

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

Sixty-ninth Legislative Day

Monday, March 16, 2009

1 Prayer by the Reverend Brad Meuli, Denver Rescue Mission.

2

3 The Speaker called the House to order at 10:00 a.m.

4

5 Pledge of Allegiance led by Abby, Winston, and Price Reeves, Canyon  
6 Independence School District, Amarillo, Texas.

7

8 The roll was called with the following result:

9

10 Present--64.

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

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative Murray, the reading of the journal of  
17 March 13, 2009, was declared dispensed with and approved as corrected  
18 by the Chief Clerk.

19

20

21

22

**RESIGNATION**

23

24 March 16, 2009

25

26 Marilyn Eddins

27 Chief Clerk of Colorado House of Representatives

28 Colorado General Assembly

29 200 East Colfax

30 Denver, CO 80203

31

32 Dear Ms. Eddins:

33

34 It is with affection, excitement and sadness that I submit this letter to you  
35 as Clerk of the Colorado House of Representatives.

36

37 Please accept my resignation as the State Representative for House  
38 District 3, effective upon the earlier of a vacancy election in House  
39 District 3 or 8 a.m. Monday, March 30, 2009.

40

41 My rewarding tenure in the House was due in large part to you and your  
42 staff who make it so easy to do our jobs. You and your staff have  
43 unquestioned professionalism and devotion to this marvelous institution.

1 Thank you for your friendship, and your work.  
 2  
 3 I am honored to have served in the Colorado House of Representatives  
 4 with you.  
 5  
 6 Sincerely,  
 7 (signed)  
 8 Anne L. McGihon  
 9

10  
 11  
 12 **THIRD READING OF BILLS--FINAL PASSAGE**  
 13

14 The following bills were considered on Third Reading. The titles were  
 15 publicly read. Reading of the bill at length was dispensed with by  
 16 unanimous consent.  
 17

18 **HB09-1209** by Representative(s) Green; also Senator(s) Tochtrop--  
 19 Concerning modifications to health care coverage  
 20 cooperatives.  
 21

22 The question being "Shall the bill pass?".  
 23 A roll call vote was taken. As shown by the following recorded vote,  
 24 less than a majority of those elected to the House voted in the affirmative  
 25 and the bill was declared **lost**.  
 26

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

45  
 46  
 47 **HB09-1164** by Representative(s) Primavera, Gagliardi, Green,  
 48 Kefalas, Kerr J., McGihon; also Senator(s) Kester--  
 49 Concerning a surcharge on breast cancer awareness  
 50 special license plates to provide funding for cancer  
 51 treatment for women who are not currently eligible to  
 52 participate in the breast and cervical cancer prevention  
 53 and treatment program under the "Colorado Medical  
 54 Assistance Act".  
 55

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

	YES	60	NO	4	EXCUSED	1	ABSENT	0
7	Acree	Y	Green	Y	McFadyen	E	Roberts	Y
8	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
9	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
10	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
11	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
12	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	N
13	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
14	Court	Y	Labuda	Y	Murray	N	Stephens	Y
15	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
16	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
17	Fischer	Y	Liston	N	Peniston	Y	Tipton	Y
18	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
19	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
20	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
21	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
22	Gerou	Y	McCann	Y	Riesberg	N	Weissmann	Y
23							Speaker	Y

24 Co-sponsor(s) added: Representative(s) Apuan, Casso, Court, Fischer, Kerr A.,  
 25 Labuda, Levy, Looper, Massey, McCann, Merrifield, Middleton, Miklosi, Pace,  
 26 Peniston, Rice, Scanlan, Solano, Stephens, Tipton, Todd, Weissmann

27  
 28  
 29 **HB09-1237** by Representative(s) Primavera, Casso, Green, Soper; also  
 30 Senator(s) Shaffer B.--Concerning the coordinated system  
 31 of payment for early intervention services for children  
 32 eligible for benefits under part C of the federal  
 33 "Individuals with Disabilities Education Improvement  
 34 Act", and making an appropriation therefor.

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

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



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

15 Co-sponsor(s) added: Representative(s) Benefield, Fischer, Gagliardi, Green,  
16 Kerr A., Labuda, Middleton, Miklosi, Pommer, Ryden, Schafer S., Solano,  
17 Todd

18  
19 **HB09-1296** by Representative(s) Green; also Senator(s) Hudak--  
20 Concerning extending the repeal date for the reading  
21 assistance grant program.

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

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

46 Co-sponsor(s) added: Representative(s) Acree, Apuan, Bradford, Gerou,  
47 Hullinghorst, Kerr J., Labuda, May, Merrifield, Middleton, Nikkel, Pommer,  
48 Ryden, Scanlan, Schafer S., Solano, Stephens, Summers, Todd

49  
50  
51 **HB09-1297** by Representative(s) Frangas; also Senator(s) Mitchell--  
52 Concerning membership appointments to the advisory  
53 committee on licensing of child care facilities.

54  
55 The question being "Shall the bill pass?".  
56 A roll call vote was taken. As shown by the following recorded vote, a

1 majority of those elected to the House voted in the affirmative and the bill  
 2 was declared **passed**.

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

22 Co-sponsor(s) added: Representative(s) Green, Kerr J., Labuda, Merrifield,  
 23 Middleton, Priola, Schafer S., Stephens, Todd, Vigil

24  
 25 **SB09-114** by Senator(s) Kester, Hodge, Isgar; also Representative(s)  
 26 Sonnenberg--Concerning the continuation of the authority  
 27 of the department of agriculture to regulate the sale of  
 28 agricultural products, and, in connection therewith,  
 29 regulating farm products and commodity warehouses.

30  
 31 The question being "Shall the bill pass?".  
 32 A roll call vote was taken. As shown by the following recorded vote, a  
 33 majority of those elected to the House voted in the affirmative and the bill  
 34 was declared **passed**.

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

54 Co-sponsor(s) added: Representative(s) Baumgardner, Curry, King S., Labuda,  
 55 Looper, Nikkel, Roberts, Stephens, Vigil, Waller

1 On motion of Representative Middleton, the House resolved itself into  
2 Committee of the Whole for consideration of General Orders, and she  
3 was called to the Chair to act as Chairman.

4

5

6

## GENERAL ORDERS--SECOND READING OF BILLS

7

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

12

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

15

16 **HB09-1295** by Representative(s) Todd and Massey, Carroll T.,  
17 Benefield, Merrifield, Middleton, Casso, Frangas,  
18 Hullinghorst, Kerr A., Labuda, McGihon, Miklosi,  
19 Murray, Scanlan; also Senator(s) Heath, Bacon, King K.,  
20 Veiga, Spence--Concerning authorizing Metropolitan state  
21 college of Denver to offer master's degree programs.

22

23 Ordered engrossed and placed on the Calendar for Third Reading and  
24 Final Passage.

25

26 **HB09-1299** by Representative(s) Kerr A., Benefield, Carroll T., Casso,  
27 Court, Curry, Ferrandino, Frangas, Green, Hullinghorst,  
28 Kefalas, McCann, Middleton, Miklosi, Pommer, Rice,  
29 Scanlan, Schafer S., Solano, Todd, Vigil; also Senator(s)  
30 Romer, Bacon, Groff, Veiga--Concerning adoption of an  
31 agreement among the states to elect the president of the  
32 United States by national popular vote.

33

34 Amendment No. 1, by Representative(s) Gardner B.

35

36 Amend printed bill, page 7, strike lines 15 through 17 and substitute the  
37 following:

38

39 **"SECTION 2. Act subject to petition - effective date.** This act  
40 shall take effect at 12:01 a.m. on the day following the expiration of the  
41 ninety-day period after final adjournment of the general assembly that is  
42 allowed for submitting a referendum petition pursuant to article V,  
43 section 1 (3) of the state constitution, (August 4, 2009, if adjournment  
44 sine die is on May 6, 2009); except that, if a referendum petition is filed  
45 against this act or an item, section, or part of this act within such period,  
46 then the act, item, section, or part, if approved by the people, shall take  
47 effect on the date of the official declaration of the vote thereon by  
48 proclamation of the governor."

49

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

52

53 On motion of Representative Weissmann, the remainder of the General  
54 Orders Calendar was laid over until the dates indicated, retaining place on  
55 Calendar:

56 (**HB09-1015, 1086, 1026, 1170, 1294**) laid over until March 17.

1 (HB09-1176, SB09-117, 038, 054, 059, 050, 181, 227, 062, 112, 053,  
2 100, 119, 150, 101, 014, 039, 107, 147, 165, 157, 111, 080) laid over until  
3 March 20.

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4  
5  
6  
7 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

8  
9 Passed Second Reading: **HB09-1295, 1299 amended.**

10 Laid over until date indicated retaining place on Calendar:

11 **HB09-1015, 1086, 1026, 1170, 1294**--March 17, 2009.

12 **HB09-1176, SB09-117, 038, 054, 059, 050, 181, 227, 062, 112, 053, 100,**  
13 **119, 150, 101, 014, 039, 107, 147, 165, 157, 111, 080**--March 20, 2009.

14  
15  
16 The Chairman moved the adoption of the Committee of the Whole  
17 Report. As shown by the following roll call vote, a majority of those  
18 elected to the House voted in the affirmative, and the Report was  
19 **adopted.**

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

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39  
40  
41  
42  
43  
44 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**  
45 **on SB09-208**

46  
47 This Report Amends the Rerevised Bill.

48  
49 To the President of the Senate and the  
50 Speaker of the House of Representatives:

51  
52 Your first conference committee appointed on SB09-208,  
53 concerning the augmentation of the general fund through transfers of  
54 certain moneys in the 2008-09 fiscal year, has met and reports that it has  
55 agreed upon the following:

56



1 That the Senate accede to the House amendments made to the bill,  
2 as the amendments appear in the rerevised bill, with the following  
3 change:

4  
5 Amend rerevised bill, page 15, line 3, strike "FIFTEEN MILLION NINE" and  
6 substitute "SEVENTEEN MILLION FOUR".

7  
8 Respectfully submitted,  
9 Senate Committee:  
10 (signed)  
11 Moe Keller  
12 Abel Tapia  
13 Al White

House Committee:  
(signed)  
Mark Ferrandino  
Jack Pommer  
Don Marostica

---

14  
15  
16  
17 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**  
18 **on SB09-215**

19  
20 This Report Amends the Reengrossed Bill.

21  
22 To the President of the Senate and the  
23 Speaker of the House of Representatives:

24  
25 Your first conference committee appointed on SB09-215,  
26 concerning modifications to appropriations to achieve a reduction in the  
27 state expenditures for the financing of public schools, has met and reports  
28 that it has agreed upon the following:

29  
30 That the House recede from its amendments made to the bill, as the  
31 amendments appear in the rerevised bill, and that the following  
32 amendments be substituted therefor:

33  
34 Amend reengrossed bill, page 3, line 27, strike "TWO" and substitute  
35 "ONE".

36  
37 Page 15, line 6, strike "TWO" and substitute "ONE";

38  
39 line 7, strike "\$2,635,000)." and substitute "\$1,635,000)." and strike  
40 "TWO" and substitute "ONE";

41  
42 line 8, strike "\$2,500,000)" and substitute "\$1,500,000)".

43  
44 Respectfully submitted,  
45 Senate Committee:  
46 (signed)  
47 Moe Keller  
48 Abel Tapia  
49 Al White

House Committee:  
(signed)  
Mark Ferrandino  
Jack Pommer  
Don Marostica

50  
51  
52  
53  
54  
55

**REPORT(S) OF COMMITTEE(S) OF REFERENCE****HEALTH & HUMAN SERVICES**

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

**HB09-1293** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 7, line 23, strike "SECTION" and substitute "SUBSECTION (3)".

Page 10, line 22, after "HUNDRED", insert "FIFTY".

Page 12, line 4, strike "(b);" and substitute "(b), INCLUDING BUT NOT LIMITED TO ADMINISTRATIVE COSTS ASSOCIATED WITH THE DETERMINATION OF ELIGIBILITY FOR PUBLIC MEDICAL ASSISTANCE BY COUNTY DEPARTMENTS;";

line 11, after "HOSPITALS;", add "AND";

strike lines 12 through 20.

Page 17, line 7, strike "ELEVEN" and substitute "TWELVE";

line 20, strike "COMPANIES" and substitute "CARRIERS" and strike "COMPANY" and substitute "CARRIER";

line 24, strike "COMPANY;" and substitute "CARRIER;";

line 27, strike "COMPANY," and substitute "CARRIER,";

after line 27, insert the following:

"(F) ONE MEMBER WHO IS A REPRESENTATIVE OF PERSONS WITH DISABILITIES, 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;"

Reletter succeeding sub-subparagraphs accordingly.

Page 18, line 2, after "PURCHASES", insert "OR OTHERWISE PROVIDES";

line 20, strike "(F)" and substitute "(G)";

line 21, after "(b).", insert "THE CHAIR OF THE ADVISORY BOARD SHALL ONLY BE ENTITLED TO VOTE IF THE VOTE OF THE OTHER MEMBERS OF THE ADVISORY BOARD WHO ARE PRESENT AND VOTING ON AN ISSUE WOULD RESULT IN A TIE VOTE."

Page 20, after line 20, insert the following:

"(II) A DESCRIPTION OF THE FORMULA FOR HOW THE PROVIDER FEE IS CALCULATED AND THE PROCESS BY WHICH THE PROVIDER FEE IS ASSESSED AND COLLECTED;"

1 Renumber succeeding subparagraphs accordingly.

2

3 Page 22, line 19, strike "PURSUANT TO" and substitute "SUBJECT TO  
4 ADEQUATE".

5

6 Page 23, line 19, after "TO", insert "ADEQUATE".

7

8 Page 24, line 17, strike "**groups.**" and substitute "**groups - repeal.**".

9

10 Page 25, line 16, strike "OR" and substitute "TO SUCH PARENT WHOSE  
11 FAMILY INCOME EXCEEDS SIXTY PERCENT OF THE FEDERAL POVERTY  
12 LEVEL OR REDUCE";

13

14 after line 19, insert the following:

15

16 "(C) NOTWITHSTANDING THE PROVISIONS OF SUB-SUBPARAGRAPH  
17 (A) OF THIS SUBPARAGRAPH (I), UNTIL THE STATE DEPARTMENT RECEIVES  
18 FEDERAL AUTHORIZATION TO INCREASE THE PERCENTAGE OF THE FEDERAL  
19 POVERTY RATE FOR PARENTS OF CHILDREN ELIGIBLE FOR THE MEDICAL  
20 ASSISTANCE PROGRAM OR THE CHILDREN'S BASIC HEALTH PLAN, THE  
21 PERCENTAGE OF THE FEDERAL POVERTY LEVEL SHALL BE NOT LESS THAN  
22 SIXTY PERCENT. WITHIN SIXTY DAYS AFTER THE STATE DEPARTMENT  
23 RECEIVES AUTHORIZATION TO INCREASE THE PERCENTAGE OF THE  
24 FEDERAL POVERTY LEVEL, THE EXECUTIVE DIRECTOR SHALL SEND  
25 WRITTEN NOTICE TO THE REVISOR OF STATUTES INFORMING HIM OR HER OF  
26 THE AUTHORIZATION. THIS SUB-SUBPARAGRAPH (C) IS REPEALED,  
27 EFFECTIVE THE JULY 1 FOLLOWING THE RECEIPT OF THE NOTICE TO THE  
28 REVISOR OF STATUTES."

29

30 Page 26, line 7, after "HUNDRED", insert "FIFTY";

31

32 after line 8, insert the following:

33

34 "(III) (A) NOTWITHSTANDING THE PROVISION OF SUBPARAGRAPH  
35 (I) OF THIS PARAGRAPH (o), INDIVIDUALS WITH DISABILITIES WHO ARE  
36 PARTICIPATING IN THE MEDICAID BUY-IN PROGRAM ESTABLISHED IN PART  
37 14 OF ARTICLE 6 OF THIS TITLE SHALL ONLY BE ELIGIBLE FOR BENEFITS  
38 UNDER THE MEDICAL ASSISTANCE PROGRAM IF THE STATE DEPARTMENT  
39 RECEIVES FEDERAL AUTHORIZATION FOR SUCH ELIGIBILITY.

40

41 (B) WITHIN SIXTY DAYS AFTER THE STATE DEPARTMENT RECEIVES  
42 AUTHORIZATION TO PROVIDE MEDICAL BENEFITS TO INDIVIDUALS WITH  
43 DISABILITIES WHO ARE PARTICIPATING IN THE MEDICAID BUY-IN PROGRAM  
44 ESTABLISHED IN PART 14 OF ARTICLE 6 OF THIS TITLE, THE EXECUTIVE  
45 DIRECTOR SHALL SEND WRITTEN NOTICE TO THE REVISOR OF STATUTES  
46 INFORMING HIM OR HER OF THE AUTHORIZATION.

47

48 (C) THIS SUBPARAGRAPH (III) IS REPEALED, EFFECTIVE THE JULY  
49 1 FOLLOWING THE RECEIPT OF THE NOTICE TO THE REVISOR OF STATUTES.";

50

51 after line 27, insert the following:

52

53 "(III) (A) NOTWITHSTANDING THE PROVISION OF SUBPARAGRAPH  
54 (I) OF THIS PARAGRAPH (p), PERSONS OVER EIGHTEEN YEARS OF AGE WHO  
55 ARE CHILDLESS OR WITHOUT A DEPENDENT CHILD IN THE HOME SHALL  
56 ONLY BE ELIGIBLE FOR BENEFITS UNDER THE MEDICAL ASSISTANCE

1 PROGRAM IF THE STATE DEPARTMENT RECEIVES FEDERAL AUTHORIZATION  
2 FOR SUCH ELIGIBILITY.

3

4 (B) WITHIN SIXTY DAYS AFTER THE STATE DEPARTMENT RECEIVES  
5 AUTHORIZATION TO PROVIDE MEDICAL BENEFITS TO PERSONS OVER  
6 EIGHTEEN YEARS OF AGE WHO ARE CHILDLESS OR WITHOUT A DEPENDENT  
7 CHILD IN THE HOME, THE EXECUTIVE DIRECTOR SHALL SEND WRITTEN  
8 NOTICE TO THE REVISOR OF STATUTES INFORMING HIM OR HER OF THE  
9 AUTHORIZATION.

10

11 (C) THIS SUBPARAGRAPH (III) IS REPEALED, EFFECTIVE THE JULY  
12 1 FOLLOWING THE RECEIPT OF THE NOTICE TO THE REVISOR OF STATUTES."

13

14 Page 27, line 7, after "HUNDRED", insert "FIFTY";

15

16 after line 21, insert the following:

17

18 "(III) (A) NOTWITHSTANDING THE PROVISION OF SUBPARAGRAPH  
19 (I) OF THIS PARAGRAPH (r), PERSONS ELIGIBLE FOR A MEDICAID BUY-IN  
20 PROGRAM ESTABLISHED PURSUANT TO SECTION 25.5-5-206 SHALL ONLY  
21 BE ELIGIBLE FOR BENEFITS UNDER THE MEDICAL ASSISTANCE PROGRAM IF  
22 THE STATE DEPARTMENT RECEIVES FEDERAL AUTHORIZATION FOR SUCH  
23 ELIGIBILITY.

24

25 (B) WITHIN SIXTY DAYS AFTER THE STATE DEPARTMENT RECEIVES  
26 AUTHORIZATION TO PROVIDE MEDICAL BENEFITS TO PERSONS ELIGIBLE FOR  
27 A MEDICAID BUY-IN PROGRAM ESTABLISHED PURSUANT TO SECTION 25.5-  
28 5-206, THE EXECUTIVE DIRECTOR SHALL SEND WRITTEN NOTICE OF TO THE  
29 REVISOR OF STATUTES INFORMING HIM OR HER OF THE AUTHORIZATION.

30

31 (C) THIS SUBPARAGRAPH (III) IS REPEALED, EFFECTIVE THE JULY  
32 1 FOLLOWING THE RECEIPT OF THE NOTICE TO THE REVISOR OF STATUTES.";

33

34 line 25, strike "**children.**" and substitute "**children - repeal.**".

35

36 Page 28, after line 17, insert the following:

37

38 "(3) (a) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1)  
39 OF THIS SECTION, CONTINUOUS ELIGIBILITY FOR CHILDREN SHALL ONLY BE  
40 EFFECTIVE IF THE STATE DEPARTMENT RECEIVES FEDERAL AUTHORIZATION  
41 FOR SUCH ELIGIBILITY.

42

43 (b) WITHIN SIXTY DAYS AFTER THE STATE DEPARTMENT RECEIVES  
44 AUTHORIZATION TO PROVIDE CONTINUOUS ELIGIBILITY FOR CHILDREN, THE  
45 EXECUTIVE DIRECTOR SHALL SEND WRITTEN NOTICE TO THE REVISOR OF  
46 STATUTES INFORMING HIM OR HER OF THE AUTHORIZATION.

47

48 (c) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE THE JULY 1  
49 FOLLOWING THE RECEIPT OF THE NOTICE TO THE REVISOR OF STATUTES."

50

51 Page 29, line 25, strike "(4) (a)," and substitute "(4),";

52

53 strike line 26 and substitute the following:

54 "amended by Senate Bill 09-211, enacted at the First Regular Session of  
55 the Sixty-seventh General Assembly, is amended to read:";

56

1 line 27, strike "**Definitions.**" and substitute "**Definitions - repeal.**".

2

3 Page 30, line 4, strike "~~twenty-five~~" and substitute "five";

4

5 line 21, strike "TWENTY-FIVE PERCENT; OR" and substitute "FIVE  
6 PERCENT;";

7

8 after line 21, insert the following:

9

10 "(III) (A) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH  
11 (I) OF THIS PARAGRAPH (a), UNTIL THE STATE DEPARTMENT RECEIVES  
12 FEDERAL AUTHORIZATION TO INCREASE THE PERCENTAGE OF THE FEDERAL  
13 POVERTY RATE FOR A PERSON WHO IS LESS THAN NINETEEN YEARS OF AGE,  
14 THE PERCENTAGE OF THE FEDERAL POVERTY LEVEL SHALL NOT EXCEED  
15 TWO HUNDRED FIVE PERCENT.

16

17 (B) WITHIN SIXTY DAYS AFTER THE STATE DEPARTMENT RECEIVES  
18 AUTHORIZATION TO INCREASE THE PERCENTAGE OF FEDERAL POVERTY  
19 LEVEL, THE EXECUTIVE DIRECTOR SHALL SEND WRITTEN NOTICE TO THE  
20 REVISOR OF STATUTES INFORMING HIM OR HER OF THE AUTHORIZATION.

21

22 (C) THIS SUBPARAGRAPH (III) IS REPEALED, EFFECTIVE THE JULY  
23 1 FOLLOWING THE RECEIPT OF THE NOTICE TO THE REVISOR OF STATUTES.";

24

25 strike lines 22 through 26.

26

27 Renumber succeeding sections accordingly.

28

29 Page 31, line 1, strike "~~twenty-five~~" and substitute "five";

30

31 line 18, strike "TWENTY-FIVE" and substitute "FIVE";

32

33 after line 18, insert the following:

34

35 "(III) (A) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH  
36 (I) OF THIS PARAGRAPH (b), UNTIL THE STATE DEPARTMENT RECEIVES  
37 AUTHORIZATION TO INCREASE THE PERCENTAGE OF THE FEDERAL POVERTY  
38 RATE FOR A PERSON WHO IS LESS THAN NINETEEN YEARS OF AGE, THE  
39 PERCENTAGE OF THE FEDERAL POVERTY LEVEL SHALL NOT EXCEED TWO  
40 HUNDRED FIVE PERCENT.

41

42 (B) WITHIN SIXTY DAYS AFTER THE STATE DEPARTMENT RECEIVES  
43 AUTHORIZATION TO INCREASE THE PERCENTAGE OF FEDERAL POVERTY  
44 LEVEL, THE EXECUTIVE DIRECTOR SHALL SEND WRITTEN NOTICE TO THE  
45 REVISOR OF STATUTES INFORMING HIM OR HER OF THE AUTHORIZATION.

46

47 (C) THIS SUBPARAGRAPH (III) IS REPEALED, EFFECTIVE THE JULY  
48 1 FOLLOWING THE RECEIPT OF THE NOTICE TO THE REVISOR OF STATUTES.".

49

50 Page 32, after line 17, insert the following:

51 "**SECTION 10. Accountability.** Five years after this act  
52 becomes law and in accordance with section 2-2-1201, Colorado Revised  
53 Statutes, the legislative service agencies of the Colorado General  
54 Assembly shall conduct a post-enactment review of the implementation  
55 of this act utilizing the information contained in the legislative declaration  
56 set forth in section 25.5-4-402.3 (2), Colorado Revised Statutes.".

1 Renumber succeeding sections accordingly.

2

3 Page 32, strike lines 18 through 22.

4

5 Renumber succeeding section accordingly.

6

7 Page 1, line 104, strike "FEE AND" and substitute "FEE,";

8

9 strike line 105 and substitute the following:

10

11 "FEES, AND REQUIRING A POST-ENACTMENT REVIEW OF THE  
12 IMPLEMENTATION OF THIS ACT.".

13

14

15

16

17

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### MESSAGE(S) FROM THE GOVERNOR

18

19 I certify I received the following on the 16th day of March, 2009, at  
20 9:35 a.m. The original is on file in the records of the House of  
21 Representatives of the General Assembly.

22

23 March 13, 2009

Marilyn Eddins,  
Chief Clerk of the House

24

25 To the Honorable  
26 House of Representatives  
27 Sixty-seventh General Assembly  
28 First Regular Session  
29 State Capitol  
30 Denver, CO 80203

31

32 Ladies and Gentlemen:

33

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

36

37 **HB09-1088** CONCERNING CERTIFICATION OF PUBLIC BENEFIT  
38 NONPROFIT ENTITIES AS LOCAL PUBLIC PROCUREMENT  
39 UNITS.

40

41 Approved March 13, 2009 at 12:41 p.m.

42

43 Sincerely,  
44 (signed)  
45 Bill Ritter, Jr.  
46 Governor

47

48

49

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### INTRODUCTION OF BILLS First Reading

50

51

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

54

55 **HB09-1313** by Representative(s) Merrifield, Apuan, Benefield, Casso,  
56 Ferrandino, Fischer, Hullinghorst, Kefalas, Kerr A.,

1 Labuda, Levy, McFadyen, McGihon, Middleton, Miklosi,  
 2 Peniston, Scanlan, Schafer S., Solano, Soper, Todd, Vigil,  
 3 Green, Pace, Pommer; also Senator(s) Bacon, Gibbs,  
 4 Groff, Newell, Veiga, Williams, Carroll M., Heath, Keller,  
 5 Morse, Romer, Shaffer B.--Concerning expanding civic  
 6 engagement options through student-directed programs at  
 7 institutions of higher education.

8 Committee on Education

9  
 10 **HB09-1314** by Representative(s) Judd; also Senator(s) Sandoval--  
 11 Concerning safety in day treatment centers.

12 Committee on Health and Human Services

13  
14  
15  
16 **INTRODUCTION OF RESOLUTION**

17  
18 The following resolution was read by title and laid over one day under  
19 the rules:

20  
 21 **HJR09-1012** by Representative(s) Carroll T. and May, Todd; also  
 22 Senator(s) Groff and Penry--Concerning the construction  
 23 of a stand-alone veterans hospital at the Fitzsimons  
 24 medical campus.

25  
 26  
 27 House in recess. House reconvened.  
 28  
 29

30  
31 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

32  
33 **APPROPRIATIONS**

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

36  
 37 **HB09-1293** be referred favorably to the Committee on Finance.  
 38  
 39

40  
41  
42 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

43  
44 The Speaker has signed: **SB09-010, 033, 034, 041, 044, 070, 096, 140.**

45  
46  
47  
48 **MESSAGE(S) FROM THE SENATE**

49  
50 The Senate has passed on Third Reading and transmitted to the Revisor  
51 of Statutes: SB09-178.

52  
 53 The Senate has passed on Third Reading and returns herewith  
 54 HB09-1171, HB09-1262, HB09-1263, HB09-1179, HB09-1124,  
 55 HB09-1041, HB09-1249, HB09-1218, HB09-1234, HB09-1236,  
 56 HB09-1027, HB09-1059, HB09-1099, and HB09-1182.

1 The Senate has passed on Third Reading and transmitted to the Revisor  
2 of Statutes:  
3  
4 SB09-128 amended as printed in Senate Journal, March 13, 2009,  
5 pages 727-728,  
6 SB09-174 amended as printed in Senate Journal, March 13, 2009,  
7 page 728,  
8 SB09-144 amended as printed in Senate Journal, March 13, 2009,  
9 page 728,  
10 SB09-161 amended as printed in Senate Journal, March 13, 2009,  
11 page 728,  
12 SB09-056 amended as printed in Senate Journal, March 13, 2009,  
13 page 729,  
14 SB09-158 amended as printed in Senate Journal, March 13, 2009,  
15 page 729.  
16

17 The Senate has passed on Third Reading and transmitted to the Revisor  
18 of Statutes:  
19  
20 HB09-1207 amended as printed in Senate Journal, March 13, 2009,  
21 page 726.  
22

23 The Senate has adopted and returns herewith: HJR09-1002, amended as  
24 printed in Senate Journal, March 12, 2009, pages 687-700.  
25

26 In response to the request of the House for a Conference Committee on  
27 HB09-1108, the President appoints Senators Boyd-Chair, Tochtrop,  
28 Scheffel as conferees on the First Conference Committee on HB09-1108.  
29

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30  
31  
32 **MESSAGE(S) FROM THE REVISOR**  
33

34 We herewith transmit:  
35 Without comment, SB09-178.  
36 Without comment, as amended, HB09-1207.  
37 Without comment, as amended, SB09-128, 174, 144, 161, 056, and 158.  
38  
39

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40  
41 **NOTICE OF CALENDARED ITEM(S)**  
42

43 On motion of Representative Weissmann, the following bill(s) calendared  
44 for second reading on Tuesday, March 17, 2009, will be laid over until  
45 March 20, 2009: SB09-066, 005, 129, 169, 013, 036, 047, 048, 060, 109.  
46  
47

48 On motion of Representative Weissmann, the House adjourned until  
49 9:00 a.m., March 17, 2009.  
50

51 Approved:  
52 TERRANCE D. CARROLL,  
53 Speaker

54 Attest:  
55 MARILYN EDDINS,  
56 Chief Clerk