

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

Thirty-first Legislative Day

Friday, February 12, 2010

1 Prayer by Father Eustace Sequeira, SJ., St. Ignatius Loyola Catholic
 2 Church, Denver.

3
 4 The Speaker called the House to order at 9:00 a.m.

5
 6 Pledge of Allegiance led by Aiden Greco, Maple Grove Elementary,
 7 Lakewood.

8
 9 The roll was called with the following result:

10
 11 Present--63.
 12 Excused--Representative(s) Acree, McKinley--2.
 13 Present after roll call--Representative(s) Acree.

14
 15 The Speaker declared a quorum present.

16
 17
 18 On motion of Representative Bradford, the reading of the journal of
 19 February 11, 2010, was declared dispensed with and approved as
 20 corrected by the Chief Clerk.

21
 22
 23
 24 **THIRD READING OF BILL(S)--FINAL PASSAGE**

25
 26 The following bill(s) (was)were considered on Third Reading. The
 27 title(s) (was)were publicly read. Reading of the bill at length was
 28 dispensed with by unanimous consent.

29
 30 **HB10-1043** by Representative(s) Apuan; also Senator(s) Sandoval--
 31 Concerning outdated references to the federal aid to
 32 families with dependent children.

33
 34 The question being "Shall the bill pass?".
 35 A roll call vote was taken. As shown by the following recorded vote, a
 36 majority of those elected to the House voted in the affirmative and the
 37 bill was declared **passed**.

38
 39

	YES	64	NO	0	EXCUSED	1	ABSENT	0
40	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
41	Apuan	Y	Hullinghorst	Y	McKinley	E	Scanlan	Y
42	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
43	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y

1	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
2	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
3	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
4	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
5	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
6	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
7	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
8	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
9	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
10	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
11	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
12	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
13							Speaker	Y

14 Co-sponsor(s) added: Representative(s) Gerou, Merrifield, Riesberg, Schafer S.,
15 Todd, Tyler, Vigil.

16
17 **HB10-1011** by Representative(s) Kerr J., McNulty, Miklosi,
18 Primavera; also Senator(s) Schultheis, Carroll M.,
19 Mitchell, Tochtrop--Concerning authorization for the
20 department of revenue to obtain fingerprint-based criminal
21 history record checks for employment purposes.

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

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

27	YES	64	NO	0	EXCUSED	1	ABSENT	0
29	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
30	Apuan	Y	Hullinghorst	Y	McKinley	E	Scanlan	Y
31	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
32	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
33	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
34	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
35	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
36	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
37	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
38	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
39	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
40	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
41	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
42	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
43	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
44	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
45							Speaker	Y

46 Co-sponsor(s) added: Representative(s) Apuan, Gerou, Labuda, Lambert,
47 Nikkel, Schafer S., Stephens, Summers, Todd, Tyler, Waller.

48
49
50 **HB10-1002** by Representative(s) Kefalas, Gagliardi, Kagan; also
51 Senator(s) Sandoval, Boyd, Hudak--Concerning an
52 increase in the threshold necessary to trigger a temporary
53 income tax rate reduction as a method to refund excess
54 state revenues by an amount equal to the threshold
55 necessary to trigger the earned income tax credit refund.
56

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

	YES	37	NO	27	EXCUSED	1	ABSENT	0
7	Acree	N	Gerou	N	McFadyen	Y	Ryden	Y
8	Apuan	Y	Hullinghorst	Y	McKinley	E	Scanlan	Y
9	Balmer	N	Judd	Y	McNulty	N	Schafer S.	Y
10	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	Y
11	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
12	Bradford	N	Kerr A.	Y	Miklosi	Y	Soper	Y
13	Casso	Y	Kerr J.	N	Murray	N	Stephens	N
14	Court	Y	King S.	N	Nikkel	N	Summers	N
15	Curry	Y	Labuda	Y	Pace	Y	Swalm	N
16	DelGrosso	N	Lambert	N	Peniston	Y	Tipton	N
17	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
18	Fischer	Y	Liston	N	Primavera	Y	Tyler	Y
19	Frangas	Y	Looper	N	Priola	N	Vaad	N
20	Gagliardi	Y	Massey	N	Rice	Y	Vigil	Y
21	Gardner B.	N	May	N	Riesberg	Y	Waller	N
22	Gardner C.	N	McCann	Y	Roberts	N	Weissmann	Y
23							Speaker	Y

24 Co-sponsor(s) added: Representative(s) Apuan, Benefield, Casso, Court,
 25 Ferrandino, Fischer, Frangas, Hullinghorst, Kerr A., Labuda, Levy, McFadyen,
 26 Merrifield, Middleton, Miklosi, Pace, Peniston, Pommer, Rice, Riesberg,
 27 Ryden, Schafer S., Solano, Todd, Tyler, Vigil, Speaker.

28
 29
 30
 31 **HB10-1030** by Representative(s) Peniston, Benefield, Solano; also
 32 Senator(s) Steadman, Hodge, Hudak, Williams--
 33 Concerning the creation of the early childhood educator
 34 development scholarship program.

35
 36 The question being "Shall the bill pass?".
 37 A roll call vote was taken. As shown by the following recorded vote, a
 38 majority of those elected to the House voted in the affirmative and the bill
 39 was declared **passed**.

	YES	47	NO	17	EXCUSED	1	ABSENT	0
42	Acree	N	Gerou	Y	McFadyen	Y	Ryden	Y
43	Apuan	Y	Hullinghorst	Y	McKinley	E	Scanlan	Y
44	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
45	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	Y
46	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
47	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
48	Casso	Y	Kerr J.	N	Murray	N	Stephens	Y
49	Court	Y	King S.	N	Nikkel	N	Summers	Y
50	Curry	Y	Labuda	Y	Pace	Y	Swalm	N
51	DelGrosso	N	Lambert	N	Peniston	Y	Tipton	Y
52	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
53	Fischer	Y	Liston	N	Primavera	Y	Tyler	Y
54	Frangas	Y	Looper	Y	Priola	N	Vaad	N
55	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
56	Gardner B.	N	May	N	Riesberg	Y	Waller	N

1 Gardner C. N McCann Y Roberts Y Weissmann Y
 2 Speaker Y

3 Co-sponsor(s) added: Representative(s) Apuan, Court, Ferrandino, Fischer,
 4 Hullinghorst, Labuda, Merrifield, Middleton, Pace, Pommer, Primavera, Rice,
 5 Ryden, Scanlan, Schafer S., Summers, Todd, Vigil, Speaker.

6
 7 **HB10-1058** by Representative(s) Riesberg; also Senator(s) Hodge--
 8 Concerning the authority of the department of revenue to
 9 impose a civil penalty for unstamped cigarettes, and
 10 making an appropriation therefor.

11
 12 The question being "Shall the bill pass?".
 13 A roll call vote was taken. As shown by the following recorded vote, a
 14 majority of those elected to the House voted in the affirmative and the bill
 15 was declared **passed**.

	YES	64	NO	0	EXCUSED	1	ABSENT	0
18	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
19	Apuan	Y	Hullinghorst	Y	McKinley	E	Scanlan	Y
20	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
21	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
22	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
23	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
24	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
25	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
26	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
27	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
28	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
29	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
30	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
31	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
32	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
33	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
34							Speaker	Y

35 Co-sponsor(s) added: Representative(s) Court, Labuda, Todd, Vigil.

36
 37 **HB10-1197** by Representative(s) Ferrandino; also Senator(s) Heath--
 38 Concerning a decrease in the maximum amount of a state
 39 income tax credit that may be claimed for the donation of
 40 a conservation easement in gross.

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

	YES	37	NO	27	EXCUSED	1	ABSENT	0
48	Acree	N	Gerou	N	McFadyen	Y	Ryden	Y
49	Apuan	Y	Hullinghorst	Y	McKinley	E	Scanlan	Y
50	Balmer	N	Judd	Y	McNulty	N	Schafer S.	Y
51	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	Y
52	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
53	Bradford	N	Kerr A.	Y	Miklosi	Y	Soper	Y
54	Casso	Y	Kerr J.	N	Murray	N	Stephens	N
55	Court	Y	King S.	N	Nikkel	N	Summers	N
56	Curry	Y	Labuda	Y	Pace	Y	Swalm	N

1	DelGrosso	N	Lambert	N	Peniston	Y	Tipton	N
2	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
3	Fischer	Y	Liston	N	Primavera	Y	Tyler	Y
4	Frangas	Y	Looper	N	Priola	N	Vaad	N
5	Gagliardi	Y	Massey	N	Rice	Y	Vigil	Y
6	Gardner B.	N	May	N	Riesberg	Y	Waller	N
7	Gardner C.	N	McCann	Y	Roberts	N	Weissmann	Y
8							Speaker	Y

9 Co-sponsor(s) added: Representative(s) Judd, Labuda, Pommer.

10

11 **HB10-1001** by Representative(s) Tyler; also Senator(s) Schwartz and
 12 Whitehead--Concerning incentives for the installation of
 13 new distributed renewable energy generation facilities in
 14 Colorado, and, in connection therewith, increasing the
 15 target percentages under the electric utility portfolio
 16 standard to encourage Colorado utilities to generate five
 17 percent of their retail electricity sales from distributed
 18 renewable sources by the year 2020, and adopting
 19 standards for the installation of distributed solar electric
 20 generation equipment, and making an appropriation
 21 therefor.

22

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

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

27

28	YES	37	NO	27	EXCUSED	1	ABSENT	0
29	Acree	N	Gerou	N	McFadyen	Y	Ryden	Y
30	Apuan	Y	Hullinghorst	Y	McKinley	E	Scanlan	Y
31	Balmer	N	Judd	Y	McNulty	N	Schafer S.	Y
32	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	Y
33	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
34	Bradford	N	Kerr A.	Y	Miklosi	Y	Soper	Y
35	Casso	Y	Kerr J.	N	Murray	N	Stephens	N
36	Court	Y	King S.	N	Nikkel	N	Summers	N
37	Curry	Y	Labuda	Y	Pace	Y	Swalm	N
38	DelGrosso	N	Lambert	N	Peniston	Y	Tipton	N
39	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
40	Fischer	Y	Liston	N	Primavera	Y	Tyler	Y
41	Frangas	Y	Looper	N	Priola	N	Vaad	N
42	Gagliardi	Y	Massey	N	Rice	Y	Vigil	Y
43	Gardner B.	N	May	N	Riesberg	Y	Waller	N
44	Gardner C.	N	McCann	Y	Roberts	N	Weissmann	Y
45							Speaker	Y

46 Co-sponsor(s) added: Representative(s) Apuan, Court, Ferrandino, Fischer,
 47 Frangas, Gagliardi, Hullinghorst, Kagan, Kefalas, Labuda, Levy, McCann,
 48 Merrifield, Middleton, Miklosi, Pace, Pommer, Rice, Ryden, Scanlan,
 49 Schafer S., Soper, Todd, Vigil, Speaker.

50

51

52

53

54

55

1 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

2

3 **APPROPRIATIONS**

4 After consideration on the merits, the Committee recommends the
5 following:

6

7 **SB10-001** be referred to the Committee of the Whole with favorable
8 recommendation.

9

10

11

12

13 **BUSINESS AFFAIRS & LABOR**

14 After consideration on the merits, the Committee recommends the
15 following:

16

17 **HB10-1075** be postponed indefinitely.

18

19

20

21

22 **EDUCATION**

23 After consideration on the merits, the Committee recommends the
24 following:

25

26 **HB10-1015** be postponed indefinitely.

27

28

29 **HB10-1066** be postponed indefinitely.

30

31

32 **HB10-1136** be postponed indefinitely.

33

34

35 **HB10-1208** be referred to the Committee of the Whole with favorable
36 recommendation.

37

38

39

40

41 **HEALTH & HUMAN SERVICES**

42 After consideration on the merits, the Committee recommends the
43 following:

44

45 **HB10-1022** be amended as follows, and as so amended, be referred to
46 the Committee on Appropriations with favorable
47 recommendation:

48

49 Amend printed bill, page 2, line 7, strike "~~food stamp~~ SUPPLEMENTAL
50 NUTRITION ASSISTANCE" and substitute "food stamp".

51

52 Page 2, line 9, strike "Stamp AND NUTRITION Act OF 2008"," and
53 substitute "Stamp Act",".

54

55 Page 3, strike line 5 and substitute:

56

- 1 "(3) The food stamp".
2
3 Page 3, strike lines 14 through 17.
4
5 Renumber succeeding subsections accordingly.
6
7 Page 4, line 18, after the period add "THE GENERAL ASSEMBLY STRONGLY
8 ENCOURAGES THE STATE DEPARTMENT TO USE ANY ADDITIONAL PUBLIC
9 OR PRIVATE MONEYS, INCLUDING MONEYS FROM THE FEDERAL 2010
10 DEPARTMENT OF DEFENSE APPROPRIATIONS BILL TO OFFSET COSTS
11 ASSOCIATED WITH INCREASED CASELOAD RESULTING FROM THE
12 IMPLEMENTATION OF AN OUTREACH PLAN."
13
14 Page 4, line 20, strike "(5)," and substitute "(4),".
15
16 Page 4, line 21, strike "DEVELOPING, IMPLEMENTING," and substitute
17 "IMPLEMENTING".
18
19 Page 4, strike lines 24 and 25 and substitute "WITH THE IMPLEMENTATION
20 AND ADMINISTRATION OF THE OUTREACH PLAN AND IF THE STATE
21 DEPARTMENT DOES NOT RECEIVE ANY MONEYS PURSUANT TO THE
22 FEDERAL 2010 DEPARTMENT OF DEFENSE APPROPRIATIONS BILL THAT MAY
23 BE USED TO OFFSET COSTS ASSOCIATED WITH INCREASED CASELOAD
24 RESULTING FROM THE IMPLEMENTATION OF THE OUTREACH PLAN."
25
26 Page 5, line 5, strike "**eligibility.**" and substitute "**eligibility - repeal.**".
27
28 Page 5, line 10, strike "JULY 1, 2010," and substitute "OCTOBER 1, 2010,".
29
30 Page 5, strike lines 16 through 21 and substitute "EXTENT AUTHORIZED
31 PURSUANT TO FEDERAL LAW, ELIMINATE THE ASSET TEST FOR ELIGIBILITY
32 FOR FEDERAL FOOD ASSISTANCE BENEFITS."
33
34 Page 5, after line 21 insert:
35
36 "(3) NOTWITHSTANDING ANY PROVISIONS OF SUBSECTION (2) OF
37 THIS SECTION TO THE CONTRARY, THE PROVISIONS OF THIS SECTION SHALL
38 TAKE EFFECT ONLY IF THE STATE DEPARTMENT RECEIVES MONEYS
39 PURSUANT TO THE FEDERAL 2010 DEPARTMENT OF DEFENSE
40 APPROPRIATIONS BILL THAT MAY BE USED TO IMPLEMENT THIS SECTION."
41
42
43
44 **HB10-1029** be amended as follows, and as so amended, be referred to
45 the Committee of the Whole with favorable
46 recommendation:
47
48 Amend printed bill, page 2, strike lines 5 through 16 and substitute:
49
50 "**25.5-1-126. Discounted prices for durable medical equipment
51 and supplies.** (1) THE STATE DEPARTMENT SHALL WORK WITH ONE OR
52 MORE NONPROFIT ORGANIZATIONS TO DEVELOP A LIST OF APPROVED
53 VENDORS WHO ARE WILLING TO SELL DURABLE MEDICAL EQUIPMENT AND
54 MEDICAL SUPPLIES AT DISCOUNTED PRICES TO PERSONS WHO HAVE
55 APPLIED FOR, BUT ARE NOT YET RECEIVING, BENEFITS UNDER THE
56 "COLORADO MEDICAL ASSISTANCE ACT". THE STATE DEPARTMENT

1 SHALL DEVELOP THE EXCLUSIVE CRITERIA FOR A NONPROFIT
2 ORGANIZATION TO USE TO APPROVE A VENDOR FOR PLACEMENT ON THE
3 APPROVED VENDOR LIST. BY SUBMITTING A LIST TO THE STATE
4 DEPARTMENT, A NONPROFIT ORGANIZATION SHALL CERTIFY THAT IT HAS
5 NOT ADDED ADDITIONAL CRITERIA FOR INCLUSION ON THE LIST AND HAS
6 NOT DISCRIMINATED AGAINST ANY VENDOR.

7
8 (2) THE STATE DEPARTMENT SHALL MAINTAIN THE LIST OF
9 APPROVED VENDORS DEVELOPED PURSUANT TO THIS SECTION AND SHALL:

10
11 (a) MAKE THE LIST AVAILABLE ON THE STATE DEPARTMENT'S WEB
12 SITE; AND

13
14 (b) PROVIDE COPIES OF THE LIST TO COUNTY DEPARTMENTS AND
15 TO SITES AUTHORIZED TO ACCEPT MEDICAL ASSISTANCE APPLICATIONS
16 PURSUANT TO SECTION 25.5-4-205 (1)."

17
18
19
20 **HB10-1031** be postponed indefinitely.

21
22
23 **HB10-1050** be amended as follows, and as so amended, be referred to
24 the Committee of the Whole with favorable
25 recommendation:

26
27 Amend printed bill, strike everything below the enacting clause and
28 substitute:

29
30 "SECTION 1. Part 12 of article 1 of title 25, Colorado Revised
31 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
32 read:

33
34 **25-1-1204. On-line exchange of advanced directives forms**
35 **permitted.** A PUBLIC OR PRIVATE ENTITY, INCLUDING BUT NOT LIMITED
36 TO A NONPROFIT ORGANIZATION, THAT FACILITATES THE EXCHANGE OF
37 HEALTH INFORMATION AMONG CONSUMERS, EMPLOYERS, DOCTORS,
38 HOSPITALS, NURSING HOMES, PHARMACIES, HOME HEALTH AGENCIES,
39 HEALTH PLANS, AND LOCAL HEALTH INFORMATION AGENCIES THROUGH
40 THE USE OF HEALTH INFORMATION TECHNOLOGY MAY FACILITATE THE
41 VOLUNTARY, SECURE, AND CONFIDENTIAL EXCHANGE OF FORMS
42 CONTAINING ADVANCED DIRECTIVES REGARDING A PERSON'S ACCEPTANCE
43 OR REJECTION OF LIFE-SUSTAINING MEDICAL OR SURGICAL TREATMENT.

44
45 **SECTION 2.** 25-1.5-101 (1), Colorado Revised Statutes, is
46 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

47
48 **25-1.5-101. Powers and duties of department.** (1) The
49 department has, in addition to all other powers and duties imposed upon
50 it by law, the powers and duties provided in this section as follows:

51
52 (bb) TO INCLUDE ON ITS PUBLIC WEB SITE HOME PAGE A LINK TO
53 FORMS CONTAINING ADVANCED DIRECTIVES REGARDING A PERSON'S
54 ACCEPTANCE OR REJECTION OF LIFE-SUSTAINING MEDICAL OR SURGICAL
55 TREATMENT, WHICH FORMS ARE AVAILABLE TO BE DOWNLOADED
56 ELECTRONICALLY.

1 **SECTION 3. Act subject to petition - effective date.** This act
2 shall take effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly (August
4 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
5 referendum petition is filed pursuant to section 1 (3) of article V of the
6 state constitution against this act or an item, section, or part of this act
7 within such period, then the act, item, section, or part shall not take effect
8 unless approved by the people at the general election to be held in
9 November 2010 and shall take effect on the date of the official
10 declaration of the vote thereon by the governor."

11
12
13

14 **HB10-1160** be amended as follows, and as so amended, be referred to
15 the Committee of the Whole with favorable
16 recommendation:

17

18 Amend printed bill, page 2, line 2, strike "and (3) (d)," and substitute "(3)
19 (d), and (5) (b),".

20

21 Page 2, line 3, strike "amended" and substitute "amended, and the said
22 10-16-136 is further amended BY THE ADDITION OF A NEW
23 SUBSECTION,".

24

25 Page 2, line 7, after "(b)" insert "(I)".

26

27 Page 2, line 9, strike "The".

28

29 Page 2, after line 9, insert:

30

31 "(II) LICENSED HEALTH CARE PROVIDERS, COMMUNITY-BASED
32 WELLNESS PROGRAMS, EMPLOYERS, AND INDIVIDUALS PARTICIPATING IN
33 AN INDIVIDUAL HEALTH COVERAGE PLAN MAY DEVELOP WELLNESS AND
34 PREVENTION PROGRAMS FOR CARRIERS TO CONSIDER IN DETERMINING THE
35 TYPES OF WELLNESS AND PREVENTION PROGRAMS TO OFFER UNDER A
36 HEALTH COVERAGE PLAN OR SMALL GROUP PLAN.

37

38 (III) The".

39

40 Page 2, line 10, after "rewards" insert "THAT A CARRIER MAY ALLOW
41 UNDER A HEALTH COVERAGE PLAN OR SMALL GROUP PLAN".

42

43 Page 2, strike line 13 and substitute:

44

45 "(IV) An incentive or reward offered by a carrier for participation
46 in UNDER wellness".

47

48 Page 2, strike lines 15 and 16 and substitute:

49

50 "MAY BE:

51

52 (A) Tied ONLY to participation in the program; ~~rather than~~
53 ~~particular outcomes or results from such participation~~ OR

54

55 (B) BASED ON SATISFACTION".

56

1 Page 2, line 17, after "HEALTH" insert "RISK".

2

3 Page 3, line 5, after "HEALTH" insert "RISK".

4

5 Page 3, line 11, after "HEALTH" insert "RISK".

6

7 Page 3, line 16, after "HEALTH" insert "RISK".

8

9 Page 3, after line 20 insert:

10

11 "(3.5) AN INCENTIVE OR REWARD BASED UPON SATISFACTION OF
12 A STANDARD RELATED TO A HEALTH RISK FACTOR MAY BE OFFERED OR
13 PROVIDED BY A CARRIER ONLY PURSUANT TO A BONA FIDE WELLNESS AND
14 PREVENTION PROGRAM AND IF THE FOLLOWING STANDARDS ARE MET:

15

16 (a) (I) THE INCENTIVE FOR THE WELLNESS AND PREVENTION
17 PROGRAM, TOGETHER WITH THE INCENTIVE FOR OTHER WELLNESS AND
18 PREVENTION PROGRAMS WITH RESPECT TO THE HEALTH COVERAGE PLAN
19 OR SMALL GROUP PLAN THAT REQUIRES SATISFACTION OF A STANDARD
20 RELATED TO A HEALTH RISK FACTOR, IS REASONABLY RELATED TO THE
21 PROGRAM AND DOES NOT EXCEED TWENTY PERCENT OF THE COST OF
22 EMPLOYEE-ONLY COVERAGE UNDER THE HEALTH COVERAGE OR SMALL
23 GROUP PLAN OR, IF AN EMPLOYEE'S DEPENDENTS ARE ALLOWED TO
24 PARTICIPATE IN THE PROGRAM, DOES NOT EXCEED TWENTY PERCENT OF
25 THE COST OF THE COVERAGE IN WHICH AN EMPLOYEE AND DEPENDENTS
26 ARE ENROLLED. AN EMPLOYER MAY ALSO RECEIVE AN INCENTIVE FOR
27 PARTICIPATION OF EMPLOYEES IN A WELLNESS AND PREVENTION PROGRAM
28 AS LONG AS THE EMPLOYEES ARE ALLOWED AN INCENTIVE.

29

30 (II) FOR PURPOSES OF THIS PARAGRAPH (a), THE COST OF
31 COVERAGE IS DETERMINED BASED ON THE TOTAL AMOUNT OF EMPLOYER
32 AND EMPLOYEE CONTRIBUTIONS FOR THE BENEFIT PACKAGE UNDER WHICH
33 THE EMPLOYEE IS, OR THE EMPLOYEE AND ANY DEPENDENTS ARE,
34 RECEIVING COVERAGE.

35

36 (III) AN INCENTIVE MAY BE IN THE FORM OF A DISCOUNT OR
37 REBATE OF A PREMIUM OR CONTRIBUTION, A WAIVER OF ALL OR PART OF
38 A COST-SHARING MECHANISM, INCLUDING, BUT NOT LIMITED TO,
39 DEDUCTIBLES, COPAYMENTS, OR COINSURANCE, THE ABSENCE OF A
40 SURCHARGE, OR THE VALUE OF A BENEFIT THAT WOULD OTHERWISE NOT
41 BE PROVIDED UNDER THE HEALTH COVERAGE OR SMALL GROUP PLAN.

42

43 (b) THE WELLNESS AND PREVENTION PROGRAM:

44

45 (I) IS CONSISTENT WITH EVIDENCE-BASED RESEARCH AND BEST
46 PRACTICES;

47

48 (II) HAS A REASONABLE LIKELIHOOD OF IMPROVING THE HEALTH
49 OF, OR PREVENTING DISEASE IN, PARTICIPATING INDIVIDUALS; AND

50

51 (III) IS NOT OVERLY BURDENSOME, A SUBTERFUGE FOR
52 DISCRIMINATING BASED ON A HEALTH FACTOR, OR HIGHLY SUSPECT IN THE
53 METHOD CHOSEN TO PROMOTE HEALTH OR PREVENT DISEASE.

54

55 (c) THE PROGRAM GIVES INDIVIDUALS ELIGIBLE FOR THE WELLNESS
56 AND PREVENTION PROGRAM THE OPPORTUNITY TO QUALIFY FOR THE

1 INCENTIVE UNDER THE PROGRAM UPON ENROLLMENT IN THE HEALTH
2 COVERAGE OR SMALL GROUP PLAN AND AT LEAST ONCE PER YEAR AFTER
3 ENROLLMENT.

4
5 (d) (I) THE FULL INCENTIVE UNDER THE WELLNESS AND
6 PREVENTION PROGRAM IS MADE AVAILABLE TO ALL SIMILARLY SITUATED
7 INDIVIDUALS. AN INCENTIVE IS NOT AVAILABLE TO ALL SIMILARLY
8 SITUATED INDIVIDUALS FOR A PERIOD UNLESS THE WELLNESS AND
9 PREVENTION PROGRAM ALLOWS AN INDIVIDUAL OR A LICENSED HEALTH
10 CARE PROVIDER CHOSEN BY THE INDIVIDUAL TO REQUEST:

11
12 (A) A REASONABLE ALTERNATIVE STANDARD OR WAIVER OF THE
13 OTHERWISE APPLICABLE STANDARD FOR OBTAINING THE INCENTIVE FOR
14 THAT PERIOD IF IT IS UNREASONABLY DIFFICULT FOR THE INDIVIDUAL, DUE
15 TO A MEDICAL CONDITION, TO SATISFY THE OTHERWISE APPLICABLE
16 STANDARD; AND

17
18 (B) A REASONABLE ALTERNATIVE STANDARD OR WAIVER OF THE
19 OTHERWISE APPLICABLE STANDARD FOR OBTAINING THE INCENTIVE FOR
20 THAT PERIOD IF IT IS MEDICALLY INADVISABLE FOR THE INDIVIDUAL TO
21 ATTEMPT TO SATISFY THE OTHERWISE APPLICABLE STANDARD.

22
23 (II) IF AN INDIVIDUAL REQUESTS AND IS ALLOWED A REASONABLE
24 ALTERNATIVE STANDARD AND SATISFIES THAT STANDARD, THE
25 INDIVIDUAL SHALL RECEIVE THE FULL INCENTIVE UNDER THE PROGRAM
26 THAT IS AVAILABLE TO ALL SIMILARLY SITUATED INDIVIDUALS.

27
28 (III) THE DIVISION SHALL INVESTIGATE ANY COMPLAINT ALLEGING
29 AN UNREASONABLE DENIAL OF A REQUEST FOR AN ALTERNATIVE
30 STANDARD OR WAIVER OF A STANDARD THAT WOULD OTHERWISE BE
31 APPLICABLE TO AN INDIVIDUAL UNDER A WELLNESS AND PREVENTION
32 PROGRAM.

33
34 (IV) THE SMALL EMPLOYER CARRIER SHALL DISCLOSE, IN ALL PLAN
35 MATERIALS DESCRIBING THE TERMS OF THE WELLNESS AND PREVENTION
36 PROGRAM, THE AVAILABILITY OF A REASONABLE ALTERNATIVE STANDARD
37 OR THE POSSIBILITY OF WAIVER OF THE OTHERWISE APPLICABLE STANDARD
38 AS REQUIRED BY THIS PARAGRAPH (d). IF HEALTH COVERAGE OR SMALL
39 GROUP PLAN MATERIALS MENTION THE AVAILABILITY OF A WELLNESS AND
40 PREVENTION PROGRAM BUT DO NOT DESCRIBE THE TERMS OF THE
41 PROGRAM, THE SMALL EMPLOYER CARRIER IS NOT REQUIRED TO MAKE THE
42 DISCLOSURE OF AN ALTERNATIVE OR WAIVER PURSUANT TO THIS
43 SUBPARAGRAPH (IV).

44
45 (e) THE INCENTIVES ARE PROVIDED TO AN INDIVIDUAL BASED ON
46 A PROGRAM OR ACTIVITY THAT IS SCIENTIFICALLY PROVEN TO IMPROVE
47 HEALTH, AND THE CARRIER DOES NOT PROVIDE INCENTIVES BASED ON AN
48 INDIVIDUAL'S ACTUAL HEALTH STATUS.

49
50 (5) (b) The division shall determine the percentage of carriers
51 issuing individual health coverage plans or small group plans in the state
52 that offer wellness and prevention programs and shall provide that
53 information and the information collected pursuant to paragraph (a) of
54 this subsection (5) to the health care task force created in section
55 10-16-221 BY JULY 1, 2015.

56

1 **SECTION 2.** 10-16-107 (6), Colorado Revised Statutes, is
2 amended to read:

3
4 **10-16-107. Rate regulation - rules - approval of policy forms**
5 **- benefit certificates - evidences of coverage - benefits ratio -**
6 **disclosures on treatment of intractable pain.** (6) (a) A carrier offering
7 a group health benefit plan may not require any individual, as a condition
8 of enrollment or continued enrollment under the plan, to pay a premium
9 or contribution that is greater than ~~such~~ THE premium or contribution for
10 a similarly situated individual enrolled in the plan on the basis of any
11 health status-related factor in relation to the individual or to an individual
12 enrolled under the plan as a dependent of the individual.

13
14 (b) ~~This~~ THE prohibition IN PARAGRAPH (a) OF THIS SUBSECTION
15 (6) shall not be construed to:

16
17 (I) Restrict the amount that an employer may be charged for
18 coverage under a group health benefit plan; or ~~to~~

19
20 (II) Prevent a carrier from establishing premium discounts or
21 rebates or modifying otherwise applicable copayments, coinsurance, or
22 deductibles in return for:

23
24 (A) Adherence to programs of health promotion and disease
25 prevention if otherwise allowed by state or federal law; ~~or for~~

26
27 (B) Participation in a wellness and prevention program pursuant
28 to section 10-16-136; OR

29
30 (C) SATISFACTION OF A STANDARD RELATED TO A HEALTH RISK
31 FACTOR PURSUANT TO A WELLNESS AND PREVENTION PROGRAM
32 AUTHORIZED IN SECTION 10-16-136."

33
34 Renumber succeeding sections accordingly.

35
36 Page 4, line 4, after "plans" insert "and small group plans".

37
38 Page 1, line 103, after "HEALTH" insert "RISK".

39
40
41
42
43 **JUDICIARY**

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

46
47 **HB10-1012** be amended as follows, and as so amended, be referred to
48 the Committee on Appropriations with favorable
49 recommendation:

50
51 Amend printed bill, page 3, line 7, strike everything after the period.

52
53 Page 3, strike lines 8 through 13.

54
55 Page 3, line 14, strike "CONDUCTED."

56

1 Page 3, line 26, strike "SURVEILLANCE." and substitute "SURVEILLANCE,
2 AN INJUNCTION, OR BOTH A FINE AND AN INJUNCTION."
3

4 Page 4, strike lines 3 through 27.
5

6 Page 5, strike lines 1 through 6.
7

8 Renumber succeeding section accordingly.
9

10

11

12 **HB10-1057** be amended as follows, and as so amended, be referred to
13 the Committee of the Whole with favorable
14 recommendation:
15

16 Amend printed bill, page 2, strike line 2 and substitute:
17

18 "SECTION 1. 30-1-104 (1) (b.5), (1) (d.5),".
19

20 Page 2, line 3, strike "(f),".
21

22 Page 2, strike lines 6 through 21.
23

24 Page 3, strike lines 1 through 3 and substitute:
25

26 "(b.5) For making a return on a summons in other than a criminal
27 action not served, for each party, in counties of every class, actual
28 expenses, but not more than ~~sixteen~~ TWENTY dollars;
29

30 (d.5) For making A return on a subpoena in other than a criminal
31 action not served, in counties of every class, actual expenses, but not
32 more than ~~sixteen~~ TWENTY dollars;"
33

34 Page 4, after line 25 insert:
35

36 "SECTION 4. 30-1-106, Colorado Revised Statutes, is amended
37 to read:
38

39 **30-1-106. Service must be made upon offer or tender of fees.**

40 (1) No sheriff shall refuse to serve any writ, summons, or notice
41 requested by any person entitled to such service, when offered or tendered
42 the fees allowed by law for such service; nor shall he OR SHE charge,
43 demand, or receive any greater sum or compensation or allowance.
44

45 (2) A SHERIFF SHALL HAVE THE AUTHORITY TO ESTABLISH BILLING
46 ACCOUNTS FOR LICENSED ATTORNEYS AND LICENSED COLLECTION
47 AGENCIES THAT HAVE A PRINCIPAL OFFICE LOCATED IN THE STATE.
48

49 (3) A SHERIFF SHALL HAVE THE AUTHORITY TO DEVELOP AND
50 PUBLISH STANDARDIZED PROCEDURES FOR BILLING THE ACCOUNTS
51 AUTHORIZED BY SUBSECTION (2) OF THIS SECTION. SUCH PROCEDURES
52 MAY INCLUDE THE ABILITY TO SUSPEND THE BILLING PRIVILEGES OF ANY
53 ENTITY FOR NONPAYMENT OF A FEE UPON DEMAND OR OTHER GOOD CAUSE
54 SHOWN."
55

56 Renumber succeeding sections accordingly.

1 Page 5, after line 9 insert:

2

3 "SECTION 6. 30-1-116 (1), Colorado Revised Statutes, is
4 amended to read:

5

6 **30-1-116. Officers shall collect fees in advance.** (1) EXCEPT AS
7 PROVIDED IN SECTION 30-1-106, every officer shall collect every fee, as
8 prescribed, for services performed by him OR HER in advance, if the same
9 can be ascertained, and when any officer negligently or willfully fails to
10 collect any such fee, the same shall be charged against his OR HER
11 salary."

12

13 Renumber succeeding section accordingly.

14

15

16

17 **HB10-1135** be amended as follows, and as so amended, be referred to
18 the Committee of the Whole with favorable
19 recommendation:

20

21 Amend printed bill, page 2, line 9, strike "OR" and substitute "OF
22 VIOLENCE OR A".

23

24 Page 2, line 12, after "OR" insert "AGAINST".

25

26

27

28

29 **LOCAL GOVERNMENT**

30 After consideration on the merits, the Committee recommends the
31 following:

32

33 **HB10-1129** be postponed indefinitely.

34

35

36 **SB10-046** be referred to the Committee of the Whole with favorable
37 recommendation.

38

39

40 On motion of Representative Weissmann, **HB10-1097, 1188, SB10-001,**
41 **HB10-1008, 1024, 1115** were made Special Orders on Friday,
42 February 12, 2009, at 10:20 a.m.

43

44

45 The hour of 10:20 a.m., having arrived, on motion of Representative
46 Merrifield, the House resolved itself into Committee of the Whole for
47 consideration of Special Orders and he was called to the Chair to act as
48 Chairman.

49

50 **SPECIAL ORDERS--SECOND READING OF BILLS**

51

52 The Committee of the Whole having risen, the Chairman reported the
53 titles of the following bills had been read (reading at length had been
54 dispensed with by unanimous consent), the bills considered and action
55 taken thereon as follows:

56

1 (Amendments to the committee amendment are to the printed committee
2 report which was printed and placed in the members' bill file.)
3

4 **HB10-1097** by Representative(s) Benefield, Court, Ryden, Pace; also
5 Senator(s) Morse, Hudak, Newell--Concerning temporary
6 injunctions in proceedings involving minor children.
7

8 Amendment No. 1, Judiciary Report, dated February 4, 2010, and placed
9 in member's bill file; Report also printed in House Journal, February 5,
10 pages 212-213.
11

12 As amended, ordered engrossed and placed on the Calendar for Third
13 Reading and Final Passage.
14

15
16 **HB10-1188** by Representative(s) Curry, Fischer, Labuda, Massey,
17 Scanlan; also Senator(s) Hodge, Gibbs, Heath, Tochtrop--
18 Concerning clarification of the scope of the existing right
19 of navigation of guides employed by river outfitters.
20

21 Amendment No. 1, Judiciary Report, dated February 8, 2010, and placed
22 in member's bill file; Report also printed in House Journal, February 9,
23 page 277.
24

25 Amendment No. 2, by Representative(s) Levy.
26

27 Amend printed bill, page 3, line 2, strike everything after "OF" and
28 substitute "NAVIGATION;"
29

30 Page 3, strike lines 3 and 4.
31

32 Amendment No. 3, by Representative(s) Waller.
33

34 Amend printed bill, page 5, after line 17 insert:
35

36 "SECTION 3. 33-32-106 (1), Colorado Revised Statutes, is
37 amended to read:
38

39 **33-32-106. Equipment required - employees required to meet**
40 **minimum qualifications.** (1) All licensed river outfitters shall provide
41 the river-outfitting equipment required by ~~regulations~~ RULES promulgated
42 by the board. ~~and said~~ THE equipment shall be in a serviceable condition
43 for its operation as required by the ~~regulations promulgated by the board~~
44 BOARD'S RULES. EVERY VESSEL SHALL BE CLEARLY MARKED WITH THE
45 RIVER OUTFITTER'S NAME AND LICENSE NUMBER."
46

47 Renumber succeeding sections accordingly.
48

49 As amended, ordered engrossed and placed on the Calendar for Third
50 Reading and Final Passage.
51

52
53 **SB10-001** by Senator(s) Shaffer B. and Penry, Bacon, Boyd, Brophy,
54 Carroll M., Foster, Gibbs, Heath, Hodge, Hudak, Johnston,
55 Keller, Kester, Morse, Newell, Romer, Sandoval,
56 Schwartz, Steadman, Tapia, Tochtrop, Whitehead,

1 Williams; also Representative(s) Kerr A.--Concerning
 2 modifications to the public employees' retirement
 3 association necessary to reach a one hundred percent
 4 funded ratio within the next thirty years.

5
 6 Ordered revised and placed on the Calendar for Third Reading and Final
 7 Passage.

8
 9 On motion of Representative Weissmann, the remainder of the Special
 10 Orders Calendar (**HB10-1008, 1024, 1115**) was laid over until
 11 February 17, retaining place on Calendar.

12
 13
 14 **AMENDMENT(S) TO THE COMMITTEE OF THE WHOLE REPORT**

15
 16 Representatives Lambert and Kerr J. moved to amend the Report of the
 17 Committee of the Whole to reverse the action taken by the Committee in
 18 not adopting the following Lambert and Kerr J. amendment, to SB10-001,
 19 to show that said amendment passed, and that **SB10-001**, as amended,
 20 passed.

21
 22 Amend reengrossed bill, page 10, line 25, strike "A NEW SECTION" and
 23 substitute "THE FOLLOWING NEW SECTIONS".

24
 25 Page 11, after line 7 insert:

26
 27 **"24-51-221. Financial disclosures.** THE ASSOCIATION SHALL
 28 INCLUDE IN ITS ANNUAL FINANCIAL REPORT THE AMOUNT OF SALARY AND
 29 BONUSES RECEIVED BY EACH OFFICER OF THE ASSOCIATION AND SHALL
 30 INCLUDE THE AMOUNT OF REIMBURSEMENT REQUESTED BY MEMBERS OF
 31 THE BOARD FOR ANY NECESSARY EXPENSES INCURRED IN THE CONDUCT OF
 32 THEIR OFFICIAL DUTIES. IN ADDITION, THE ANNUAL FINANCIAL REPORT
 33 SHALL INCLUDE A DISCLOSURE OF THE PERSONAL FINANCIAL INTERESTS OF
 34 EACH OFFICER OF THE ASSOCIATION AND EACH MEMBER OF THE BOARD.".

35
 36 The amendment was declared **lost** by the following roll call vote:

37
 38

	YES	30	NO	31	EXCUSED	4	ABSENT	0
39	Acree	E	Gerou	Y	McFadyen	Y	Ryden	Y
40	Apuan	N	Hullinghorst	N	McKinley	E	Scanlan	N
41	Balmer	Y	Judd	N	McNulty	Y	Schafer S.	N
42	Baumgardner	Y	Kagan	N	Merrifield	N	Solano	N
43	Benefield	N	Kefalas	N	Middleton	N	Sonnenberg	Y
44	Bradford	E	Kerr A.	N	Miklosi	N	Soper	N
45	Casso	N	Kerr J.	Y	Murray	Y	Stephens	Y
46	Court	N	King S.	Y	Nikkel	Y	Summers	E
47	Curry	N	Labuda	N	Pace	Y	Swalm	Y
48	DelGrosso	Y	Lambert	Y	Peniston	N	Tipton	Y
49	Ferrandino	Y	Levy	N	Pommer	N	Todd	N
50	Fischer	N	Liston	Y	Primavera	N	Tyler	N
51	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
52	Gagliardi	N	Massey	Y	Rice	N	Vigil	N
53	Gardner B.	Y	May	Y	Riesberg	N	Waller	Y
54	Gardner C.	Y	McCann	N	Roberts	Y	Weissmann	Y
55							Speaker	N

56

1 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

2
3 Passed Second Reading: **HB10-1097 amended, 1188 amended,**
4 **SB10-001.**

5
6 Laid over until date indicated retaining place on Calendar: **HB10-1008,**
7 **1024, 1115**--February 17, 2010.

8
9 The Chairman moved the adoption of the Committee of the Whole
10 Report. As shown by the following roll call vote, a majority of those
11 elected to the House voted in the affirmative, and the Report was
12 **adopted.**

	YES	61	NO	0	EXCUSED	4	ABSENT	0
15	Acree	E	Gerou	Y	McFadyen	Y	Ryden	Y
16	Apuan	Y	Hullinghorst	Y	McKinley	E	Scanlan	Y
17	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
18	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
19	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
20	Bradford	E	Kerr A.	Y	Miklosi	Y	Soper	Y
21	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
22	Court	Y	King S.	Y	Nikkel	Y	Summers	E
23	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
24	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
25	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
26	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
27	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
28	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
29	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
30	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
31							Speaker	Y

32
33
34
35
36
37 **MESSAGE(S) FROM THE SENATE**

38
39 The Senate has adopted and transmits herewith: SJR10-012.

40
41
42
43
44 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

45
46 On motion of Representative Weissmann, the rules were suspended and
47 the following resolution was given immediate consideration.

48
49 **SJR10-012** by Senator(s) Schwartz, Gibbs, Scheffel, White,
50 Whitehead; also Representative(s) Baumgardner, Curry,
51 Tipton--Concerning the honoring of Colorado's Olympic
52 athletes.

53
54 (Printed and placed in member's file).

55

1 On motion of Representative Baumgardner, the resolution was read at
2 length and **adopted** by **viva voce** vote.

3
4 Current Roll Call added as Co-sponsor(s): Representative(s) Apuan, Balmer,
5 Benefield, Casso, Court, DelGrosso, Ferrandino, Fischer, Frangas, Gagliardi,
6 Gardner B., Gardner C., Gerou, Hullinghorst, Judd, Kagan, Kefalas, Kerr A.,
7 Kerr J., King S., Labuda, Lambert, Levy, Liston, Looper, Massey, May,
8 McCann, McFadyen, McNulty, Merrifield, Middleton, Miklosi, Murray, Nikkel,
9 Pace, Peniston, Pommer, Primavera, Priola, Rice, Riesberg, Roberts, Ryden,
10 Scanlan, Schafer S., Solano, Sonnenberg, Soper, Stephens, Swalm, Todd, Tyler,
11 Vaad, Vigil, Waller, Weissmann, Speaker

12
13
14
15 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

16
17 **APPROPRIATIONS**

18 After consideration on the merits, the Committee recommends the
19 following:

20
21 **HB10-1006** be postponed indefinitely.

22
23
24 **HB10-1038** be amended as follows, and as so amended, be referred to
25 the Committee of the Whole with favorable
26 recommendation:

27
28 Amend printed bill, page 5, after line 26, insert:

29
30 **"SECTION 2. Appropriations in 2010 long bill to be adjusted.**

31 For the implementation of this act, appropriations made in the annual
32 general appropriation act for the fiscal year beginning July 1, 2010, to the
33 department of employment and training, division of workers'
34 compensation, are decreased by eighteen thousand dollars (\$18,000) cash
35 funds. Said sum shall be from the workers' compensation cash fund
36 created in section 8-44-112 (7) (a), Colorado Revised Statutes."

37
38 Renumber succeeding section accordingly.

39
40 Page 1, line 102, strike "CLAIMS." and substitute "CLAIMS, AND MAKING
41 ADJUSTMENTS TO APPROPRIATIONS IN CONNECTION THEREWITH."

42
43
44
45 **HB10-1040** be postponed indefinitely.

46
47
48 **HB10-1045** be amended as follows, and as so amended, be referred to
49 the Committee of the Whole with favorable
50 recommendation:

51
52 Amend printed bill, page 5, after line 4, insert:

53
54 **"SECTION 6. Appropriation.**

55 In addition to any other
56 appropriation, there is hereby appropriated, out of any moneys in the
licensing services cash fund created in section 42-2-114.5, Colorado

1 Revised Statutes, not otherwise appropriated, to the department of
2 revenue, for allocation to the division of motor vehicles, driver and
3 vehicle services, for the fiscal year beginning July 1, 2010, the sum of
4 sixty-three thousand five hundred thirty-eight dollars (\$63,538) cash
5 funds, or so much thereof as may be necessary, for the implementation of
6 this act."

7
8 Renumber succeeding section accordingly.

9
10 Page 1, line 102, strike "AGENCIES." and substitute "AGENCIES, AND
11 MAKING AN APPROPRIATION THEREFOR."

12
13
14
15 **HB10-1089** be referred to the Committee of the Whole with favorable
16 recommendation.

17
18
19 **HB10-1106** be amended as follows, and as so amended, be referred to
20 the Committee of the Whole with favorable
21 recommendation:

22
23 Amend printed bill, page 7, after line 5 insert:

24
25 **"SECTION 5. Appropriation.** In addition to any other
26 appropriation, there is hereby appropriated, to the department of public
27 safety, for allocation to the Colorado bureau of investigation, for the
28 fiscal year beginning July 1, 2010, from the Colorado bureau of
29 investigation identification unit fund created in section 24-33.5-426,
30 Colorado Revised Statutes, the sum of fifty-six thousand three hundred
31 eight dollars (\$56,308) and 0.3 FTE, or so much thereof as may be
32 necessary, for fingerprint processing services related to the
33 implementation of this act. Of this sum, thirty-two thousand one hundred
34 fifty-eight dollars (\$32,158) shall be cash funds from fingerprint and
35 name check processing fees collected by the department, and twenty-four
36 thousand one hundred fifty dollars (\$24,150) shall be cash funds from
37 fingerprint and name check processing fees collected by the department
38 for transmittal to the federal bureau of investigation."

39
40 Renumber succeeding section accordingly.

41
42 Page, 1, line 103, strike "LAW." and substitute "LAW, AND MAKING AN
43 APPROPRIATION THEREFOR."

44
45
46
47 **HB10-1130** be postponed indefinitely.

48
49
50 **SB10-109** be amended as follows, and as so amended, be referred to
51 the Committee of the Whole with favorable
52 recommendation:

53
54 Amend reengrossed bill, page 11, after line 20 insert:

55 **"SECTION 5. Appropriation.** (1) In addition to any other
56 appropriation, there is hereby appropriated, out of any moneys in the

1 medical marijuana program cash fund created in section 25-1.5-106 (8),
2 Colorado Revised Statutes, not otherwise appropriated, to the department
3 of public health and environment, for the fiscal year beginning July 1,
4 2010, the sum of eight hundred fifteen thousand two hundred twenty-four
5 dollars (\$815,224) cash funds and 2.1 FTE, or so much thereof as may be
6 necessary, for the implementation of this act. Of said appropriation,
7 ninety-nine thousand eight hundred seventy-nine dollars (\$99,879) shall
8 be allocated to the administration and support division and seven hundred
9 fifteen thousand three hundred forty-five dollars (\$715,345) and 2.1 FTE
10 shall be allocated to the center for health and environmental information.

11

12 (2) In addition to any other appropriation, there is hereby
13 appropriated to the department of regulatory agencies, for the fiscal year
14 beginning July 1, 2010, the sum of five hundred ninety-three thousand
15 three hundred thirty-three dollars (\$593,333) and 1.2 FTE, for the
16 investigation and prosecution of physicians referred to the board of
17 medical examiners pursuant to section 25-1.5-106 (5), Colorado Revised
18 Statutes, or so much thereof as may be necessary for the implementation
19 of this act. Said appropriation shall be from reappropriated funds
20 received from the department of public health and environment out of the
21 appropriation made in subsection (1) of this section to the center for
22 health and environmental information. Of said appropriation, five
23 hundred twelve thousand five hundred eighty-four dollars (\$512,584)
24 shall be allocated to the executive director's office and eighty thousand
25 seven hundred forty-nine dollars (\$80,749) and 1.2 FTE shall be allocated
26 to the division of registrations.

27

28 (3) In addition to any other appropriation, there is hereby
29 appropriated to the department of law, for the fiscal year beginning July
30 1, 2010, the sum of six hundred twelve thousand four hundred sixty-three
31 dollars (\$612,463) and 5.2 FTE, or so much thereof as may be necessary,
32 for the provision of legal services to the department of public health and
33 environment and the department of regulatory agencies related to the
34 implementation of this act. Of said appropriation, ninety-nine thousand
35 eight hundred seventy-nine dollars (\$99,879) shall be from reappropriated
36 funds received from the department of public health and environment out
37 of the appropriation made in subsection (1) of this section to the
38 administration and support division and five hundred twelve thousand
39 five hundred eighty-four dollars (\$512,584) shall be from reappropriated
40 funds received from the department of regulatory agencies out of the
41 appropriation made in subsection (2) of this section to the executive
42 director's office."

43

44 Renumber succeeding section accordingly.

45

46 Page 1, line 102, strike "PATIENTS." and substitute "PATIENTS, AND
47 MAKING APPROPRIATIONS IN CONNECTION THEREWITH."

48

49

50

51

52 **STATE, VETERANS, & MILITARY AFFAIRS**

53 After consideration on the merits, the Committee recommends the
54 following:

55

56 **HB10-1102** be postponed indefinitely.

1 **HB10-1153** be postponed indefinitely.
2
3

4 **INTRODUCTION OF BILLS**
5 **First Reading**
6

7 The following bills were read by title and referred to the committees
8 indicated:
9

10 **HB10-1339** by Representative(s) Pommer, Ferrandino, Lambert; also
11 Senator(s) White, Keller, Tapia--Concerning the
12 distribution of limited gaming fund moneys for the 2009-
13 10 state fiscal year.

14 Committee on Appropriations
15

16 **HB10-1340** by Representative(s) Vigil; also Senator(s) Newell--
17 Concerning the notice sent by a law enforcement agency
18 when a vehicle has been towed from public property.

19 Committee on Judiciary
20

21 **HB10-1341** by Representative(s) Judd--Concerning the transfer of
22 moneys from the motorist insurance identification account
23 in the highway users tax fund to the Colorado state titling
24 and registration account in the highway users tax fund.

25 Committee on Transportation & Energy
26

27 **HB10-1342** by Representative(s) Levy, Benefield, Court, Ferrandino,
28 Fischer, Gagliardi, Hulinghorst, Kagan, Merrifield,
29 Peniston, Pommer, Primavera, Solano, Tyler; also
30 Senator(s) Williams, Newell--Concerning measures to
31 encourage additional investment in solar energy generation
32 facilities, and, in connection therewith, authorizing the
33 creation of community solar gardens.

34 Committee on Transportation & Energy
35

36 **HB10-1343** by Representative(s) Carroll T.--Concerning standards for
37 the effective governance of charter schools.

38 Committee on Education
39

40 **HB10-1344** by Representative(s) Carroll T.--Concerning the
41 establishment of quality standards for chartering
42 authorities of charter schools.

43 Committee on Education
44

45 **HB10-1345** by Representative(s) Carroll T.--Concerning the granting
46 of emergency powers during emergency situations at
47 charter schools.

48 Committee on Education
49

50 **HB10-1346** by Representative(s) Kagan, Gardner B., Labuda, Levy,
51 Roberts; also Senator(s) Carroll M., Brophy, Mitchell,
52 Morse, Schwartz--Concerning an increase in the number
53 of days emergency rules adopted by executive branch
54 agencies pursuant to the "State Administrative Procedure
55 Act" may be in effect.

56 Committee on Judiciary

1 **SB10-019** by Senator(s) Schwartz, Brophy, Hodge, White,
2 Whitehead; also Representative(s) Fischer, Baumgardner,
3 Curry, Gardner C., McKinley--Concerning the valuation
4 of new hydroelectric energy facilities for the purpose of
5 property taxation.

6 Committee on Agriculture, Livestock, & Natural Resources
7
8
9

10 **NOTICE OF CALENDARED ITEM(S)**

11
12 On motion of Representative Weissmann, the following bill(s) will be
13 calendared for Second Reading on February 17, 2010: **HB10-1208, 1057,**
14 **1135, SB10-046, HB10-1029, 1050, 1160, 1038, 1045, 1089, 1106.**

15
16 On motion of Representative Weissmann, the following bill(s) calendared
17 for Second Reading, February 12, will be laid over until
18 February 17, 2010: **HB10-1009, 1007, 1212, 1025, 1041, 1138, 1044,**
19 **1054, 1171, 1183, 1132, 1133, 1233, 1231, 1247, 1118, 1143, SB10-053.**

20
21 On motion of Representative Weissmann, the following bill(s) calendared
22 for Second Reading, February 12, will be laid over until
23 February 19, 2010: **HB10-1122.**

24
25 On motion of Representative Weissmann, the following bill(s) will be
26 calendared for Second Reading on February 26, 2010: **SB10-109.**
27

28
29
30 **LAY OVER OF CALENDAR ITEM(S)**

31
32 On motion of Representative Weissmann, the following item(s) on the
33 Calendar (was)were laid over until February 15, retaining place on
34 Calendar:
35

36 Consideration of Resolution(s)--**SJR10-011, 004.**

37 Consideration of Senate Amendment(s)--**HB10-1189, 1190, 1191, 1192,**
38 **1193, 1194, 1195, 1199.**
39

40
41
42 On motion of Representative Weissmann, the House adjourned until
43 10:00 a.m., February 15, 2010.
44

45 Approved:
46 TERRANCE D. CARROLL,
47 Speaker

48 Attest:
49 MARILYN EDDINS,
50 Chief Clerk