFERRED PROVIDER ORGANIZATION PLAN OFFERED TO EMPLOYEES OF THE STATE OF COLORADO AT THE TIME THE REQUEST FOR INFORMATION IS ISSUED, AS SPECIFIED IN THE REQUEST FOR INFORMATION; AND

(B) THE PERCENTAGE DIFFERENTIAL IN RATES FOR VBPs IF ALL COLORADO RESIDENTS ARE REQUIRED TO OBTAIN CREDITABLE COVERAGE AND IF NO SUCH INDIVIDUAL MANDATE IS IMPOSED.

(II) EXCEPT AS AUTHORIZED IN THIS SECTION, THE REQUEST FOR INFORMATION SHALL NOT SPECIFY BENEFITS OR OTHER DETAILS TO BE INCLUDED IN THE PROPOSED VBP.

(b) IN RESPONDING TO THE REQUEST FOR INFORMATION, A HEALTH INSURANCE CARRIER SHALL ASSUME THAT A VBP WILL, AT A MINIMUM:

(I) INCLUDE BENEFITS FOR PRIMARY AND PREVENTIVE CARE AND PARTICIPATION IN WELLNESS PROGRAMS AND INCENTIVES FOR PLAN PARTICIPANTS TO ENGAGE IN HEALTHIER BEHAVIOR;

(II) INCLUDE A LIFETIME MAXIMUM BENEFIT OF TWO HUNDRED FIFTY THOUSAND DOLLARS PER COVERED PERSON;

(III) IMPOSE A TWELVE-MONTH WAITING PERIOD FOR A PERSON SEEKING TO ENROLL IN A VBP WHO HAS CREDITABLE COVERAGE AT THE

TIME THE VBP IS FIRST OFFERED IN THE INDIVIDUAL MARKET;

(IV) ENCOURAGE THE USE OF HEALTH INFORMATION TECHNOLOGY AND TELEMEDICINE, INCLUDING, WITHOUT LIMITATION, HEALTH INFORMATION EXCHANGE, ELECTRONIC HEALTH RECORDS, AND ELECTRONIC PRESCRIPTIONS;

(V) ENCOURAGE THE USE OF A PAY-FOR-PERFORMANCE SYSTEM FOR REIMBURSING HEALTH CARE PROVIDERS, WHERE APPROPRIATE;

(VI) PROVIDE CONSUMERS WITH EDUCATIONAL MATERIALS REGARDING HOW TO ACCESS INTERNET-BASED HEALTH CARE TOOLS;

(VII) SPECIFY AN ADEQUATE NETWORK OF PROVIDERS AVAILABLE UNDER THE VBP;

(VIII) ENCOURAGE THE USE OF REGIONAL NETWORKS OF HOSPITALS, PHYSICIANS, COMMUNITY HEALTH CENTERS AND OTHER SAFETY NET PROVIDERS, AND OTHER HEALTH CARE PROFESSIONALS, WHERE AVAILABLE, AND INNOVATIVE OR COLLABORATIVE EFFORTS WITHIN COMMUNITIES FOR THE PROVISION OF HEALTH CARE SERVICES;

(IX) INCLUDE OPTIONAL COVERAGE CHOICES FOR PURCHASE BY CONSUMERS TO ADD TO THEIR VBPs;

(X) LIMIT THE DEMOGRAPHIC CHARACTERISTICS USED BY HEALTH INSURANCE CARRIERS IN DETERMINING PREMIUM RATES TO THE AGE OF THE INDIVIDUALS TO BE COVERED UNDER THE VBP AND THE GEOGRAPHIC LOCATION OF THE POLICYHOLDER;

(XI) SPECIFY PREMIUM LEVELS FOR EACH VBP BY AGE GROUP, REGION BY REGION;

(XII) BE OFFERED AND ISSUED TO ANY COLORADO RESIDENT ELIGIBLE PURSUANT TO THE TERMS OF THE APPROVED VBP WHO AGREES TO MAKE THE PREMIUM PAYMENTS REQUIRED FOR THAT PERSON;

(XIII) ALLOW FOR THE PAYMENT OF ALL OR A PORTION OF THE COVERED PERSON'S PREMIUM FROM A STATE-PAID PREMIUM SUBSIDY, IF MADE AVAILABLE BY THE STATE FOR LOW-INCOME INDIVIDUALS AND FAMILIES; AND

(XIV) NOT DESTABILIZE THE EXISTING SMALL GROUP MARKET.

(3) (a) AFTER RECEIPT OF THE INFORMATION REQUESTED OF HEALTH INSURANCE CARRIERS PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE STATE DEPARTMENT, IN COORDINATION WITH THE DIVISION AND THE PANEL, SHALL ACQUIRE RELEVANT ACTUARIAL PROJECTIONS, RESEARCH POTENTIAL COST SAVINGS, AND ANALYZE THE INFORMATION OBTAINED FROM HEALTH INSURANCE CARRIERS. USING THE RELEVANT PROJECTIONS, RESEARCH, AND INFORMATION, THE STATE DEPARTMENT, IN COOPERATION WITH THE DIVISION AND THE PANEL, SHALL DEVELOP A REQUEST FOR PROPOSALS TO BE ISSUED TO INTERESTED HEALTH INSURANCE CARRIERS FOR THE PURPOSE OF OBTAINING PLAN DESIGNS FOR VBPs BASED ON THE PARAMETERS OUTLINED IN THE REQUEST FOR INFORMATION, AS MODIFIED BY THE REQUEST FOR PROPOSALS. IN DEVELOPING THE REQUEST FOR PROPOSALS, THE STATE DEPARTMENT SHALL CONSIDER AND DETERMINE WHETHER THE REQUEST FOR PROPOSALS SHALL INCLUDE THE FOLLOWING ASSUMPTIONS OR COMPONENTS:

(I) AN ASSUMPTION THAT THE STATE WILL IMPOSE A REQUIREMENT THAT ALL COLORADANS OBTAIN CREDITABLE COVERAGE, EITHER THROUGH A STATE-SANCTIONED VBP, ANOTHER HEALTH INSURANCE PRODUCT AVAILABLE IN THE PRIVATE MARKET FOR INDIVIDUALS OR GROUPS, PARTICIPATION IN A STATE OR FEDERAL PROGRAM PROVIDING BENEFITS OR COVERAGE FOR HEALTH CARE, OR ANY OTHER CREDITABLE COVERAGE;

(II) AN ASSUMPTION THAT THE STATE WILL ESTABLISH A MECHANISM TO ENFORCE THE REQUIREMENT THAT ALL COLORADO RESIDENTS OBTAIN CREDITABLE COVERAGE THROUGH THE STATE TAX LAWS, IF SUCH REQUIREMENT IS IMPOSED;

(III) AN ASSUMPTION THAT THE STATE WILL CREATE A SLIDING SCALE PREMIUM SUBSIDY PROGRAM TO ASSIST LOW-INCOME INDIVIDUALS AND FAMILIES IN PAYING THE PREMIUM COSTS FOR HEALTH INSURANCE;

(IV) AN ASSUMPTION THAT THE STATE WILL AMEND THE STATE PLAN TO EXPAND ELIGIBILITY FOR THE COLORADO MEDICAL ASSISTANCE PROGRAM TO SINGLE ADULTS WHOSE FAMILY INCOME DOES NOT EXCEED ONE HUNDRED PERCENT OF THE FEDERAL POVERTY LEVEL, ADJUSTED FOR FAMILY SIZE;

(V) A MECHANISM TO ENCOURAGE THE USE OF EVIDENCE-BASED MEDICINE THROUGH CREATION OF A PATIENT SAFETY COUNCIL TO EVALUATE PATIENT CARE WITH THE GOALS OF IMPROVING QUALITY OF CARE AND MINIMIZING MEDICAL CARE MISTAKES;

(VI) AN ASSUMPTION THAT THE STATE WILL AUTHORIZE THE STATE DEPARTMENT AND THE DIVISION TO ESTABLISH HEALTH MARTS THROUGH WHICH AN INDIVIDUAL ELIGIBLE FOR THE STATE SUBSIDY, IF CREATED, MAY SELECT A VBP THAT BEST MEETS HIS OR HER NEEDS; AND

(VII) AN ASSUMPTION THAT THE STATE WILL CREATE A DEDICATED SOURCE OF REVENUE, IF NECESSARY, TO FUND THE PREMIUM SUBSIDY PROGRAM OR OTHER NEW STATE COSTS.

(b) THE REQUEST FOR PROPOSALS SHALL SPECIFY A DEADLINE BY WHICH PROPOSALS SHALL BE SUBMITTED TO THE STATE DEPARTMENT.

(c) PROPOSALS SUBMITTED BY HEALTH INSURANCE CARRIERS SHALL BUILD ON AND NOT INTERFERE WITH OR DESTABILIZE THE EXISTING SMALL GROUP MARKET, SHALL NOT ENCOURAGE BUSINESSES CURRENTLY OFFERING HEALTH CARE COVERAGE TO THEIR EMPLOYEES TO DISCONTINUE SUCH COVERAGE, AND SHALL PROMOTE ADMINISTRATIVE EFFICIENCIES.

(4) (a) AFTER RECEIPT OF PROPOSALS SUBMITTED BY HEALTH INSURANCE CARRIERS, THE STATE DEPARTMENT, IN COORDINATION WITH THE DIVISION AND THE PANEL, SHALL EVALUATE THE PROPOSALS AND MAKE RECOMMENDATIONS TO THE GOVERNOR REGARDING THE PROPOSALS AND ANY LEGISLATION THAT MAY BE NEEDED TO IMPLEMENT ONE OR MORE PROPOSALS.

(b) IF THE GOVERNOR DETERMINES THAT NONE OF THE PROPOSALS SUBMITTED BY HEALTH INSURANCE CARRIERS MEETS THE CRITERIA ESTABLISHED IN THIS SECTION OR THAT THE PROPOSALS ARE OTHERWISE INADEQUATE TO ADDRESS THE HEALTH CARE COVERAGE NEEDS OF THE STATE'S UNINSURED POPULATION, THE GOVERNOR MAY REJECT THE PROPOSALS AND SHALL INFORM THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY AND THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, IN WRITING, THAT THE PROPOSALS HAVE BEEN REJECTED AND THE REASONS FOR THE REJECTIONS.

(c) IF THE GOVERNOR APPROVES ONE OR MORE PROPOSALS, THE GOVERNOR SHALL SUBMIT RECOMMENDATIONS FOR LEGISLATION TO THE GENERAL ASSEMBLY FOR ITS CONSIDERATION. IF THE GENERAL ASSEMBLY CHOOSES TO PURSUE LEGISLATION TO IMPLEMENT THE GOVERNOR'S RECOMMENDATIONS, THE LEGISLATION MAY CREATE THE CENTENNIAL CARE CHOICES PROGRAM TO INCLUDE PROVISIONS AND COMPONENTS CONSISTENT WITH THE GOVERNOR'S RECOMMENDATIONS. THE LEGISLATION SHOULD INCLUDE AT LEAST THE FOLLOWING:

(I) STANDARDS THAT VBPs MUST SATISFY IN ORDER TO BE CERTIFIED BY THE STATE DEPARTMENT AND THE DIVISION AND AUTHORIZED TO BE OFFERED TO COLORADO RESIDENTS BY ANY HEALTH INSURANCE CARRIER, REGARDLESS OF WHETHER THE HEALTH INSURANCE CARRIER DEVELOPED THE VBP IN RESPONSE TO THE REQUEST FOR PROPOSALS, AS LONG AS THE HEALTH INSURANCE CARRIER OFFERS A VBP THAT MEETS SUCH STANDARDS AND THE REQUIREMENTS OF THIS SECTION;

(II) CREATION OF A PROCESS FOR PERIODIC REVIEW OF VBPs;

(III) CREATION OF A CONSUMER ADVISORY COUNCIL FOR THE

CENTENNIAL CARE CHOICES PROGRAM; AND

(IV) IF THE GOVERNOR RECOMMENDS CREATION OF A REVENUE SOURCE TO FUND A PREMIUM SUBSIDY PROGRAM OR OTHER COSTS OF THE CENTENNIAL CARE CHOICES PROGRAM AND THE REVENUE SOURCE WOULD BE CREATED THROUGH A NEW OR INCREASED TAX OR TAX RATE, A BALLOT QUESTION TO SEEK VOTER APPROVAL AT A FUTURE GENERAL ELECTION FOR THE REVENUE SOURCE.

(5) A HEALTH INSURANCE CARRIER SHALL NOT BE REQUIRED TO HAVE A CERTIFICATE OF AUTHORITY ISSUED BY THE COMMISSIONER OF INSURANCE PURSUANT TO SECTION 10-3-105, C.R.S., IN ORDER TO RESPOND TO THE REQUEST FOR INFORMATION OR REQUEST FOR PROPOSALS BUT SHALL BE ALLOWED TO OFFER AN APPROVED VBP TO ELIGIBLE COLORADO RESIDENTS ONLY IF THE HEALTH INSURANCE CARRIER OBTAINS A CERTIFICATE OF AUTHORITY TO TRANSACT THE BUSINESS OF INSURANCE IN THIS STATE PRIOR TO OFFERING THE VBP.

(6) A HEALTH INSURANCE CARRIER THAT SUBMITS INFORMATION OR A PROPOSAL IN RESPONSE TO THE REQUEST FOR INFORMATION OR THE REQUEST FOR PROPOSALS, RESPECTIVELY, SHALL NOT BE OBLIGATED TO OFFER A VBP IF, AFTER SUBMISSION OF INFORMATION OR A PROPOSAL, THE GENERAL ASSEMBLY, BY BILL, MODIFIES THE DESIGN OF THE VBP.

(7) AS USED IN THIS SECTION:

(a) "COLORADO MEDICAL ASSISTANCE PROGRAM" MEANS THE PROGRAM ESTABLISHED IN THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLES 4, 5, AND 6 OF THIS TITLE.

(b) "CREDITABLE COVERAGE" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 10-16-102, C.R.S.

(c) "DIVISION OF INSURANCE" OR "DIVISION" MEANS THE DIVISION OF INSURANCE IN THE DEPARTMENT OF REGULATORY AGENCIES.

(d) "HEALTH INSURANCE CARRIER" SHALL HAVE THE SAME MEANING AS "CARRIER", AS DEFINED IN SECTION 10-16-102, AND SHALL INCLUDE A CARRIER THAT IS NOT CURRENTLY PROVIDING HEALTH COVERAGE IN THE STATE OR THAT DOES NOT, AT THE TIME THE REQUEST FOR INFORMATION OR REQUEST FOR PROPOSALS IS ISSUED, HAVE A CERTIFICATE OF AUTHORITY FROM THE COMMISSIONER OF INSURANCE PURSUANT TO SECTION 10-3-105, C.R.S.

(e) "PANEL" MEANS THE PANEL OF EXPERT ADVISORS APPOINTED BY THE GOVERNOR PURSUANT TO SUBSECTION (2) OF THIS SECTION.

(f) "VALUE BENEFIT PLAN" OR "VBP" MEANS A POLICY, CONTRACT, CERTIFICATE, OR AGREEMENT TO PROVIDE, DELIVER, ARRANGE FOR, PAY FOR, OR REIMBURSE THE COSTS OF HEALTH CARE SERVICES THAT IS DEVELOPED IN RESPONSE TO THE REQUEST FOR PROPOSALS ISSUED PURSUANT TO THIS SECTION.

SECTION 2. Appropriation -- adjustment to the 2008 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of health care policy and financing, for the fiscal year beginning July 1, 2008, shall be adjusted as follows:

(a) The appropriation to the executive director's office, for personal services is increased by the sum of eighty-four thousand five hundred ninety-three dollars (\$84,593) general fund and 3.0 FTE, or so much thereof as may be necessary, for the implementation of this act. In addition to said appropriation, the general assembly anticipates that the department of health care policy and financing will receive eighty-four thousand five hundred ninety-two dollars (\$84,592) federal funds in the fiscal year beginning July 1, 2008, for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing state appropriation amounts.

(b) The appropriation to the executive director's office, for

operating expenses is increased by the sum of six thousand six hundred seven dollars (\$6,607) general fund, or so much thereof as may be necessary, for the implementation of this act. In addition to said appropriation, the general assembly anticipates that the department of health care policy and financing will receive six thousand six hundred eight dollars (\$6,608) federal funds in the fiscal year beginning July 1, 2008, for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing state appropriation amounts.

(c) The appropriation to the executive director's office, for general professional services and special projects is increased by the sum of thirty-seven thousand five hundred dollars (\$37,500) general fund, or so much thereof as may be necessary, for the implementation of this act. In addition to said appropriation, the general assembly anticipates that the department of health care policy and financing will receive thirty-seven thousand five hundred dollars (\$37,500) federal funds in the fiscal year beginning July 1, 2008, for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing state appropriation amounts.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of regulatory agencies, division of insurance, for the fiscal year beginning July 1, 2008, the sum of fifteen thousand nine hundred dollars (\$15,900) cash funds, or so much thereof as may be necessary, for the implementation of this act. Said sum, shall be from the division of insurance cash fund created in section 10-1-103 (3), Colorado Revised Statutes.

(3) For the implementation of this act, the general fund appropriation to the controlled maintenance trust fund made in section 23 of the annual general appropriation act, for the fiscal year beginning July 1, 2008, shall be decreased by one hundred twenty-eight thousand seven hundred dollars (\$128,700).

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Page 1, line 103, strike "**COLORADO.**" and substitute "**COLORADO, AND MAKING AN APPROPRIATION THEREFOR.**".

Amendment No. 4(L.009), by Senator Hagedorn.

Amend the Hagedorn floor amendment, (SB217_L.007), page 2, line 35, after "VBPs", insert "TO BE OFFERED IN THE INDIVIDUAL MARKET".

Page 4 of the floor amendment, line 31, after "VBPs", insert "FOR THE INDIVIDUAL MARKET".

Page 6, line 23, strike "PROPOSALS," and substitute "PROPOSALS FOR THE INDIVIDUAL MARKET,".

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

Amend the Hagedorn floor amendment, (SB217_L.007), page 3, line 17, strike "TWELVE-MONTH WAITING PERIOD" and substitute "WAITING PERIOD, AS SPECIFIED IN THE REQUEST FOR INFORMATION,";

line 19 of the floor amendment, strike "FIRST".

Page 4 of the floor amendment, line 20, strike "MARKET." and substitute "MARKET OR THE COVERCOLORADO PROGRAM.".

Page 5 of the floor amendment, after line 20, insert the following:

"(V) AN ASSUMPTION THAT THE STATE WILL IMPOSE A WAITING PERIOD FOR PERSONS SEEKING TO ENROLL IN OR PURCHASE A VBP THAT HAVE CREDITABLE COVERAGE AT THE TIME OF APPLICATION IN ORDER TO

PREVENT DESTABILIZATION OF THE SMALL GROUP MARKET AND THE COVERCOLORADO PROGRAM;".

Renumber succeeding subparagraphs accordingly.

Page 6 of the floor amendment, line 3, strike "MARKET," and substitute "MARKET OR THE COVERCOLORADO PROGRAM;".

Page 7 of the floor amendment, after line 26, insert the following:

"(b) "COVERCOLORADO PROGRAM" MEANS THE PROGRAM CREATED IN PART 5 OF ARTICLE 8 OF TITLE 10, C.R.S."

Reletter succeeding paragraphs accordingly.

Amendment No. 6(L.011), by Senator Hagedorn.

Amend the Hagedorn floor amendment, (SB217_L.007), page 2, line 21, strike "PRODUCT" and substitute "PRODUCT, REPRESENTING THE MINIMUM BENEFITS PACKAGE FOR THE STATE'S INDIVIDUAL MARKET, THAT IS".

Page 3, after line 14, insert the following:

"(II) PROVIDE THE LOWEST LEVEL OF BENEFITS THAT MAY BE OFFERED IN THE STATE'S INDIVIDUAL MARKET;".

Renumber succeeding subparagraphs accordingly.

Page 5, after line 12, insert the following:

"(III) AN ASSUMPTION THAT A VBP WILL BE THE MINIMUM BENEFITS PACKAGE AVAILABLE IN THE STATE'S INDIVIDUAL MARKET;".

Renumber succeeding subparagraphs accordingly.

Amendment No. 7(L.012), by Senator Hagedorn.

Amend the Hagedorn floor amendment, (SB217_L.007), page 2, line 20, after "OFFER", insert "TO INDIVIDUALS THROUGHOUT THE STATE".

Page 4, line 13, after "OFFERED", insert "STATEWIDE".

Page 6, line 5, after "COVERAGE,", insert "SHALL ASSUME THAT VBPs WILL BE AVAILABLE STATEWIDE TO ELIGIBLE INDIVIDUALS;".

Amendment No. 8(L.013), by Senator Hagedorn.

Amend the Hagedorn floor amendment, (SB217_L.007), page 4, line 32, after "PROPOSALS.", insert "PRIOR TO ISSUING A REQUEST FOR PROPOSALS, THE STATE DEPARTMENT, IN CONSULTATION WITH THE DIVISION AND THE PANEL, SHALL DEVELOP A BENCHMARK PRICE OR AFFORDABILITY STANDARD FOR VBPs TO ENSURE THAT ELIGIBLE INDIVIDUALS CAN AFFORD TO PURCHASE VBPs THAT ARE DEVELOPED BY HEALTH INSURANCE CARRIERS."

Amendment No. 9(L.014), by Senator Hagedorn.

Amend the Hagedorn floor amendment, (SB217_L.007), page 4, line 28, strike "SHALL" and substitute "MAY".

Amendment No. 10(L.015), by Senator Hagedorn.

Amend the Hagedorn floor amendment, (SB217_L.007), page 2, line 27, strike "ENGAGED IN THE DESIGNING," and substitute "WITH EXPERTISE IN DESIGNING HEALTH BENEFIT PLANS, PERSONS ENGAGED IN THE";

line 28, strike "IMPLEMENTATION," and substitute "IMPLEMENTATION";

Amendment No. 11(L.016), by Senator Hagedorn.

Amend the Hagedorn floor amendment, (SB217_L.007), page 2, line 26, strike "GOVERNOR," and substitute "GOVERNOR BY AUGUST 1, 2008;".

Amendment No. 12(L.017), by Senator Mitchell S.

Amend the Hagedorn floor amendment, (SB217_L.007), page 7, after line 22, insert the following:

"(7) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ESTABLISH A REQUIREMENT FOR INDIVIDUALS TO PURCHASE HEALTH INSURANCE OR TO PRECLUDE OR LIMIT THE ABILITY OF THE GENERAL ASSEMBLY TO USE INFORMATION OBTAINED THROUGH THE REQUEST FOR INFORMATION TO ENACT REFORMS THAT DO NOT INCLUDE SUCH A REQUIREMENT."

Renumber succeeding subsection accordingly.

Amendment No. 13(L.018), by Senator Mitchell S.

Amend the Hagedorn floor amendment, (SB217_L.007), page 2, strike lines 1 through 9.

Reletter succeeding paragraphs accordingly.

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

SB08-157 by Senator(s) Schwartz; also Representative(s) Benefield--Concerning the state income tax modification for Colorado capital gains, and, in connection therewith, for income tax years for which specified state income tax modifications for Colorado capital gains used to refund excess state revenues are not allowed, allowing a partial modification for capital gains earned on property, stock, or an ownership interest acquired before May 9, 1994, and offsetting the state revenue impact of the partial modification by reducing the modification allowed for capital gains earned on property, stock, or an ownership interest acquired on or after May 9, 1994.

(Amended in General Orders as printed in Senate Journal, March 25, pages 671-672.)

As amended, laid over until Wednesday, April 23, retaining its place on the calendar.

HB08-1164 by Representative(s) Solano, Benefield, Fischer, Levy, Casso, Kerr A., Madden, Merrifield, Peniston, Todd; also Senator(s) Schwartz, Tupa--Concerning the advancement of new solar energy technologies.

Amendment No. 1, Local Government Committee Amendment.

(Printed in Senate Journal, April 10, page 890 and placed in members' bill files.)

Amendment No. 2(L.026), by Senator Isgar.

Amend reengrossed bill, page 3, line 1, after the period, add "WHERE UTILITIES ELIMINATE OR REDUCE CARBON DIOXIDE EMISSIONS THROUGH THE USE OF CAPTURE AND SEQUESTRATION, THE COMMISSION MAY CONSIDER THE BENEFITS OF USING CARBON DIOXIDE FOR ENHANCED OIL RECOVERY OR OTHER USES."

As amended, laid over until Tuesday, April 22, 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 General Orders -- Second Reading of Bills Calendar (SB08-198, HB08-1329, HB08-1170, SB08-213) of April 21, was laid over until Tuesday, April 22, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB08-1103 by Representative(s) Kerr J., Marshall, Mitchell V., Primavera; also Senator(s) Isgar, Takis, Taylor--Concerning the regulation of amusement rides by the division of oil and public safety.

Senator Brophy moved to amend the Report of the Committee of the Whole to show that the following amendment to HB 08-1103 did pass.

Amend reengrossed bill, page 5, line 6, strike "RIDES." and substitute "RIDES; EXCEPT THAT NO FEES SHALL BE ESTABLISHED FOR THE OPERATION OF INFLATABLE AMUSEMENT RIDES.".

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 | 29 | NO | 5 | EXCUSED | 0 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | Y | Romer | Y | Tochtrop | N |
| Boyd | Y | Keller | N | Sandoval | N | Tupa | * |
| Brophy | Y | Kester | Y | Schultheis | Y | Veiga | Y |
| Cadman | Y | Kopp | Y | Schwartz | N | 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 | N | | |

* Abstaining from voting under Senate Rule 17(c) -- Senator Tupa.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

| YES | 35 | NO | 0 | EXCUSED | 0 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | 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 | | |

The Committee of the Whole took the following action:

Passed on Second Reading: SB08-170 as amended, SB08-217 as amended, HB08-1183 as amended, HB08-1354, HB08-1253 as amended, HB08-1175 as amended, HB08-1171, HB08-1257, HB08-1109, HB08-1268 as amended, HB08-1250, HB08-1108, HB08-1100 as amended, HB08-1241, HB08-1103 as amended, HB08-1084.
 Laid over until Tuesday, April 22: SB08-198, HB08-1164 as amended, HB08-1329, HB08-1170, SB08-213.
 Laid over until Wednesday, April 23: SB08-157 as amended.

MESSAGE FROM THE REVISOR OF STATUTES

April 21, 2008

We herewith transmit:

Without comment, as amended, HB08-1344 and 1380.
 Without comment, as amended, SB08-118.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB08-1097.

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 21 was laid over until Tuesday, April 22, retaining its place on the calendar.

Consideration of Resolutions: SJR08-010, SJR08-020, SJR08-021, SJR08-022, SJR08-024, HJR08-1018, HJR08-1020, SJR08-027, SJR08-028, SJR08-029, SJR08-030, SJR08-031, SJR08-032, SJR08-033, SJR08-034, SJR08-035, SR08-005, SJR08-037, SJR08-038.

Consideration of Memorials: SJM08-003, SJM08-004, SJM08-005, SM08-002, SM08-003.

Consideration of House Amendments to Senate Bills: SB08-088, SB08-208, SB08-155, SB08-029, SB08-039, SB08-077, SB08-063, SB08-099.

Consideration of Governor's Appointments:

Members of the State Board of Stock Inspection Commissioners.

Consideration of Conference Committee Reports: HB08-1203, HB08-1186, SB08-117.

Conference Committees to Report: HB08-1180, HB08-1083, HB08-1358.

On motion of Senator Gordon, the Senate adjourned until 9:00 a.m., Tuesday, April 22, 2008.

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate