

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

Eighty-fifth Legislative Day

Wednesday, April 1, 2009

1 Prayer by the Reverend Doctor Cynthia Cearley, Montview Presbyterian
 2 Church, Denver.

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

5
 6 Pledge of Allegiance led by Kayla Cantwell, Evangelical Christian
 7 Academy, Colorado Springs.

8
 9 The roll was called with the following result:

10
 11 Present--62.
 12 Excused--Representative(s) Ferrandino, Riesberg, Swalm--3.
 13 Present after roll call--Representative(s) Ferrandino, Riesberg.

14
 15 The Speaker declared a quorum present.

16
 17
 18 On motion of Representative Priola, the reading of the journal of
 19 March 31, 2009, was declared dispensed with and approved as corrected
 20 by the Chief Clerk.

THIRD READING OF BILLS--FINAL PASSAGE

21
 22
 23
 24
 25 The following bills were considered on Third Reading. The titles were
 26 publicly read. Reading of the bill at length was dispensed with by
 27 unanimous consent.

28
 29 **SB09-132** by Senator(s) Boyd; also Representative(s) Kerr J.--
 30 Concerning discounted prescription drug programs, and,
 31 in connection therewith, providing information regarding
 32 discounted prescription drug programs and modifying the
 33 "Colorado Cares Rx Act" and making an appropriation.

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

	YES	63	NO	1	EXCUSED	1	ABSENT	0
41	Acree	Y	Green	Y	McCann	Y	Roberts	Y
42	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
43	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y

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

15 Co-sponsor(s) added: Representative(s) Acree, Frangas, Gerou, Green, Labuda,
 16 Riesberg, Ryden, Schafer S., Summers, Todd, Vigil, Speaker

17
 18 **SB09-175** by Senator(s) Sandoval; also Representative(s) Pommer--
 19 Concerning the issuance of group special license plates.

20
 21 The question being "Shall the bill pass?".
 22 A roll call vote was taken. As shown by the following recorded vote, a
 23 majority of those elected to the House voted in the affirmative and the bill
 24 was declared **passed**.

	YES	52	NO	12	EXCUSED	1	ABSENT	0
27	Acree	Y	Green	Y	McCann	Y	Roberts	N
28	Apuan	Y	Hullingerhorst	Y	McFadyen	Y	Ryden	Y
29	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
30	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
31	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
32	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
33	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
34	Court	Y	King S.	Y	Murray	Y	Stephens	N
35	Curry	N	Labuda	Y	Nikkel	N	Summers	Y
36	Ferrandino	N	Lambert	N	Pace	Y	Swalm	E
37	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
38	Frangas	Y	Liston	N	Pommer	Y	Todd	Y
39	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
40	Gardner B.	N	Marostica	Y	Priola	Y	Vigil	Y
41	Gardner C.	Y	Massey	Y	Rice	Y	Waller	N
42	Gerou	Y	May	Y	Riesberg	N	Weissmann	N
43							Speaker	N

44 Co-sponsor(s) added: Representative(s) Fischer, Frangas, Ryden, Schafer S.,
 45 Soper, Todd

46
 47
 48 **SB09-111** by Senator(s) Bacon, Boyd, Schultheis; also
 49 Representative(s) Court--Concerning continuation of the
 50 "Notaries Public Act".

51
 52 The question being "Shall the bill pass?".
 53 A roll call vote was taken. As shown by the following recorded vote, a
 54 majority of those elected to the House voted in the affirmative and the bill
 55 was declared **passed**.

	YES	62	NO	2	EXCUSED	1	ABSENT	0
1								
2	Acree	Y	Green	Y	McCann	Y	Roberts	Y
3	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
4	Balmer	Y	Judd	N	McKinley	Y	Scanlan	Y
5	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
6	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
7	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
8	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
9	Court	Y	King S.	Y	Murray	Y	Stephens	Y
10	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
11	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	E
12	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
13	Frangas	N	Liston	Y	Pommer	Y	Todd	Y
14	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
15	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
16	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
17	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Gardner B.

20
 21 **SB09-084** by Senator(s) Scheffel; also Representative(s) Scanlan--
 22 Concerning documents related to the role of the office of
 23 the secretary of state as filing office for secured
 24 transactions.
 25

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

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

49 Co-sponsor(s) added: Representative(s) Middleton, Todd

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 52
 53
 54
 55

1 **CONSIDERATION OF CONFERENCE COMMITTEE REPORT(S)**

2
3 **HB09-1108** by Representative(s) Kerr A.; also Senator(s) Boyd--
4 Concerning the failure of an employer's bank to honor an
5 employee's paycheck upon presentment.
6

7 (Conference Committee Report printed in House Journal, March 30,
8 page 953.)
9

10 On motion of Representative Kerr A., the Conference Committee Report
11 was **adopted** by the following roll call vote:
12

	YES	50	NO	14	EXCUSED	1	ABSENT	0
14	Acree	N	Green	Y	McCann	Y	Roberts	Y
15	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
16	Balmer	N	Judd	Y	McKinley	Y	Scanlan	Y
17	Baumgardner	N	Kagan	Y	McNulty	Y	Schafer S.	Y
18	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
19	Bradford	N	Kerr A.	Y	Middleton	Y	Sonnenberg	N
20	Casso	Y	Kerr J.	N	Miklosi	Y	Soper	Y
21	Court	Y	King S.	N	Murray	Y	Stephens	Y
22	Curry	Y	Labuda	Y	Nikkel	N	Summers	Y
23	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	E
24	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
25	Frangas	Y	Liston	N	Pommer	Y	Todd	Y
26	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	N
27	Gardner B.	Y	Marostica	Y	Priola	N	Vigil	Y
28	Gardner C.	N	Massey	Y	Rice	Y	Waller	N
29	Gerou	Y	May	Y	Riesberg	Y	Weissmann	N
30							Speaker	Y

31
32 The question being "Shall the bill, as amended, pass?".

33 A roll call vote was taken. As shown by the following recorded vote, a
34 majority of those elected to the House voted in the affirmative and the
35 bill, as amended, was declared **repassed**.
36

	YES	37	NO	27	EXCUSED	1	ABSENT	0
38	Acree	N	Green	Y	McCann	Y	Roberts	N
39	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
40	Balmer	N	Judd	Y	McKinley	N	Scanlan	Y
41	Baumgardner	N	Kagan	Y	McNulty	N	Schafer S.	Y
42	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
43	Bradford	N	Kerr A.	Y	Middleton	Y	Sonnenberg	N
44	Casso	Y	Kerr J.	N	Miklosi	Y	Soper	Y
45	Court	Y	King S.	N	Murray	N	Stephens	N
46	Curry	Y	Labuda	Y	Nikkel	N	Summers	N
47	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	E
48	Fischer	Y	Levy	Y	Peniston	Y	Tipton	N
49	Frangas	Y	Liston	N	Pommer	Y	Todd	Y
50	Gagliardi	Y	Looper	N	Primavera	Y	Vaad	N
51	Gardner B.	N	Marostica	N	Priola	N	Vigil	Y
52	Gardner C.	N	Massey	N	Rice	Y	Waller	N
53	Gerou	N	May	N	Riesberg	Y	Weissmann	Y
54							Speaker	Y

55 Co-sponsor(s) added: Representative(s) Green, Primavera
56

1 **CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILLS**

2
3 **HB09-1053** by Representative(s) Balmer; also Senator(s) Romer--
4 Concerning the regulation of financial institutions under
5 the authority of the banking board, and making an
6 appropriation therefor.

7
8 (Amended as printed in Senate Journal, March 16, page 755, and on Third
9 Reading, March 18, as printed in the Senate Journal.)

10
11 Representative Balmer moved that the House **concur** in Senate
12 amendments. The motion was declared **passed** by the following roll call
13 vote:

	YES	62	NO	2	EXCUSED	1	ABSENT	0
15	Acree	Y	Green	Y	McCann	Y	Roberts	Y
16	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
17	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
18	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
19	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
20	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
21	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
22	Court	Y	King S.	Y	Murray	Y	Stephens	Y
23	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
24	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	E
25	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
26	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
27	Gagliardi	N	Looper	Y	Primavera	Y	Vaad	Y
28	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
29	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
30	Gerou	Y	May	N	Riesberg	Y	Weissmann	Y
31							Speaker	Y

32
33 The question being, "Shall the bill, as amended, pass?".

34 A roll call vote was taken. As shown by the following recorded vote, a
35 majority of those elected to the House voted in the affirmative, and the
36 bill, as amended, was declared **repassed**.

	YES	64	NO	0	EXCUSED	1	ABSENT	0
39	Acree	Y	Green	Y	McCann	Y	Roberts	Y
40	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
41	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
42	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
43	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
44	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
45	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
46	Court	Y	King S.	Y	Murray	Y	Stephens	Y
47	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
48	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	E
49	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
50	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
51	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
52	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
53	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
54	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
55							Speaker	Y

56 Co-sponsor(s) added: Representative(s) Priola, Summers

1 **HB09-1151** by Representative(s) Todd, Labuda, Lundberg, Ryden,
 2 Solano; also Senator(s) Heath, Williams--Concerning
 3 designating the department of public safety as the agency
 4 responsible for oversight of school building inspections,
 5 and making an appropriation in connection therewith.
 6

7 (Amended as printed in Senate Journal, February 26, page 518, and
 8 March 13, pages 733-734 and 841-842.)
 9

10 Representative Todd moved that the House **concur** in Senate
 11 amendments. The motion was declared **passed** by the following roll call
 12 vote:
 13

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

32
 33 The question being, "Shall the bill, as amended, pass?".
 34 A roll call vote was taken. As shown by the following recorded vote, a
 35 majority of those elected to the House voted in the affirmative, and the
 36 bill, as amended, was declared **repassed**.
 37

	YES	61	NO	3	EXCUSED	1	ABSENT	0
39	Acree	Y	Green	Y	McCann	Y	Roberts	Y
40	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
41	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
42	Baumgardner	Y	Kagan	Y	McNulty	N	Schafer S.	Y
43	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
44	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
45	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
46	Court	Y	King S.	Y	Murray	Y	Stephens	Y
47	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
48	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	E
49	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
50	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
51	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
52	Gardner B.	Y	Marostica	N	Priola	Y	Vigil	Y
53	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
54	Gerou	N	May	Y	Riesberg	Y	Weissmann	Y
55							Speaker	Y

56 Co-sponsor(s) added: Representative(s) Stephens, Summers

1 **HB09-1200** by Representative(s) Stephens, King S., Liston, Waller;
 2 also Senator(s) Scheffel, King K., Kopp--Concerning a
 3 requirement that the staff of the legislative council
 4 consider certain factors relating to counties in the local
 5 government impact section of a fiscal note.
 6

7 (Amended as printed in Senate Journal, March 20, pages 794-795, and
 8 page 843.)
 9

10 Representative Stephens moved that the House **concur** in Senate
 11 amendments. The motion was declared **passed** by the following roll call
 12 vote:
 13

	YES	63	NO	1	EXCUSED	1	ABSENT	0
15	Acree	Y	Green	Y	McCann	Y	Roberts	Y
16	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
17	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
18	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
19	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
20	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
21	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
22	Court	Y	King S.	Y	Murray	Y	Stephens	Y
23	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
24	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	E
25	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
26	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
27	Gagliardi	N	Looper	Y	Primavera	Y	Vaad	Y
28	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
29	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
30	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
31							Speaker	Y

32
 33 The question being, "Shall the bill, as amended, pass?".
 34 A roll call vote was taken. As shown by the following recorded vote, a
 35 majority of those elected to the House voted in the affirmative, and the
 36 bill, as amended, was declared **repassed**.
 37

	YES	59	NO	5	EXCUSED	1	ABSENT	0
39	Acree	Y	Green	Y	McCann	Y	Roberts	Y
40	Apuan	Y	Hullinghorst	Y	McFadyen	N	Ryden	Y
41	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
42	Baumgardner	Y	Kagan	Y	McNulty	N	Schafer S.	Y
43	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
44	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
45	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
46	Court	Y	King S.	Y	Murray	Y	Stephens	Y
47	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
48	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	E
49	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
50	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
51	Gagliardi	N	Looper	Y	Primavera	N	Vaad	Y
52	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
53	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
54	Gerou	Y	May	Y	Riesberg	Y	Weissmann	N
55							Speaker	Y

56 Co-sponsor(s) added: Representative(s) Acree, Nikkel, Summers, Todd

1 **HB09-1220** by Representative(s) Scanlan; also Senator(s) Gibbs--
 2 Concerning an amendment to the "Colorado Common
 3 Interest Ownership Act" to permit a unit owner to
 4 prescribe specified conditions in connection with the use
 5 of such owner's property that promote affordable housing.

6
 7 (Amended as printed in Senate Journal, March 20, page 791.)

8
 9 Representative Scanlan moved that the House **concur** in Senate
 10 amendments. The motion was declared **passed** by the following roll call
 11 vote:

	YES	55	NO	9	EXCUSED	1	ABSENT	0
14	Acree	N	Green	Y	McCann	Y	Roberts	Y
15	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
16	Balmer	N	Judd	Y	McKinley	Y	Scanlan	Y
17	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
18	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
19	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	N
20	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
21	Court	Y	King S.	Y	Murray	Y	Stephens	Y
22	Curry	Y	Labuda	Y	Nikkel	N	Summers	Y
23	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	E
24	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
25	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
26	Gagliardi	Y	Looper	N	Primavera	Y	Vaad	Y
27	Gardner B.	Y	Marostica	Y	Priola	N	Vigil	Y
28	Gardner C.	N	Massey	Y	Rice	Y	Waller	Y
29	Gerou	Y	May	N	Riesberg	Y	Weissmann	Y
30							Speaker	Y

31
 32 The question being, "Shall the bill, as amended, pass?".

33 A roll call vote was taken. As shown by the following recorded vote, a
 34 majority of those elected to the House voted in the affirmative, and the
 35 bill, as amended, was declared **repassed**.

	YES	46	NO	18	EXCUSED	1	ABSENT	0
38	Acree	N	Green	Y	McCann	Y	Roberts	Y
39	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
40	Balmer	N	Judd	Y	McKinley	Y	Scanlan	Y
41	Baumgardner	Y	Kagan	Y	McNulty	N	Schafer S.	Y
42	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
43	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	N
44	Casso	Y	Kerr J.	N	Miklosi	Y	Soper	Y
45	Court	Y	King S.	N	Murray	Y	Stephens	N
46	Curry	Y	Labuda	Y	Nikkel	N	Summers	N
47	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	E
48	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
49	Frangas	Y	Liston	N	Pommer	Y	Todd	Y
50	Gagliardi	Y	Looper	N	Primavera	Y	Vaad	Y
51	Gardner B.	N	Marostica	N	Priola	N	Vigil	Y
52	Gardner C.	N	Massey	Y	Rice	Y	Waller	Y
53	Gerou	N	May	N	Riesberg	Y	Weissmann	Y
54							Speaker	Y

55 Co-sponsor(s) added: Representative(s) Schafer S.

56

1 **HB09-1285** by Representative(s) Benefield, Kerr A., Massey,
 2 Middleton, Miklosi, Scanlan, Schafer S., Summers, Todd;
 3 also Senator(s) King K.--Concerning the government data
 4 advisory board, and, in connection therewith, creating the
 5 education data subcommittee to make recommendations
 6 for creation of a statewide comprehensive P-20 education
 7 data system.

8
 9 (Amended as printed in Senate Journal, March 20, pages 793-794.)

10
 11 Representative Benefield moved that the House **concur** in Senate
 12 amendments. The motion was declared **passed** by the following roll call
 13 vote:

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

32
 33 The question being, "Shall the bill, as amended, pass?".
 34 A roll call vote was taken. As shown by the following recorded vote, a
 35 majority of those elected to the House voted in the affirmative, and the
 36 bill, as amended, was declared **repassed**.

	YES	64	NO	0	EXCUSED	1	ABSENT	0
39	Acree	Y	Green	Y	McCann	Y	Roberts	Y
40	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
41	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
42	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
43	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
44	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
45	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
46	Court	Y	King S.	Y	Murray	Y	Stephens	Y
47	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
48	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	E
49	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
50	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
51	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
52	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
53	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
54	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
55							Speaker	Y

56 Co-sponsor(s) added: Representative(s) Fischer

1 **HB09-1281** by Representative(s) Labuda, Baumgardner, Casso,
 2 Frangas, Hullinghorst, Marostica, Murray, Schafer S.,
 3 Soper, Tipton; also Senator(s) Carroll M. and Newell--
 4 Concerning representation on state boards by persons with
 5 disabilities.

6
 7 (Amended as printed in Senate Journal, March 26, pages 862-865.)

8
 9 Representative Labuda moved that the House **not concur** in Senate
 10 amendments and that a Conference Committee be appointed. The motion
 11 was declared **passed** by the following roll call vote:

	YES	57	NO	7	EXCUSED	1	ABSENT	0
14	Acree	Y	Green	Y	McCann	Y	Roberts	Y
15	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
16	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
17	Baumgardner	Y	Kagan	Y	McNulty	N	Schafer S.	Y
18	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
19	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
20	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
21	Court	Y	King S.	Y	Murray	Y	Stephens	N
22	Curry	Y	Labuda	Y	Nikkel	N	Summers	Y
23	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	E
24	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
25	Frangas	N	Liston	N	Pommer	Y	Todd	Y
26	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
27	Gardner B.	N	Marostica	Y	Priola	Y	Vigil	Y
28	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
29	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
30							Speaker	Y

31 The Speaker appointed Representatives Labuda, Chairman, Schafer and
 32 Murray as House conferees to the bill.

33
 34 **HB09-1229** by Representative(s) Kerr J., Miklosi, Primavera; also
 35 Senator(s) Isgar, Tochtrop--Concerning the designation of
 36 auxiliary facilities of institutions of higher education as
 37 enterprises.

38
 39 (Amended as printed in Senate Journal, March 12, page 701.)

40
 41 Representative Kerr J., moved that the House **concur** in Senate
 42 amendments. The motion was declared **passed** by the following roll call
 43 vote:

	YES	64	NO	0	EXCUSED	1	ABSENT	0
46	Acree	Y	Green	Y	McCann	Y	Roberts	Y
47	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
48	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
49	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
50	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
51	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
52	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
53	Court	Y	King S.	Y	Murray	Y	Stephens	Y
54	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
55	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	E
56	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y

1	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
2	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
3	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
4	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
5	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
6							Speaker	Y

7
8 The question being, "Shall the bill, as amended, pass?".
9 A roll call vote was taken. As shown by the following recorded vote, a
10 majority of those elected to the House voted in the affirmative, and the
11 bill, as amended, was declared **repassed**.

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

31 Co-sponsor(s) added: Representative(s) Summers, Vigil

32 33 34 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

35 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

36 After consideration on the merits, the Committee recommends the
37 following:
38

39 **HB09-1320** be amended as follows, and as so amended, be referred to
40 the Committee on Appropriations with favorable
41 recommendation:
42

43
44 Amend printed bill, strike everything below the enacting clause and
45 substitute the following:

46 **"SECTION 1.** 25-5.5-101 (3) and (4) (b), Colorado Revised
47 Statutes, are amended, and the said 25-5.5-101 is further amended BY
48 THE ADDITION OF A NEW SUBSECTION, to read:

49
50 **25-5.5-101. Definitions.** As used in this part 1, unless the context
51 otherwise requires:

52
53 (3) "Dairy farm" means the place or premises on which one or
54 more ~~milking cows or goats~~ LACTATING HOOVED ANIMALS are kept and
55 from which a part or all of the milk produced thereon is delivered, sold,
56 or offered for sale to a dairy plant for manufacturing purposes.

1 (4) (b) For the purposes of this subsection (4), "dairy plant", when
 2 used in connection with the requirements therefor or the licensing thereof,
 3 means any establishment that manufactures dairy products; except that
 4 any "dairy plant" ~~which~~ THAT is located in an establishment licensed
 5 pursuant to part ~~2 of article 44 of title 12~~ 16 OF ARTICLE 4 OF TITLE 25,
 6 C.R.S., is exempt from the licensing requirements of this article if such
 7 establishment sells or serves dairy products exclusively and directly to the
 8 final consumer of the product.

9
 10 (20) "TRANSFER OR RECEIVING STATION" MEANS ANY PLACE,
 11 PREMISES, OR ESTABLISHMENT WHERE MILK OR MILK PRODUCTS ARE
 12 TRANSFERRED DIRECTLY FROM ONE MILK TANK TRUCK TO ANOTHER OR
 13 WHERE RAW MILK IS RECEIVED, COLLECTED, HANDLED, STORED, OR
 14 COOLED AND PREPARED FOR FURTHER TRANSPORTING. THE TERM
 15 "TRANSFER OR RECEIVING STATION" SHALL NOT INCLUDE A DAIRY FARM.

16
 17 **SECTION 2.** 25-5.5-107 (2), (4) (a), and (7), Colorado Revised
 18 Statutes, are amended to read:

19
 20 **25-5.5-107. Testing and sampling of dairy products - unlawful**
 21 **acts - licensing - dairy protection cash fund - created.** (2) It is
 22 unlawful for any person to sample or test milk, cream, or any other dairy
 23 product to determine the value of such product when bought and sold or
 24 to instruct another person for such purpose without first having a license
 25 granted by the department, ~~and such~~ WHICH license shall be conspicuously
 26 displayed in ~~his~~ THE PERSON'S place of business. Licenses shall be
 27 granted to those persons who have completed a course in milk and cream
 28 testing in any recognized college or dairy school or to those persons who
 29 have passed a satisfactory examination under the direction of the
 30 department. Payment of a yearly fee of ~~three~~ FIFTY dollars is required,
 31 and the license shall be issued for a period of one year from the July 1
 32 next preceding the actual date of issue; however, ~~such~~ THE license shall
 33 be subject to cancellation by the department at any time if it finds that the
 34 person holding ~~said~~ THE license is incompetent or guilty of violating ~~any~~
 35 ~~of the provisions of this part 1.~~

36
 37 (4) (a) (I) A temporary permit to operate the following dairy plants
 38 may be issued by the department upon application and upon the payment
 39 of a yearly license fee in the amount of ~~ten dollars~~ SPECIFIED IN
 40 SUBPARAGRAPH (II) OF THIS PARAGRAPH (a) for each condensary, cheese
 41 factory, ice-cream factory, or other place of business where dairy products
 42 are manufactured or put in containers for sale or distribution.

43
 44 (II) EXCEPT FOR A TRANSFER OR RECEIVING STATION, WHICH
 45 SHALL BE CHARGED THE FEE SET FORTH IN SUB-SUBPARAGRAPH (A) OF
 46 THIS SUBPARAGRAPH (II), THE FEE FOR A LICENSE ISSUED UNDER THIS
 47 SUBSECTION (4) SHALL BE DETERMINED AND PAID ACCORDING TO THE
 48 ANNUAL AVERAGE DAILY AMOUNT OF MILK RECEIVED FOR
 49 MANUFACTURING BY THE DAIRY PLANT, AS FOLLOWS:

50

51 AMOUNT OF DAIRY MANUFACTURED	51 FEE
52 OR PUT IN CONTAINERS, PER DAY	
53	
54 (A) UNDER 1,000 POUNDS	\$ 300
55	
56 (B) 1,000 TO 19,999 POUNDS	\$ 600

1 (C) 20,000 TO 449,999 POUNDS \$1,000
 2
 3 (D) 450,000 OR MORE POUNDS \$1,600
 4

5 (7) All moneys collected by the department for the license fees
 6 provided for in this section shall be transmitted to the state treasurer, who
 7 shall credit the same to the ~~general fund~~ DAIRY PROTECTION CASH FUND,
 8 REFERRED TO IN THIS SUBSECTION (7) AS THE "FUND", WHICH IS HEREBY
 9 CREATED IN THE STATE TREASURY. THE GENERAL ASSEMBLY SHALL
 10 ANNUALLY APPROPRIATE THE MONEYS IN THE FUND TO THE DEPARTMENT
 11 FOR THE PAYMENT OF EXPENSES NECESSARY TO ADMINISTER THIS
 12 SECTION. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING
 13 IN THE FUND AT THE END OF ANY FISCAL YEAR SHALL NOT REVERT TO THE
 14 GENERAL FUND OR ANY OTHER FUND.
 15

16 **SECTION 3. Effective date - applicability.** This act shall take
 17 effect June 30, 2009, and shall apply to fees paid for licenses issued under
 18 section 25-5.5-107, Colorado Revised Statutes, on or after said date.
 19

20 **SECTION 4. Safety clause.** The general assembly hereby finds,
 21 determines, and declares that this act is necessary for the immediate
 22 preservation of the public peace, health, and safety."
 23
 24
 25
 26

27 **BUSINESS AFFAIRS & LABOR**

28 After consideration on the merits, the Committee recommends the
 29 following:
 30

31 **HB09-1204** be amended as follows, and as so amended, be referred to
 32 the Committee of the Whole with favorable
 33 recommendation:
 34

35 Amend printed bill, page 3, line 15, strike "(4) (a)," and substitute "(4),
 36 (15),";
 37

38 strike lines 23 through 27.
 39

40 Strike page 4.
 41

42 Page 5, strike lines 1 through 21 and substitute the following:
 43

44 ~~"(4) **Low-dose mammography.** (a) For the purposes of this~~
 45 ~~subsection (4), "low-dose mammography" means the X-ray examination~~
 46 ~~of the breast using equipment dedicated specifically for mammography,~~
 47 ~~including but not limited to the X-ray tube, filter, compression device,~~
 48 ~~screens, and film and cassettes, with an average radiation exposure~~
 49 ~~delivery of less than one rad mid-breast, with two views for each breast.~~
 50 ~~All individual and all group sickness and accident insurance policies,~~
 51 ~~except supplemental policies covering a specified disease or other limited~~
 52 ~~benefit, which are delivered or issued for delivery within the state by an~~
 53 ~~entity subject to the provisions of part 2 of this article and all individual~~
 54 ~~and group health care service or indemnity contracts issued by an entity~~
 55 ~~subject to the provisions of part 3 or 4 of this article, as well as any other~~
 56 ~~group health care coverage provided to residents of this state, shall~~

1 provide coverage for routine and certain diagnostic screening by low-dose
2 mammography for the presence of breast cancer in adult women. Routine
3 and diagnostic screenings provided pursuant to subparagraph (II) or (III)
4 of this paragraph (a) shall be provided on a contract year or a calendar
5 year basis by entities subject to part 2 or 3 of this article and shall not be
6 subject to policy deductibles. Such coverages shall be the lesser of sixty
7 dollars per mammography screening, or the actual charge for such
8 screening. The minimum benefit required under this subsection (4) shall
9 be adjusted to reflect increases and decreases in the consumer price index.
10 Benefits for routine mammography screenings shall be determined on a
11 calendar year or a contract year basis, which shall be specified in the
12 policy or contract. The routine and diagnostic coverages provided
13 pursuant to this subsection (4) shall in no way diminish or limit diagnostic
14 benefits otherwise allowable under a policy. If an insured person who is
15 eligible for a routine mammography screening benefit pursuant to
16 subparagraphs (I), (II), and (III) of this paragraph (a), has not utilized
17 such benefit during a calendar year or a contract year, then such
18 provisions shall apply to one diagnostic screening for such year. If more
19 than one diagnostic screening is provided for such person in a given
20 calendar year or contract year, the other diagnostic service benefit
21 provisions in the policy or contract shall apply with respect to such
22 additional screenings. This mandated mammography coverage shall be
23 provided according to the following guidelines:

24
25 (I) Provision of a single baseline mammogram for women
26 thirty-five years of age and under forty years of age;

27
28 (II) Screening not less than once every two calendar years or
29 contract years for women forty years of age and under fifty years of age,
30 as specified in the insured's policy or contract, but at least once each such
31 calendar year or contract year for a woman with risk factors to breast
32 cancer as determined by her physician for an entity subject to part 2 or 3
33 of this article, or as determined by a participating physician for an entity
34 subject to part 4 of this article;

35
36 (III) Annual screening, on a calendar year or contract year basis,
37 for women who are fifty to sixty-five years of age.

38
39 (b) The requirements of this section shall apply to all individual
40 sickness and accident insurance policies and health care service or
41 indemnity contracts issued on or after July 1, 1995, and to all group
42 accident and sickness policies and group health care service or indemnity
43 contracts issued, renewed, or reinstated after July 1, 1995.

44
45 (c) "Sickness and accident insurance policy" does not include
46 short-term, accident, fixed indemnity, specified disease policies or
47 disability income contracts, and limited benefit or credit disability
48 insurance, or such other insurance as defined in section 10-18-101 (3) or
49 by the commissioner. The term does not include insurance arising out of
50 the "Workers' Compensation Act of Colorado" or other similar law,
51 automobile medical payment insurance, or insurance under which benefits
52 are payable with or without regard to fault and which is required by law
53 to be contained in any liability insurance policy or equivalent
54 self-insurance.

55
56 (d) The health care service plan issued by an entity subject to the

1 ~~provisions of part 4 of this article may provide that the benefits required~~
 2 ~~pursuant to this subsection (4) shall be covered benefits only if the~~
 3 ~~services are rendered by a provider who is designated by and affiliated~~
 4 ~~with the health maintenance organization.~~

5
 6 (15) Notwithstanding any provision to the contrary, a small
 7 employer may purchase health benefit coverage that does not include the
 8 coverage for benefits pursuant to subsections ~~(4)~~, (5), (9), (10), (12), and
 9 (18) of this section through a basic health benefit plan pursuant to section
 10 10-16-105 (7.2) (b) (I) or (7.2) (b) (III) or that does not include coverage
 11 for benefits pursuant to subsections (5), (9), (10), (12), ~~and (18)~~ (18) (b)
 12 (I), (18) (b) (II), AND (18) (b) (IV) THROUGH (IX) of this section through
 13 a medical evidence-based health benefit plan authorized in section
 14 10-16-105 (7.2) (b) (IV).".

15
 16 Page 6, line 12, strike "(IV)." and substitute "(IV); EXCEPT THAT THE
 17 REQUIRED COVERAGE FOR MAMMOGRAPHY SET FORTH IN SUBPARAGRAPH
 18 (III) OF PARAGRAPH (b) OF THIS SUBSECTION (18) SHALL APPLY TO A BASIC
 19 HEALTH BENEFIT PLAN ISSUED PURSUANT TO SECTION 10-16-105 (7.2) (b)
 20 (IV).";

21
 22 line 13, strike "deductibles." and substitute "deductibles OR
 23 COINSURANCE.";

24
 25 line 14, strike "and coinsurance" and substitute "~~and coinsurance~~";

26
 27 line 19, strike "BUT SHALL NOT";

28
 29 strike lines 20 and 21 and substitute the following:

30
 31 "AS REQUIRED BY THE POLICY, CONTRACT, OR OTHER HEALTH CARE
 32 COVERAGE.".

33
 34 Page 7, strike lines 2 through 7 and substitute the following:

35
 36 "(II) CERVICAL CANCER SCREENING;

37
 38 (III) (A) BREAST CANCER SCREENING WITH MAMMOGRAPHY;

39
 40 (B) COVERAGE FOR BREAST CANCER SCREENING WITH
 41 MAMMOGRAPHY SHALL BE THE LESSER OF SIXTY DOLLARS PER
 42 MAMMOGRAPHY SCREENING OR THE ACTUAL CHARGE FOR SUCH
 43 SCREENING, BUT IN NO CASE SHALL THE COVERED PERSON BE REQUIRED TO
 44 PAY MORE THAN THE COPAYMENT REQUIRED BY THE POLICY OR CONTRACT
 45 FOR PREVENTIVE HEALTH CARE SERVICES. THE MINIMUM BENEFIT
 46 REQUIRED UNDER THIS SUBPARAGRAPH (III) SHALL BE ADJUSTED TO
 47 REFLECT INCREASES AND DECREASES IN THE CONSUMER PRICE INDEX.

48
 49 (C) BENEFITS FOR PREVENTIVE MAMMOGRAPHY SCREENINGS
 50 SHALL BE DETERMINED ON A CALENDAR YEAR OR A CONTRACT YEAR
 51 BASIS, WHICH SHALL BE SPECIFIED IN THE POLICY OR CONTRACT. THE
 52 PREVENTIVE AND DIAGNOSTIC COVERAGES PROVIDED PURSUANT TO THIS
 53 SUBPARAGRAPH (III) SHALL IN NO WAY DIMINISH OR LIMIT DIAGNOSTIC
 54 BENEFITS OTHERWISE ALLOWABLE UNDER A POLICY. IF A COVERED
 55 PERSON WHO IS ELIGIBLE FOR A PREVENTIVE MAMMOGRAPHY SCREENING
 56 BENEFIT PURSUANT TO THIS SUBPARAGRAPH (III) HAS NOT UTILIZED SUCH

1 BENEFIT DURING A CALENDAR YEAR OR A CONTRACT YEAR, THEN THE
 2 COVERAGE SHALL APPLY TO ONE DIAGNOSTIC SCREENING FOR THAT YEAR.
 3 IF MORE THAN ONE DIAGNOSTIC SCREENING IS PROVIDED FOR THE
 4 COVERED PERSON IN A GIVEN CALENDAR YEAR OR CONTRACT YEAR, THE
 5 OTHER DIAGNOSTIC SERVICE BENEFIT PROVISIONS IN THE POLICY OR
 6 CONTRACT SHALL APPLY WITH RESPECT TO THE ADDITIONAL
 7 SCREENINGS."

8

9 Renumber succeeding subparagraphs accordingly.

10

11 Page 7, line 8, strike "DISORDERS ONCE EVERY" and substitute
 12 "DISORDERS;"

13

14 strike lines 9 and 10;

15

16 line 11, before "COLORECTAL", insert "(A)";

17

18 line 13, strike "polyps for those THE FOLLOWING" and substitute "polyps.
 19 for those covered persons";

20

21 line 14, strike "covered persons:";

22

23 strike lines 16 and 17 and substitute the following:

24

25 ~~"(I) Asymptomatic, average risk adults who are fifty years of age
 26 or older and";~~

27

28 line 18, strike "Covered" and substitute "IN ADDITION TO COVERED
 29 PERSONS ELIGIBLE FOR COLORECTAL CANCER SCREENING COVERAGE IN
 30 ACCORDANCE WITH A OR B RECOMMENDATIONS OF THE TASK FORCE,
 31 COLORECTAL CANCER SCREENING COVERAGE REQUIRED BY THIS
 32 SUBPARAGRAPH (V) SHALL ALSO BE PROVIDED TO covered".

33

34 Page 8, strike lines 3 through 6 and substitute the following:

35

36 "(VII) INFLUENZA VACCINATIONS PURSUANT TO THE SCHEDULE
 37 ESTABLISHED BY THE ACIP;

38

39 "(VIII) PNEUMOCOCCAL VACCINATIONS PURSUANT TO THE
 40 SCHEDULE ESTABLISHED BY THE ACIP; AND".

41

42 Page 9, after line 18, insert the following:

43

44 "**SECTION 3.** 10-3-903 (2) (h), Colorado Revised Statutes, is
 45 amended to read:

46

47 **10-3-903. Definition of transacting insurance business.**

48

49 (2) The provisions of this section do not apply to:

50

51 (h) Transactions in this state involving group sickness and
 52 accident or blanket sickness and accident insurance where the master
 53 policy was lawfully issued and delivered to a single employer in another
 54 state in which the company was authorized to do an insurance business,
 55 when a master policy which covers residents of this state includes
 56 mammography benefits at a level at least as comprehensive as those
 required by ~~section 10-16-104(4)~~ SECTION 10-16-104 (18) (b) (III);

1 **SECTION 4.** 10-16-105 (7.2) (b) (I), (7.2) (b) (II), (7.2) (b) (III),
2 (7.2) (b) (IV) (A), and (7.2) (b) (IV) (C), Colorado Revised Statutes, are
3 amended to read:
4

5 **10-16-105. Small group sickness and accident insurance -**
6 **guaranteed issue - mandated provisions for basic health benefit plans**
7 **- rules - benefit design advisory committee - repeal.** (7.2) The
8 commissioner shall promulgate rules to implement a basic health benefit
9 plan and a standard health benefit plan to be offered by each small
10 employer carrier as a condition of transacting business in this state. The
11 commissioner shall survey small group carriers annually to determine the
12 range of health benefit plans available. The commissioner shall
13 implement a basic plan that approximates the lowest level of coverage
14 offered in small group health benefit plans. A basic health benefit plan
15 may be based on the latest medical evidence. The commissioner shall
16 implement a standard plan that approximates the average level of
17 coverage offered in small group health benefit plans. In determining
18 levels of coverage, the commissioner shall consider factors such as
19 coinsurance, copayments, deductibles, out-of-pocket maximums, and
20 covered benefits. The commissioner shall amend the rules as necessary
21 to implement the basic and standard health benefit plans. The rules shall
22 be in conformity with article 4 of title 24, C.R.S., and shall incorporate
23 the following standard health benefit plan design described in paragraph
24 (a) of this subsection (7.2) and the various options for the basic health
25 benefit plan design described in paragraph (b) of this subsection (7.2):
26

27 (b) (I) A basic health benefit plan may reflect a basic health
28 benefit plan that does not include coverage pursuant to the mandatory
29 coverage provisions of section 10-16-104 ~~(4)~~, (5), (9), (10), (12), and
30 (18).
31

32 (II) A basic health benefit plan may reflect a health benefit plan
33 that is a high deductible plan that would qualify for a health savings
34 account pursuant to 26 U.S.C. sec. 223. A carrier may apply deductible
35 amounts for mandatory health benefits for mammography, prostate
36 screening, child supervision services, or prosthetic devices pursuant to
37 section 10-16-104 ~~(4)~~, (10), (11), and ~~(14)~~ (14), AND (18) (b) (III) if such
38 mandatory benefits are not considered by the federal department of
39 treasury to be preventive or to have an acceptable deductible amount.
40

41 (III) A basic health benefit plan may reflect a basic health benefit
42 plan that does not include coverage pursuant to the mandatory coverage
43 provisions of section 10-16-104 ~~(4)~~, (5), (9), (10), (12), and (18) and is a
44 high deductible plan that would qualify for a health savings account
45 pursuant to 26 U.S.C. sec. 223. A carrier may apply deductible amounts
46 for mandatory health benefits for child supervision services or prosthetic
47 devices pursuant to section 10-16-104 (11) and (14) if such mandatory
48 benefits are not considered by the federal department of treasury to be
49 preventive or to have an acceptable deductible amount.
50

51 (IV) On and after January 1, 2009, a basic health benefit plan may
52 reflect a medical evidence-based health benefit plan that:
53

54 (A) Does not include coverage pursuant to the mandatory
55 coverage provisions of section 10-16-104 (5), (9), (10), (12), and (18);
56 EXCEPT THAT A BASIC HEALTH BENEFIT PLAN ISSUED PURSUANT TO THIS

1 SUBPARAGRAPH (IV) SHALL INCLUDE COVERAGE FOR MAMMOGRAPHY AS
2 SPECIFIED IN SECTION 10-16-104 (18) (b) (III);
3

4 (C) Covers limited prevention and screening based on the latest
5 medical evidence embodied in recommendations of an independent panel
6 of experts in primary care and prevention that systematically reviews the
7 evidence of effectiveness and develops recommendations for clinical
8 preventive services; except that a carrier may apply deductible amounts
9 for mandatory health benefits for mammography, child supervision
10 services, or prosthetic devices pursuant to section 10-16-104 ~~(4)~~, (11),
11 ~~and (14)~~ (14), AND (18) (b) (III) if such mandatory benefits are not
12 considered by the federal department of treasury to be preventive or to
13 have an acceptable deductible amount;
14

15 **SECTION 5.** 10-16-116 (3), Colorado Revised Statutes, is
16 amended to read:
17

18 **10-16-116. Catastrophic health insurance - coverage.**
19 (3) Insurers shall provide a written disclosure to a covered person that
20 indicates the mandated benefits of section 10-16-104 (1), (1.7), ~~(4)~~, (5),
21 (5.5), (8), (9), (10), (11), (12), (13), ~~and (14)~~ (14), AND (18) (b) (III) are
22 covered benefits of the high deductible health plan offered pursuant to
23 section 10-16-105 (7.2) (b) (II); except that the mandated benefits for
24 mammography, prostate screenings, child health supervision services, and
25 prosthetic devices shall be subject to policy deductibles.
26

27 **SECTION 6.** 10-16-129, Colorado Revised Statutes, is amended
28 to read:
29

30 **10-16-129. Health savings accounts.** Any carrier authorized to
31 conduct business in this state that offers coverage pursuant to part 2, 3, or
32 4 of this article may offer a high deductible health plan that would qualify
33 for and may be offered in conjunction with a health savings account
34 pursuant to 26 U.S.C. sec. 223, as amended. A carrier offering a high
35 deductible health plan that may be offered in conjunction with a health
36 savings account may apply the deductible to mandatory health benefits for
37 mammography, prostate cancer screening, child health supervision
38 services, and prosthetic devices pursuant to section 10-16-104 ~~(4)~~, (10),
39 (11), ~~and (14)~~, (14), AND (18) (b) (III) if such mandatory benefits are not
40 considered by the federal department of treasury to be preventive or to
41 have an acceptable deductible amount."
42

43 Renumber succeeding section accordingly.
44
45
46

47 **SB09-067** be referred favorably to the Committee on Appropriations.
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1 **LOCAL GOVERNMENT**

2 After consideration on the merits, the Committee recommends the
3 following:

4
5 **SB09-087** be amended as follows, and as so amended, be referred to
6 the Committee on Appropriations with favorable
7 recommendation:
8

9 Amend reengrossed bill, page 4, after line 3, insert the following:

10
11 "SECTION 3. 32-1-306, Colorado Revised Statutes, is amended
12 to read:

13
14 **32-1-306. Filing decree.** Within thirty days after the special
15 district has been declared organized by the court, the special district shall
16 transmit to the county clerk and recorder in each of the counties in which
17 the special district or a part thereof extends certified copies of the
18 findings and the order of the court organizing said special district. The
19 same shall be recorded by the county clerk and recorder in each county as
20 provided in section 32-1-105. A copy of the approved service plan of the
21 district shall be delivered to each such county clerk and recorder, who
22 shall retain the service plan as a public record for public inspection. In
23 addition, a copy of the service plan, together with a copy of the court's
24 findings and order, shall be filed with the division as provided in section
25 32-1-105, and a map of the special district shall be filed with the county
26 assessor in each county in which the special district or a part thereof
27 extends and with the division according to the standards of the division.
28 ON OR BEFORE JANUARY 1, 2010, A SPECIAL DISTRICT SHALL FILE A
29 CURRENT, ACCURATE MAP OF ITS BOUNDARIES WITH THE COUNTY CLERK
30 AND RECORDER IN EACH OF THE COUNTIES IN WHICH THE SPECIAL DISTRICT
31 OR A PART THEREOF EXTENDS. ~~Thereafter, the~~ A special district shall
32 maintain a current, accurate map of its boundaries and shall provide for
33 such map to be on file with the county assessor, THE CLERK AND
34 RECORDER, and the division on or before January 1 of each year."
35

36 Renumber succeeding sections accordingly.

37
38 Page 4, strike lines 7 through 19 and substitute the following:

39
40 **"manner of election - notice - permanent mail-in voters.** (5) (a) AT
41 LEAST SIXTY DAYS PRIOR TO A METROPOLITAN DISTRICT ELECTION, A
42 DESIGNATED ELECTION OFFICIAL OF THE METROPOLITAN DISTRICT SHALL
43 REQUEST A CLERK AND RECORDER OF A COUNTY IN WHICH THE
44 METROPOLITAN DISTRICT IS WHOLLY OR PARTIALLY LOCATED TO PROVIDE
45 THE DESIGNATED ELECTION OFFICIAL WITH A LIST OF THE NAMES AND
46 ADDRESSES OF REGISTERED ELECTORS OF THE COUNTY WHO ARE ALSO
47 REGISTERED ELECTORS OF THE METROPOLITAN DISTRICT AND WHO HAVE
48 APPLIED TO THE COUNTY CLERK AND RECORDER FOR PERMANENT MAIL-IN
49 VOTER STATUS IN ACCORDANCE WITH SECTION 1-8-104.5 (1), C.R.S.
50 ALONG WITH THE REQUEST, THE DESIGNATED ELECTION OFFICIAL SHALL
51 CERTIFY THAT THE METROPOLITAN DISTRICT HAS PROVIDED THE COUNTY
52 CLERK AND RECORDER WITH A CURRENT, ACCURATE MAP OF ITS
53 BOUNDARIES IN ACCORDANCE WITH SECTION 32-1-306. AFTER RECEIPT OF
54 THE REQUEST, THE CLERK AND RECORDER SHALL PROVIDE THE
55 DESIGNATED ELECTION OFFICIAL WITH SUCH LIST OF THE NAMES AND
56 ADDRESSES OF REGISTERED ELECTORS; EXCEPT THAT, IF THE DESIGNATED

1 ELECTION OFFICIAL HAS NOT CERTIFIED THAT THE SPECIAL DISTRICT HAS
2 PROVIDED THE COUNTY CLERK AND RECORDER WITH A CURRENT,
3 ACCURATE MAP OF ITS BOUNDARIES, THE CLERK AND RECORDER SHALL
4 PROVIDE TO THE DESIGNATED ELECTION OFFICIAL THE NAMES AND
5 ADDRESSES OF ALL REGISTERED ELECTORS OF THE COUNTY WHO HAVE
6 APPLIED FOR PERMANENT MAIL-IN VOTER STATUS IN ACCORDANCE WITH
7 SECTION 1-8-104.5 (1), C.R.S. IF, WITHIN TEN DAYS OF RECEIVING THE
8 LIST OF THE NAMES AND ADDRESSES OF REGISTERED ELECTORS PURSUANT
9 TO THIS PARAGRAPH (a), A DESIGNATED ELECTION OFFICIAL NOTIFIES THE
10 COUNTY CLERK AND RECORDER OF ANY PROBLEMS WITH THE LIST, THE
11 COUNTY CLERK AND RECORDER MAY PROVIDE THE DESIGNATED ELECTION
12 OFFICIAL WITH A CORRECTED LIST."

13

14 Reletter succeeding paragraphs accordingly.

15

16 Page 4, line 20, strike "BOARD SHALL" and substitute "DESIGNATED
17 ELECTION OFFICIAL SHALL";

18

19 line 22, strike "MAINTAINED" and substitute "PROVIDED TO THE
20 DESIGNATED ELECTION OFFICIAL".

21

22 Page 5, line 4, after "No", insert "MORE THAN SIXTY DAYS PRIOR TO AND
23 NOT".

24

25 Page 6, line 4, strike "EITHER TO THE DISTRICT OFFICE OR";

26

27 line 27, strike "SITE." and substitute "SITE; OR";

28

29 after line 27, insert the following:

30

31 "(e) FOR A SPECIAL DISTRICT WITH LESS THAN ONE THOUSAND
32 ELIGIBLE ELECTORS THAT IS WHOLLY LOCATED WITHIN A COUNTY WITH A
33 POPULATION OF LESS THAN THIRTY THOUSAND, POSTING THE NOTICE IN AT
34 LEAST THREE PUBLIC PLACES WITHIN THE LIMITS OF THE SPECIAL DISTRICT
35 AND, IN ADDITION, POSTING A NOTICE IN THE OFFICE OF THE COUNTY
36 CLERK AND RECORDER OF THE COUNTY IN WHICH THE SPECIAL DISTRICT IS
37 LOCATED. SUCH NOTICES SHALL REMAIN POSTED UNTIL THE TUESDAY
38 SUCCEEDING THE FIRST MONDAY OF THE FOLLOWING MAY."

39

40 Page 7, strike lines 12 through 15;

41

42 after line 16, insert the following:

43

44 "SECTION 6. 32-1-903 (2), Colorado Revised Statutes, is
45 amended to read:

46

47 **32-1-903. Meetings.** (2) Notice of time and place designated for
48 all regular meetings shall be posted in at least three public places within
49 the limits of the special district, and, in addition, one such notice shall be
50 posted in the office of the county clerk and recorder in the county or
51 counties in which the special district is located. Such notices shall remain
52 posted and shall be changed in the event that the time or place of such
53 regular meetings is changed. Special meetings may be called by any
54 director by informing the other directors of the date, time, and place of
55 such special meeting, and the purpose for which it is called, and by
56 posting notice as provided in this section at least ~~three days~~ SEVENTY-TWO

1 HOURS prior to said meeting. All official business of the board shall be
2 conducted only during said regular or special meetings at which a quorum
3 is present, and all said meetings shall be open to the public.".

4
5 Renumber succeeding sections accordingly.

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9
10 **STATE, VETERANS, & MILITARY AFFAIRS**

11 After consideration on the merits, the Committee recommends the
12 following:

13
14 **HB09-1140** be postponed indefinitely.

15
16
17 **HB09-1158** be postponed indefinitely.

18
19
20 **HB09-1322** be referred to the Committee of the Whole with favorable
21 recommendation.

22
23
24 **HB09-1325** be referred to the Committee of the Whole with favorable
25 recommendation.

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27
28 **HB09-1326** be referred favorably to the Committee on Appropriations.

29
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32
33 **TRANSPORTATION & ENERGY**

34 After consideration on the merits, the Committee recommends the
35 following:

36
37 **HB09-1318** be referred favorably to the Committee on Appropriations.

38
39
40 **SB09-031** be amended as follows, and as so amended, be referred to
41 the Committee of the Whole with favorable
42 recommendation:

43
44 Amend reengrossed bill, page 6, line 11, strike "IF THE COLORADO";

45
46 strike lines 12 through 16.

47
48 Page 9, line 17, strike "FROM" and substitute "PURSUANT TO PARAGRAPH
49 (b) OR (c) OF THIS SUBSECTION (5).";

50
51 strike line 18;

52
53 line 19, strike "SECTION 25-17-202 (1) (a) (V), C.R.S.".

54
55 Page 10, after line 3, insert the following:

56

1 "(b) THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT IS
2 AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM
3 PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS ARTICLE; EXCEPT
4 THAT THE DEPARTMENT SHALL NOT ACCEPT A GIFT, GRANT, OR DONATION
5 IF IT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS
6 ARTICLE OR ANY OTHER LAW OF THE STATE. THE COLORADO OFFICE OF
7 ECONOMIC DEVELOPMENT SHALL TRANSMIT ALL PRIVATE AND PUBLIC
8 MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE
9 STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND.

10

11 (c) TO THE EXTENT PERMITTED BY LAW, THE GOVERNOR, AT HIS OR
12 HER DISCRETION, OR THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT,
13 AT ITS DISCRETION, MAY DIRECT OTHER MONEYS TO THE FUND FOR THE
14 PURPOSES OF THIS ARTICLE."

15

16 Reletter succeeding paragraph accordingly.

17

18 Page 10, strike lines 8 through 27.

19

20 Page 11, strike lines 1 through 6.

21

22 Renumber succeeding section accordingly.

23

24 Page 1, line 102, strike "**PROGRAM, AND MAKING AN**" and substitute
25 "**PROGRAM.**";

26

27 strike line 103.

28

29

30

31 **SB09-098** be amended as follows, and as so amended, be referred to
32 the Committee of the Whole with favorable
33 recommendation:

34

35 Amend reengrossed bill, page 3, line 8, strike "SUCH EXEMPT";

36

37 line 11, strike "BLEND AND STILL" and substitute "BLEND. SUCH BLENDED
38 SPECIAL FUEL SHALL";

39

40 line 12, strike "1." and substitute "1, SO LONG AS IT IS PURCHASED FOR THE
41 PURPOSES SET FORTH IN THIS PARAGRAPH (a)."

42

43

44

45 **SB09-171** be amended as follows, and as so amended, be referred to
46 the Committee of the Whole with favorable
47 recommendation:

48

49 Amend reengrossed bill, page 2, line 6, strike "TO ENHANCE THE ABILITY
50 OF";

51

52 strike lines 7 and 8;

53

54 line 9, strike "DEVELOPMENT, MONEYS" and substitute "MONEYS";

55

56 line 12, strike "EMPLOYEES IN COLORADO'S NEW ENERGY" and substitute

1 "EMPLOYEES.";
2
3 strike line 13.

4
5 Page 1, strike lines 102 and 103 and substitute the following:

6
7 **"TRAINING PROGRAM."**

8
9
10
11 **PRINTING REPORT**

12
13 The Chief Clerk reports the following bills have been correctly printed:
14 **HB09-1330, 1331.**

15
16
17 House in recess. House reconvened.

18
19
20
21 **MESSAGE(S) FROM THE SENATE**

22
23 The Senate has adopted and transmits herewith: SJR09-034.

24
25
26 The Senate has passed on Third Reading and transmitted to the Revisor
27 of Statutes:

28
29 HB09-1217 amended as printed in Senate Journal, April 1, 2009.

30
31 The Senate voted to concur in House amendments to SB09-080,
32 SB09-050, SB09-062, SB09-150, SB09-039, SB09-165, SB09-107,
33 SB09-005, SB09-129, SB09-169, SB09-168, SB09-042, SB09-237,
34 SB09-231, SB09-051, SB09-078, and repassed the bills as so amended.

35
36 The Senate has voted not to concur in House Amendments to SB09-131,
37 and requests that a Conference Committee be appointed. The President
38 appointed Senators Romer--Chair, Boyd, and Spence as members of the
39 First Conference Committee on SB09-131 on the part of the Senate. The
40 bill is transmitted herewith.

41
42 The Senate has voted not to concur in House Amendments to SB09-148,
43 and requests that a Conference Committee be appointed. The President
44 appointed Senators Brophy--Chair, Gibbs, and Heath as members of the
45 First Conference Committee on SB09-148 on the part of the Senate. The
46 bill is transmitted herewith.

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50 **MESSAGE(S) FROM THE REVISOR**

51
52 We herewith transmit:
53 Without comment, as amended, HB09-1217.

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INTRODUCTION OF RESOLUTION

The following resolution was read by title and laid over one day under the rules:

SJR09-034 by Senator(s) Kopp; also Representative(s) Rice--
Concerning honoring the Colorado Rush soccer club for
its outreach efforts through the Iraq REACH program,
and, in connection therewith, proclaiming "Colorado Rush
'REACH' Day".

APPOINTMENTS TO CONFERENCE COMMITTEES

Pursuant to a request from the Senate, the Speaker appointed House conferees to the First Conference Committees as follows:

SB09-148--Representatives Merrifield, Chairman, Kerr A., and McNulty.

LAY OVER OF CALENDAR ITEM(S)

On motion of Representative Weissmann, the following item(s) on the Calendar were laid over until April 2, retaining place on Calendar:

Consideration of Resolution(s)--**SJR09-028**.

On motion of Representative Kerr A., the House adjourned until 9:00 a.m., April 2, 2009.

Approved:
TERRANCE D. CARROLL,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk