

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

Eighty-fourth Legislative Day

Tuesday, April 6, 2010

1 Prayer by Representative Ken Summers.

2

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

4

5 Pledge of Allegiance led by Tori and Cooper Edgar, San Diego,
6 California.

7

8 The roll was called with the following result:

9

10 Present--64.

11 Excused--Representative(s) McNulty--1.

12 Present after roll call--Representative(s) McNulty.

13

14 The Speaker declared a quorum present.

15

16

17 On motion of Representative Levy, the reading of the journal of
18 April 5, 2010, was declared dispensed with and approved as corrected by
19 the Chief Clerk.

20

21

22

CONSIDERATION OF MEMORIAL

23

24 **HM10-1002** by Representative(s) May--Memorializing former
25 Representative Betty McWilliams Chronic.

26

27 (Printed and placed in members' file.)

28

29 On motion of Representative May, the memorial was read at length.

30

31 On motion of Representative May, the memorial was **adopted** by **viva**
32 **voce** vote:

33

34 Current Roll Call added as co-sponsor(s): Representative(s) Acree, Apuan,
35 Balmer, Baumgardner, Benefield, Bradford, Casso, Court, Curry, DelGrosso,
36 Ferrandino, Fischer, Frangas, Gagliardi, Gardner B., Gardner C., Gerou,
37 Hullinghorst, Judd, Kagan, Kefalas, Kerr A., Kerr J., King S., Labuda, Lambert,
38 Levy, Liston, Looper, Massey, McCann, McFadyen, McKinley, Merrifield,
39 Middleton, Miklosi, Murray, Nikkel, Pace, Peniston, Pommer, Primavera,
40 Priola, Rice, Riesberg, Roberts, Ryden, Scanlan, Schafer S., Solano,
41 Sonnenberg, Soper, Stephens, Summers, Swalm, Tipton, Todd, Tyler, Vaad,
42 Vigil, Waller, Weissmann, Speaker.

43

House in recess. House reconvened.

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**MEMORANDUM
REPORT FROM THE HOUSE AND SENATE
COMMITTEES ON DELAYED BILLS**

9 Pursuant to Joint Rule 23 (c), the House and Senate Committees on
10 Delayed Bills, acting jointly, extend the following deadline for House
11 Bill 10-1369, Concerning the Financing of Public Schools:

12
13 The Friday, March 19 deadline (the 66th legislative day) for final passage,
14 including any conference committee report, for any bill prescribing all or
15 a substantial portion of the total funding for public schools pursuant to the
16 "Public School Finance Act of 1994", article 54 of title 22, Colorado
17 Revised Statutes, as previously extended until Monday, April 5, 2010 (the
18 83rd legislative day) is further extended until Tuesday, April 13, 2010
19 (the 91st legislative day).

20
21 This memorandum shall be printed in the journal of each house as is
22 required by said Joint Rule 23 (c).

23
24 (signed)

25
26 Representative T. Carroll
27 Speaker of the House of Representatives

Senator Shaffer
President of the Senate

28
29 Representative Weissmann
30 House Majority Leader

Senator Morse
Senate Majority Leader

31
32 Representative May
33 House Minority Leader

Senator Penry
Senate Minority Leader

34
35
36
37 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

38
39 **HEALTH & HUMAN SERVICES**

40 After consideration on the merits, the Committee recommends the
41 following:

42
43 **HB10-1371** be postponed indefinitely.

44
45
46 **SB10-020** be amended as follows, and as so amended, be referred to
47 the Committee of the Whole with favorable
48 recommendation:

49
50 Amend reengrossed bill, page 2, line 23, strike "COMMITTEE, IN" and
51 substitute "COMMITTEE:

52
53 (A) IN".

54
55 Page 3, line 7, after "NOTICE" insert "SUBMITTED" and strike
56 "COMMITTEE," and substitute "COMMITTEE PURSUANT TO THIS

1 SUB-SUBPARAGRAPH (A),".

2

3 Page 3, strike line 10 and substitute "UNAVAILABLE; OR

4

5 (B) IN THE CASE OF A FINANCIAL EMERGENCY OR THREAT OF
6 INSOLVENCY THAT ARISES AT ANY TIME DURING THE FISCAL YEAR, OF THE
7 IMMEDIATE NEED TO LIMIT NEW ENROLLMENT IN THE PROGRAM. THE
8 BOARD SHALL NOT IMPLEMENT A LIMITATION ON NEW ENROLLMENT
9 SOONER THAN SIXTY DAYS AFTER PROVIDING NOTICE TO THE JOINT
10 BUDGET COMMITTEE PURSUANT TO THIS SUB-SUBPARAGRAPH (B), DURING
11 WHICH TIME THE JOINT BUDGET COMMITTEE SHALL DETERMINE WHETHER
12 ADDITIONAL FUNDING WILL BE MADE AVAILABLE TO THE PROGRAM. THE
13 JOINT BUDGET COMMITTEE SHALL NOTIFY THE BOARD WITHIN SAID SIXTY
14 DAYS WHETHER ADDITIONAL FUNDING IS AVAILABLE, AND IF THE JOINT
15 BUDGET COMMITTEE NOTIFIES THE BOARD THAT NO ADDITIONAL FUNDING
16 IS AVAILABLE, THE BOARD MAY IMPLEMENT THE PROPOSED LIMITATION ON
17 NEW ENROLLMENT."

18

19 Page 4, strike lines 1 through 3 and substitute "PROVIDER BY MEDICARE.
20 ADDITIONALLY, IN".

21

22 Page 4, strike lines 12 through 17 and substitute:

23

24 "(b) (I) PRIOR TO ESTABLISHING A FEE SCHEDULE PURSUANT TO
25 THIS SECTION, THE BOARD SHALL CREATE ONE OR MORE MECHANISMS,
26 SUCH AS AN ADVISORY REIMBURSEMENT COMMITTEE, TO ASSIST AND
27 MAKE RECOMMENDATIONS TO THE BOARD IN ESTABLISHING THE FEE
28 SCHEDULE. THE BOARD SHALL TAKE SUCH RECOMMENDATIONS AND
29 OTHER INPUT FROM PROVIDERS INTO CONSIDERATION WHEN ESTABLISHING
30 A FEE SCHEDULE.

31

32 (II) IF THE BOARD ESTABLISHES A FEE SCHEDULE, THE BOARD
33 SHALL REVIEW THE FEE SCHEDULE ANNUALLY TO DETERMINE WHETHER
34 ANY MODIFICATIONS ARE NEEDED. PRIOR TO DETERMINING WHETHER TO
35 MODIFY OR ACTUALLY MODIFYING THE FEE SCHEDULE, THE BOARD SHALL
36 CONSULT WITH AND CONSIDER THE RECOMMENDATIONS OF ANY ADVISORY
37 REIMBURSEMENT COMMITTEE OR OTHER MECHANISM CREATED PURSUANT
38 TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) AND SHALL CONSIDER ANY
39 OTHER INPUT FROM PROVIDERS."

40

41

42

43 **SB10-175** be referred to the Committee of the Whole with favorable
44 recommendation.

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48

49 **JUDICIARY**

50 After consideration on the merits, the Committee recommends the
51 following:

52

53 **HB10-1234** be amended as follows, and as so amended, be referred to
54 the Committee of the Whole with favorable
55 recommendation:

56

1 Strike the Judiciary Committee Report, dated March 8, 2010.

2

3 Amend printed bill, strike everything below the enacting clause and
4 substitute:

5 "SECTION 1. 10-3-1115 (1) (b) and (2), Colorado Revised
6 Statutes, are amended to read:

7

8 **10-3-1115. Improper denial of claims - prohibited - definitions**
9 **- severability.** (1) (b) For the purposes of this section and section
10 10-3-1116:

11

12 (I) "CARRIER" SHALL HAVE THE SAME MEANING AS SET FORTH IN
13 SECTION 10-16-102.

14

15 (⊕) (II) "First-party claimant" means an individual, corporation,
16 association, partnership, or other legal entity asserting an entitlement to
17 benefits owed directly to or on behalf of an insured under an insurance
18 policy. "First-party claimant" includes a public entity that has paid a
19 claim for benefits due to an insurer's unreasonable delay or denial of the
20 claim.

21

22 (⊕) (III) "First-party claimant" does not include:

23

24 (A) A nonparticipating provider performing services; or

25

26 (B) A person asserting a claim against an insured under a liability
27 policy.

28

29 (IV) "HEALTH COVERAGE PLAN" SHALL HAVE THE SAME MEANING
30 AS SET FORTH IN SECTION 10-16-102.

31

32 (2) (a) Notwithstanding section 10-3-1113 (3), for the purposes of
33 an action brought pursuant to this section and section 10-3-1116, an
34 insurer's delay or denial ~~was~~ IS unreasonable if the insurer delayed or
35 denied authorizing payment of a covered benefit without a reasonable
36 basis for that action.

37

38 (b) NOTWITHSTANDING SECTION 10-3-1113 (3), FOR PURPOSES OF
39 AN ACTION BROUGHT PURSUANT TO THIS SECTION AND SECTION 10-3-1116,
40 A CARRIER'S DELAY OR DENIAL OF THE PAYMENT OF A CLAIM FOR MEDICAL
41 BENEFITS OR OF A REQUEST FOR AUTHORIZATION FOR MEDICAL SERVICES
42 UNDER A HEALTH COVERAGE PLAN IS UNREASONABLE IF THE DECISION TO
43 DELAY OR DENY IS BASED ON THE MEDICAL APPROPRIATENESS, NECESSITY,
44 OR REASONABLENESS OF THE MEDICAL CLAIM AND IS NOT:

45

46 (I) (A) MADE BY A PERSON LICENSED IN GOOD STANDING IN ANY
47 STATE WHO IS ENGAGED IN ACTIVE CLINICAL PRACTICE WITH EXPERTISE IN
48 THE MEDICAL ISSUE INVOLVED IN THE CLAIM OR REQUESTED MEDICAL
49 SERVICE; OR

50

51 (B) MADE BY A PERSON LICENSED IN GOOD STANDING IN ANY
52 STATE WHO IS A PHYSICIAN EMPLOYED TO TEACH AT AN ACCREDITED
53 MEDICAL SCHOOL IN THE SAME OR SIMILAR FIELD OR SPECIALTY AS THE
54 MEDICAL ISSUE INVOLVED IN THE CLAIM OR REQUESTED MEDICAL SERVICE;

55

56 (II) SIGNED BY THE PERSON MAKING THE DECISION, INCLUDING

1 INDICATION OF ANY BOARD CERTIFICATIONS, SPECIALTIES, OR AREAS OF
2 EXPERTISE HELD BY THE PERSON; AND

3

4 (III) SIGNED BY THE MEDICAL DIRECTOR FOR THE HEALTH
5 COVERAGE PLAN, WHO IS LICENSED IN GOOD STANDING IN COLORADO.

6

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

17

18

19

20 **HB10-1237** be postponed indefinitely.

21

22

23 **HB10-1283** be postponed indefinitely.

24

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26

27

PRINTING REPORT

28

29 The Chief Clerk reports the following bills have been correctly printed:
30 **HB10-1396, 1397.**

31

32

33

34

MESSAGE(S) FROM THE GOVERNOR

35

36 I certify I received the following on the 5th day of April, 2010, at
37 3:10 p.m. The original is on file in the records of the House of
38 Representatives of the General Assembly.

39

40

Marilyn Eddins,
Chief Clerk of the House

41

42 April 5, 2010

43

44 To the Honorable House of Representatives

45 Sixty-seventh General Assembly

46 Second Regular Session

47 State Capitol

48 Denver, CO 80203

49

50 Ladies and Gentlemen:

51

52 I have the honor to inform you that I have approved and filed with the
53 Secretary of State the following Acts:

54

55 **HB10-1002** CONCERNING AN INCREASE IN THE THRESHOLD
56 NECESSARY TO TRIGGER TEMPORARY INCOME TAX RATE

- 1 REDUCTION AS A METHOD TO REFUND EXCESS STATE
2 REVENUES BY AN AMOUNT EQUAL TO THE THRESHOLD
3 NECESSARY TO TRIGGER THE EARNED INCOME TAX
4 CREDIT REFUND.
5
6 Approved April 5, 2010 at 1:51 p.m.
7
- 8 **HB10-1003** CONCERNING THE EXTENSION OF THE DEADLINE FOR
9 THE REVIEW OF GRIEVANCE PETITIONS FILED WITH THE
10 STATE PERSONNEL BOARD.
11
12 Approved April 5, 2010 at 1:52 p.m.
13
- 14 **HB10-1007** CONCERNING AN ADJUSTMENT OF FEES CHARGED BY A
15 COUNTY CLERK AND RECORDER FOR FILING A
16 DOCUMENT WITH THE COUNTY.
17
18 Approved April 5, 2010 at 1:52 p.m.
19
- 20 **HB10-1016** CONCERNING THE EXTENSION OF THE TERM OF THE
21 RETIRED MEMBER OF THE BOARD OF DIRECTORS OF THE
22 FIRE AND POLICE PENSION ASSOCIATION.
23
24 Approved April 5, 2010 at 1:53 p.m.
25
- 26 **HB10-1028** CONCERNING A UNIVERSAL APPLICATION FOR
27 PROGRAMS RELATED TO EARLY CHILDHOOD ISSUES.
28
29 Approved April 5, 2010 at 1:54 p.m.
30
- 31 **HB10-1134** CONCERNING MEASURES TO PREVENT ILLEGAL
32 INTERSTATE PARI-MULTUEL WAGERING ON RACING,
33 AND, IN CONNECTION THEREWITH, AUTHORIZING THE
34 ENTRY BY COLORADO INTO INTERSTATE COMPACTS
35 GOVERNING RACING AND THE COLLECTION OF SOURCE
36 MARKET FEES FROM OUT-OF-STATE SIMULCAST
37 ACTIVITY.
38
39 Approved April 5, 2010 at 1:55 p.m.
40
- 41 **HB10-1148** CONCERNING THE ELIMINATION OF THE REQUIREMENT
42 THAT AN ARCHITECT MAINTAIN CONTINUING
43 PROFESSIONAL COMPETENCY IN ORDER TO RENEW A
44 LICENSE TO PRACTICE ARCHITECTURE, AND MAKING AN
45 APPROPRIATION THEREFOR.
46
47 Approved April 5, 2010 at 1:42 p.m.
48
- 49 **HB10-1204** CONCERNING THE INCLUSION OF CONSERVATION
50 STANDARDS IN THE PLUMBING CODE.
51
52 Approved April 5, 2010 at 1:39 p.m.
53
- 54 **HB10-1231** CONCERNING THE REGULATION OF CONVEYANCES.
55
56 Approved April 5, 2010 at 1:57 p.m.

1 **HB10-1235** CONCERNING THE REQUIREMENTS IN THE "STATE
2 ADMINISTRATIVE PROCEDURE ACT" FOR
3 INCORPORATION BY REFERENCE OF RULE-MAKING
4 MATERIALS BY EXECUTIVE BRANCH AGENCIES.

5
6 Approved April 5, 2010 at 1:58 p.m.

7
8 **HB10-1247** CONCERNING THE CONTINUATION OF THE WORKERS'
9 COMPENSATION CLASSIFICATION APPEALS BOARD.

10
11 Approved April 5, 2010 at 1:59 p.m.

12
13 Sincerely,
14 (signed)
15 Bill Ritter, Jr.
16 Governor

17 _____

18
19
20 **LAY OVER OF CALENDAR ITEM(S)**

21
22 On motion of Representative Kefalas, the following item(s) on the
23 Calendar (was)were laid over until April 7, retaining place on Calendar:

24
25 Consideration of Third Reading--**HB10-1209**.
26 Consideration of Senate Amendment(s)--**HB10-1188, 1017, 1029, 1098,**
27 **1164, 1213, 1276**.

28 _____

29
30 On motion of Representative Kefalas, the House adjourned until
31 9:00 a.m., April 7, 2010.

32
33 Approved:
34 TERRANCE D. CARROLL,
35 Speaker

36 Attest:
37 MARILYN EDDINS,
38 Chief Clerk

