

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

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51st Legislative Day

Thursday, March 1, 2012

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Prayer	By the chaplain, Pastor Robert Schlipp, The Worship Center of Brighton.	11
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Call to Order	By the President at 9:00 a.m.	13
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Pledge	By Senator Roberts.	15
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Roll Call	Present--32	17
	Excused--3, Bacon, Schwartz, Spence.	18
	Present later--2, Bacon, Schwartz.	19
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Quorum	The President announced a quorum present.	22
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Reading of Journal	On motion of Senator Aguilar, reading of the Journal of Wednesday, February 29, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.	24
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**COMMITTEE OF REFERENCE REPORTS**

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Finance	After consideration on the merits, the Committee recommends that <b>HB12-1077</b> be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	32
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Finance	After consideration on the merits, the Committee recommends that <b>HB12-1018</b> be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	37
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Finance	After consideration on the merits, the Committee recommends that <b>HB12-1031</b> 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.	42
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	Amend reengrossed bill, page 3, line 10, strike "votes. THE" and substitute "votes; AND EXCEPT THAT THE"	48
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Business, Labor, & Technology	After consideration on the merits, the Committee recommends that <b>HB12-1127</b> be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	52
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Business, Labor, & Technology	After consideration on the merits, the Committee recommends that <b>HB12-1120</b> be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	57
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Judiciary	After consideration on the merits, the Committee recommends that <b>HB12-1074</b> 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.	62
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Amend reengrossed bill, page 4, line 2, strike "REVENUE," and substitute "REVENUE AND PROVIDED PURSUANT TO SECTION 13-71-107, C.R.S.,".

Page 6, line 19, strike "REVENUE," and substitute "REVENUE AND PROVIDED PURSUANT TO SECTION 13-71-107, C.R.S.,".

Judiciary

After consideration on the merits, the Committee recommends that **HB12-1079** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Health & Human Services

After consideration on the merits, the Committee recommends that **SB12-127** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 15, strike "ADULTS" and substitute "ADULTS, PERSONS WITH DISABILITIES,".

Page 2, after line 18 insert:

"(IV) RESEARCH HAS SHOWN THAT OLDER ADULTS SUFFER FROM HIGHER RATES OF DEPRESSION, HAVE A HIGHER RISK OF SUICIDE, AND HAVE AN INCREASED MISUSE OF PRESCRIPTION AND ILLICIT DRUGS, MAKING THE NEED FOR BEHAVIORAL HEALTH CARE SERVICES ESSENTIAL TO LONG-TERM CARE SERVICES;"

Re-number succeeding subparagraphs accordingly.

Page 2, line 22, strike "ADULTS" and substitute "ADULTS, PERSONS WITH DISABILITIES,".

Page 3, line 3, strike "ADULTS AND" and substitute "ADULTS, PERSONS WITH DISABILITIES, AND THEIR" .

Page 3, strike lines 20 through 27.

Page 4, strike line 1.

Re-letter paragraphs accordingly.

Page 4, line 4, strike "DESIGNATED PROVIDER, INCLUDING" and substitute "GROUP OF PROVIDERS THAT OPERATE IN COORDINATION WITH A TEAM OF HEALTH CARE PROFESSIONALS THAT SHALL INCLUDE PRIMARY CARE PROVIDERS SELECTED BY AN ELIGIBLE" .

Page 4, strike lines 5 and 6.

Page 5, strike lines 11 through 17 and substitute "SUPPORTS IN AN ORGANIZATION WITH WHICH THE STATE DEPARTMENT CONTRACTS PURSUANT TO PART 4 OF ARTICLE 5 OF THIS TITLE, THE STATE DEPARTMENT SHALL PERMIT PROVIDERS OF LONG-TERM SERVICES AND SUPPORTS TO CONTRACT AS HEALTH HOMES OR TO PROVIDE SOME OR ALL OF THE SERVICES PROVIDED BY THE ORGANIZATION CONTRACTED WITH THE STATE DEPARTMENT, WHICH SERVICES MAY INCLUDE, BUT NEED NOT BE LIMITED TO, NAVIGATION OF PRIMARY, SPECIALTY, OR LONG-TERM CARE SUPPORTS." .

Health & Human Services

After consideration on the merits, the Committee recommends that **SB12-023** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

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"**SECTION 1.** In Colorado Revised Statutes, 25.5-5-412, **amend** (6) and (7); and **add** (6.5) as follows:

**25.5-5-412. Program of all-inclusive care for the elderly - legislative declaration - services - eligibility - rules.** (6) The state department, in cooperation with the single entry point agencies established in section 25.5-6-106, shall develop and implement a coordinated plan to provide education about PACE program site operations under this section. The state board shall adopt rules:

(a) To ensure that case managers and any other appropriate state department staff discuss the option and potential benefits of participating in the PACE program with all eligible long-term care clients. These rules shall require additional and on-going training of the single entry point agency case managers in counties where a PACE program is operating. This training shall be provided by a federally approved PACE provider. In addition, each single entry point agency may designate case managers who have knowledge about the PACE program; AND

(b) TO ALLOW PACE PROVIDERS TO CONTRACT WITH AN ENROLLMENT BROKER TO INCLUDE THE PACE PROGRAM IN ITS MARKETING MATERIALS TO ELIGIBLE LONG-TERM CLIENTS.

(6.5) AN ELIGIBLE PERSON WHO IS ENROLLED IN A MANAGED CARE ORGANIZATION, AN ORGANIZATION CONTRACTED WITH THE STATE DEPARTMENT PURSUANT TO PART 4 OF ARTICLE 5 OF THIS TITLE, OR OTHER RISK-BEARING ENTITY MAY ELECT TO WITHDRAW FROM OR TERMINATE SUCH ENROLLMENT AND ENROLL IN AND RECEIVE SERVICES THROUGH A PACE PROGRAM. THE STATE BOARD'S RULES SHALL DEFINE HOW SUCH ELECTION IS MADE. THE EFFECTIVE DATE OF AN ELIGIBLE PERSON'S ELECTION SHALL NOT BE MORE THAN THIRTY DAYS AFTER THE ELIGIBLE PERSON'S DATE OF ELECTION.

(7) For purposes of this section:

(a) "DUALY ELIGIBLE PERSON" MEANS A PERSON WHO IS ELIGIBLE FOR ASSISTANCE OR BENEFITS UNDER BOTH MEDICAID AND MEDICARE.

(b) "Eligible person" means a frail elderly individual who voluntarily enrolls in the PACE program and whose gross income does not exceed three hundred percent of the current federal supplemental security income benefit level, whose resources do not exceed the limit established by the state department of human services for individuals receiving a mandatory minimum state supplementation of SSI benefits pursuant to section 26-2-204, C.R.S., or in the case of a person who is married, do not exceed the amount authorized in section 25.5-6-101, and for whom a physician licensed pursuant to article 36 of title 12, C.R.S., certifies that such a program provides an appropriate alternative to institutionalized care. "ELIGIBLE PERSON" MAY ALSO INCLUDE A DUALY ELIGIBLE PERSON.

(c) ~~The term~~ "Frail elderly" means an individual who meets functional eligibility requirements, as established by the state department, for nursing home care and who is fifty-five years of age or older.

**SECTION 2.** In Colorado Revised Statutes, 25.5-6-106, **amend** (2) (b) (IV); and **add** (2) (c) (IX.5) as follows:

**25.5-6-106. Single entry point system - authorization - phases for implementation - services provided.** (2) **Single entry point agencies - service programs - functions.** (b) The agency may serve private paying clients on a fee-for-service basis and shall serve clients of publicly funded long-term care programs, including, but not limited to, the following:

(IV) Long-term home health care, INCLUDING SERVICES PROVIDED BY A PACE ORGANIZATION PROVIDING A PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY PURSUANT TO SECTION 25.5-5-412.

(c) The major functions of a single entry point shall include, but need not be limited to, the following:

(IX.5) INFORMING ELIGIBLE PERSONS ABOUT THE BENEFITS OF PARTICIPATING IN THE PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY PROVIDED BY A PACE ORGANIZATION PURSUANT TO SECTION 25.5-4-412 AS AN ALTERNATIVE TO ENROLLMENT IN A MANAGED CARE ORGANIZATION, AN ORGANIZATION CONTRACTED WITH THE STATE DEPARTMENT PURSUANT TO PART 4 OF ARTICLE 5 OF THIS TITLE, OR OTHER RISK-BEARING ENTITY.

**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Page 1, strike lines 104 through 108 and substitute "**PROGRAM AND ADDRESSING HOW THE PACE PROGRAM WORKS WITH INTEGRATIVE INITIATIVES INVOLVING THE MEDICAID POPULATION IN COLORADO.**".

Education

After consideration on the merits, the Committee recommends that **HB12-1013** be referred to the Committee of the Whole with favorable recommendation.

**MESSAGE FROM THE REVISOR OF STATUTES**

February 29, 2012

We herewith transmit:

Without comment, HB12-1006.

Without comment, as amended, HB12-1040, 1172, 1210, 1144, 1123, 1168, 1023, 1041, and 1052.

**INTRODUCTION OF BILLS -- FIRST READING**

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

**SB12-155**

by Senator(s) Heath and White; also Representative(s) Court and Murray--Concerning procedures to protect transparency in elections while preserving the integrity of ballots in connection with a request for public inspection of ballots under the "Colorado Open Records Act".

State, Veterans & Military Affairs

**INTRODUCTION OF MEMORIALS**

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

**SM12-003**

by Senator(s) Neville, Renfroe, Lundberg, Brophy, Cadman, Grantham, Harvey, King K., King S., Lambert, Mitchell, Roberts, Scheffel; --Concerning memorializing Congress to enact the "Respect for Rights of Conscience Act of 2011", and, in connection therewith, urging the President of the United States to provide an effective and comprehensive religious conscience exemption from a requirement to cover services that are contrary to the religious beliefs and practices of certain faiths.

State, Veterans & Military Affairs

**SENATE SERVICES REPORT**

Correctly Printed: SB12-154.

Correctly Reengrossed: SB12-021, 022, 038, 041, 060, 091, 093, 133, and 148.

Correctly Rerevised: HB12-1010, 1015, 1022, 1054, 1096, 1147, 1158, 1177, 1212 and 1301.

Correctly Enrolled: SB12-043.

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On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Thursday, March 1 was laid over until Friday, March 2, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: HB12-1071, HB12-1221.

General Orders -- Second Reading of Bills: SB12-137, SB12-143, HB12-1231, HB12-1139.

Consideration of Resolutions: SJR12-006, SJR12-015, SJR12-017, HJR12-1004.

Consideration of Memorials: SJM12-001, SM12-002.

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On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, March 2, 2012.

Approved:

Brandon C. Shaffer  
President of the Senate

Attest:

Cindi L. Markwell  
Secretary of the Senate

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