

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

98th Legislative Day Tuesday, April 20, 2010

- Prayer 11
By the chaplain, Reverend Jeannette Cartin, Harmony Christian Church, Lakewood. 12
- Call to Order 13
By the President at 9:00 a.m. 14
- Pledge 15
By Senator Renfroe. 16
- Roll Call 17
Present--32. 18
Absent-- 1, Romer. 19
Excused-- 2, Scheffel, Williams. 20
Present later--2, Romer, Scheffel. 21
- Quorum 22
The President announced a quorum present. 23
- Reading of Journal 24
On motion of Senator Johnston, reading of the Journal of Monday, April 19, 2010, was dispensed with and the Journal was approved as corrected by the Secretary. 25

On motion of Senator Morse, 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. 26

CONSIDERATION OF RESOLUTIONS

SJR10-034 by Senator(s) Hudak, Carroll M., Newell, Steadman, Tapia, Tochtrop; also Representative(s) Gagliardi, Apuan, Carroll T., Ferrandino, Fischer, Kagan, Kefalas, Kerr A., Labuda, Levy, McCann, Middleton, Miklosi, Pace, Peniston, Primavera, Schafer S.-- Concerning the designation of April 20, 2010, as "Equal Pay Day" in Colorado, and, in connection therewith, acknowledging the persisting problem of wage disparity among various groups. 27

Amendment No. 1,(L.001), by Senator Boyd. 28

Amend printed joint resolution, page 3, line 1, strike "Chapter" and substitute "Division". 29

The amendment was **passed** on the following roll call vote: 30

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	E
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

On motion of Senator Hudak, the resolution, as amended, was read at length and **adopted** by the following roll call vote: 31

YES	33	NO	1	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	E
Harvey	Y	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

Co-sponsors added: Bacon, Boyd, Foster, Gibbs, Heath, Hodge, Johnston, Keller, Morse, Romer, Sandoval, Schwartz, Shaffer B., White and Whitehead.

COMMITTEE OF REFERENCE REPORTS

Judiciary After consideration on the merits, the Committee recommends that **HB10-1359** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Judiciary After consideration on the merits, the Committee recommends that **HB10-1334** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, strike line 9 and substitute:

"(b) ~~An act of deviate sexual intercourse, or~~".

Strike page 4.

Re-number succeeding section accordingly.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SR10-008** be postponed indefinitely.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB10-029** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

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

"SECTION 1. 24-75-201.1 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-75-201.1. Restriction on state appropriations - legislative declaration - definitions. (1) (f) (I) ON JUNE 30, 2010, AND EACH JUNE 30 THEREAFTER, AT THE GOVERNOR'S DISCRETION THE STATE CONTROLLER SHALL CALCULATE AN AMOUNT EQUAL TO THE EQUIVALENT OF THE TOTAL GENERAL FUND MONEYS APPROPRIATED IN ALL BILLS PASSED BY THE GENERAL ASSEMBLY DURING THE PREVIOUS LEGISLATIVE SESSION, OR ANY PREVIOUS SPECIAL LEGISLATIVE SESSION DURING THAT STATE FISCAL YEAR, THAT WERE VETOED BY THE GOVERNOR, INCLUDING AT THE GOVERNOR'S DISCRETION AN AMOUNT THAT THE CONTROLLER CALCULATES TO BE THE EQUIVALENT OF ANY LINE ITEM APPROPRIATING GENERAL FUND MONEYS IN THE ANNUAL GENERAL APPROPRIATION ACT THAT IS LINE-ITEM VETOED BY THE GOVERNOR.

(II) ON JUNE 30, 2010, AND EACH JUNE 30 THEREAFTER, AT THE GOVERNOR'S DISCRETION THE STATE CONTROLLER SHALL CALCULATE AN AMOUNT EQUAL TO ANY GENERAL FUND SURPLUS IN EXCESS OF THE

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AMOUNT OF THE UNRESTRICTED GENERAL FUND YEAR-END BALANCES
REQUIRED TO BE RETAINED AS A RESERVE AS SPECIFIED IN PARAGRAPH (d)
OF THIS SUBSECTION (1).

(III) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2012, AND EACH
STATE FISCAL YEAR THEREAFTER, THE AMOUNTS CALCULATED BY THE
STATE CONTROLLER AT THE GOVERNOR'S DISCRETION FOR THE PRIOR
STATE FISCAL YEAR AS SPECIFIED IN SUBPARAGRAPHS (I) AND (II) OF THIS
PARAGRAPH (f) SHALL BE ADDED TO THE AMOUNT OF THE UNRESTRICTED
GENERAL FUND YEAR-END BALANCES REQUIRED TO BE RETAINED AS A
RESERVE AS SPECIFIED IN PARAGRAPH (d) OF THIS SUBSECTION (1) FOR
SUCH STATE FISCAL YEAR AND ALL FUTURE STATE FISCAL YEARS.

SECTION 2. 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."

REPORT OF CONFERENCE COMMITTEES

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB10-1369**

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 HB10-1369,
concerning the financing of public schools, 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, with the following
changes:

Amend rerevised bill, page 6, line 9, after "APPLICABLE." add "ANY SUCH
DISTRICT SHALL USE THE REVENUES GENERATED BY THE NUMBER OF
MILLS THAT THE DISTRICT LEVIES PURSUANT TO SECTION 22-54-106 (2) (a)
(II) TO REPLACE ANY CATEGORICAL PROGRAM SUPPORT FUNDS THAT THE
DISTRICT WOULD OTHERWISE BE ELIGIBLE TO RECEIVE FROM THE STATE;
EXCEPT THAT THE AMOUNT OF CATEGORICAL PROGRAM SUPPORT FUNDS
THAT THE DISTRICT IS REQUIRED TO REPLACE SHALL NOT EXCEED AN
AMOUNT EQUAL TO THE DISTRICT'S STATE BUDGET STABILIZATION
REDUCTION AMOUNT. THE DEPARTMENT SHALL USE THE AMOUNT OF
CATEGORICAL PROGRAM SUPPORT FUNDS REPLACED BY PROPERTY TAX
REVENUE PURSUANT TO THIS SUBPARAGRAPH (IV) TO MAKE PAYMENTS
OF CATEGORICAL PROGRAM SUPPORT FUNDS TO ELIGIBLE DISTRICTS AS
SPECIFIED IN SECTION 22-54-107 (4)."

Page 6, line 17, after "AID." add "ANY SUCH DISTRICT SHALL USE THE
REVENUES GENERATED BY THE NUMBER OF MILLS THAT THE DISTRICT
LEVIES PURSUANT TO SECTION 22-54-106 (2) (a) (I) TO REPLACE ANY
CATEGORICAL PROGRAM SUPPORT FUNDS THAT THE DISTRICT WOULD
OTHERWISE BE ELIGIBLE TO RECEIVE FROM THE STATE; EXCEPT THAT THE
AMOUNT OF CATEGORICAL PROGRAM SUPPORT FUNDS THAT THE DISTRICT
IS REQUIRED TO REPLACE SHALL NOT EXCEED AN AMOUNT EQUAL TO THE
REMAINDER OF THE DISTRICT'S STATE BUDGET STABILIZATION REDUCTION
AMOUNT AFTER THE REDUCTION TO THE DISTRICT'S TOTAL PROGRAM HAS
BEEN APPLIED PURSUANT TO THIS SUBPARAGRAPH (V). THE DEPARTMENT
SHALL USE THE AMOUNT OF CATEGORICAL PROGRAM SUPPORT FUNDS
REPLACED BY PROPERTY TAX REVENUE PURSUANT TO THIS

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SUBPARAGRAPH (V) TO MAKE PAYMENTS OF CATEGORICAL PROGRAM SUPPORT FUNDS TO ELIGIBLE DISTRICTS AS SPECIFIED IN SECTION 22-54-107 (4).".

Page 9, after line 24 insert:

"SECTION 6. 22-54-107, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-54-107. Buy-out of categorical programs. (4) IN A BUDGET YEAR IN WHICH THE PROVISIONS OF SECTION 22-54-104 (5) (g) APPLY, THE DEPARTMENT SHALL USE THE AMOUNT OF CATEGORICAL PROGRAM SUPPORT FUNDS REPLACED BY PROPERTY TAX REVENUE PURSUANT TO THE PROVISIONS OF SECTION 22-54-104 (5) (g) (IV) AND (5) (g) (V) TO MAKE PAYMENTS OF CATEGORICAL PROGRAM SUPPORT FUNDS TO ELIGIBLE DISTRICTS AS SPECIFIED IN SUBSECTION (2) OF THIS SECTION.".

Renumber succeeding sections accordingly.

Page 12, strike lines 17 through 27.

Page 13, strike line 1.

Renumber succeeding sections accordingly.

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 11, after line 6 insert:

"SECTION 8. 22-54-103 (7) (e), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

22-54-103. Definitions - repeal. As used in this article, unless the context otherwise requires:

(7) "Funded pupil count" means:

(e) (V) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, FOR THE 2010-11 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, FOR THE PURPOSES OF THIS PARAGRAPH (e), A DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND A DISTRICT'S PUPIL ENROLLMENT FOR ANY PRECEDING BUDGET YEAR SHALL NOT INCLUDE ANY PUPIL WHO IS OR WAS ENROLLED IN A CHARTER SCHOOL THAT WAS ORIGINALLY AUTHORIZED BY THE DISTRICT BUT WAS SUBSEQUENTLY CONVERTED, ON OR AFTER JULY 1, 2010, TO AN INSTITUTE CHARTER SCHOOL OR TO A CHARTER SCHOOL OF A DISTRICT CONTIGUOUS TO THE ORIGINALLY AUTHORIZING DISTRICT.".

Renumber succeeding sections accordingly.

Page 13, strike lines 20 and 21 and substitute "sixty-three million four hundred seventy-six thousand four hundred fifty-four dollars (\$363,476,454).".

Respectfully submitted,

House Committee:
(signed)
Christine Scanlan, Chairman
Jack Pommer
Tom Massey

Senate Committee:
(signed)
Bob Bacon, Chairman
Keith King
Pat Steadman

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MESSAGE FROM THE HOUSE

April 19, 2010

In response to the request of the Senate for the recall of HB10-1133, the bill is transmitted herewith.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1351, amended as printed in House Journal, April 15, page 1247. HB10-1347, amended as printed in House Journal, April 16, page 1273-1275. HB10-1395, amended as printed in House Journal, April 16, page 1275.

The House has passed on Third Reading and returns herewith SB10-182.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB10-177, amended as printed in House Journal, April 16, page 1275.

The House has voted to concur in the Senate amendments to HB10-1385, 1386, 1220, 1293, 1387, 1096, 1208, and has repassed the bills as so amended.

MESSAGE FROM THE REVISOR OF STATUTES

April 19, 2010

We herewith transmit:

Without comment, as amended, HB10-1347, 1351, and 1395. Without comment, as amended, SB10-177.

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:

SB10-185 by Senator(s) Shaffer B., Bacon, Boyd, Carroll M., Foster, Heath, Hudak, Johnston, Keller, Morse, Sandoval, Schwartz, Steadman, Tapia, Tochtrop, Whitehead, Williams; also Representative(s) Merrifield, Apuan, Benefield, Casso, Ferrandino, Fischer, Gagliardi, Hullinghorst, Kagan, Kefalas, Kerr A., Labuda, Levy, McCann, Miklosi, Pace, Peniston, Pommer, Schafer S., Solano, Soper, Todd, Tyler, Vigil, Weissmann--Concerning modifications to the residential warranty of habitability for the purpose of protecting renters.

Laid over until Wednesday, April 21, retaining its place on the calendar.

HB10-1147 by Representative(s) Kefalas, Fischer, Gagliardi, Hullinghorst, Kerr A., McFadyen, Merrifield, Primavera, Vigil; also Senator(s) Bacon--Concerning safer use of nonmotorized wheeled transportation by minors, and, in connection therewith, codifying into law the existing bike and pedestrian policy directive of the department of transportation, requiring the department of transportation, in collaboration with the departments of education and public safety and appropriate nonprofit organizations and advocacy groups, to notify schools of the availability of and make available to schools existing educational curriculum for minors regarding the safe use of public streets and premises open to the public, and requiring that a minor wear a protective helmet while using nonmotorized wheeled transportation on such streets and premises.

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

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YES	28	NO	6	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	N	Williams	E
Harvey	Y	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

SB10-178

by Senator(s) Hodge and Mitchell; also Representative(s) Gerou and Miklosi--Concerning fairness in workers' compensation health care provider review processes, and, in connection therewith, requiring credentialing, quality, and service review and performance initiative programs to be transparent, include objective and standardized criteria that are applied consistently, and provide minimum due process to providers.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	E
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Boyd

HB10-1149

by Representative(s) Hullinghorst; also Senator(s) Foster--Concerning the regulation prior to disposal of sources that emit radiation.

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

YES	26	NO	8	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	E
Harvey	Y	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Boyd

SB10-189

by Senator(s) Steadman, Boyd, Carroll M., Heath, Romer, Tochtrop; also Representative(s) Weissmann, Levy, Riesberg--Concerning authorization for government agencies to approve clean syringe exchange programs to reduce the spread of blood-borne disease.

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

YES	24	NO	10	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	E
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Bacon and Shaffer B.

SB10-188 by Senator(s) Penry and Morse; also Representative(s) Ferrandino--Concerning a prohibition against the imposition of a surcharge for a debit card transaction.

Senator Morse moved to lay over SB10-188 to Thursday, May 13. The motion was adopted by the following roll call vote:

YES	30	NO	4	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	N	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	N	Kester	Y	Romer	Y	White	Y
Foster	N	King K.	Y	Sandoval	N	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	E
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

HB10-1328 by Representative(s) Miklosi, Apuan, Benefield, Casso, Court, Curry, Ferrandino, Fischer, Frangas, Gagliardi, Hulinghorst, Kefalas, Kerr A., Labuda, Levy, McCann, McFadyen, Merrifield, Middleton, Peniston, Pommer, Primavera, Ryden, Scanlan, Solano, Todd, Tyler, Vigil, Weissmann; also Senator(s) Schwartz--Concerning the "New Energy Jobs Creation Act of 2010", and, in connection therewith, creating the Colorado new energy improvement district and authorizing the district to fund new energy improvements by issuing special assessment bonds payable from special assessments levied on eligible real property owned by persons who voluntarily join the district in order to have the district help them fund new energy improvements to the eligible real property.

Laid over until Wednesday, April 21, retaining its place on the calendar.

On motion of Senator Tochtrop, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for reconsideration of **HB10-1133**.

RECONSIDERATION OF HB10-1133

HB10-1133 by Representative(s) Massey; also Senator(s) Tochtrop--Concerning amendments to the "Colorado Foreclosure Protection Act".

Having voted on the prevailing side, Senator Tochtrop moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on HB10-1133.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

THIRD READING OF BILLS -- FINAL PASSAGE

HB10-1133 by Representative(s) Massey; also Senator(s) Tochtrop--Concerning amendments to the "Colorado Foreclosure Protection Act".

A majority of those elected to the Senate having voted in the affirmative, Senator Tochtrop was given permission to offer a third reading amendment.

Third Reading Amendment No. 1,(L.008) Senator Tochtrop.

Amend rerevised bill, page 6, line 26, strike the third "TO" and substitute "BY".

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	E
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	E
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB10-054, SB10-128, SB10-039, SB10-126, SB10-141, SB10-160, SB10-186, SB10-187, SB10-190 were made Special Orders at 9:50 a.m.

Committee of the Whole The hour of 9:50 a.m. having arrived, Senator Schwartz moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Schwartz was called to the chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

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

SB10-054 by Senator(s) Hudak, Steadman; also Representative(s) Levy--Concerning the provision of educational services for juveniles against whom charges have been filed in district court.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, January 28, pages 111-112 and placed in members' bill files.)

- Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 19, pages 916-919 and placed in members' bill files.)
- As amended, ordered engrossed and placed on the calendar for third reading and final passage.
- SB10-039** by Senator(s) Carroll M., Heath, Hudak, Shaffer B., Tochtrop, Williams; also Representative(s) Gagliardi, Fischer, Kefalas--Concerning scholarships for job training, and making an appropriation therefor.
- Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, February 26, pages 379-382 and placed in members' bill files.)
- Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 19, page 919 and placed in members' bill files.)
- Amendment No. 3(L.004), by Senator Carroll.
- Amend the Education Committee Report, dated February 25, 2010, page 2, line 10, strike "AND".
- Page 2, before line 11 insert:
- "(c) AN AREA VOCATIONAL SCHOOL AS DEFINED IN SECTION 23-60-103 (1); AND".
- Reletter succeeding paragraph accordingly.
- As amended, ordered engrossed and placed on the calendar for third reading and final passage.
- SB10-126** by Senator(s) Carroll M.; also Representative(s) Tyler--Concerning increased transparency reporting requirements for certain pharmaceutical manufacturers.
- Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, February 19, pages 311-314 and placed in members' bill files.)
- Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 19, page 921 and placed in members' bill files.)
- As amended, ordered engrossed and placed on the calendar for third reading and final passage.
- SB10-128** by Senator(s) Hudak, Newell, Carroll M., Steadman; also Representative(s) Rice--Concerning invasion of privacy.
- Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, February 17, page 263 and placed in members' bill files.)
- Amendment No. 2, Finance Committee Amendment.
(Printed in Senate Journal, March 12, pages 529-530 and placed in members' bill files.)
- Amendment No. 3, Appropriations Committee Amendment.
(Printed in Senate Journal, April 19, pages 920-921 and placed in members' bill files.)
- As amended, ordered engrossed and placed on the calendar for third reading and final passage.
- SB10-190** by Senator(s) White and Keller, Tapia; also Representative(s) Riesberg and Pommer--Concerning the suspension of the property tax exemption for qualifying seniors for specified property tax years.
- Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 19, page 915 and placed in members' bill files.)

Amendment No. 2(L.001), by Senator White.

Amend printed bill, page 2, line 6, strike "10-____," and substitute "10-190,".

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB10-141 by Senator(s) King K.; also Representative(s) Lambert--Concerning the transfer of responsibility for the regulation of games of chance from the secretary of state to the department of revenue in accordance with House Concurrent Resolution 09-1003.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 19, page 916 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB10-160 by Senator(s) Lundberg, Brophy, Harvey, Schultheis; --Concerning the development of an alternative medical assistance program for the elderly.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 19, pages 921-922 and placed in members' bill files.)

As amended, **lost** on second reading.

(For further action, see amendments to the report of the Committee of the Whole.)

SB10-186 by Senator(s) Tochtrop, Carroll M., Mitchell, Schultheis; also Representative(s) Primavera, Kerr J., McNulty, Miklosi--Concerning state warrants for tax refunds that are not presented for payment within six months from the date of issuance.

Ordered engrossed and placed on the calendar for third reading and final passage.

SB10-187 by Senator(s) Tochtrop; also Representative(s) Riesberg--Concerning workers' compensation.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, March 30, page 717 and placed in members' bill files.)

Amendment No. 2(L.003), by Senator Tochtrop.

Amend the Judiciary Committee report, dated March 29, 2010, page 1, strike line 1.

Page 1 of the report, line 2, strike "Page" and substitute "Amend printed bill, page".

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

Senator Morse 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.

CONSIDERATION OF MEMORIALS

SJM10-002 by Senator(s) Kopp, Cadman, Mitchell, Johnston, Shaffer B., Harvey, Kester, King K., Morse, Penry, Scheffel, Schultheis, White; also Representative(s) King S.--Memorializing Congress to adopt the Honor and Remember Flag.

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Laid over until Tuesday, April 27, retaining its place on the calendar.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB10-070 by Senator(s) Kester; also Representative(s) McCann--Concerning a statutory mechanism for the referral of a ballot question regarding the term limit of a district attorney.

Senator Kester moved that the Senate concur in House amendments to **SB10-070**, as printed in House journal, April 14, page 1224. The motion was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	E
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	E
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Call of the Senate. Call raised.

SB10-117 by Senator(s) Foster; also Representative(s) Primavera--Concerning medicaid coverage for over-the-counter medications.

Senator Foster moved that the Senate concur in House amendments to **SB10-117**, as printed in House journal, April 15, page 1248. The motion was **adopted** by the following roll call vote:

YES	32	NO	2	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	E
Harvey	N	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

following result:

YES	33	NO	1	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	E
Harvey	Y	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Heath, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
COLORADO BOARD OF VETERANS AFFAIRS

for terms expiring June 30, 2013:

Jason A. Crow of Denver, Colorado, a Democrat and a veteran who has been honorably released or separated from the armed forces of the United States, appointed;

effective June 30, 2010, for terms expiring June 30, 2014:

William L. Robinson of Castle Rock, Colorado, to serve as a veteran and as an Unaffiliated, appointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	E
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

On motion of Senator Boyd, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
AIR QUALITY CONTROL COMMISSION

for terms expiring January 31, 2013:

Teresa A. Coons of Grand Junction, Colorado, to serve as a representative with scientific experience, reappointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	E
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

On motion of Senator Boyd, the following Governor's appointments were confirmed by a roll call vote:

**MEMBERS OF THE
HOSPITAL PROVIDER FEE OVERSIGHT AND ADVISORY BOARD**

for a term expiring at the pleasure of the Governor:

Menda K. Warne of Gilcrest, Colorado, a person with a disability, who is living with a disability, and who is not a representative or an employee of a hospital, health insurance carrier, or other health care industry entity, appointed;

for terms expiring May 15, 2013:

Dr. Jeremiah A. Bartley of Brighton, Colorado, a member of the health care industry who does not represent a hospital or health insurance carrier, appointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	E
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

SENATE SERVICES REPORT

- Correctly Printed:** SB10-194 and 195; SJR10-034.
- Correctly Engrossed:** SB10-178, 188, and 189.
- Correctly Revised:** HB10-1147, 1149 and 1328.
- Correctly Rerevised:** HB10-1118.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Monday, April 19, 2010, at 8:54 a.m.:
SB10-038, 047, 060, 062, 075 and 111.

To the Governor for signature on Monday, April 19, 2010, at 12:18 p.m.:
SB10-058.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB10-099, 174 and 175; HB10-1376.

Senate in recess. Senate reconvened.

Call of the Senate.

Call raised.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB10-160 by Senator(s) Lundberg, Brophy, Harvey, Schultheis; --Concerning the development of an alternative medical assistance program for the elderly.

Senator Lundberg moved to amend the Report of the Committee of the Whole to show that SB 10-160, as amended, did pass.

Less than 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 lost on the following roll call vote:

Table with 4 columns: YES (14), NO (18), EXCUSED (3), ABSENT (0). Rows list members and their votes: Bacon (N), Boyd (N), Brophy (Y), Cadman (Y), Carroll M. (N), Foster (N), Gibbs (E), Harvey (Y), Heath (N), Hodge (N), Hudak (N), Johnston (N), Keller (N), Kester (Y), King K. (E), Kopp (Y), Lundberg (Y), Mitchell (Y), Morse (N), Newell (N), Penry (Y), Renfroe (Y), Romer (N), Sandoval (Y), Scheffel (Y), Schultheis (Y), Schwartz (N), Spence (N), Steadman (N), Tapia (N), Tochtrop (N), White (Y), Whitehead (N), Williams (E), President (N).

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

Table with 4 columns: YES (31), NO (1), EXCUSED (3), ABSENT (0). Rows list members and their votes: Bacon (Y), Boyd (Y), Brophy (Y), Cadman (Y), Carroll M. (Y), Foster (Y), Gibbs (E), Harvey (Y), Heath (Y), Hodge (Y), Hudak (Y), Johnston (Y), Keller (Y), Kester (Y), King K. (E), Kopp (Y), Lundberg (N), Mitchell (Y), Morse (Y), Newell (Y), Penry (Y), Renfroe (Y), Romer (Y), Sandoval (Y), Scheffel (Y), Schultheis (Y), Schwartz (Y), Spence (Y), Steadman (Y), Tapia (Y), Tochtrop (Y), White (Y), Whitehead (Y), Williams (E), President (Y).

The Committee of the Whole took the following action:

Passed on second reading: SB10-054 as amended, SB10-039 as amended, SB10-126 as amended, SB10-128 as amended, SB10-190 as amended, SB10-141 as amended, SB10-186, SB10-187 as amended.

Lost on second reading: SB10-160 as amended.

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

SB10-161 by Senator(s) King K.; also Representative(s) Massey--Concerning authorizing charter

schools to enter into contractual agreements.

Laid over until Wednesday, April 21, retaining its place on the calendar.

HB10-1332 by Representative(s) Miklosi, Apuan, Gagliardi, Kefalas, Primavera, Tyler; also Senator(s) Romer--Concerning the creation of the "Medical Clean Claims Transparency and Uniformity Act", and making an appropriation therefor.

Amendment No. 1, Health & Human Services Committee Amendment.

(Printed in Senate Journal, April 16, pages 906-908 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB10-1355 by Representative(s) Gagliardi, Merrifield; also Senator(s) Kopp--Concerning the off-label use of a prescription drug for a specific type of cancer for which the drug is recognized for treatment in the reference compendia as identified by the secretary of the United States department of health and human services.

Laid over until Wednesday, April 21, retaining its place on the calendar.

HB10-1242 by Representative(s) Apuan, Court, Gagliardi, Hullinghorst, Kerr A., Labuda, Massey, McKinley, Miklosi, Peniston, Primavera, Priola, Riesberg, Schafer S., Solano, Todd, Tyler, Vigil; also Senator(s) Tochtrop--Concerning the implementation of a uniform application form for individual health benefit plans by the commissioner of insurance.

Ordered revised and placed on the calendar for third reading and final passage.

HB10-1160 by Representative(s) Rice and Stephens; also Senator(s) Mitchell and Newell--Concerning the ability of health insurance carriers to offer incentives for participation in wellness programs based on satisfaction of a standard related to a health risk factor.

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

(Printed in Senate Journal, April 15, pages 887-889 and placed in members' bill files.)

Amendment No. 2(L.019), by Senator Newell.

Amend the Business, Labor and Technology Committee Report, dated April 14, 2010, page 1, strike lines 5 through 16.

Page 2 of the committee report, line 22, strike "carrier; and" and substitute "carrier, and SPECIFYING THE NUMBER OF EACH OF THE FOLLOWING SMALL GROUPS PARTICIPATING IN SUCH PROGRAMS:

(A) BUSINESS GROUPS OF ONE;

(B) SMALL GROUPS WITH AT LEAST TWO EMPLOYEES AND FEWER THAN ELEVEN EMPLOYEES;

(C) SMALL GROUPS WITH AT LEAST ELEVEN EMPLOYEES AND FEWER THAN TWENTY-SIX EMPLOYEES;

(D) SMALL GROUPS WITH AT LEAST TWENTY-SIX EMPLOYEES AND FEWER THAN FIFTY-ONE EMPLOYEES;"

Page 2 of the committee report, strike lines 26 through 31 and substitute:

"(V) ANY INFORMATION, INCLUDING SOCIOECONOMIC INFORMATION, AS REQUIRED BY THE COMMISSIONER PURSUANT TO SECTION 10-16-107 TO ENSURE THAT RATES FILED IN CONJUNCTION WITH THE PROGRAMS ARE NOT EXCESSIVE, INADEQUATE, OR UNFAIRLY DISCRIMINATORY;"

Amend reengrossed bill, page 2, line 2, after "10-16-136" insert "(1)".

Page 2 of the bill, line 9, strike "(2) (b) (I)" and substitute "(1) The

general assembly hereby finds and declares that:

(a) With the rising costs of health care coverage, it is important to find innovative ways to reduce costs and make health coverage more affordable for individuals and small employer groups;

(b) When individuals covered under a health coverage plan lead healthy lifestyles and engage in wellness and disease prevention activities, their need for health care and the costs of their health care are reduced, and the entity providing their health care coverage benefits from reduced utilization rates and costs;

(c) Carriers should be afforded the ability to develop innovative and flexible ways to encourage covered persons under their health coverage plans to engage in activities that promote their overall health and prevent or reduce the impacts of disease; and

(d) It is therefore important to allow carriers to provide incentives or rewards, including premium discounts and reduced out-of-pocket costs for health care services, to encourage covered persons to participate in AND SATISFY A STANDARD RELATED TO A HEALTH RISK FACTOR PURSUANT TO wellness and prevention programs; AND

(e) THIS SECTION IS INTENDED TO LOWER COSTS FOR ALL SMALL GROUPS AND INDIVIDUALS AND IS NOT INTENDED TO INCREASE OR ALLOW CARRIERS TO INCREASE RATES FOR OR SHIFT COSTS TO THOSE INDIVIDUALS AND SMALL GROUPS THAT DECLINE TO PARTICIPATE IN WELLNESS AND PREVENTION PROGRAMS OFFERED BY CARRIERS.

(2) (b) (I)".

Amendment No. 3(L.020), by Senator Carroll.

Severed section #2, Page 1, lines 19 through 21 and page 2, lines 1 through 21.

Amend the Newell floor amendment (HB1160_L.019), page 1, line 19, strike ""(1),"." and substitute ""(1), (2) (a),".".

Page 2, strike line 24 and substitute:

"(2) (a) Consistent with section 10-16-107 (6) and subject to subsection (3) of this section, a carrier offering an individual health coverage plan or a small group plan in this state may offer incentives or rewards to encourage the individual or small group and other covered persons under the plan to participate in wellness and prevention programs. For purposes of small group plans, the incentives or rewards may be applied to the entire small group or to individuals in the small group based on their participation in wellness and prevention programs. A carrier offering such incentives or rewards shall implement adequate measures to ensure that the privacy of individuals in the group is maintained and that individually identifiable health information is not shared or made available to an individual's employer or any other person not otherwise allowed access to the information under the federal "Health Insurance Portability and Accountability Act of 1996", as amended. A carrier shall not disclose to any third party, including a covered person's employer, AND THE COVERED PERSON'S EMPLOYER SHALL NOT DISCLOSE, any information obtained from or about a covered person in connection with the covered person's participation in a wellness and prevention program that is reasonably attributable to the covered person, unless the covered person consents IN WRITING to disclosure of such information.

(2) (b) (I)".

Amendment No. 4(L.021), by Senator Carroll.

Amend reengrossed bill, page 7, before line 27 insert:

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"SECTION 2. 10-16-136 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

10-16-136. Wellness and prevention programs - individual and small group health coverage plans - voluntary participation - incentives or rewards - definitions - legislative declaration. (3) A carrier offering incentives or rewards pursuant to this section shall ensure that:

(f) THE CARRIER DOES NOT USE WELLNESS AND PREVENTION PROGRAMS, OR INCENTIVES OR REWARDS UNDER SUCH PROGRAMS, TO INCREASE RATES OR PREMIUMS FOR ANY INDIVIDUALS OR SMALL GROUPS COVERED BY THE CARRIER'S PLANS."

Renumber succeeding sections accordingly.

Amend the Business, Labor, and Technology Committee Report, dated April 14, 2010, page 3, after line 11 insert:

"(6.5) NOTHING IN THIS SECTION MODIFIES RATE REGULATION OF HEALTH COVERAGE PLANS PURSUANT TO THIS ARTICLE, INCLUDING THE APPLICABILITY OF MODIFIED COMMUNITY RATING TO SUCH PLANS."

As amended, ordered revised and placed on the calendar for third reading and final passage.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	E	Sandoval	Y	Whitehead	Y
Gibbs	E	Kopp	Y	Scheffel	Y	Williams	E
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on second reading: HB10-1332 as amended, HB10-1242, HB10-1160 as amended. Laid over until Wednesday, April 21: SB10-161, HB10-1355.

REPORT OF CONFERENCE COMMITTEES

FIRST MAJORITY REPORT OF FIRST CONFERENCE COMMITTEE ON HB10-1021

 THIS REPORT AMENDS THE
 REENGROSSED BILL

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

Your first conference committee appointed on HB10-1021,

concerning required coverages for reproductive services for health insurance policies, has met, and a majority thereof reports that it has agreed upon the following:

1. That the Senate recede from its amendments made to the bill, as the amendments appear in the rerevised bill, and that the following amendment be substituted therefor:

Amend reengrossed bill, page 2, line 9, strike "AND".

Page 2, line 11, strike "ARTICLE" and substitute "ARTICLE, AND ALL INDIVIDUAL HEALTH CARE OR INDEMNITY CONTRACTS ISSUED BY AN ENTITY SUBJECT TO PART 3 OR 4 OF THIS ARTICLE, EXCEPT SUPPLEMENTAL POLICIES COVERING A SPECIFIED DISEASE OR OTHER LIMITED BENEFIT,".

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

Amend reengrossed bill, page 2, line 15, strike "Policies" and substitute "INDIVIDUAL SICKNESS AND ACCIDENT INSURANCE POLICIES OR CONTRACTS MAY EXCLUDE COVERAGE FOR PREGNANCY AND DELIVERY EXPENSES ON THE GROUNDS THAT PREGNANCY WAS A PREEXISTING CONDITION. THE EXCLUSION FOR THE PREGNANCY AS A PREEXISTING CONDITION UNDER THE POLICY OR CONTRACT SHALL NOT APPLY FOR ANY SUBSEQUENT PREGNANCIES. GROUP SICKNESS AND ACCIDENT INSURANCE policies".

Page 3, line 4, after "to" insert "group and".

Respectfully submitted,

House Committee:
(signed)
Jerry Frangas, Chairman
Elizabeth McCann

Senate Committee:
(signed)
Joyce Foster, Chairman
Betty Boyd

FIRST MINORITY REPORT OF FIRST CONFERENCE COMMITTEE ON HB10-1021

THIS REPORT AMENDS THE REENGROSSED BILL

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

Your first conference committee appointed on HB10-1021, concerning required coverages for reproductive services for health insurance policies, has met, and a minority thereof reports that it has agreed upon the following:

That the Senate recede from its amendments made to the bill, as the amendments appear in the rerevised bill, and that the following amendments be substituted therefor:

Amend reengrossed bill, page 2, line 9, strike "AND".

Page 2, strike lines 10 and 11 and substitute "shall insure against the".

Page 2, strike line 13 and substitute "maternity care therefor in".

Page 2, line 17, after the period add "AN ENTITY THAT OFFERS

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INDIVIDUAL SICKNESS AND ACCIDENT INSURANCE SUBJECT TO PART 2 OF THIS ARTICLE, AND AN ENTITY THAT ISSUES INDIVIDUAL HEALTH CARE OR INDEMNITY CONTRACTS AND THAT IS SUBJECT TO PART 3 OR 4 OF THIS ARTICLE, EXCEPT SUPPLEMENTAL POLICIES COVERING A SPECIFIED DISEASE OR OTHER LIMITED BENEFIT, SHALL OFFER A POLICY OR CONTRACT THAT INCLUDES COVERAGE FOR MATERNITY CARE IN THE SAME MANNER AS ANY OTHER SICKNESS, INJURY, DISEASE, OR CONDITION THAT IS COVERED IN THE POLICY."

Respectfully submitted,

House Member:
(signed)
Spencer Swalm

Senate Member:
(signed)
Mark Scheffel

INTRODUCTION OF RESOLUTIONS

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

SJR10-035 by Senator(s) Tochtrop; also Representative(s) Acree--Concerning support for measures to reduce violence against medical care professionals in hospitals.
Health and Human Services

SJR10-036 by Senator(s) Morse; also Representative(s) King S.--Concerning declaring the week of May 9-15, 2010, as Police Week and May 15, 2010, as Peace Officers Memorial Day.

Laid over until Friday, April 23, retaining its place on the calendar.

SJR10-037 by Senator(s) Gibbs, Schwartz, Kester, Kopp, Penry, Johnston, Spence, Keller, Cadman, Brophy, Harvey, Heath, Hodge, Lundberg, Mitchell, Newell, Sandoval, Scheffel, Tapia, Tochtrop, White, Whitehead; also Representative(s) Scanlan--Concerning the designation of April 23, 2010, as "Colorado Forest Products Day", and, in connection therewith, recognizing the economic and environmental importance of Colorado's forests.

Laid over until Friday, April 23, retaining its place on the calendar.

INTRODUCTION OF BILLS -- FIRST READING

The following bill was read by title and referred to the committee indicated:

SB10-196 by Senator(s) Gibbs; also Representative(s) Scanlan--Concerning the minimum speed at which a motor vehicle may travel on interstate 70.
Transportation

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Tuesday, April 20 was laid over until Wednesday, April 21, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: HB10-1362.
Consideration of Resolutions: SJR10-033.
Consideration of Conference Committee Reports: HB10-1171.
Conference Committees to Report: HB10-1098, HB10-1273, HB10-1388, HB10-1383, HB10-1252, SB10-109.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, April 21, 2010.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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