

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

70th Legislative Day Tuesday, March 17, 2009

- Prayer By the chaplain, Dr. Timothy Tyler, Shorter Community AME Church, Denver.
- Pledge By Senator Scheffel.
- Call to Order By the President at 9:00 a.m.
- Roll Call Present--31
 Excused--4, Carroll, Isgar, Romer, Tochtrop.
 Present later--4, Carroll, Isgar, Romer, Tochtrop.
- Quorum The President announced a quorum present.
- Reading of Journal On motion of Senator Hudak, reading of the Journal of Monday, March 16, 2009, was dispensed with and the Journal was approved as corrected by the Secretary.

**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:

HB09-1118 by Representative(s) Murray; also Senator(s) Kester--Concerning the manner in which the records of certain governmental entities are kept.

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

YES	31	NO	0	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	E	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	E
Carroll M.	E	Kester	Y	Romer	E	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	Y
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: Bacon and Newell.

HB09-1191 by Representative(s) McCann; also Senator(s) Boyd--Concerning liens of the department of health care policy and financing against claims against third parties.

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

YES	31	NO	0	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	E	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	E
Carroll M.	E	Kester	Y	Romer	E	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	Y
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**.

THIRD READING OF BILLS -- FINAL PASSAGE

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

SB09-228 by Senator(s) Morse, Bacon, Boyd, Foster, Groff, Heath, Hodge, Hudak, Isgar, Keller, Newell, Romer, Schwartz, Shaffer B., Tapia, Tochtrop, Veiga, Williams; also Representative(s) Marostica and Court, Ferrandino, Frangas, Green, Hullinghorst, McCann, McGihon, Merrifield, Miklosi, Pace, Pommer, Todd, Weissmann--Concerning an increase in the flexibility of the general assembly to determine the appropriate use of state revenues.

On a substitute motion, Senator Renfroe moved to refer **SB09-228** to the Appropriations Committee. The motion was declared **lost** by the following roll call vote:

YES	14	NO	21	EXCUSED	0	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	N
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	14	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	N	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	Y
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: Carroll M.

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 Tuesday, March 17 was laid over until Wednesday, March 18, retaining its place on the calendar.

Third Reading of Bills -- Final Passage: HB09-1254, HB09-1233, HB09-1229, HB09-1125, HB09-1053, HB09-1186, HB09-1139, HB09-1102, HB09-1227, HB09-1190.
 General Orders -- Second Reading of Bills -- Consent Calendar: HB09-1061, SB09-018, SB09-098, HB09-1188.
 General Orders -- Second Reading of Bills: SB09-095, SB09-067, HB09-1151, SB09-103, SB09-138, SB09-154, SB09-160, SB09-180, HB09-1110, HB09-1143, HB09-1057, SB09-176.
 Consideration of Resolutions: SJR09-023.
 Consideration of House Amendments to Senate Bills: SB09-114.
 Consideration of Governor's Appointments:
 Members of the State Board of Nursing
 Members of the Board of Trustees for Western State College of Colorado
 Consideration of Conference Committee Reports: SB09-208, SB09-215.
 Conference Committees to Report: SB09-210, HB09-1153, HB09-1108.

COMMITTEE OF REFERENCE REPORTS

Judiciary

After consideration on the merits, the Committee recommends that **HB09-1180** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, after line 1, insert the following:

"SECTION 1. 12-26.1-101, Colorado Revised Statutes, is amended to read:

12-26.1-101. Background checks at gun shows - penalty.

(1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1.5) OF THIS SECTION, before a gun show vendor transfers or attempts to transfer a firearm at a gun show, he or she shall:

(a) require that a background check, in accordance with section 24-33.5-424, C.R.S., be conducted of the prospective transferee; and

(b) obtain approval of a transfer from the Colorado Bureau of Investigation after a background check has been requested by a licensed gun dealer, in accordance with section 24-33.5-424, C.R.S.

(1.5) A TRANSFEREE WHO HOLDS A VALID PERMIT TO CARRY A CONCEALED HANDGUN, WHICH PERMIT WAS ISSUED OR RENEWED PURSUANT TO SECTION 18-12-203, C.R.S., ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1.5), IS EXEMPT FROM THE BACKGROUND CHECK REQUIREMENT DESCRIBED IN SUBSECTION (1) OF THIS SECTION IF HE OR SHE PRESENTS THE PERMIT TO A GUN SHOW VENDOR TRANSFEROR AT THE TIME OF THE TRANSFER OR ATTEMPTED TRANSFER OF A FIREARM.

(2) A gun show promoter shall arrange for the services of one or more licensed gun dealers on the premises of the gun show to obtain the background checks required by this article.

(3) If any part of a firearm transaction takes place at a gun show, no firearm shall be transferred unless a background check has been obtained by a licensed gun dealer OR THE TRANSFEREE IS EXEMPT FROM THE BACKGROUND CHECK REQUIREMENT PURSUANT TO SUBSECTION (1.5) OF THIS SECTION.

(4) Any person violating the provisions of this section commits a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S."

Renumber succeeding sections accordingly.

Page 3, after line 20, insert the following:

"SECTION 5. 18-12-211 (2), Colorado Revised Statutes, is amended to read:

18-12-211. Renewal of permits. (2) (a) A permittee who fails to file a renewal form on or before the permit expiration date may renew the permit by paying a late fee of fifteen dollars in addition to the renewal fee established pursuant to subsection (1) of this section. No permit shall be renewed six months or more after its expiration date, and the permit shall be deemed to have permanently expired. A person whose permit has permanently expired may reapply for a permit, but the person shall submit an application for a permit and the fee required pursuant to section 18-12-205. A person who knowingly and intentionally files false or misleading information or deliberately omits material information required under this section is subject to criminal prosecution for perjury under section 18-8-503.

(b) IF A PERMITTEE FAILS TO FILE A RENEWAL FORM ON OR BEFORE THE PERMIT EXPIRATION DATE, HIS OR HER PERMIT SHALL BE INVALID FROM THE PERMIT EXPIRATION DATE UNTIL SUCH TIME AS THE PERMIT IS RENEWED BY THE SHERIFF WHO ISSUED THE PERMIT.

SECTION 6. Part 2 of article 12 of title 18, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

18-12-217. Exception to federal background check requirement. (1) NOTWITHSTANDING 18 U.S.C. SEC. 922 (t) (1), A PERSON WHO HOLDS AND PRESENTS A VALID PERMIT TO CARRY A CONCEALED HANDGUN, WHICH PERMIT WAS ISSUED OR RENEWED PURSUANT TO THE CRITERIA DESCRIBED IN SECTION 18-12-203 ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION, SHALL NOT BE REQUIRED TO SUBMIT TO AN INSTANT CRIMINAL BACKGROUND CHECK, AS DESCRIBED IN SECTION 24-33.5-424, C.R.S., AS A PREREQUISITE TO RECEIVING THE TRANSFER OF A FIREARM.

(2) NOTWITHSTANDING 18 U.S.C. SEC. 922 (t) (1), A LICENSED IMPORTER, MANUFACTURER, OR DEALER OF FIREARMS SHALL NOT BE REQUIRED TO CONTACT THE COLORADO BUREAU OF INVESTIGATION OR THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM AS DESCRIBED IN SECTION 24-33.5-424, C.R.S., BEFORE TRANSFERRING POSSESSION OF A FIREARM TO A PERSON WHO HOLDS AND PRESENTS A VALID PERMIT TO CARRY A CONCEALED HANDGUN, WHICH PERMIT WAS ISSUED OR RENEWED PURSUANT TO THE CRITERIA DESCRIBED IN SECTION 18-12-203 ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION."

Renumber succeeding section accordingly.

Judiciary

After consideration on the merits, the Committee recommends that **HB09-1260** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 6, strike lines 2 and 3 and substitute the following:

"(h) A BENEFICIARY DESIGNATION FOR A DEPOSIT OR ACCOUNT, INCLUDING BUT NOT LIMITED TO DEMAND, SAVINGS, AND TIME DEPOSIT ACCOUNTS;

(i) A DECLARATION AS TO MEDICAL TREATMENT EXECUTED PURSUANT TO ARTICLE 18 OF THIS TITLE;

(j) A DECLARATION AS TO DISPOSITION OF LAST REMAINS EXECUTED PURSUANT TO ARTICLE 19 OF THIS TITLE; OR".

Reletter succeeding paragraph accordingly.

Page 6, line 18, after the period, add "FOR PURPOSES OF THIS ARTICLE, "SUBSTANTIAL COMPLIANCE" SHALL MEAN THAT THE AGREEMENT INCLUDES THE DISCLAIMER CONTAINED IN SECTION 15-22-106, THE

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INSTRUCTIONS AND HEADINGS ABOUT HOW TO GRANT OR WITHHOLD A RIGHT OR PROTECTION, THE STATEMENTS ABOUT THE EFFECTIVE DATE OF THE AGREEMENT AND HOW TO RECORD THE AGREEMENT, THE SIGNATURES FOR THE TWO PARTIES, AND THE ACKNOWLEDGMENTS FOR THE NOTARY PUBLIC.";

strike line 23 and substitute "SECTION 15-22-106 (1) AND THE FORM IS IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 30-10-406 (3), C.R.S.;"

Page 7, line 1, strike "FILED" and substitute "RECORDED";

line 9, strike "FILED" and substitute "RECORDED";

strike lines 23 through 25 and substitute the following:

"(c) FOR PURPOSES OF THE FOLLOWING BENEFITS, THE RIGHT TO BE DESIGNATED AS A BENEFICIARY AND RECOGNIZED AS A DEPENDENT SO LONG AS NOTICE IS GIVEN IN ACCORDANCE WITH ANY APPLICABLE STATUTE, RULE, CONTRACT, POLICY, PROCEDURE, OR OTHER GOVERNMENT DOCUMENT OF THE FOLLOWING BENEFITS:"

Page 8, strike line 10 and substitute the following:

"BENEFICIARY IN A HOSPITAL, NURSING HOME, HOSPICE, OR SIMILAR HEALTH CARE FACILITY IN WHICH A PARTY TO A DESIGNATED BENEFICIARY RESIDES OR IS RECEIVING CARE, INCLUDING THE RIGHT TO INITIATE A FORMAL COMPLAINT ALLEGING A VIOLATION OF THE RIGHTS OF NURSING HOME PATIENTS SPECIFIED IN SECTION 25-1-120, C.R.S.;"

line 13, after "BENEFICIARY", insert "AS IF SELECTED".

Page 9, line 18, strike "OTHER SUPERSEDING LEGAL DOCUMENTS." and substitute "SUPERSEDING LEGAL DOCUMENTS OR OTHER CONTRACTS OR INSTRUMENTS.";

after line 26, insert the following:

"DISCLAIMER
WARNING: WHILE THIS DOCUMENT MAY INDICATE YOUR WISHES, CERTAIN ADDITIONAL DOCUMENTS MAY BE NEEDED TO PROTECT THESE RIGHTS.
THIS DESIGNATED BENEFICIARY AGREEMENT IS OPERATIVE IN THE ABSENCE OF OTHER ESTATE PLANNING DOCUMENTS AND WILL BE SUPERSEDED AND SET ASIDE TO THE EXTENT IT CONFLICTS WITH VALID INSTRUMENTS SUCH AS A WILL, POWER OF ATTORNEY, OR BENEFICIARY DESIGNATION ON AN INSURANCE POLICY OR PENSION PLAN. THIS DESIGNATED BENEFICIARY AGREEMENT IS SUPERSEDED BY SUCH OTHER DOCUMENTS AND DOES NOT CAUSE ANY CHANGES TO BE MADE TO THOSE DOCUMENTS OR DESIGNATIONS. THE PARTIES UNDERSTAND THAT EXECUTING AND SIGNING THIS AGREEMENT IS NOT SUFFICIENT TO DESIGNATE THE OTHER PARTY FOR PURPOSES OF ANY INSURANCE POLICY, PENSION PLAN, PAYABLE UPON DEATH DESIGNATION OR MANNER IN WHICH TITLE TO PROPERTY IS HELD AND THAT ADDITIONAL ACTION WILL BE REQUIRED TO MAKE OR CHANGE SUCH DESIGNATIONS. THE PARTIES UNDERSTAND THAT THIS DESIGNATED BENEFICIARY AGREEMENT MAY BE ONE COMPONENT OF ESTATE PLANNING INSTRUCTIONS AND THAT THEY ARE ENCOURAGED TO CONSULT AN ATTORNEY TO ENSURE THEIR ESTATE PLANNING WISHES ARE ACCOMPLISHED."

Page 11, line 17, strike "HOSPITAL OR IN A" and substitute "HOSPITAL, NURSING HOME, HOSPICE, OR SIMILAR HEALTH CARE FACILITY IN WHICH A PARTY TO A DESIGNATED BENEFICIARY RESIDES OR IS RECEIVING CARE;"

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strike line 18 and substitute the following:

" _____ 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;"

Page 13, line 1, strike "UPON FILING AND REGISTRATION WITH"
and substitute "WHEN RECEIVED FOR RECORDING BY";

line 6, strike "FILING" and substitute "RECORDING";

line 9, strike "FILED" and substitute "RECORDED";

after line 22, insert the following:

"(2) THE INSTRUCTIONS TO EACH PARTY REGARDING HOW TO
GRANT OR WITHHOLD A RIGHT OR PROTECTION BY INITIALING AND THE
WORDS "PARTY A" AND "PARTY B" SHALL APPEAR AT THE TOP OF EACH
PAGE OF THE STATUTORY FORM ABOVE THE COLUMNS FOR THE INITIALS OF
THE DESIGNATED BENEFICIARIES."

Renumber succeeding subsections accordingly.

Page 14, line 5, strike "**Filing**" and substitute "**Recording**";

line 7, strike "FILED" and substitute "RECORDED";

strike lines 10 and 11 and substitute the following:

"DATE AND TIME AS RECEIVED FOR RECORDING BY THE COUNTY CLERK
AND RECORDER. THE COUNTY";

line 12, strike "FILING FEE OF THIRTY DOLLARS, AS" and substitute
"RECORDING FEE";

line 13, strike "PROVIDED IN SECTION 30-1-103, C.R.S.,";

line 14, strike "COUNTY AND" and substitute "COUNTY, A FEE";

line 16, strike "FILING WITH THE COUNTY." and substitute "RECORDING
WITH THE COUNTY, AND A FEE FOR TAKING ACKNOWLEDGMENTS, IF
APPLICABLE, AS PROVIDED IN SECTION 30-1-103, C.R.S.";

strike lines 19 through 25 and substitute the following:

"30-1-119, C.R.S. THE COUNTY CLERK AND RECORDER MAY REQUIRE THE
PERSON RECORDING THE DESIGNATED BENEFICIARY AGREEMENT TO
INDICATE THE MAILING ADDRESS TO WHICH THE ORIGINAL DOCUMENT
SHOULD BE RETURNED AFTER RECORDING.

(2) THE CLERK AND RECORDER OF THE COUNTY IS ENCOURAGED TO
MAKE AVAILABLE COPIES OF THE STATUTORY FORMS AS PRESCRIBED IN
SECTIONS 15-22-106 AND 15-22-111.

(3) THE CLERK AND RECORDER OF THE COUNTY SHALL HAVE THE
FOLLOWING DUTIES:

(a) TO INDICATE ON THE DESIGNATED BENEFICIARY AGREEMENT";

line 27, strike "FILED" and substitute "RECORDED".

Page 15, line 1, strike "(c)" and substitute "(b)" and strike "FILED" and
substitute "RECORDED";

line 3, strike "FILING;" and substitute "RECORDING;"

line 4, strike "(d)" and substitute "(c)";

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line 7, strike "(3)" and substitute "(4)";

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line 26, strike "FILED" and substitute "RECORDED".

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Page 16, line 1, strike "FILING" and substitute "RECORDING";

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line 3, strike "FILED." and substitute "RECORDED.";

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strike lines 4 and 5 and substitute the following:

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"THE REVOCATION SHALL BE EFFECTIVE ON THE DATE AND TIME THE REVOCATION IS RECEIVED FOR RECORDING BY THE COUNTY CLERK AND RECORDER. THE CLERK AND RECORDER SHALL ISSUE A";

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line 6, strike "FILING" and substitute "RECORDING";

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strike lines 9 and 10 and substitute the following:

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"(2) THE COUNTY CLERK AND RECORDER SHALL ASSESS FEES, AS PROVIDED IN SECTION 30-1-103, C.R.S., FOR RECORDING A";

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line 12, strike "AGREEMENT." and substitute "AGREEMENT, PLUS AN ADDITIONAL AMOUNT TO COVER THE COST OF FIRST CLASS POSTAGE FOR MAILING A CERTIFIED COPY OF THE REVOKED DESIGNATED BENEFICIARY AGREEMENT TO THE OTHER PARTY.".

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Page 17, line 3, strike "FILED" and substitute "RECORDED";

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line 4, after the period, insert "THE INDEXING FILE NUMBER OF THE DESIGNATED BENEFICIARY AGREEMENT IS _____.";

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strike line 6 and substitute the following:

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"TIME THAT THIS REVOCATION IS RECEIVED FOR RECORDING BY THE CLERK AND RECORDER";

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line 20, strike "FILED" and substitute "RECORDED".

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Page 25, line 23, strike "FILED" and substitute "RECORDED".

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Page 33, strike lines 8 through 17 and substitute the following:

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"SECTION 17. 30-10-406, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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30-10-406. County clerk and recorder - duties - filing requirements. (4) THE COUNTY CLERK AND RECORDER SHALL PERFORM THE DUTIES PRESCRIBED IN ARTICLE 22 OF TITLE 15, C.R.S., WITH RESPECT TO THE RECORDING AND PROCESSING OF DESIGNATED BENEFICIARY AGREEMENTS AND REVOCATIONS OF SUCH AGREEMENTS.

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SECTION 18. 25-1-120 (1) (1) and (3) (a), Colorado Revised Statutes, are amended to read:

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25-1-120. Nursing facilities - rights of patients. (1) The department shall require all skilled nursing facilities and intermediate care facilities to adopt and make public a statement of the rights and responsibilities of the patients who are receiving treatment in such facilities and to treat their patients in accordance with the provisions of said statement. The statement shall ensure each patient the following:

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(1) The right to devolution of his OR HER rights and responsibilities upon a sponsor, or guardian, OR PERSON EXERCISING RIGHTS CONTAINED IN A DESIGNATED BENEFICIARY AGREEMENT EXECUTED PURSUANT TO ARTICLE 22 OF TITLE 15, C.R.S., who shall see that he OR SHE is provided with adequate, appropriate, and respectful medical treatment and care and all rights which he OR SHE is capable of exercising should he OR SHE be determined to be incompetent pursuant to law and not be restored to legal capacity;

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(3) Each skilled nursing facility or intermediate care facility shall prepare a written plan and provide appropriate facilities to ensure that the rights guaranteed by subsection (1) of this section are enforced by a grievance procedure which contains the following procedures and rights:

(a) A resident of any facility, the residents' advisory council, or the sibling, child, spouse, or parent, OR PERSON EXERCISING RIGHTS CONTAINED IN A DESIGNATED BENEFICIARY AGREEMENT EXECUTED PURSUANT TO ARTICLE 22 OF TITLE 15, C.R.S., of any resident may formally complain in the manner described in this subsection (3) about any conditions, treatment, or violations of his OR HER rights by the facility or its staff or about any treatment, conditions, or violations of the rights of any other resident, regardless of the consent of the victim of the alleged improper treatment, condition, or violation of rights by the facility or its staff."

Renumber succeeding sections accordingly.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB09-1216** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 3, after line 13, insert the following:

"SECTION 3. 1-7.5-107 (3) (b.5) (I), Colorado Revised Statutes, is amended to read:

1-7.5-107. Procedures for conducting mail ballot election - first-time voters casting a mail ballot after having registered by mail to vote. (3) (b.5) (I) The return envelope shall have printed on it a self-affirmation substantially in the following form:

"I state under penalty of perjury that I am an eligible elector; that my ~~signature, name, and address~~ SIGNATURE AND NAME are as shown on this envelope; that I have not and will not cast any vote in this election except by the enclosed ballot; and that my ballot is enclosed in accord with the provisions of the "Uniform Election Code of 1992".

.....
Date Signature of voter"".

Renumber succeeding sections accordingly.

Page 4, after line 4, insert the following:

"SECTION 6. 1-8-114 (1), Colorado Revised Statutes, is amended to read:

1-8-114. Self-affirmation on return envelope. (1) The return envelope for the mail-in ballot shall have printed on it a self-affirmation substantially in the following form:

"I state under penalty of perjury that I am an eligible elector; ~~that I reside at the address indicated on my application for a mail-in ballot;~~ THAT MY SIGNATURE AND NAME ARE AS SHOWN ON THIS ENVELOPE; that I have not and will not cast any vote in this election except by the enclosed ballot; and that my ballot is enclosed in accord with the provisions of the "Uniform Election Code of 1992".

.....
Date Signature of voter"".

Renumber succeeding sections accordingly.

Page 4, line 12, strike "place, vote center, or early voter's polling";

line 13, strike "place" and substitute "place OR vote center ~~or early voter's~~

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State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB09-1224** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

SECTION 1. 10-16-107 (1.5), Colorado Revised Statutes, is amended to read:

10-16-107. Rate regulation - rules - approval of policy forms - benefit certificates - evidences of coverage - benefits ratio - disclosures on treatment of intractable pain. (1.5) Rates for an individual sickness, accident, or health insurance policy, contract, certificate, or other evidence of coverage issued or delivered to any policyholder, enrollee, subscriber, or member in Colorado by an insurer subject to the provisions of part 2 of this article or an entity subject to the provisions of part 3 or 4 of this article shall not be excessive, inadequate, or unfairly discriminatory to assure compliance with the requirements of this section that rates are not excessive in relation to benefits. Rates are excessive if they are likely to produce a long run profit that is unreasonably high for the insurance provided or if expenses are unreasonably high in relation to services rendered. In determining if rates are excessive, the commissioner may consider the expected filed rates in relation to the actual rates charged. Concerning inadequacy, rates are not inadequate unless clearly insufficient to sustain projected losses and expenses, or the use of such rates, if continued, will tend to create a monopoly in the market. Concerning unfair discrimination, unfair discrimination exists if, after allowing for practical limitations, price differentials fail to reflect equitably the differences in expected losses and expenses. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A CARRIER MAY NOT VARY THE PREMIUM RATE DUE TO THE GENDER OF THE INDIVIDUAL.

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 4, 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 rates for individual health insurance policies set on or after the applicable effective date of this act."

Page 1, strike lines 102 through 105 and substitute the following:

"SETTING RATES FOR INDIVIDUAL HEALTH INSURANCE POLICIES."

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Morse, Chair, Cadman, and Bacon as Senate Conferees on the First Conference Committee on **HB09-1058**.

MESSAGE FROM THE HOUSE

March 17, 2009

The House has passed on Third Reading and transmitted to the Revisor of Statutes **HB09-1295**.

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The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1299, amended as printed in House Journal, March 16, page 741.

The House has adopted and transmits herewith HJR09-1012, and amended as printed in House Journal, March 17.

MESSAGE FROM THE REVISOR OF STATUTES

March 17, 2009

Without comment, HB09-1295.
Without comment, as amended, HB09-1299.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

SJR09-024 by Senator(s) Penry, Isgar; also Representative(s) Sonnenberg, Curry, Gardner C.-- Concerning the recognition of March 18, 2009, as "National Agriculture Day".

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

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

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

SENATE SERVICES REPORT

Correctly Printed: SB09-247, 248, 249 and 250; SJR09-023.
Correctly Reengrossed: SB09-056, 128, 144, 158, 161, 174 and 178.
Correctly Revised: HB09-1053, 1102, 1118, 1125, 1139, 1186, 1190, 1191, 1227, 1229, 1233 and 1254; HJR09-1002.
Correctly Rerevised: HB09-1027, 1041, 1059, 1099, 1124, 1171, 1179, 1182, 1207, 1218, 1234, 1236, 1249, 1262 and 1263.
Correctly Enrolled: SB09-091, 113, 151 and 217.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Tuesday, March 17, 2009 at 10:00a.m.: SB09-185.

MESSAGE FROM THE HOUSE

March 17, 2009

The House has voted to concur in the Senate amendments to HJR09-1002 and has repassed the resolution as so amended.

TRIBUTES

Honoring:

Cobb and Associates -- by Senator Penry and Representatives King and Bradford
Phyllis Norris -- by Senator Penry and Representatives King and Bradford
John Williams -- by Senator Penry and Representatives King and Bradford
Morton Perry -- by Senator Penry and Representatives King and Bradford

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On motion of Senator Shaffer, the Senate adjourned until 9:00 a.m., Wednesday, March 18, 2009.

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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