

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

73rd Legislative Day

Friday, March 20, 2009

Prayer By the chaplain, Rev. John Thompson, Park Hill United Methodist church and Terry Knight, Spiritual Leader of the Ute Mountain Ute Tribe.

Pledge By Senator Scheffel.

Call to Order By the President *pro tem* at 9:00 a.m.

Roll Call Present--33
Excused--2, Groff, Romer.
Present later--1, Romer.

Quorum The President *pro tem* announced a quorum present.

Reading of Journal On motion of Senator Hudak, reading of the Journal of Thursday, March 19, 2009, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Local Government and Energy After consideration on the merits, the Committee recommends that **HB09-1217** be referred to the Committee of the Whole with favorable recommendation.

Local Government and Energy After consideration on the merits, the Committee recommends that **HB09-1220** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 15, strike "HOUSING." and substitute "HOUSING AS SUCH TERMS MAY BE DEFINED BY THE LOCAL HOUSING AUTHORITY.".

Page 3, strike lines 15 through 24 and substitute the following:

"SECTION 2. Act subject to petition - effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 5, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to declarations, bylaws, or rules and regulations entered into on or after the applicable effective date of this act.".

Local Government and Energy After consideration on the merits, the Committee recommends that **HB09-1247** be postponed indefinitely.

Finance The Committee on Finance has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
ADVISORY COMMITTEE TO THE PROPERTY
TAX ADMINISTRATOR

for terms expiring September 1, 2012:

Naomi Q. Keys of Antonito, Colorado, to serve as an assessor from a county with a population under 75,000 and as a Democrat, reappointed;

Damon O. Barry of Westminster, Colorado, to serve as a non-assessor from a county with a population over 75,000, as the Chair of the Committee and as a Democrat, reappointed;

Doralyn B. Genova of Grand Junction, Colorado, to serve as a non-assessor from the Western Slope and as a Democrat, reappointed.

Finance

After consideration on the merits, the Committee recommends that **HB09-1229** be referred to the Committee of the Whole with favorable recommendation.

Finance

After consideration on the merits, the Committee recommends that **HB09-1056** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

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

"SECTION 3. The introductory portion to 30-20-109 (1.5) (c), Colorado Revised Statutes, is amended, and the said 30-20-109 (1.5) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

30-20-109. Commission to promulgate rules - definitions.
(1.5) (c) EXCEPT AS PROVIDED IN PARAGRAPH (e) OF THIS SUBSECTION (1.5), an EP waste disposal facility that accepted EP waste on or before ~~the effective date of this subsection (1.5)~~ JUNE 4, 2008, and that ~~has~~ HAD not begun closure by ~~the effective date of this subsection (1.5)~~ JUNE 4, 2008, shall:

(e) (I) UPON THE RECOMMENDATION OF THE DEPARTMENT, THE SOLID AND HAZARDOUS WASTE COMMISSION MAY WAIVE, FOR INDIVIDUAL IMPOUNDMENTS, THE REQUIREMENT IMPOSED PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (1.5) THAT AN EP WASTE DISPOSAL FACILITY THAT ACCEPTED EP WASTE ON OR BEFORE JUNE 4, 2008, BUT HAD NOT BEGUN CLOSURE BY THAT DATE, MUST INSTALL FABRICATED LINERS. THE DEPARTMENT MAY RECOMMEND A WAIVER ONLY IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

(A) THERE HAVE BEEN NO UNPERMITTED DISCHARGES TO GROUND WATER OR SURFACE WATER FROM THE OPERATION OF THE FACILITY;

(B) EACH IMPOUNDMENT FOR WHICH A WAIVER IS REQUESTED IS LOCATED MORE THAN ONE THOUSAND FEET FROM ANY PUBLIC OR PRIVATE WATER WELL OR SURFACE WATER;

(C) THE OWNER OR OPERATOR COMPLIES WITH MANDATORY MONITORING AND REPORTING REQUIREMENTS AS DETERMINED BY THE DEPARTMENT, INCLUDING, BUT NOT LIMITED TO, INDIVIDUAL IMPOUNDMENT LEAK DETECTION MONITORING; AND

(D) THE OWNER OR OPERATOR IS NOT SUBJECT TO ANY OUTSTANDING COMPLIANCE ORDERS OR ENFORCEMENT ACTIONS WITH REGARD TO THE DESIGN, OPERATION, OR CLOSURE OF THE FACILITY.

(II) IF, AT ANY TIME, THE DEPARTMENT DETERMINES THAT ONE OR MORE OF THE CONDITIONS SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (e) ARE NO LONGER MET, THE DEPARTMENT MAY BRING THE RELEVANT INFORMATION TO THE SOLID AND HAZARDOUS WASTE COMMISSION WITH A RECOMMENDATION TO RESCIND THE WAIVER OF THE REQUIREMENT TO INSTALL FABRICATED LINERS. IF THE SOLID AND

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

HAZARDOUS WASTE COMMISSION DETERMINES THAT ONE OR MORE OF THE
CONDITIONS ARE NO LONGER BEING MET, THE SOLID AND HAZARDOUS
WASTE COMMISSION MAY RESCIND THE WAIVER AND INSTRUCT THE
DEPARTMENT TO ESTABLISH A COMPLIANCE SCHEDULE FOR THE OWNER OR
OPERATOR TO INSTALL FABRICATED LINERS.".

Renumber succeeding section accordingly.

Education The Committee on Education has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE
CHARTER SCHOOL INSTITUTE BOARD

effective as of eight o'clock a.m. on January 7, 2009, for a term expiring July 1, 2009:

John G. Schlichting of Highlands Ranch, Colorado, to serve as a charter school board member or founder of a charter school, appointed.

Education The Committee on Education has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
COLLEGEINVEST BOARD OF DIRECTORS

effective eight o'clock a.m. on January 7, 2009 for terms expiring July 31, 2011:

Ashley J. Burt of Gunnison, Colorado, appointed;

Katie S. Kramer of Arvada, Colorado, appointed.

effective eight o'clock a.m. on January 7, 2009 for terms expiring July 31, 2012:

Richard E. Martinez of Centennial, Colorado, reappointed;

Jean C. Jones of Denver, Colorado, appointed.

Education The Committee on Education has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
STATE BOARD FOR COMMUNITY COLLEGES
AND OCCUPATIONAL EDUCATION

for terms expiring December 31, 2012:

Margaret Porfido of Boulder, Colorado, a Democrat and a resident of the 2nd Congressional District, appointed;

Maury C. Dobbie of Fort Collins, Colorado, a Republican and a resident of the 4th Congressional District, appointed.

Education After consideration on the merits, the Committee recommends that **HB09-1240** be referred to the Committee of the Whole with favorable recommendation.

Education After consideration on the merits, the Committee recommends that **HB09-1264** be referred to the Committee of the Whole with favorable recommendation.

Education After consideration on the merits, the Committee recommends that **HB09-1285** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 8, line 3, strike "NINE" and substitute "TEN";

after line 13, insert the following:

"(V) INFORMATION OFFICERS EMPLOYED WITHIN THE STATE SYSTEM OF COMMUNITY AND TECHNICAL COLLEGES ESTABLISHED PURSUANT TO SECTION 23-60-201, C.R.S.;"

Renumber succeeding subparagraphs accordingly.

Page 11, line 9, after "(6)", insert "(a)";

after line 14, insert the following:

"(b) THE EDUCATION DATA SUBCOMMITTEE SHALL ENSURE THAT ITS RECOMMENDATIONS FOR THE STATEWIDE COMPREHENSIVE P-20 EDUCATION DATA SYSTEM INCLUDE THE ELEMENTS REQUIRED IN THE FEDERAL "AMERICA COMPETES ACT", 20 U.S.C. SEC. 9801 ET SEQ., IN ORDER TO QUALIFY FOR THE MAXIMUM AMOUNT OF FEDERAL FUNDING AVAILABLE THROUGH THE "AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009", PUB.L. 111-5."

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **HB09-1281** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 8, strike "IS" and substitute "SHALL WHEN POSSIBLE";

line 9, strike "ENCOURAGED TO".

Page 3, line 7, strike "IS ENCOURAGED TO" and substitute "SHALL WHEN POSSIBLE";

line 18, strike "IS ENCOURAGED" and substitute "SHALL WHEN POSSIBLE";

line 19, strike "TO".

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **HB09-1200** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 6, strike "2010, THAT HAS" and substitute "2009, THAT MAY HAVE";

strike line 19 and substitute the following: "COMMISSIONERS";

line 20, strike "INCORPORATED", OR "CCI",";

strike line 22 and substitute the following:

"BY THE ASSOCIATION. THE INFORMATION PROVIDED BY THE ASSOCIATION MAY INCLUDE THE FISCAL";

line 24, strike "CCI" and substitute "THE ASSOCIATION".

Page 3, strike line 3 and substitute the following:

"AND COMPLETE TO THE BEST OF THE ASSOCIATION'S KNOWLEDGE. IF THE ASSOCIATION RECEIVES NEW";

line 4, strike "CCI" and substitute "THE ASSOCIATION";

line 5, strike "CCI" and substitute "THE ASSOCIATION";

line 8, after "OF", insert "THE";

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

	line 9, strike "CCI," and substitute "THE ASSOCIATION,".	1
		2
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB09-1064 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	3 4 5 6 7
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB09-1045 be postponed indefinitely.	8 9 10 11 12
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB09-1018 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	13 14 15 16 17
Trans- portation	After consideration on the merits, the Committee recommends that HB09-1193 be postponed indefinitely.	18 19 20
Trans- portation	After consideration on the merits, the Committee recommends that HB09-1279 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	21 22 23 24 25

MESSAGE FROM THE HOUSE

March 19, 2009

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1170, amended as printed in House Journal, March 17, page 760.

The House has adopted and returns herewith SJR09-023.

The House has voted to reject the first report of the First Conference Committee on SB09-215 and requests the Conferees be discharged and that a second conference committee be appointed. The Speaker has appointed Representative(s) Pommer, Chairman, Ferrandino and Marostica as Conferees on the Second Conference Committee on SB09-215. The bill is returned herewith.

The House has postponed indefinitely SB09-159. The bill is returned herewith.

MESSAGE FROM THE GOVERNOR

March 19, 2009

To the Honorable Senate
Sixty-seventh General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

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

SB09-001 CONCERNING THE ESTABLISHMENT OF COMMUNITY WILDFIRE PROTECTION PLANS BY COUNTY GOVERNMENTS.

Approved March 19, 2009 at 3:25 p.m.

Sincerely,

Bill Ritter, Jr.
Governor

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

MESSAGE FROM THE REVISOR OF STATUTES

March 19, 2009

We herewith transmit:

Without comment, as amended, HB09-1170.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SJR09-026 by Senator(s) Williams and Isgar, Gibbs, Penry, Sandoval, Tapia, White; also Representative(s) Roberts, Casso, Tipton--Concerning the commemoration of the Tri-Ute Elders meeting in Colorado in March 2009, and, in connection therewith, honoring the culture and heritage of the Southern Ute Tribe and the Ute Mountain Ute Tribe.

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

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

Co-sponsors added: Bacon, Boyd, Brophy, Cadman, Carroll M., Foster, Harvey, Heath, Hodge, Hudak, Keller, Kester, King K., Kopp, Lundberg, Mitchell, Morse, Newell, Renfroe, Romer, Scheffel, Schultheis, Schwartz, Shaffer B., Spence, Tochtrop and Veiga.

On motion of Senator Shaffer, 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.

CONSIDERATION OF RESOLUTIONS

SJR09-025 by Senator(s) Kester; also Representative(s) Carroll T.--Concerning recognition of Single Parents' Day in Colorado.

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

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

Co-sponsors added: Bacon, Boyd, Brophy, Cadman, Carroll M., Foster, Gibbs, Harvey, Heath, Hodge, Hudak, Isgar, Keller, King K., Kopp, Lundberg, Mitchell, Morse, Newell, Penry, Renfroe, Romer, Sandoval, Scheffel, Schultheis, Schwartz, Shaffer B., Spence, Tapia, Tochtrop, Veiga, White and Williams.

**THIRD READING OF BILLS -- FINAL PASSAGE --
CONSENT CALENDAR**

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

SB09-018 by Senator(s) Kopp and Gibbs, Penry, Lundberg; also Representative(s) King S. and Scanlan, Levy--Concerning the creation of a high-risk communities wildfire mitigation grant program.

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	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	E
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Shaffer B.

SB09-098 by Senator(s) Schwartz, Isgar, Brophy, Gibbs; also Representative(s) Vigil--Concerning blending diesel fuels after withdrawal at the rack, and making an appropriation in connection therewith.

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	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	E
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Boyd, Heath, Morse, Newell, Penry and Sandoval.

HB09-1188 by Representative(s) Ryden; also Senator(s) Carroll M.--Concerning modifications to the disclosure requirements imposed on physicians under the "Michael Skolnik Medical Transparency Act", and making an appropriation in connection therewith.

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	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	E
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Boyd, Newell and Tochtrop.

THIRD READING OF BILLS -- FINAL PASSAGE

On Third Reading, the titles of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

HB09-1139 by Representative(s) Solano; also Senator(s) Tochtrop--Concerning fetal alcohol spectrum disorders.

A majority of those elected to the Senate having voted in the affirmative, Senator Kopp was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 1(L.003), By Senator Kopp.

Amend revised bill, page 3, strike lines 18 through 27.

Page 4, strike lines 1 through 26 and substitute the following:

"(4) THE DEPARTMENT OF REGULATORY AGENCIES SHALL POST THE FOLLOWING HEALTH WARNING SIGN ON-LINE THAT MAY BE USED BY VENDORS:".

Page 5, strike lines 3 through 11.

The amendment was declared lost on the following roll call vote:

YES	16	NO	18	EXCUSED	1	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	Y	Spence	Y
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	E
Heath	N	Mitchell	Y	Schwartz	N		

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

YES	21	NO	13	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	E
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Hudak

RECONSIDERATION OF SB09-114

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

Having voted on the prevailing side, Senator Cadman moved for reconsideration of the last Senate action, repassage of **SB09-114**. The roll call was taken with the following result:

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

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

REPASSAGE OF SB09-114

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

This page intentionally left blank.

YES	29	NO	5	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	N	President	E
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Upon request of Senator Shaffer, **HB09-1089** was removed from the General Orders -- Second Reading of Bills Consent Calendar of Friday, March 20 and placed at the end of the General Orders -- Second Reading of Bills Calendar of Friday, March 20.

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

SB09-095 by Senator(s) Tapia; also Representative(s) Riesberg, Benefield--Concerning payment of amounts due under a construction agreement.

Laid over until Sunday, May 10, retaining its place on the calendar.

SB09-067 by Senator(s) Heath; also Representative(s) Marostica and Gagliardi, Rice--Concerning the authority for the operation of the Colorado credit reserve program, and, in connection therewith, making an appropriation.

Ordered engrossed and placed on the calendar for Third Reading and Final Passage.

HB09-1151 by Representative(s) Todd, Labuda, Lundberg, Ryden, Solano; also Senator(s) Heath, Williams--Concerning designating the department of public safety as the agency responsible for oversight of school building inspections.

Laid over until Monday, March 23, retaining its place on the calendar.

SB09-103 by Senator(s) Carroll M.; also Representative(s) Pommer--Concerning the designation of the practice of providing financial incentives to persons handling insurance claims for making determinations that adversely affect insureds as a deceptive act in the business of insurance.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, February 6, page 104 and placed in members' bill files.)

Amendment No. 2(L.007), by Senator Mitchell.

Amend the Health and Human Services Committee Report, dated February 5, 2009, page 1, line 3, strike "THAT IS BASED";

line 4, strike "ON" and substitute "TO INDUCE OR ENCOURAGE".

As amended, ordered engrossed and placed on the calendar for Third Reading and Final

Passage.

SB09-138 by Senator(s) Boyd, Newell, Tochtrop; also Representative(s) Gagliardi--Concerning the continuation of the certification of nurse aides by the state board of nursing.

Amendment No. 1, Health and Human Services Committee Amendment.
(Printed in Senate Journal, February 12, page 283 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, March 13, page 734 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

SB09-154 by Senator(s) Hodge; also Representative(s) Curry--Concerning the funding of personnel for the "Livestock Health Act".

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, March 13, page 734 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

SB09-180 by Senator(s) Tochtrop, Carroll M.; also Representative(s) Casso--Concerning collective bargaining by employees of public safety agencies.

Laid over until Monday, March 23, retaining its place on the calendar.

HB09-1110 by Representative(s) Scanlan; also Senator(s) Gibbs--Concerning information required to be provided to the county assessor upon request in connection with any advertisement for the rental of furnished residential real property within the state.

Amendment No. 1, Local Government & Energy Committee Amendment.
(Printed in Senate Journal, March 13, page 735 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

SB09-160 by Senator(s) Hudak; also Representative(s) Todd--Concerning recommendations from the P-20 council relating to educator licensure, and, in connection therewith, streamlining and aligning the alternative teacher and the teacher in residence programs.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, February 12, page 262 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, March 13, page 734-735 and placed in members' bill files.)

Amendment No. 3(L.004), by Senator Hudak.

Amend the Education Committee Report, dated February 11, 2009, page 1, strike lines 5 and 6 and substitute the following:

"Page 7, line 3, strike "CONTENT REQUIREMENTS" and substitute "CREDIT HOUR STANDARDS";

line 4, strike "PROGRAMS." and substitute "PROGRAMS FOR THE PURPOSE OF SATISFYING PARAGRAPH (c) OF SUBSECTION (6) OF THIS SECTION.";

line 6, strike "AREA AT THE SECONDARY LEVEL," and substitute "AREA,";

line 13, strike "OR";

line 14, strike "AREA." and substitute "AREA; OR";

before line 15, insert the following:

"(d) PROFESSIONAL COMPETENCIES, INCLUDING WORK EXPERIENCES THAT PERTAIN TO THE ENDORSEMENT AREA AS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

DEMONSTRATED THROUGH A PORTFOLIO OR OTHER ALTERNATIVE
ASSESSMENT PROCESS."."

As amended, ordered engrossed and placed on the calendar for Third Reading and Final
Passage.

HB09-1143 by Representative(s) Swalm, Acree, Balmer, Bradford, Court, Gardner B., Labuda, Liston,
Looper, Lundberg, Massey, McFadyen, McNulty, Priola, Scanlan, Summers; also Senator(s)
Schwartz--Concerning the authority of a health maintenance organization to offer basic
health services through a limited benefit plan.

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

(Printed in Senate Journal, March 13, page 736-738 and placed in members' bill files.)

Amendment No. 2(L.012), by Senator Schwartz.

Amend the Health and Human Services Committee Report, dated March
12, 2009, page 2, line 3, strike "LIMIT AN";

strike lines 4 through 6 and substitute the following:

"BE REVIEWED BY THE DIVISION PURSUANT TO SECTION 10-16-107; AND".

As amended, ordered revised and placed on the calendar for Third Reading and Final
Passage.

HB09-1057 by Representative(s) Kerr A., Carroll T., Apuan; also Senator(s) Bacon, Groff--Concerning
parental involvement in kindergarten through twelfth grade education.

Laid over until Monday, March 23, retaining its place on the calendar.

SB09-176 by Senator(s) Spence; --Concerning charter school participation in school district bond
elections.

Laid over until Monday, March 23, retaining its place on the calendar.

HB09-1180 by Representative(s) King S.; also Senator(s) Brophy--Concerning allowing valid Colorado
concealed handgun permits to satisfy background check requirements for transfers of
firearms.

Laid over until Monday, March 23, retaining its place on the calendar.

HB09-1224 by Representative(s) Schafer S., McGihon, Labuda, Frangas, Ryden, Green, Ferrandino,
Court, Hullinghorst, Kefalas, Middleton, Peniston, Solano, Todd, Vigil; also Senator(s)
Carroll M., Hodge--Concerning a prohibition on the consideration of gender in setting rates
for individual health benefit plans, and, in connection therewith, directing the health care
task force during the 2009 interim to study issues related to such prohibition.

Laid over until Monday, March 23, retaining its place on the calendar.

HB09-1061 by Representative(s) McGihon; also Senator(s) Tochtrop--Concerning required health care
disclosures involving insurance carrier business relationships with intermediary entities.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

HB09-1089 by Representative(s) Primavera; also Senator(s) Spence--Concerning the filing requirements
for liens that secure a debt upon a vehicle.

Amendment No. 1, Transportation Committee Amendment.

(Printed in Senate Journal, March 18, page 775-776 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for Third Reading and Final
Passage.

HB09-1260 by Representative(s) Ferrandino; also Senator(s) Veiga--Concerning designated beneficiary
agreements.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, March 17, page 766-770 and placed in members' bill files.)

Amendment No. 2(L.034), by Senator Veiga.

Amend reengrossed bill, page 15, line 13, strike "TRANSFER" and substitute "BENEFICIARY DESIGNATION, TRANSFER,".

Amendment No. 3(L.033), by Senator Veiga.

Amend the Judiciary Committee Report, dated March 16, 2009, page 3, line 20, after "BENEFICIARY", insert "AGREEMENT".

Amendment No. 4(L.031), by Senator Veiga.

Amend reengrossed bill, page 23, line 23, after "the", insert "HEIR OR HEIRS OF THE DECEASED AND THE".

Page 24, strike lines 3 through 5;

line 7, strike "deceased." and substitute "deceased; OR

(D) BY THE DESIGNATED BENEFICIARY OF THE DECEASED, IF THERE IS ONE DESIGNATED PURSUANT TO ARTICLE 22 OF TITLE 15, C.R.S., WITH THE RIGHT TO BRING AN ACTION PURSUANT TO THIS SECTION, AND THE HEIR OR HEIRS OF THE DECEASED.";

line 10, strike "spouse," and substitute "spouse OR THE DESIGNATED BENEFICIARY OF THE DECEASED, IF THERE IS ONE DESIGNATED PURSUANT TO ARTICLE 22 OF TITLE 15, C.R.S., WITH THE RIGHT TO BRING AN ACTION PURSUANT TO THIS SECTION,";

line 12, strike "him," and substitute "him THE SPOUSE OR DESIGNATED BENEFICIARY,".

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

(For further action, see Amendments to the Report of the Committee of the Whole.)

HB09-1216 by Representative(s) Murray; also Senator(s) Newell--Concerning voting by electors, and, in connection therewith, amending the election code to reflect changes brought about by the implementation of the statewide voter registration system and permanent mail-in voting.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.

(Printed in Senate Journal, March 17, page 770-771 and placed in members' bill files.)

Amendment No. 2(L.010), by Senator Newell.

Amend reengrossed bill, page 5, after line 7, insert the following:

SECTION 7. 37-46-137 (9), Colorado Revised Statutes, is amended to read:

37-46-137. Conduct of election. (9) The district or subdistrict may provide for mail-in voters to cast their mail-in voters' ballots on voting machines expressly provided for that purpose, if each mail-in voter indicates by affidavit that he or she is qualified to vote at the election and will be a mail-in voter, pursuant to section ~~1-8-202~~ 1-8-102, C.R.S., of the "Uniform Election Code of 1992" and all laws supplemental thereto.

SECTION 8. 37-47-137 (9), Colorado Revised Statutes, is amended to read:

37-47-137. Conduct of election. (9) The district or subdistrict may provide for mail-in voters to cast their mail-in voters' ballots on voting machines expressly provided for that purpose, if each mail-in voter

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

indicates by affidavit that he or she is qualified to vote at the election and will be a mail-in voter, pursuant to section ~~1-8-202~~ 1-8-102, C.R.S., of the "Uniform Election Code of 1992" and all laws supplemental thereto.

SECTION 9. 37-48-179 (9), Colorado Revised Statutes, is amended to read:

37-48-179. Conduct of election. (9) The district or subdistrict may provide for mail-in voters to cast their mail-in voters' ballots on voting machines expressly provided for that purpose, if each mail-in voter indicates by affidavit that he or she is qualified to vote at the election and will be a mail-in voter, pursuant to section ~~1-8-202~~ 1-8-102, C.R.S., of the "Uniform Election Code of 1992" and all laws supplemental thereto.

SECTION 10. 37-50-128 (9), Colorado Revised Statutes, is amended to read:

37-50-128. Conduct of election. (9) The district may provide for mail-in voters to cast their mail-in voters' ballots on voting machines expressly provided for that purpose, if each mail-in voter indicates by affidavit that he or she is qualified to vote at the election and will be a mail-in voter, pursuant to section ~~1-8-202~~ 1-8-102, C.R.S."

Renumber succeeding section accordingly.

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

HB09-1034 by Representative(s) Liston; also Senator(s) Gibbs--Concerning authorization for a regional transportation authority to impose property tax.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (HB09-1042, HB09-1292) of Friday, March 20, was laid over until Monday, March 23, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB09-1260 by Representative(s) Ferrandino; also Senator(s) Veiga--Concerning designated beneficiary agreements.

Senator Lundberg moved to amend the Report of the Committee of the Whole to show that the following Lundberg floor amendment, (L.032) to HB 09-1260, did pass:

Amend reengrossed bill, page 5, line 2, strike "ENTERED INTO" and substitute "BEEN DESIGNATED AS A BENEFICIARY WITH CERTAIN RIGHTS AND PROTECTIONS IN";

line 5, strike "TWO";

line 6, strike "PEOPLE" and substitute "AN INDIVIDUAL" and strike "EACH" and substitute "A";

line 8, strike "EACH PERSON" and substitute "THE DESIGNATED BENEFICIARY".

Page 6, line 11, after "CONTRACT;", add "AND";

strike lines 12 through 14.

Renumber succeeding subparagraph accordingly.

Page 8, line 8, strike "OTHER DESIGNATED BENEFICIARY;" and substitute "PERSON

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

SIGNING THE DESIGNATED BENEFICIARY AGREEMENT;"; 1

line 9, strike "OTHER" and substitute "PERSON SIGNING THE"; 2
3

line 13, strike "OTHER DESIGNATED BENEFICIARY" and substitute "PERSON 4
SIGNING THE DESIGNATED BENEFICIARY AGREEMENT AS IF SELECTED"; 5
6

line 16, strike "OTHER" and substitute "PERSON SIGNING THE"; 7
8

line 17, after "BENEFICIARY", insert "AGREEMENT"; 9
10

line 19, strike "OTHER DESIGNATED BENEFICIARY" and substitute "PERSON 11
SIGNING THE DESIGNATED BENEFICIARY AGREEMENT"; 12
13

line 21, strike "OTHER" and substitute "PERSON WHO SIGNED THE"; 14

line 22, strike "BENEFICIARY," and substitute "BENEFICIARY AGREEMENT,"; 15
16

line 26, strike "OTHER DESIGNATED BENEFICIARY" and substitute "PERSON WHO 17
SIGNED THE DESIGNATED BENEFICIARY AGREEMENT". 18
19

Page 9, line 2, strike "OTHER" and substitute "PERSON SIGNING THE"; 20
21

strike line 3 and substitute the following: 22
23

"BENEFICIARY AGREEMENT;"; 24
25

line 5, strike "OTHER DESIGNATED BENEFICIARY;" and substitute "PERSON SIGNING 26
THE DESIGNATED BENEFICIARY AGREEMENT;"; 27
28

line 6, strike "OTHER"; 29
30

line 7, strike "DESIGNATED BENEFICIARY'S LAST REMAINS" and substitute "LAST 31
REMAINS OF THE PERSON SIGNING THE DESIGNATED BENEFICIARY AGREEMENT"; 32
33

strike line 27. 34
35

Strike pages 10 through 12. 36
37

Page 13, strike lines 1 through 12 and substitute the following: 38
39

"I, _____, (INSERT FULL NAME AND ADDRESS) HEREBY DESIGNATE ____ 40
____ (INSERT FULL NAME AND ADDRESS) AS A DESIGNATED BENEFICIARY 41
WITH THE FOLLOWING RIGHTS AND PROTECTIONS, GRANTED AS INDICATED BY MY 42
INITIALS: 43
44

TO GRANT ONE OR MORE OF THE RIGHTS OR PROTECTIONS 45
SPECIFIED IN THIS FORM, INITIAL THE LINE TO THE LEFT OF 46
EACH RIGHT OR PROTECTION YOU ARE GRANTING. 47
48

___ THE RIGHT TO ACQUIRE, HOLD TITLE TO, OWN JOINTLY, OR TRANSFER 49
INTER VIVOS OR AT DEATH REAL OR PERSONAL PROPERTY AS A JOINT 50
TENANT WITH ME WITH RIGHT OF SURVIVORSHIP OR AS A TENANT IN 51
COMMON WITH ME; 52
53

___ THE RIGHT TO BE DESIGNATED BY ME AS A BENEFICIARY, PAYEE, OR 54
OWNER AS A TRUSTEE NAMED IN AN INTER VIVOS OR TESTAMENTARY 55
TRUST FOR THE PURPOSES OF A NONPROBATE TRANSFER ON DEATH; 56
57

___ THE RIGHT TO BE DESIGNATED BY ME AS A BENEFICIARY AND 58
RECOGNIZED AS A DEPENDENT IN AN INSURANCE POLICY FOR LIFE 59
INSURANCE; 60
61

___ THE RIGHT TO BE DESIGNATED BY ME AS A BENEFICIARY AND 62
RECOGNIZED AS A DEPENDENT IN A HEALTH INSURANCE POLICY IF MY 63
EMPLOYER ELECTS TO PROVIDE HEALTH INSURANCE COVERAGE FOR 64
DESIGNATED BENEFICIARIES; 65
66

___ THE RIGHT TO BE DESIGNATED BY ME AS A BENEFICIARY IN A 67
RETIREMENT OR PENSION PLAN; 68
69

___ THE RIGHT TO PETITION FOR AND HAVE PRIORITY FOR APPOINTMENT AS A CONSERVATOR, GUARDIAN, OR PERSONAL REPRESENTATIVE FOR ME; 1
2

___ THE RIGHT TO VISIT ME IN A HOSPITAL, NURSING HOME, HOSPICE, OR SIMILAR HEALTH CARE FACILITY IN WHICH I RESIDE OR AM RECEIVING CARE; 3
4
5
6

___ THE RIGHT TO INITIATE A FORMAL COMPLAINT REGARDING ALLEGED VIOLATIONS OF MY RIGHTS AS A NURSING HOME PATIENT AS PROVIDED IN SECTION 25-1-120, COLORADO REVISED STATUTES; 7
8
9
10

___ THE RIGHT TO ACT AS A PROXY DECISION-MAKER OR SURROGATE DECISION-MAKER TO MAKE MEDICAL CARE DECISIONS FOR ME PURSUANT TO SECTION 15-18.5-103 OR 15-18.5-104, COLORADO REVISED STATUTES; 11
12
13
14
15
16

___ THE RIGHT TO NOTICE OF THE WITHHOLDING OR WITHDRAWAL OF LIFE-SUSTAINING PROCEDURES FOR ME PURSUANT TO SECTION 15-18-107, COLORADO REVISED STATUTES; 17
18
19
20

___ THE RIGHT TO CHALLENGE THE VALIDITY OF A DECLARATION AS TO MEDICAL OR SURGICAL TREATMENT OF ME PURSUANT TO SECTION 15-18-107, COLORADO REVISED STATUTES; 21
22
23
24

___ THE RIGHT TO ACT AS MY AGENT TO MAKE, REVOKE, OR OBJECT TO ANATOMICAL GIFTS INVOLVING MY PERSON PURSUANT TO THE "REVISED UNIFORM ANATOMICAL GIFT ACT", PART 1 OF ARTICLE 34 OF TITLE 12, COLORADO REVISED STATUTES; 25
26
27
28
29

___ THE RIGHT TO INHERIT REAL OR PERSONAL PROPERTY FROM ME THROUGH INTESTATE SUCCESSION; 30
31
32

___ THE RIGHT TO HAVE STANDING TO RECEIVE BENEFITS PURSUANT TO THE "WORKERS' COMPENSATION ACT OF COLORADO", ARTICLE 40 OF TITLE 8, COLORADO REVISED STATUTES, IN THE EVENT OF MY INJURY OR DEATH ON THE JOB; 33
34
35
36
37

___ THE RIGHT TO HAVE STANDING TO SUE FOR WRONGFUL DEATH IN THE EVENT OF MY DEATH; AND 38
39
40

___ THE RIGHT TO DIRECT THE DISPOSITION OF MY LAST REMAINS PURSUANT TO ARTICLE 19 OF TITLE 15, COLORADO REVISED STATUTES. 41
42
43

THE DESIGNATED BENEFICIARY AGREEMENT IS EFFECTIVE WHEN RECEIVED FOR RECORDING BY THE COUNTY CLERK AND RECORDER OF THE COUNTY IN WHICH THE PERSON SIGNING THE DESIGNATED BENEFICIARY AGREEMENT RESIDES. THIS DESIGNATED BENEFICIARY AGREEMENT WILL CONTINUE IN EFFECT UNTIL I REVOKE THIS AGREEMENT BY RECORDING A REVOCATION OF DESIGNATED BENEFICIARY FORM WITH THE COUNTY CLERK AND RECORDER OF THE COUNTY IN WHICH THIS AGREEMENT WAS RECORDED OR UNTIL THIS AGREEMENT IS SUPERSEDED IN PART OR IN WHOLE BY A SUPERSEDING LEGAL DOCUMENT."; 44
45
46
47
48
49
50
51
52
53
54
55

strike lines 11 and 12 and substitute the following: 56
57

" _____
SIGNATURE OF DESIGNATED BENEFICIARY"; 58
59
60

line 25, strike "THE PARTIES TO"; 61
62

line 26, strike "EXCLUDE" and substitute "EXCLUDES"; 63
64

line 27, strike "PARTY TO" and substitute "PERSON SIGNING". 65
66

Page 14, line 8, strike "ONE OF THE PARTIES" and substitute "THE PERSON SIGNING 67
68
69

THE DESIGNATED BENEFICIARY AGREEMENT".

Page 16, line 1, strike "EITHER PARTY TO" and substitute "THE PERSON SIGNING";

line 6, strike "PARTY" and substitute "PERSON";

line 8, strike "OTHER PARTY TO" and substitute "PERSON DESIGNATED IN";

strike lines 15 through 19.

Re-number succeeding subsection accordingly.

Page 16, line 26, strike "WITH" and substitute "IN WHICH I DESIGNATED".

Page 17, line 1, strike "IN WHICH I";

line 2, strike "DESIGNATED SUCH PERSON".

Page 18, line 4, strike "EITHER OF THE PARTIES" and substitute "THE PARTY SIGNING THE DESIGNATED BENEFICIARY AGREEMENT OR THE PERSON DESIGNATED";

line 5, strike "TO" and substitute "IN";

line 7, strike "OTHER";

strike line 8 and substitute "THE PARTY SIGNING THE DESIGNATED BENEFICIARY AGREEMENT OR THE PERSON DESIGNATED IN THE DESIGNATED BENEFICIARY AGREEMENT.".

Amend the Judiciary Committee Report, dated March 16, 2009, page 1, line 14, strike "OR WITHHOLD";

line 16, strike "SIGNATURES" and substitute "SIGNATURE";

line 17, strike "FOR THE TWO PARTIES, AND THE ACKNOWLEDGMENTS" and substitute "OF THE PERSON SIGNING THE DESIGNATED BENEFICIARY AGREEMENT, AND THE ACKNOWLEDGMENT".

Page 2, line 13, after ""BENEFICIARY", insert "AGREEMENT";

line 17, strike "C.R.S.;" and substitute "C.R.S.:";

strike line 18.

Page 3, line 7, strike "**THE PARTIES**" and substitute "**I**";

line 9, strike "**THE OTHER PARTY**" and substitute "**ANOTHER PERSON**";

line 13, strike "**THE PARTIES**" and substitute "**I**";

line 15, strike "**THEY ARE**" and substitute "**I AM**";

line 16, strike "**THEIR**" and substitute "**MY**";

strike lines 18 through 30;

line 31, before "after", insert "Page 13,";

line 32, strike "TO EACH PARTY";

line 33, strike "OR WITHHOLD" and strike "BY INITIALING AND THE".

Page 4, line 1, strike "WORDS "PARTY A" AND "PARTY B"";

strike line 3 and substitute the following:

"THE PERSON SIGNING THE DESIGNATED BENEFICIARY AGREEMENT.".

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

Page 5, line 21, strike "OTHER PARTY." and substitute "PERSON DESIGNATED AS A DESIGNATED BENEFICIARY.".

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 declared **lost** on the following roll call vote:

YES	15	NO	19	EXCUSED	1	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	Y
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	Y	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	E
Heath	N	Mitchell	Y	Schwartz	N		

IMMEDIATE RECONSIDERATION OF AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB09-1260 by Representative(s) Ferrandino; also Senator(s) Veiga--Concerning designated beneficiary agreements.

Having voted on the prevailing side, Senator Shaffer moved for immediate reconsideration of the last Senate action, Committee of the Whole Amendment L.001, to HB09-1260. The roll call was taken with the following result:

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

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

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB09-1260 by Representative(s) Ferrandino; also Senator(s) Veiga--Concerning designated beneficiary agreements.

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 declared **lost** on the following roll call vote:

YES	14	NO	20	EXCUSED	1	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	Y
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	E
Heath	N	Mitchell	Y	Schwartz	N		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

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

The Committee of the Whole took the following action:

Passed on Second Reading: SB09-067, SB09-103 as amended, SB09-138 as amended, SB09-154 as amended, SB09-160 as amended, HB09-1110 as amended, HB09-1143 as amended, HB09-1061, HB09-1089 as amended, HB09-1260 as amended, HB09-1216 as amended, HB09-1034.
 Laid over until Monday, March 23 retaining their place on the Calendar: HB09-1151, SB09-180, HB09-1057, SB09-176, HB09-1180, HB09-1224, HB09-1042, HB09-1292.
 Laid over until until Sunday, May 10, 2009: SB09-095

CONFERENCE COMMITTEE GRANTED FURTHER POWERS

HB09-1162 by Representative(s) Gerou; also Senator(s) Kopp--Concerning intergovernmental cooperation for the purpose of mitigating wildfires.

Senator Kopp moved that the Senate Conferes on the First Conference Committee on **HB09-1162** be granted permission to go beyond the scope of the differences between the two Houses.

A majority of all members elected to the Senate having voted in the affirmative, the motion was declared **adopted**.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

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

MEMBER OF THE
 COLORADO BANKING BOARD

for a term expiring July 1, 2012:

Dennis F. Reece of Ouray, Colorado, to serve as a representative of bankers, reappointed.

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

COMMITTEE OF REFERENCE REPORTS

Agriculture
and
Natural
Resources

The Committee on Agriculture and Natural Resources has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

**MEMBERS OF THE
WILDLIFE COMMISSION**

for terms expiring March 1, 2012:

Robert G. Streeter of Fort Collins, Colorado to serve as a representative of Wildlife District 3 and as a Republican, appointed;

Dorothea Farris of Carbondale, Colorado to serve as a representative of the public at large, as a representative of wildlife organizations, and as a Democrat, appointed.

for terms expiring March 1, 2013:

Kenneth M. "Mark" Smith of Center, Colorado, a resident of Wildlife District 2, a livestock producer, and a Republican, appointed;

John W. Singletary of Pueblo, Colorado, a resident of Wildlife District 4, a sportsman, and a Democrat, appointed.

Agriculture
and
Natural
Resources

The Committee on Agriculture and Natural Resources has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

**MEMBERS OF THE
COLORADO STATE FAIR AUTHORITY
BOARD OF COMMISSIONERS**

for terms expiring November 1, 2012:

Catherine R. Ross of Granby, Colorado, a Democrat residing in the 2nd Congressional District and resident of the western slope of the state, reappointed;

Arthur H. Bosworth II of Denver, Colorado, a Republican residing in the 1st Congressional District, appointed.

Michael J. Schliep of Brighton, Colorado, a Democrat residing in the 7th Congressional District, appointed.

Agriculture
and
Natural
Resources

After consideration on the merits, the Committee recommends that **HB09-1129** be referred to the Committee on Appropriations with favorable recommendation.

Appro-
priations

After consideration on the merits, the Committee recommends that **SB09-003** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 13, after line 17, insert the following:

"SECTION 8. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of public health and environment subaccount of the automobile inspection and readjustment account of the highway users tax fund created in section 42-3-304 (18) (c), Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for allocation to the air quality control division, for the fiscal year beginning July 1, 2009, the sum of sixty-four thousand seven hundred forty-one dollars (\$64,741) cash funds and 1.0 FTE, or

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68

so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the license plate cash fund created in section 42-3-301 (1) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the division of motor vehicles, for the fiscal year beginning July 1, 2009, the sum of sixty-seven thousand twenty-seven dollars (\$67,027) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated to the department of corrections, for allocation to correctional industries, for the fiscal year beginning July 1, 2009, the sum of sixty-seven thousand twenty-seven dollars (\$67,027), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from reappropriated funds received from the department of revenue out of the appropriation made in subsection (2) of this section."

Renumber succeeding sections accordingly.

Page 1, line 105, strike "AND";

line 107, strike "PROCESS." and substitute "PROCESS, AND MAKING AN APPROPRIATION."

Appropriations

After consideration on the merits, the Committee recommends that SB09-118 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, line 7, strike "rules." and substitute "rules - repeal.";

line 11, after "(e)", insert "(I)";

after line 17, insert the following:

"(II) (A) PRIOR TO JULY 1, 2010, THE COMMISSIONER MAY RAISE FEES FOR LICENSES AND RENEWALS AUTHORIZED UNDER THIS ARTICLE BY AN AMOUNT SUFFICIENT TO HIRE ONE ADDITIONAL FULL-TIME EMPLOYEE TO CONDUCT INSPECTIONS UNDER THIS ARTICLE; EXCEPT THAT, NO SUCH INCREASE SHALL CAUSE ANY LICENSE OR RENEWAL FEE TO EXCEED THE MAXIMUM FEE AMOUNT SPECIFIED IN SECTION 35-80-105 (4).

(B) NOTHING IN THIS SUBPARAGRAPH (II) SHALL BE CONSTRUED TO ABROGATE OR IMPAIR THE AUTHORITY OF THE COMMISSIONER TO ADMINISTER THIS ARTICLE, INCLUDING THE POWER TO SET FEES PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (e).

(C) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1, 2011."

Page 7, after line 25, insert the following:

"SECTION 16. Appropriation - adjustments to the 2009 long bill. (1) For the implementation of this act, appropriations made in the general appropriation act for the fiscal year beginning July 1, 2009, shall be adjusted as follows: The cash funds appropriation to the department of agriculture, agricultural services division, from the pet animal care and facility fund created in section 35-80-116, Colorado Revised Statutes, is increased by the sum of forty-six thousand seventeen dollars (\$46,017) and 1.0 FTE."

Renumber succeeding sections accordingly.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68

Page 1, line 101, strike "**REGULATION.**" and substitute "**REGULATION, AND MAKING AN APPROPRIATION THEREFOR.**".

Appropriations

After consideration on the merits, the Committee recommends that **SB09-133** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, after line 1, insert the following:

"SECTION 4. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado traumatic brain injury trust fund created in section 26-1-309, Colorado Revised Statutes, not otherwise appropriated, to the department of human services, for allocation to services for people with disabilities, division of vocational rehabilitation, for the fiscal year beginning July 1, 2009, the sum of seven hundred thirty thousand five hundred twenty-five dollars (\$730,525) cash funds, or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

Page 1, line 103, strike "**FUND.**" and substitute "**FUND, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**".

Appropriations

After consideration on the merits, the Committee recommends that **SB09-235** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

"SECTION 8. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the search and rescue fund created in section 33-1-112.5, Colorado Revised Statutes, not otherwise appropriated, to the department of local affairs, division of local government, field services, for the search and rescue program, for the fiscal year beginning July 1, 2009, the sum of thirteen thousand five hundred ninety-three dollars (\$13,593), or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado wildlife passport fund created in section 33-4-102.7 (4) (b) (II), Colorado Revised Statutes, not otherwise appropriated, to the department of natural resources, division of wildlife, special purpose, for the wildlife passport program, for the fiscal year beginning July 1, 2009, the sum of ninety-one thousand nine hundred seven dollars (\$91,907), or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

Page 1, line 101, strike "**WILDLIFE.**" and substitute "**WILDLIFE, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**".

Appropriations

After consideration on the merits, the Committee recommends that **SB09-242** be referred to the Committee of the Whole with favorable recommendation.

Health & Human Services

After consideration on the merits, the Committee recommends that **HB09-1252** be referred to the Committee on Appropriations with favorable recommendation.

Health & Human Services

After consideration on the merits, the Committee recommends that **SB09-245** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 10, strike "FIVE" and substitute "SEVEN".

Page 3, line 13, strike "EXPLAIN" and substitute "PROVIDE NOTICE";

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

line 16, after "RESPOND;", insert "AND";
 strike line 17 and substitute the following:
 "FOSTER PARENT,";
 line 18, strike "AFTER" and substitute "PLACED IN A FOSTER HOME.";
 line 19, strike "PLACEMENT.".
 Page 4, line 11, strike "GRANDPARENTS," and substitute
 "GRANDPARENTS";
 strike line 12 and substitute the following:
 "A CHILD WHO:".

Health &
Human
Services

After consideration on the merits, the Committee recommends that **SB09-244** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 3, strike lines 13 through 18 and substitute the following:

"(I) "APPLIED BEHAVIOR ANALYSIS" MEANS THE USE OF BEHAVIOR ANALYTIC METHODS AND RESEARCH FINDINGS TO CHANGE SOCIALLY IMPORTANT BEHAVIORS IN MEANINGFUL WAYS.";

line 21, strike "(X) TO (XIII)" and substitute "(IX) TO (XII)";

line 26, strike "ORGANIZATION OR SHALL" and substitute "ORGANIZATION.";

strike line 27.

Page 4, strike lines 1 through 10 and substitute the following:

"WHEN THE THERAPEUTIC CARE PROVIDED BY THE AUTISM SERVICES PROVIDER IS APPLIED BEHAVIOR ANALYSIS, AN INDIVIDUAL WHO IS DIRECTLY SUPERVISED BY THE PERSON PROFESSIONALLY CERTIFIED AS A BEHAVIOR ANALYST MAY PROVIDE THERAPY AND IMPLEMENT SERVICES TO THE COVERED MEMBER WITH AN AUTISM SPECTRUM DISORDER AS INSTRUCTED BY THE APPLIED BEHAVIOR ANALYST.

(III) "AUTISM SPECTRUM DISORDERS" OR "ASD" INCLUDES THE FOLLOWING NEUROBIOLOGICAL DISORDERS: AUTISTIC DISORDER, ASPERGER'S DISORDER, AND PERVASIVE DEVELOPMENTAL DISORDER NOT OTHERWISE SPECIFIED.

(IV) "HEALTH BENEFIT PLAN" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 10-16-102 (21). IN ADDITION, THE TERM "HEALTH BENEFIT PLAN", AS USED IN THIS SUBSECTION (1.4), EXCLUDES SHORT-TERM LIMITED DURATION HEALTH INSURANCE POLICIES AS DEFINED IN SECTION 10-16-102 (21) (b)."

Re-number succeeding subparagraphs accordingly.

Page 4, strike lines 17 through 26.

Re-number succeeding subparagraphs accordingly.

Page 5, strike lines 4 through 10.

Re-number succeeding subparagraphs accordingly.

Page 5, strike lines 20 through 22 and substitute the following:

"12, C.R.S."

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

Page 6, strike lines 2 through 15 and substitute the following:

"ANALYST. THERAPEUTIC CARE INCLUDES, BUT IS NOT LIMITED TO, SPEECH, OCCUPATIONAL, AND APPLIED BEHAVIOR ANALYTIC AND PHYSICAL THERAPIES.";

line 20, strike "AND DIRECT CARE AND" and substitute "OR DIRECT CARE OR";

line 21, after "TREATMENT", insert "OR ANY COMBINATION THEREOF";

line 22, strike "SUCH COVERAGE SHALL BE AT A LEVEL SUFFICIENT";

strike lines 23 through 27.

Page 7, line 3, strike "THERAPIES;" and substitute "THERAPIES. FOR A PERSON WHO IS ALSO COVERED UNDER SUBSECTION (1.7) OF THIS SECTION, THE LEVEL OF BENEFITS FOR OCCUPATIONAL THERAPY, PHYSICAL THERAPY, OR SPEECH THERAPY SHALL EXCEED THE LIMIT OF TWENTY VISITS FOR EACH THERAPY IF SUCH THERAPY IS MEDICALLY NECESSARY TO TREAT AUTISM SPECTRUM DISORDERS UNDER THIS SUBSECTION (1.4).";

line 4, strike "MEDICATION;" and substitute "MEDICATION, IF COVERED BY THE HEALTH BENEFIT PLAN;"

line 8, strike "FOR AN INDIVIDUAL" and substitute "DEVELOPED FOR AN INDIVIDUAL BY A LICENSED PHYSICIAN OR A LICENSED CLINICAL PSYCHOLOGIST PURSUANT TO A COMPREHENSIVE EVALUATION OR REEVALUATION FOR AN INDIVIDUAL";

line 12, after the period, add "THE LICENSED PHYSICIAN OR LICENSED CLINICAL PSYCHOLOGIST SHALL DETERMINE WHAT IS MEDICALLY NECESSARY OR IS A MEDICAL NECESSITY ON AN INDIVIDUAL BASIS.";

line 13, strike "POLICIES" and substitute "HEALTH BENEFIT PLANS";

line 15, after the period, add "FOR A CHILD FROM BIRTH THROUGH TEN YEARS OF AGE UP TO, BUT NOT INCLUDING, ELEVEN YEARS OF AGE, THE ANNUAL MAXIMUM BENEFIT SHALL BE IN AN AMOUNT NOT TO EXCEED SEVENTY-FIVE THOUSAND DOLLARS; FOR A CHILD ELEVEN YEARS OF AGE OR OLDER AND UNDER TWENTY-ONE YEARS OF AGE, THE ANNUAL MAXIMUM BENEFIT SHALL BE IN AN AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS; AND FOR PERSONS TWENTY-ONE YEARS OF AGE OR OLDER, THE ANNUAL MAXIMUM BENEFIT SHALL BE IN AN AMOUNT NOT TO EXCEED FIFTEEN THOUSAND DOLLARS.";

line 18, strike "POLICY" and substitute "HEALTH BENEFIT PLAN";

line 24, strike "POLICY." and substitute "HEALTH BENEFIT PLAN.";

line 27, strike "PSYCHOLOGIST, OR BY A DOCTORAL DEGREED PROFESSIONAL" and substitute "PSYCHOLOGIST.".

Page 8, strike lines 1 through 3;

line 4, strike "POLICY" and substitute "HEALTH BENEFIT PLAN";

line 6, strike "PROVIDE SPECIFIC EXCLUSIONS FOR" and substitute "EXCLUDE";

line 13, strike "NETWORK ADEQUACY,";

line 14, strike "POLICY OF SICKNESS AND ACCIDENT INSURANCE" and substitute "HEALTH BENEFIT PLAN";

line 16, strike "POLICY OF SICKNESS AND ACCIDENT INSURANCE" and substitute "HEALTH BENEFIT PLAN";

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

line 26, strike "POLICY" and substitute "HEALTH BENEFIT PLAN".

Page 9, line 10, strike "DEMONSTRABLE PROGRESS OR TO TREAT REGRESSION," and substitute "PROGRESS,";

strike lines 13 and 14 and substitute the following:

" TREATMENT PLAN ONCE EVERY SIX MONTHS, THE COST OF WHICH SHALL BE BORNE BY THE AUTISM SERVICES PROVIDER. IF THE CARRIER REQUESTS A REVIEW MORE FREQUENTLY THAN SIX MONTHS, THE AUTISM SERVICES PROVIDER MAY BILL THE CARRIER FOR THE REASONABLE COSTS ASSOCIATED WITH GENERATING ADDITIONAL REPORTS. DURING THE PENDENCY OF ANY";

line 25, strike "POLICY," and substitute "HEALTH BENEFIT PLAN,".

Page 10, strike lines 14 through 26 and substitute the following:

"(k) COVERAGE UNDER THIS SUBSECTION (1.4) IS SUBJECT TO ALL TERMS AND CONDITIONS, DEFINITIONS, RESTRICTIONS, EXCLUSIONS, AND LIMITATIONS THAT APPLY TO ANY OTHER COVERAGE UNDER THE HEALTH BENEFIT PLAN, INCLUDING THE TREATMENT UNDER THE HEALTH BENEFIT PLAN OF SERVICES PERFORMED BY PARTICIPATING AND NONPARTICIPATING PROVIDERS.

SECTION 3. 10-16-104.5, Colorado Revised Statutes, is amended to read:

10-16-104.5. Autism - treatment - not mental illness. (1) Any sickness and accident insurance policy providing indemnity for disability due to sickness issued by an entity subject to the provisions of part 2 of this article and any individual ~~or group service or indemnity contracts~~ POLICIES issued by an entity subject to the provisions of part 3 or 4 of this article which provide coverage for autism shall provide such coverage in the same manner as for any other accident or sickness, other than mental illness, otherwise covered under such policy.

(2) Nothing in this section shall mandate or be construed or interpreted to mandate that any INDIVIDUAL policy ~~hospital service or indemnity contract, or evidence of coverage~~ must provide coverage for autism.

(3) NOTHING IN THIS SECTION SHALL PROHIBIT OR PREVENT A PERSON WITH AN AUTISM SPECTRUM DISORDER FROM RECEIVING MENTAL HEALTH BENEFITS IN HIS OR HER HEALTH BENEFIT PLAN."

Page 11, strike lines 6 through 10 and substitute the following:

"(gg) ISSUING OR RENEWING A HEALTH BENEFIT PLAN AS DEFINED IN SECTION 10-16-104 (1.4) (a) (IV) THAT IS SUBJECT TO THE REQUIREMENTS OF SECTION 10-16-104 (1.4) IF THE HEALTH BENEFIT PLAN EXCLUDES";

after line 14, insert the following:

SECTION 5. 25.5-6-802 (1), Colorado Revised Statutes, is amended to read:

25.5-6-802. Definitions. As used in this part 8, unless the context otherwise requires:

(1) "Eligible child" means a child who:

(a) Is eligible for the state's medicaid program pursuant to section 25.5-5-101, 25.5-5-201, or 25.5-5-203;

(b) Is age birth to ~~six~~ TWENTY-ONE years;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

- (c) Has a diagnosis of autism;
- (d) Is at risk of institutionalization in either an intermediate care facility for the mentally retarded, a hospital, or a nursing facility; and
- (e) Is not receiving services from any of the alternatives to long-term care waiver programs established in this title.

SECTION 6. 25.5-6-804 (1), Colorado Revised Statutes, is amended to read:

25.5-6-804. Services - duties of the state department - rules.
(1) Subject to the provisions of this part 8, home- and community-based services for children with autism shall include ~~only~~ the following services, as specified in the eligible child's care plan, AND SERVICES EQUIVALENT TO THE SAME TYPES OF SERVICES AND COVERAGE REQUIRED TO BE PROVIDED BY PRIVATE HEALTH INSURANCE CARRIERS PURSUANT TO SECTION 10-16-104 (1.4), C.R.S.:

- (a) Occupational therapy;
- (b) Speech therapy;
- (c) Psychological and psychiatric services;
- (d) Physical therapy;
- (e) Behavioral therapy; and
- (f) Services provided under the consumer-directed care service model, part 11 of this article.

SECTION 7. 25.5-8-107 (1) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

25.5-8-107. Duties of the department - schedule of services - premiums - copayments - subsidies. (1) In addition to any other duties pursuant to this article, the department shall have the following duties:

- (a) (IV) IN ADDITION TO THE ITEMS SPECIFIED IN SUBPARAGRAPH (I), (II), AND (III) OF THIS PARAGRAPH (a), THE MEDICAL SERVICES BOARD SHALL INCLUDE COVERAGE FOR AUTISM SPECTRUM DISORDERS EQUIVALENT TO THE SAME COVERAGE REQUIRED TO BE PROVIDED BY PRIVATE HEALTH INSURANCE CARRIERS PURSUANT TO SECTION 10-16-104 (1.4), C.R.S."

Renumber succeeding section accordingly.

MESSAGE FROM THE HOUSE

March 20, 2009

The House has postponed indefinitely SB09-149. The bill is returned herewith.

The House has passed on Third Reading and returns herewith SB09-030, 179, 097, 035.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR09-027 by Senator(s) Sandoval; also Representative(s) Kefalas--Concerning the proclamation of March 24, 2009, as "American Diabetes Alert Day".

Laid over one day under Senate Rule 30(b).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

SENATE SERVICES REPORT

Correctly Printed: SJR09-025.
Correctly Engrossed: SB09-018 and 098.
Correctly Revised: HB09-1188.
Correctly Rerevised: HB09-1102, 1190 and 1227.

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Friday, March 20 was laid over until Monday, March 23, retaining its place on the calendar.

Consideration of Conference Committee Reports: SB09-208, SB09-215.
 Conference Committees to Report: SB09-210, HB09-1153, HB09-1108, HB09-1058, HB09-1162.

On motion of Senator Shaffer, the Senate adjourned until 10:00 a.m., Monday, March 23, 2009.

Approved:

Betty Boyd
 President *pro tem* of the Senate

Attest:

Karen Goldman
 Secretary of the Senate

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37