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

Forty-fifth Legislative Day

Friday, February 26, 2010

1 Prayer by Pastor Mark Phillips, Berean Bible Church, Haxtun.

2

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

4

5 Pledge of Allegiance led by Raina Duncan, Contemporary Learning
 6 Academy, Denver.

7

8 The roll was called with the following result:

9

10 Present--64.

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

12 Present after roll call--Representative(s) McNulty.

13

14 The Speaker declared a quorum present.

15

16

17 On motion of Representative Gerou, the reading of the journal of
 18 February 25, 2010, was declared dispensed with and approved as
 19 corrected by the Chief Clerk.

20

21

THIRD READING OF BILL(S)--FINAL PASSAGE

22

23
 24 The following bill(s) was(were) considered on Third Reading. The
 25 title(s) was(were) publicly read. Reading of the bill at length was
 26 dispensed with by unanimous consent.

27

28 **HB10-1109** by Representative(s) McCann; also Senator(s) Mitchell--
 29 Concerning the availability of workers' compensation to
 30 jail inmates who are working for a program that has been
 31 certified by the federal prison industry enhancement
 32 certification program.

33

34 The question being "Shall the bill pass?".

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

38

	YES	46	NO	18	EXCUSED	1	ABSENT	0
40	Acree	N	Gerou	Y	McFadyen	Y	Ryden	Y
41	Apuan	Y	Hullinghorst	Y	McKinley	N	Scanlan	Y
42	Balmer	N	Judd	Y	McNulty	E	Schafer S.	Y
43	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	Y

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

14 Co-sponsor(s) added: Representative(s) Court, Hulinghorst, Labuda,
15 Schafer S., Vigil.

16
17 **HB10-1180** by Representative(s) Massey, Gerou, Rice; also Senator(s)
18 Gibbs and Spence--Concerning the criteria to qualify for
19 a performance-based incentive for film production
20 activities in Colorado.

21
22 The question being "Shall the bill pass?".

23 A roll call vote was taken. As shown by the following recorded vote, a
24 majority of those elected to the House voted in the affirmative and the bill
25 was declared **passed**.

26	YES	46	NO	18	EXCUSED	1	ABSENT	0
27								
28	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
29	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
30	Balmer	Y	Judd	N	McNulty	E	Schafer S.	Y
31	Baumgardner	N	Kagan	N	Merrifield	Y	Solano	N
32	Benefield	N	Kefalas	Y	Middleton	Y	Sonnenberg	N
33	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
34	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	N
35	Court	Y	King S.	N	Nikkel	N	Summers	Y
36	Curry	Y	Labuda	N	Pace	Y	Swalm	N
37	DelGrosso	Y	Lambert	N	Peniston	Y	Tipton	Y
38	Ferrandino	Y	Levy	N	Pommer	Y	Todd	Y
39	Fischer	Y	Liston	Y	Primavera	Y	Tyler	N
40	Frangas	Y	Looper	N	Priola	Y	Vaad	Y
41	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
42	Gardner B.	Y	May	N	Riesberg	Y	Waller	Y
43	Gardner C.	N	McCann	Y	Roberts	Y	Weissmann	N
44							Speaker	Y

45 Co-sponsor(s) added: Representative(s) Casso, Frangas, Kefalas, Merrifield,
46 Roberts, Ryden, Soper.

47
48 **HB10-1216** by Representative(s) Riesberg; also Senator Sandoval--
49 Concerning the off-site administration of medications by
50 persons authorized to inject medications pursuant to the
51 pharmacy practice act.

52
53 The question being "Shall the bill pass?".

54 A roll call vote was taken. As shown by the following recorded vote, a
55 majority of those elected to the House voted in the affirmative and the bill
56 was declared **passed**.

	YES	64	NO	0	EXCUSED	1	ABSENT	0
1								
2	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
3	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
4	Balmer	Y	Judd	Y	McNulty	E	Schafer S.	Y
5	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
6	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
7	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
8	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
9	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
10	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
11	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
12	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
13	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
14	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
15	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
16	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
17	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Apuan, Ferrandino, Kefalas, King S.,
20 Vigil.

21
22 **HB10-1224** by Representative(s) Gerou and Gagliardi, Primavera,
23 Riesberg, Tyler; also Senator(s) Boyd--Concerning the
24 continuation of the Colorado podiatry board.

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

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

49 Co-sponsor(s) added: Representative(s) Apuan, Kefalas.

50
51
52 **HB10-1226** by Representative(s) Kefalas; also Senator(s) Spence--
53 Concerning an alternative approach for a county
54 department of social services to use in addressing certain
55 intrafamilial child abuse or neglect cases.
56

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

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

24 Co-sponsor(s) added: Representative(s) Apuan, Casso, Curry, Frangas, Labuda,
 25 Middleton, Schafer S., Todd, Vigil.

26
 27 **HB10-1123** by Representative(s) Sonnenberg; also Senator(s) Renfro-
 28 -Concerning controlled agricultural burns in arson cases.

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

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

53 Co-sponsor(s) added: Representative(s) Baumgardner, Curry, Gardner B.,
 54 Gerou, Kagan, Kerr J., Massey, Pace, Roberts, Stephens, Vaad, Vigil, Waller.

1 **HB10-1232** by Representative(s) Baumgardner; also Senator(s)
 2 King K.--Concerning school vehicles.
 3

4 The question being "Shall the bill pass?".
 5 A roll call vote was taken. As shown by the following recorded vote, a
 6 majority of those elected to the House voted in the affirmative and the bill
 7 was declared **passed**.
 8

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

27 Co-sponsor(s) added: Representative(s) Benefield, Bradford, Frangas, Kerr J.,
 28 Lambert, Murray, Nikkel, Pace, Schafer S., Summers.
 29

32 CONSIDERATION OF RESOLUTION(S)

34 **SJR10-004** by Senator(s) Whitehead; also Representative(s) Fischer--
 35 Concerning approval of water project revolving fund
 36 eligibility lists administered by the Colorado water
 37 resources and power development authority.
 38

39 (Printed and placed in members' file.)
 40

41 Amendment No. 1, moved by Representative Gardner C.
 42

43 Amend engrossed joint resolution, page 27, after line 2 insert:
 44

45 "7. That we, the members of the Colorado General Assembly,
 46 urge Colorado's Congressional delegation to oppose the retroactive
 47 application of Davis-Bacon prevailing wage requirements to water
 48 projects funded in whole or part by the federal government."
 49

50 The amendment was declared **lost** by the following roll call vote:
 51

	YES	30	NO	35	EXCUSED	0	ABSENT	0
53	Acree	Y	Gerou	Y	McFadyen	N	Ryden	N
54	Apuan	N	Hullingerhorst	N	McKinley	N	Scanlan	N
55	Balmer	Y	Judd	N	McNulty	Y	Schafer S.	N
56	Baumgardner	Y	Kagan	N	Merrifield	N	Solano	N

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

On motion of Representative Fischer, the resolution was **adopted** by the following roll call vote:

	YES	62	NO	3	EXCUSED	0	ABSENT	0
19	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
20	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
21	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
22	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
23	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
24	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
25	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
26	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
27	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
28	DelGrosso	Y	Lambert	N	Peniston	Y	Tipton	Y
29	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
30	Fischer	Y	Liston	N	Primavera	Y	Tyler	Y
31	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
32	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
33	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
34	Gardner C.	N	McCann	Y	Roberts	Y	Weissmann	Y
35							Speaker	Y

Co-sponsor(s) added: Representative(s) Frangas, Liston, Pace

On motion of Representative Ryden, the House resolved itself into Committee of the Whole for consideration of General Orders, and she 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 the titles of the following bills had been read (reading at length had been dispensed with by unanimous consent), the bills considered and action taken thereon as follows:

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

HB10-1201 by Representative(s) Middleton, Carroll T., Ferrandino, McFadyen, Miklosi, Pace, Vigil, Weissmann; also

1 Senator(s) Steadman--Concerning duties related to peace
2 officer contacts.
3

4 Amendment No. 1, Judiciary Report, dated February 22, 2010, and placed
5 in member's bill file; Report also printed in House Journal, February 23,
6 pages 503-504.
7

8 Amendment No. 2, by Representative(s) Middleton.
9

10 Amend the Judiciary Committee Report, dated February 22, 2010, page
11 1, line 10, strike "AUTHORITY" and substitute "APPARENT OR ACTUAL
12 AUTHORITY".
13

14 Page 2, line 13, strike "SEARCH INCIDENT TO" and substitute "VALID
15 SEARCH INCIDENT TO OR SUBSEQUENT TO A".
16

17 Page 2, strike line 22 and substitute "PERSON HAS CONSENTED TO SEARCH
18 AS".
19

20 As amended, ordered engrossed and placed on the Calendar for Third
21 Reading and Final Passage.
22

23 **HB10-1271** by Representative(s) Curry; also Senator(s) Morse--
24 Concerning the registration date for eligibility of a person
25 seeking to be placed in nomination as a candidate for a
26 partisan office.
27

28 Laid over until March 2, retaining place on Calendar.
29

30 **SB10-109** by Senator(s) Romer and Spence, Boyd, Bacon, Hodge,
31 Hudak, Johnston, Tapia, Tochtrop; also Representative(s)
32 Massey and McCann, Rice, Frangas, McFadyen--
33 Concerning regulation of the physician-patient relationship
34 for medical marijuana patients.
35

36 Laid over until March 1, retaining place on Calendar.
37

38 **HB10-1009** by Representative(s) Miklosi, Pace, Ryden; also Senator(s)
39 Hodge, Carroll M., Tochtrop--Concerning the board of
40 directors of Pinnacol Assurance.
41

42 Laid over until March 2, retaining place on Calendar.
43

44 **HB10-1160** by Representative(s) Rice and Stephens; also Senator(s)
45 Mitchell--Concerning the ability of health insurance
46 carriers to offer incentives for participation in wellness
47 programs based on satisfaction of a standard related to a
48 health factor.
49

50 Laid over until March 8, retaining place on Calendar.
51

52 **HB10-1124** by Representative(s) McKinley--Concerning laws related
53 to animal welfare.
54

55 Amendment No. 1, by Representative(s) Curry.
56 Amend printed bill, page 15, after line 14 add:

1 **"SECTION 13.** 35-80-109, Colorado Revised Statutes, is
2 amended BY THE ADDITION OF A NEW SUBSECTION to read:

3
4 **35-80-109. Powers and duties of commissioner - rules -**
5 **definitions - repeal.** (2.5) (a) THE COMMISSIONER SHALL PROMULGATE
6 RULES, AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS
7 SUBSECTION (2.5), SETTING FORTH HUMANE STANDARDS OF CARE FOR
8 DOGS WAIVED FROM ANY TETHERING PROHIBITIONS CONTAINED IN RULES
9 ADOPTED PURSUANT TO SUBSECTIONS (1) AND (2) OF THIS SECTION, WHICH
10 STANDARDS SHALL INCLUDE A MINIMUM AMOUNT OF TIME EACH DAY THAT
11 THE DOGS SHALL BE TAKEN OFF THE TETHER.

12
13 (b) AS USED IN THIS SUBSECTION (2.5):

14
15 (I) "TETHER" MEANS A CHAIN, CABLE, ROPE, OR SIMILAR DEVICE;

16
17 (II) "TETHERING" MEANS USING A DOG HOUSE WITH A TETHER AS
18 A DOG'S TEMPORARY OR PERMANENT PRIMARY ENCLOSURE."

19
20 Renumber succeeding section accordingly.

21
22 As amended, declared **lost** on Second Reading.

23
24 **HB10-1222** by Representative(s) Middleton; also Senator(s)
25 Carroll M.--Concerning continuation of the requirement
26 that a collection agency maintain an office in Colorado.

27
28 Amendment No. 1, Business Affairs & Labor Report, dated
29 February 23, 2010, and placed in member's bill file; Report also printed
30 in House Journal, February 24, page 513.

31
32 As amended, ordered engrossed and placed on the Calendar for Third
33 Reading and Final Passage.

34
35 **HB10-1227** by Representative(s) DelGrosso; also Senator(s) Tochtrop--
36 Concerning compliance with financial responsibility
37 requirements of the "Health Care Availability Act" by
38 maintaining insurance through approved nonadmitted
39 insurers authorized by law to insure in Colorado.

40
41 Amendment No. 1, Business Affairs & Labor Report, dated
42 February 23, 2010, and placed in member's bill file; Report also printed
43 in House Journal, February 24, page 513.

44
45 As amended, ordered engrossed and placed on the Calendar for Third
46 Reading and Final Passage.

47
48 **HB10-1236** by Representative(s) Kerr A.; also Senator(s) Tochtrop--
49 Concerning the continuation of the regulation of certified
50 public accountants by the state board of accountancy.

51
52 Amendment No. 1, Business Affairs & Labor Report, dated
53 February 23, 2010, and placed in member's bill file; Report also printed
54 in House Journal, February 24, pages 513-520.

55

1 Amendment No. 2, by Representative(s) Kerr A.

2
3 Amend the Business Affairs and Labor Committee Report, dated
4 February 23, 2010, page 1, strike line 1 and substitute:

5
6 "Amend printed bill, page 4, line 1, after "(1) (a) (II)," insert "(1) (b), and
7 (1) (c),".

8
9 Page 4 of the bill, after line 10 insert:

10
11 "(b) If ~~he~~ THE PERSON has successfully completed a course of
12 study concerning the subject of professional ethics, approved by the
13 board, and passed a written examination concerning such subject prepared
14 and given by educational institutions or professional organizations
15 deemed qualified by the board to administer such examination;

16
17 (c) If ~~he~~ THE PERSON has a baccalaureate or higher degree
18 conferred by an accredited college or university with an accounting
19 program approved by the board and has a concentration in accounting,
20 plus, when the baccalaureate is the highest degree held, not less than
21 thirty semester hours' additional study, the total educational program to
22 include an accounting concentration or its equivalent and such related
23 subjects as the board determines to be appropriate.".

24
25 Page 4 of the bill, line 20, strike "CERTIFIED AS A PUBLIC" and".

26
27 Amendment No. 3, by Representative(s) Kerr A.

28
29 Amend the Business Affairs and Labor Committee Report, dated
30 February 23, 2010, page 8, line 34, strike "DIRECTOR" and substitute
31 "BOARD".

32
33 Page 9, strike lines 9 and 10 and substitute "THE BOARD SHALL SEND A
34 CONFIDENTIAL LETTER OF CONCERN TO THE LICENSEE OR REGISTRANT.".

35
36 Page 9, strike line 14 and substitute "BOARD SHALL SEND A LETTER OF
37 ADMONITION TO THE LICENSEE OR REGISTRANT BY".

38
39 Page 9, line 18, strike "DIRECTOR" and substitute "BOARD".

40
41 Page 9, line 20, strike "LICENSEE," and substitute "LICENSEE OR
42 REGISTRANT,".

43
44 Page 9, line 21, strike "DIRECTOR" and substitute "BOARD".

45
46 Page 9, line 27, strike "DIRECTOR" and substitute "BOARD".

47
48 Page 9, line 29, strike "DIRECTOR" and substitute "BOARD".

49
50 Page 9, line 31, after "LICENSEE" insert "OR REGISTRANT".

51
52 Amendment No. 4, by Representative(s) May, Rice.

53
54 Amend the Business Affairs and Labor Committee Report, dated
55 February 23, 2010, page 3, strike lines 16 and 17 and substitute "12-2-117
56 is further amended BY THE ADDITION OF THE FOLLOWING NEW

1 SUBSECTIONS, to read:". ".

2
3 Page 4 of the report, line 10, strike "C.R.S." and substitute "C.R.S.

4
5 (3.7) THE BOARD SHALL NOT RENEW A REGISTRATION UNDER THIS
6 SECTION UNLESS THE REGISTERED PARTNERSHIP, PROFESSIONAL
7 CORPORATION, OR LIMITED LIABILITY COMPANY HAS UNDERGONE A PEER
8 REVIEW CONDUCTED ACCORDING TO RULES PROMULGATED BY THE BOARD
9 THAT MEET THE STANDARDS FOR PERFORMING AND REPORTING ON A PEER
10 REVIEW OF THE AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS
11 OR AN EQUIVALENT STANDARD.". ".
12

13 Page 10 of the report, line 12, strike "client." and substitute "client.

14
15 **SECTION 28.** 12-2-108, Colorado Revised Statutes, is amended
16 BY THE ADDITION OF A NEW SUBSECTION to read:

17
18 **12-2-108. Certificate of certified public accountant - issuance**
19 **- renewal - reinstatement.** (7) THE BOARD SHALL NOT RENEW THE
20 CERTIFICATE OF A HOLDER WHO PRACTICES PUBLIC ACCOUNTING UNLESS
21 THE CERTIFICATE HOLDER PERFORMS PUBLIC ACCOUNTING WITHIN A
22 PARTNERSHIP, PROFESSIONAL CORPORATION, OR LIMITED LIABILITY
23 COMPANY OR THE CERTIFICATE HOLDER HAS UNDERGONE A PEER REVIEW
24 CONDUCTED ACCORDING TO RULES PROMULGATED BY THE BOARD THAT
25 MEET THE STANDARDS FOR PERFORMING AND REPORTING ON A PEER
26 REVIEW OF THE AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS
27 OR AN EQUIVALENT STANDARD.". ".
28

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

31
32 **HB10-1017** by Representative(s) Kagan, Gagliardi; also Senator(s)
33 Boyd--Concerning authorization for certain public entities
34 to enter into voluntary agreements affecting rent on private
35 residential property.
36

37 Amendment No. 1, Local Government Report, dated February 23, 2010,
38 and placed in member's bill file; Report also printed in House Journal,
39 February 24, pages 520-521.
40

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

43
44 **HB10-1290** by Representative(s) Stephens--Concerning procedures for
45 small planned communities to elect to exempt themselves
46 from certain provisions of the "Colorado Common Interest
47 Ownership Act".
48

49 Laid over until March 1, retaining place on Calendar.

50
51 On motion of Representative Weissmann, the remainder of the General
52 Orders Calendar (**HB10-1292, 1096, 1147**) was laid over until March 1,
53 retaining place on Calendar.
54

55
56

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

Passed Second Reading: **HB10-1201 amended, 1222 amended, 1227 amended, 1236 amended, 1017 amended.**

Lost on Second Reading: **HB10-1124 amended.**

Laid over until date indicated retaining place on Calendar:
SB10-109, HB10-1290, 1292, 1096, 1147--March 1, 2010.
HB10-1271, 1009--March 2, 2010.
HB10-1160--March 8, 2010.

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

YES	61	NO	0	EXCUSED	4	ABSENT	0
Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
Apuan	Y	Hullingerhorst	Y	McKinley	E	Scanlan	Y
Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
Baumgardner	E	Kagan	Y	Merrifield	Y	Solano	Y
Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
Bradford	E	Kerr A.	Y	Miklosi	Y	Soper	Y
Casso	Y	Kerr J.	E	Murray	Y	Stephens	Y
Court	Y	King S.	Y	Nikkel	Y	Summers	Y
Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
						Speaker	Y

REPORT(S) OF COMMITTEE(S) OF REFERENCE

APPROPRIATIONS

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

HB10-1012 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend the Judiciary Committee Report, dated February 11, 2010, and substitute:

"Amend printed bill, page 3, strike lines 3 through 27.

Strike page 4.

Page 5, strike lines 1 through 6 and substitute:

1 "(b) (I) AN INSURER OR EMPLOYER MAY INTRODUCE EVIDENCE OF
2 THE PRESENCE OR ABSENCE OF A MEDICAL CONDITION ORIGINATING IN
3 SURVEILLANCE OF AN EMPLOYEE AT AN ADMINISTRATIVE HEARING ONLY
4 IF:
5

6 (A) THE INSURER OR EMPLOYER HAS SUBMITTED THE EVIDENCE
7 PRIOR TO THE HEARING TO THE TREATING PHYSICIAN FOR REVIEW WITH
8 THE EMPLOYEE WHO IS THE SUBJECT OF THE SURVEILLANCE. THE
9 PHYSICIAN SHALL USE THE EVIDENCE AS ONE MEANS, AMONG OTHERS, TO
10 MAKE RECOMMENDATIONS REGARDING THE EMPLOYEE'S MEDICAL
11 CONDITION.
12

13 (B) THE ADMINISTRATIVE LAW JUDGE FINDS THAT THE INSURER OR
14 EMPLOYER HAD, PRIOR TO INITIATING THE SURVEILLANCE, A REASONABLE
15 AND ARTICULABLE BASIS TO SUSPECT THAT THE EMPLOYEE COMMITTED
16 FRAUD, EXCEEDED THE EMPLOYEE'S MEDICALLY DETERMINED
17 LIMITATIONS, OR MADE A MATERIAL MISSTATEMENT CONCERNING THE
18 CLAIM;
19

20 (C) THE ADMINISTRATIVE LAW JUDGE DOES NOT FIND THAT THE
21 SURVEILLANCE WAS INTRUSIVE, INTIMIDATING, OR HARASSING; AND
22

23 (D) THE ADMINISTRATIVE LAW JUDGE DOES NOT FIND THAT THE
24 PERSON WHO WAS CONDUCTING THE SURVEILLANCE AFFIRMATIVELY
25 MISREPRESENTED TO THE EMPLOYEE, IN RESPONSE TO THE EMPLOYEE'S
26 INQUIRY, ON WHOSE BEHALF THE PERSON CONDUCTING THE SURVEILLANCE
27 WAS ACTING.
28

29 (II) THE INSURER OR EMPLOYER SHALL DESTROY ALL MATERIALS
30 COLLECTED DURING THE SURVEILLANCE NO LATER THAN FIVE YEARS
31 AFTER RESOLUTION OF THE CLAIM UNLESS THE MATERIALS ARE
32 REASONABLY NECESSARY TO RESOLVE AN ONGOING CLAIM OF FRAUD."
33

34 Renumber succeeding section accordingly."
35
36
37

38 **HB10-1053** be amended as follows, and as so amended, be referred to
39 the Committee of the Whole with favorable
40 recommendation:
41

42 Amend the Health and Human Services Committee Report, dated,
43 February 8, 2010, page 4, strike lines 9 through 13 and substitute "IS
44 AUTHORIZED TO SEEK ANY NECESSARY FEDERAL AUTHORIZATION TO
45 IMPLEMENT THE PROGRAM. IF FEDERAL AUTHORIZATION TO IMPLEMENT
46 THE PROGRAM IS OBTAINED, THE STATE DEPARTMENT SHALL REQUEST,
47 THROUGH THE STATE BUDGET PROCESS, THAT THE PROGRAM BE
48 IMPLEMENTED. THE STATE".
49

50 Page 7 of the committee report, line 9, strike "JOINT BUDGET COMMITTEE"
51 and substitute "STATE DEPARTMENT".
52

53 Page 7 of the committee report, strike lines 13 and 14 and substitute "THE
54 CARE PROVIDED, THE STATE DEPARTMENT MAY REQUEST, THROUGH THE
55 STATE BUDGET PROCESS, THAT THE CHANGES BE IMPLEMENTED OR MAY
56 RECOMMEND LEGISLATION TO THE HEALTH AND HUMAN SERVICES

1 COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY
2 SUCCESSOR COMMITTEES, TO IMPLEMENT THE CHANGES."

3
4 Page 7 of the committee report, after line 32, insert:

5
6 **"SECTION 5. Appropriation.** (1) In addition to any other
7 appropriation, there is hereby appropriated, to the department of health
8 care policy and financing, for allocation to the executive director's office,
9 general professional services and special projects, for the fiscal year
10 beginning July 1, 2010, the sum of seventy-five thousand dollars
11 (\$75,000), or so much thereof as may be necessary, for the
12 implementation of this act. Of said sum, thirty-seven thousand five
13 hundred dollars (\$37,500) shall be from the department of health care
14 policy and financing cash fund created in section 25.5-1-109, C.R.S., and
15 thirty-seven thousand five hundred dollars (\$37,500) shall be from federal
16 funds.

17
18 (2) In addition to any other appropriation, there is hereby
19 appropriated, to the department of human services, for allocation to the
20 executive director's office, for the fiscal year beginning July 1, 2010, the
21 sum of two hundred thousand dollars (\$200,000), or so much thereof as
22 may be necessary, for the implementation of this act. Said sum shall be
23 from the older Coloradans study cash fund created in section 26-11-205.7
24 (1) (b) (I), C.R.S."

25
26 Renumber succeeding section accordingly.

27
28 Page 8 of the committee report, after line 8, insert:

29
30 "Page 1, of the printed bill, line 101, strike "SAVINGS." and substitute,
31 "SAVINGS, AND MAKING AN APPROPRIATION THEREFOR."."

32
33
34
35 **HB10-1128** be amended as follows, and as so amended, be referred to
36 the Committee of the Whole with favorable
37 recommendation:

38
39 Amend printed bill, page 34, after line 6 insert:

40
41 **"SECTION 30. Appropriations in 2010 long bill to be**
42 **adjusted.** For the implementation of this act, appropriations made in the
43 annual general appropriation act for the fiscal year beginning July 1,
44 2010, shall be adjusted as follows:

45
46 (1) The appropriation to the department of regulatory agencies,
47 division of registrations, is decreased by thirty-five thousand eight
48 hundred eighty-seven dollars (\$35,887) cash funds. Said sum shall be
49 from the division of registrations cash fund created in section 24-34-105
50 (2) (b) (I), Colorado Revised Statutes.

51
52 (2) The appropriation to the department of law is decreased by nine
53 thousand seven hundred ninety-nine dollars (\$9,799) . Said sum shall be
54 from reappropriated funds received from the department of regulatory
55 agencies out of the appropriation made in subsection (1) of this section."

56

1 Renumber succeeding sections accordingly.

2
3 Page 2, line 108, strike "AGENTS." and substitute "AGENTS, AND MAKING
4 AN APPROPRIATION THEREFOR."

5
6
7
8 **HB10-1131** be referred to the Committee of the Whole with favorable
9 recommendation.

10
11
12 **HB10-1240** be referred to the Committee of the Whole with favorable
13 recommendation.

14
15
16
17
18 **EDUCATION**

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

21
22 **HB10-1206** be referred to the Committee of the Whole with favorable
23 recommendation.

24
25
26 **HB10-1254** be postponed indefinitely.

27
28
29 **HB10-1273** be amended as follows, and as so amended, be referred to
30 the Committee of the Whole with favorable
31 recommendation:

32
33 Amend printed bill, page 4, after line 9 insert:

34
35 "(a) "COURSE" INCLUDES, BUT NEED NOT BE LIMITED TO, A
36 TRADITIONAL CLASS, AN ON-LINE COURSE OF STUDY, AN INTERNSHIP, AN
37 EXTERNSHIP, A MENTOR EXPERIENCE, OR AN INDEPENDENT STUDY COURSE
38 THAT CULMINATES IN AN INTEGRATIVE OR SPECIALIZED PERFORMANCE,
39 SHOWCASE, OR EXHIBITION."

40
41 Reletter succeeding paragraphs accordingly.

42
43 Page 4, line 21, strike "CLASSES" and substitute "COURSES".

44
45 Page 4, line 22, strike "CLASSES" and substitute "COURSES".

46
47 Page 4, line 27, strike "CLASSES," and substitute "COURSES,".

48
49 Page 5, strike lines 5 through 9 and substitute:

50
51 "(3) FOR STUDENTS WHO ENROLL IN NINTH GRADE ON OR AFTER
52 JULY 1, 2010, EACH PUBLIC SCHOOL IN THE STATE THAT INCLUDES
53 TWELFTH GRADE SHALL REQUIRE, AS A CONDITION OF HIGH SCHOOL
54 GRADUATION, THAT EACH STUDENT SUCCESSFULLY COMPLETE AT LEAST
55 ONE COURSE IN VISUAL ARTS OR PERFORMING ARTS, WHICH COURSE IS
56 BASED ON THE CONTENT STANDARDS FOR VISUAL ARTS OR PERFORMING

1 ARTS, WHICHEVER IS APPLICABLE."

2

3 Page 5, line 27, strike "(a)." and substitute "(b)."

4

5 Page 6, line 2, strike "(b)." and substitute "(c)."

6

7 Page 8, line 3, strike "(a)." and substitute "(b)."

8

9 Page 8, line 5, strike "(b)." and substitute "(c)."

10

11 Page 10, strike lines 5 through 17 and substitute:

12 "SECTION 13. 22-14-109 (2) (b) (V) (H) and (2) (b) (V) (I),
13 Colorado Revised Statutes, are amended, and the said 22-14-109 (2) (b)
14 (V) is further amended BY THE ADDITION OF A NEW
15 SUB-SUBPARAGRAPH, to read:

16

17 **22-14-109. Student re-engagement grant program - rules -**
18 **application - grants - fund created - report.** (2) The state board shall
19 adopt rules pursuant to the "State Administrative Procedure Act", article
20 4 of title 24, C.R.S., for implementing the grant program. At a minimum,
21 the rules shall include:

22

23 (b) The information to be included on grant applications,
24 including at a minimum:

25

26 (V) A description of the local education provider's policies and
27 practices related to:

28

29 (H) Innovations to address barriers to school engagement and
30 success; ~~and~~

31

32 (I) Transference of student records to and receipt of student
33 records from other local education providers; AND

34

35 (J) STUDENT PARTICIPATION IN AND THE AVAILABILITY OF VISUAL
36 ARTS AND PERFORMING ARTS EDUCATION."

37

38 Page 11, line 22, strike "(a)." and substitute "(b)."

39

40 Page 11, line 24, strike "(b)." and substitute "(c)."

41

42 Page 12, line 5, strike "(b)," and substitute "(c)."

43

44 Page 12, line 6, strike "(a)," and substitute "(b)."

45

46

47

48 **HB10-1335** be amended as follows, and as so amended, be referred to
49 the Committee on Appropriations with favorable
50 recommendation:

51

52 Amend printed bill, page 2, line 13, strike "ONLY".

53

54 Page 6, strike line 27 and substitute "AUTHORITY, WHICH OPERATIONS
55 INCLUDE, BUT ARE NOT LIMITED TO, ADMINISTRATIVE FUNCTIONS
56 RELATING TO ITS OPERATIONS AS A SCHOOL FOOD AUTHORITY."

1 **HEALTH & HUMAN SERVICES**

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

4
5 **HB10-1103** be amended as follows, and as so amended, be referred to
6 the Committee on Finance with favorable
7 recommendation:
8

9 Amend printed bill, page 3, line 19, strike "THREE MONTHS" and substitute
10 "ONE YEAR".

11
12 Page 4, line 26, strike "ONE" and substitute "FOUR".
13

14 Page 5, line 14, before "PHYSICIAN" insert "RESPITE CARE BUT NOT
15 INCLUDING EMERGENCY RESPITE CARE,".
16

17 Page 5, line 23, strike "NINE" and substitute "ELEVEN".
18

19 Page 6, line 2, strike "SIX" and substitute "EIGHT".
20

21 Page 6, line 7, strike "AND".
22

23 Page 6, after line 9 insert:
24

25 "(D) A REPRESENTATIVE FROM THE INSURANCE INDUSTRY; AND
26

27 (E) A REPRESENTATIVE FROM THE BUSINESS COMMUNITY.".
28

29 Page 8, after line 7 insert:
30

31 "(VII) TO IDENTIFY OTHER SOURCES OF INCOME TO CONTRIBUTE
32 TO THE FUND THROUGH GIFTS, GRANTS, AND DONATIONS;".
33

34 Renumber succeeding subparagraphs accordingly.
35

36 Page 8, strike line 16 and substitute "CHARGE AN ASSESSMENT ON HEALTH
37 AND DENTAL POLICIES FOR EACH".
38

39 Page 8, line 17, strike "PERSON" and substitute "LIFE".
40

41 Page 9, strike lines 5 and 6 and substitute "SHALL CHARGE AN
42 ASSESSMENT ON HEALTH AND DENTAL POLICIES FOR EACH COVERED LIFE
43 IN THE STATE. THE CARRIERS SHALL TRANSMIT THE MONEYS COLLECTED
44 TO THE STATE TREASURER WHO SHALL DEPOSIT THE MONEYS IN".
45

46
47
48 **HB10-1142** be postponed indefinitely.
49

50
51 **HB10-1149** be amended as follows, and as so amended, be referred to
52 the Committee on Appropriations with favorable
53 recommendation:
54

55 Amend printed bill, page 9, line 14, strike "schedule" and substitute
56 "schedule, IN ACCORDANCE WITH SECTION 24-4-103, C.R.S.,".

- 1 Page 9, line 17, strike "BOARD;" and substitute "BOARD, WHICH FEES
2 SHALL BE PAID BY THE APPLICANTS OR SERVICE COMPANIES;".
3
- 4 Page 10, line 1, before "DIRECT" insert "ACTUAL".
5
- 6 Page 15, line 2, before "**cease-and-desist**" insert "**rules -**".
7
- 8 Page 16, strike lines 6 and 7 and substitute "SEND".
9
- 10 Page 16, line 11, strike "~~and~~" and substitute "and".
11
- 12 Page 16, line 13, strike "violated; AND" and substitute "violated."
13
- 14 Page 16, strike lines 14 through 27.
15
- 16 Page 17, strike lines 1 though 23.
17
- 18 Page 18, line 5, strike "violation, ~~and~~" and substitute "violation and".
19
- 20 Page 18, line 6, strike everything after "CORRECTIVE" and substitute
21 "MEASURES."
22
- 22 Page 18, strike line 7.
23
- 24 Page 18, strike line 14 and substitute:
25
- 26 "(IV) AFTER CONSIDERATION OF ANY".
27
- 28 Page 18, line 16, strike "VIOLATION, AND, IF" and substitute "VIOLATION."
29
- 30 Page 18, strike lines 17 and 18 and substitute "ANY REMAINING
31 CORRECTIVE MEASURES THAT ARE NECESSARY, AND ANY ADMINISTRATIVE
32 PENALTY DETERMINED TO BE APPROPRIATE, WILL BE INCORPORATED INTO
33 AN ADMINISTRATIVE ORDER.
34
- 35 (c.3) IN DETERMINING THE AMOUNT OF ANY ADMINISTRATIVE
36 PENALTY, THE DEPARTMENT SHALL CONSIDER THE FOLLOWING FACTORS:
37
- 38 (A) THE SERIOUSNESS OF THE VIOLATION;
39
- 40 (B) WHETHER THE VIOLATION WAS INTENTIONAL, RECKLESS, OR
41 NEGLIGENT;
42
- 43 (C) THE IMPACT ON, OR THREAT TO, THE PUBLIC HEALTH OR THE
44 ENVIRONMENT AS A RESULT OF THE VIOLATION;
45
- 46 (D) THE DEGREE OF RECALCITRANCE, IF ANY, ON THE PART OF THE
47 VIOLATOR;
48
- 49 (E) WHETHER THE VIOLATOR IS A RECIDIVIST;
50
- 51 (F) THE ECONOMIC BENEFIT REALIZED BY THE VIOLATOR AS A
52 RESULT OF THE VIOLATION;
53
- 54 (G) THE VIOLATOR'S VOLUNTARY, TIMELY, AND COMPLETE
55 DISCLOSURE OF THE VIOLATION, IF PRIOR TO THE DEPARTMENT'S
56 KNOWLEDGE OF THE VIOLATION, AND IF ALL REPORTS REQUIRED PURSUANT

1 TO STATE ENVIRONMENTAL CONTROL LAWS HAVE BEEN SUBMITTED AS
2 REQUIRED;

3
4 (H) THE VIOLATOR'S FULL AND PROMPT COOPERATION WITH THE
5 DEPARTMENT FOLLOWING DISCLOSURE OR DISCOVERY OF A VIOLATION,
6 INCLUDING, WHEN APPROPRIATE, ENTERING INTO AND IMPLEMENTING, IN
7 GOOD FAITH, A LEGALLY ENFORCEABLE AGREEMENT WITH THE
8 DEPARTMENT TO UNDERTAKE COMPLIANCE AND REMEDIATION EFFORTS;

9
10 (I) THE EXISTENCE OF A COMPREHENSIVE REGULATORY
11 COMPLIANCE PROGRAM OR AN AUDIT PROGRAM THAT THE VIOLATOR
12 ADOPTED IN GOOD FAITH AND IN A TIMELY MANNER, WHICH PROGRAM
13 INCLUDES MEASURES DETERMINED BY THE DEPARTMENT TO BE SUFFICIENT
14 TO IDENTIFY AND PREVENT FUTURE NONCOMPLIANCE; AND

15
16 (J) ANY OTHER AGGRAVATING OR MITIGATING CIRCUMSTANCE.

17
18 (c.5) IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., AND
19 BASED UPON THE FACTORS ENUMERATED IN PARAGRAPH (c.3) OF THIS
20 SUBSECTION (5), THE STATE BOARD SHALL ADOPT RULES FOR
21 DETERMINING ADMINISTRATIVE PENALTIES IMPOSED UNDER THIS
22 SUBSECTION (5).

23
24 (c.7) THE DEPARTMENT MAY COMPROMISE, MITIGATE, OR REMIT
25 AN ADMINISTRATIVE PENALTY IMPOSED PURSUANT TO THIS SUBSECTION
26 (5). THE DEPARTMENT MAY ENTER INTO A SETTLEMENT AGREEMENT
27 REGARDING ANY PENALTY OR CLAIM RESOLVED UNDER THIS PART 1. THE
28 SETTLEMENT AGREEMENT MAY INCLUDE THE PAYMENT OR CONTRIBUTION
29 OF MONEYS TO STATE OR LOCAL AGENCIES FOR OTHER ENVIRONMENTALLY
30 BENEFICIAL PURPOSES."

31
32 Page 18, strike line 27 and substitute "CIRCUMSTANCES WARRANT,".

33
34 Page 21, line 14, strike "(b.5)" and substitute "(c.3)".

35
36 Page 22, line 18, strike "~~including such as are~~ OR MINERALS" and
37 substitute "including such as are".

38
39 Page 23, strike lines 2 through 22.

40
41 Renumber succeeding section accordingly.

42
43
44
45 **HB10-1260** be amended as follows, and as so amended, be referred to
46 the Committee on Appropriations with favorable
47 recommendation:

48
49 Amend printed bill, page 7, strike lines 4 through 27.

50
51 Strike pages 8 through 10.

52
53 Page 11, strike lines 1 through 7 and substitute:

54
55 "SECTION 6. 25-3.5-103, Colorado Revised Statutes, is
56 amended BY THE ADDITION OF A NEW SUBSECTION to read:

1 **25-3.5-103. Definitions.** As used in this article, unless the context
2 otherwise requires:

3
4 (7.5) "EMERGENCY MEDICAL PRACTICE ADVISORY COUNCIL" OR
5 "ADVISORY COUNCIL" MEANS THE EMERGENCY MEDICAL PRACTICE
6 ADVISORY COUNCIL CREATED IN SECTION 25-3.5-206.

7
8 **SECTION 7.** 25-3.5-201 (1), Colorado Revised Statutes, is
9 amended to read:

10
11 **25-3.5-201. Training programs.** (1) The department shall
12 design and establish specialized curricula for personnel who respond
13 routinely to emergencies. ~~Each curriculum shall be approved by the~~
14 ~~council in consultation with the state board of medical examiners.~~ The
15 board of county commissioners may select from the various curricula
16 available those courses meeting the minimum requirements established
17 by said board.

18
19 **SECTION 8.** 25-3.5-203 (1) (a), Colorado Revised Statutes, is
20 amended, and the said 25-3.5-203 (1) is further amended BY THE
21 ADDITION OF A NEW PARAGRAPH, to read:

22
23 **25-3.5-203. Emergency medical technicians - certification -**
24 **renewal of certificate - duties of department - rules - criminal history**
25 **record checks - repeal.** (1) (a) (I) PRIOR TO JANUARY 1, 2011, the duties
26 and functions of emergency medical technicians, including the acts that
27 they are authorized to perform subject to the medical direction of a
28 licensed physician, shall be regulated by rules adopted by the Colorado
29 state MEDICAL board. ~~of medical examiners.~~ The council shall advise and
30 make recommendations to said board concerning such rules before final
31 adoption.

32
33 (II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JANUARY 1,
34 2011.

35
36 (a.5) ON AND AFTER JANUARY 1, 2011, THE EXECUTIVE DIRECTOR
37 OR CHIEF MEDICAL OFFICER SHALL REGULATE THE ACTS EMERGENCY
38 MEDICAL TECHNICIANS ARE AUTHORIZED TO PERFORM SUBJECT TO THE
39 MEDICAL DIRECTION OF A LICENSED PHYSICIAN. THE EXECUTIVE
40 DIRECTOR OR CHIEF MEDICAL OFFICER, AFTER CONSIDERING THE ADVICE
41 AND RECOMMENDATIONS OF THE ADVISORY COUNCIL, SHALL ADOPT AND
42 REVISE RULES, AS NECESSARY, REGARDING THE REGULATION OF
43 EMERGENCY MEDICAL TECHNICIANS AND THEIR DUTIES AND FUNCTIONS.
44 THE EXECUTIVE DIRECTOR OR CHIEF MEDICAL OFFICER MAY ADOPT THE
45 RULES PRIOR TO JANUARY 1, 2011, BUT THE RULES SHALL NOT TAKE
46 EFFECT UNTIL JANUARY 1, 2011, OR LATER.

47
48 **SECTION 9.** 25-3.5-205 (5) (a), Colorado Revised Statutes, is
49 amended to read:

50
51 **25-3.5-205. Emergency medical technicians - investigations -**
52 **discipline.** (5) For the purposes of this section:

53
54 (a) "Medical director" means a physician who supervises certified
55 emergency medical technicians consistent with the rules adopted ~~by the~~
56 ~~board of medical examiners~~ BY THE EXECUTIVE DIRECTOR OR CHIEF

1 MEDICAL OFFICER, AS APPLICABLE, PURSUANT TO SECTION 25-3.5-206.

2
3 **SECTION 10.** Part 2 of article 3.5 of title 25, Colorado Revised
4 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
5 read:

6
7 **25-3.5-206. Emergency medical practice advisory council -**
8 **creation - powers and duties - emergency medical technician scope of**
9 **practice rules.** (1) THERE IS HEREBY CREATED WITHIN THE
10 DEPARTMENT, AS A TYPE 2 ENTITY UNDER THE DIRECTION OF THE
11 EXECUTIVE DIRECTOR OF THE DEPARTMENT, THE EMERGENCY MEDICAL
12 PRACTICE ADVISORY COUNCIL, REFERRED TO IN THIS PART 2 AS THE
13 "ADVISORY COUNCIL". THE ADVISORY COUNCIL IS RESPONSIBLE FOR
14 ADVISING THE DEPARTMENT REGARDING THE APPROPRIATE SCOPE OF
15 PRACTICE FOR EMERGENCY MEDICAL TECHNICIANS CERTIFIED PURSUANT
16 TO SECTION 25-3.5-203.

17
18 (2) (a) THE EMERGENCY MEDICAL PRACTICE ADVISORY COUNCIL
19 SHALL CONSIST OF THE FOLLOWING ELEVEN MEMBERS:

20
21 (I) EIGHT VOTING MEMBERS APPOINTED BY THE GOVERNOR AS
22 FOLLOWS:

23
24 (A) TWO PHYSICIANS LICENSED IN GOOD STANDING IN COLORADO
25 WHO ARE ACTIVELY SERVING AS EMERGENCY MEDICAL SERVICE MEDICAL
26 DIRECTORS AND ARE PRACTICING IN RURAL OR FRONTIER COUNTIES;

27
28 (B) TWO PHYSICIANS LICENSED IN GOOD STANDING IN COLORADO
29 WHO ARE ACTIVELY SERVING AS EMERGENCY MEDICAL SERVICE MEDICAL
30 DIRECTORS AND ARE PRACTICING IN URBAN COUNTIES;

31
32 (C) ONE PHYSICIAN LICENSED IN GOOD STANDING IN COLORADO
33 WHO IS ACTIVELY SERVING AS AN EMERGENCY MEDICAL SERVICE MEDICAL
34 DIRECTOR IN ANY AREA OF THE STATE;

35
36 (D) ONE EMERGENCY MEDICAL TECHNICIAN CERTIFIED AT AN
37 ADVANCED LIFE SUPPORT LEVEL WHO IS ACTIVELY INVOLVED IN THE
38 PROVISION OF EMERGENCY MEDICAL SERVICES;

39
40 (E) ONE EMERGENCY MEDICAL TECHNICIAN CERTIFIED AT A BASIC
41 LIFE SUPPORT LEVEL WHO IS ACTIVELY INVOLVED IN THE PROVISION OF
42 EMERGENCY MEDICAL SERVICES; AND

43
44 (F) ONE EMERGENCY MEDICAL TECHNICIAN CERTIFIED AT ANY
45 LEVEL WHO IS ACTIVELY INVOLVED IN THE PROVISION OF EMERGENCY
46 MEDICAL SERVICES;

47
48 (II) ONE VOTING MEMBER WHO, AS OF THE EFFECTIVE DATE OF
49 THIS SECTION, IS A MEMBER OF THE STATE EMERGENCY MEDICAL AND
50 TRAUMA SERVICES ADVISORY COUNCIL, APPOINTED BY THE EXECUTIVE
51 DIRECTOR OF THE DEPARTMENT; AND

52
53 (III) TWO NONVOTING EX OFFICIO MEMBERS APPOINTED BY THE
54 EXECUTIVE DIRECTOR OF THE DEPARTMENT.

55
56 (b) MEMBERS OF THE ADVISORY COUNCIL SHALL SERVE

1 FOUR-YEAR TERMS; EXCEPT THAT, OF THE MEMBERS INITIALLY APPOINTED
2 TO THE ADVISORY COUNCIL BY THE GOVERNOR, FOUR MEMBERS SHALL
3 SERVE THREE-YEAR TERMS. A VACANCY ON THE ADVISORY COUNCIL
4 SHALL BE FILLED BY APPOINTMENT BY THE APPOINTING AUTHORITY FOR
5 THAT VACANT POSITION FOR THE REMAINDER OF THE UNEXPIRED TERM.
6 MEMBERS SERVE AT THE PLEASURE OF THE APPOINTING AUTHORITY AND
7 CONTINUE IN OFFICE UNTIL THE MEMBER'S SUCCESSOR IS APPOINTED.

8
9 (c) MEMBERS OF THE ADVISORY COUNCIL SHALL SERVE WITHOUT
10 COMPENSATION BUT SHALL BE REIMBURSED FROM THE EMERGENCY
11 MEDICAL SERVICES ACCOUNT, CREATED IN SECTION 25-3.5-603, FOR THEIR
12 ACTUAL AND NECESSARY TRAVEL EXPENSES INCURRED IN THE
13 PERFORMANCE OF THEIR DUTIES UNDER THIS ARTICLE.

14
15 (d) THE ADVISORY COUNCIL SHALL ELECT A CHAIR AND
16 VICE-CHAIR FROM ITS MEMBERS.

17
18 (e) THE ADVISORY COUNCIL SHALL MEET AT LEAST QUARTERLY
19 AND MORE FREQUENTLY AS NECESSARY TO FULFILL ITS OBLIGATIONS.

20
21 (f) THE DEPARTMENT SHALL PROVIDE STAFF SUPPORT TO THE
22 ADVISORY COUNCIL.

23
24 (g) AS USED IN THIS SUBSECTION (2), "LICENSED IN GOOD
25 STANDING" MEANS THAT THE PHYSICIAN HOLDS A CURRENT, VALID
26 LICENSE TO PRACTICE MEDICINE IN COLORADO THAT IS NOT SUBJECT TO
27 ANY RESTRICTIONS.

28
29 (3) THE ADVISORY COUNCIL SHALL PROVIDE GENERAL TECHNICAL
30 EXPERTISE ON MATTERS RELATED TO THE PROVISION OF PATIENT CARE BY
31 EMERGENCY MEDICAL TECHNICIANS AND SHALL ADVISE OR MAKE
32 RECOMMENDATIONS TO THE DEPARTMENT IN THE FOLLOWING AREAS:

33
34 (a) THE ACTS AND MEDICATIONS THAT CERTIFIED EMERGENCY
35 MEDICAL TECHNICIANS AT EACH LEVEL OF CERTIFICATION ARE
36 AUTHORIZED TO PERFORM OR ADMINISTER UNDER THE DIRECTION OF A
37 PHYSICIAN MEDICAL DIRECTOR;

38
39 (b) REQUESTS FOR WAIVERS TO THE SCOPE OF PRACTICE RULES
40 ADOPTED PURSUANT TO THIS SECTION AND SECTION 25-3.5-203 (1) (a.5);

41
42 (c) MODIFICATIONS TO EMERGENCY MEDICAL TECHNICIAN
43 CERTIFICATION LEVELS AND CAPABILITIES; AND

44
45 (d) CRITERIA FOR PHYSICIANS TO SERVE AS EMERGENCY MEDICAL
46 SERVICE MEDICAL DIRECTORS.

47
48 (4) (a) THE EXECUTIVE DIRECTOR OR, IF THE EXECUTIVE DIRECTOR
49 IS NOT A PHYSICIAN, THE CHIEF MEDICAL OFFICER SHALL ADOPT RULES IN
50 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., CONCERNING THE
51 SCOPE OF PRACTICE OF EMERGENCY MEDICAL TECHNICIANS FOR
52 PREHOSPITAL CARE. THE RULES SHALL INCLUDE, BUT NOT BE LIMITED TO,
53 THE FOLLOWING:

54
55 (I) ALLOWABLE ACTS FOR EACH LEVEL OF EMERGENCY MEDICAL
56 TECHNICIAN CERTIFICATION AND THE MEDICATIONS THAT EACH LEVEL OF

1 EMERGENCY MEDICAL TECHNICIAN CERTIFICATION CAN ADMINISTER;

2
3 (II) DEFINING THE PHYSICIAN MEDICAL DIRECTION THAT IS
4 REQUIRED FOR APPROPRIATE OVERSIGHT OF AN EMERGENCY MEDICAL
5 TECHNICIAN BY AN EMERGENCY MEDICAL SERVICES MEDICAL DIRECTOR;

6
7 (III) CRITERIA FOR REQUESTS TO WAIVE THE SCOPE OF PRACTICE
8 RULES AND THE CONDITIONS FOR SUCH WAIVERS; AND

9
10 (IV) MINIMUM STANDARDS FOR PHYSICIANS TO BE EMERGENCY
11 MEDICAL SERVICES MEDICAL DIRECTORS.

12
13 (b) RULES ADOPTED PURSUANT TO THIS SUBSECTION (4)
14 SUPERSEDE ANY RULES OF THE COLORADO MEDICAL BOARD REGARDING
15 THE MATTERS SET FORTH IN THIS SUBSECTION (4).

16
17 **SECTION 11.** 25-3.5-603 (3) (c) (I), Colorado Revised Statutes,
18 is amended to read:

19
20 **25-3.5-603. Emergency medical services account - creation -**
21 **allocation of funds.** (3) On and after July 1, 2002, moneys in the
22 emergency medical services account shall be appropriated:

23
24 (c) To the direct and indirect costs of planning, developing,
25 implementing, maintaining, and improving the statewide emergency
26 medical and trauma services system. Such costs shall include:

27
28 (I) Providing technical assistance and support to local
29 governments, local emergency medical and trauma service providers, and
30 RETACs operating a statewide data collection system, coordinating local
31 and state programs, providing assistance in selection and purchasing of
32 medical and communication equipment, ~~and~~ administering the EMTS
33 grant program, AND ESTABLISHING AND MAINTAINING SCOPE OF PRACTICE
34 FOR CERTIFIED MEDICAL TECHNICIANS; and

35
36 **SECTION 12.** 25-3.5-706, Colorado Revised Statutes, is
37 amended to read:

38
39 **25-3.5-706. Immunity from liability.** The department, the board,
40 the council as defined in section 25-3.5-703 (3.5), a RETAC as defined
41 in section 25-3.5-703 (6.8), THE EMERGENCY MEDICAL PRACTICE
42 ADVISORY COUNCIL CREATED IN SECTION 25-3.5-206, key resource
43 facilities, any other public or private entity acting on behalf of or under
44 contract with the department, and counties and cities and counties shall
45 be immune from civil and criminal liability and from regulatory sanction
46 for acting in compliance with the provisions of this part 7. Nothing in
47 this section shall be construed as providing any immunity to such entities
48 or any other person in connection with the provision of medical treatment,
49 care, or services that are governed by the medical malpractice statutes,
50 article 64 of title 13, C.R.S.

51
52 **SECTION 13.** 12-36-106 (3), Colorado Revised Statutes, is
53 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

54
55 **12-36-106. Practice of medicine defined - exemptions from**
56 **licensing requirements - unauthorized practice by physician**

1 **assistants - penalties - repeal.** (3) Nothing in this section shall be
2 construed to prohibit, or to require a license or a physician training license
3 under this article with respect to, any of the following acts:
4

5 (w) THE RENDERING OF SERVICES BY AN EMERGENCY MEDICAL
6 TECHNICIAN CERTIFIED PURSUANT TO SECTION 25-3.5-203, C.R.S., AS
7 LONG AS THE SERVICES RENDERED ARE CONSISTENT WITH RULES ADOPTED
8 BY THE EXECUTIVE DIRECTOR OR CHIEF MEDICAL OFFICER, AS APPLICABLE,
9 PURSUANT TO SECTION 25-3.5-206, C.R.S., DEFINING THE DUTIES AND
10 FUNCTIONS OF EMERGENCY MEDICAL TECHNICIANS."
11

12 Renumber succeeding sections accordingly.
13

14 Page 11, line 16, strike "and".
15

16 Page 11, after line 16 insert:
17

18 "(B) ONE MEMBER LICENSED UNDER THIS ARTICLE AS A PHYSICIAN
19 ASSISTANT; and".
20

21 Page 11, line 17, strike "(B) ~~four~~ FIVE" and substitute "(C) Four".
22

23 Page 11, line 25, strike "PUBLIC MEMBER" and substitute "PHYSICIAN
24 ASSISTANT".
25

26 Page 12, line 3, strike "PUBLIC MEMBER" and substitute "PHYSICIAN
27 ASSISTANT".
28

29 Page 12, line 10, after "licensed" insert "IN GOOD STANDING".
30

31 Page 13, line 14, strike "Regular meetings" and substitute "~~Regular~~
32 Meetings".
33

34 Page 13, line 15, strike "either panel," and substitute "~~either~~ ANY panel"
35 and strike "section 12-36-118," and substitute "~~section 12-36-118~~, THIS
36 ARTICLE".
37

38 Page 15, line 8, strike "PERSON," and substitute "PERSON OR UPON
39 CREDIBLE EVIDENCE IN A MOTION OF THE LICENSING PANEL,".
40

41 Page 18, line 21, strike "person," and substitute "person OR IN ITS OWN
42 MOTION,".
43

44 Page 18, line 27, strike "~~or~~" and substitute "or".
45

46 Page 19, line 24, strike "DIRECTOR" and substitute "AMENDMENT SHALL
47 NOT TAKE EFFECT.".
48

49 Page 19, strike lines 25 through 27.
50

51 Page 20, strike lines 1 through 4.
52

53 Page 21, line 9, strike "DIRECTOR" and substitute "AMENDMENT SHALL
54 NOT TAKE EFFECT.".
55

56 Page 21, strike lines 10 through 16.

1 Page 23, after line 3 insert:

2

3 "(6) THE BOARD MAY REFRAIN FROM ISSUING A PRO BONO LICENSE
4 IN ACCORDANCE WITH SECTION 12-36-116."

5

6 Renumber succeeding subsection accordingly.

7

8 Page 26, line 10, strike "(3) (b) and (5) (b) (I)," and substitute "(3) (b), (5)
9 (b) (I), and (5) (b) (II) (B),".

10

11 Page 28, line 16, strike "THREE" and substitute "FOUR".

12

13 Page 28, line 19, strike "THREE" and substitute "FOUR".

14

15 Page 28, after line 22 insert:

16

17 "(II) For purposes of this subsection (5), "personal and responsible
18 direction and supervision" means that the direction and supervision of a
19 physician assistant ~~must be~~ IS personally rendered by a licensed physician
20 practicing in the state of Colorado and IS not RENDERED through
21 intermediaries. The extent of direction and supervision shall be
22 determined by rules ~~and regulations~~ promulgated by the board and as
23 otherwise provided in this paragraph (b); except that, when a physician
24 assistant is performing a delegated medical function in an acute care
25 hospital, the board shall allow supervision and direction to be performed
26 without the physical presence of the physician during the time the
27 delegated medical functions are being implemented if:

28

29 (B) The licensed supervising physician reviews the quality of
30 medical services rendered by the physician assistant ~~every two working~~
31 ~~days~~ by reviewing the medical records to assure compliance with the
32 physicians' directions; and".

33

34 Page 32, line 19, strike "AND DETERMINE".

35

36 Page 33, line 2, strike "BOARD AND CONSISTENT WITH ANY" and substitute
37 "BOARD."

38

39 Page 33, strike line 3.

40

41 Page 33, line 9, strike "BOARD" and substitute "PARTIES" and after
42 "MODIFY" insert "OR DISSOLVE".

43

44 Page 33, line 10, strike "IF THE".

45

46 Page 33, strike lines 11 through 18.

47

48 Page 36, line 6, strike "and (3)," and substitute "(3), and (4),".

49

50 Page 39, after line 12 insert:

51

52 ~~"(4) Each physician, dentist, or health care institution, subject to~~
53 ~~the provisions of this section, shall pay, in addition to any license fee,~~
54 ~~certification fee, or fee for such other authority, an additional fee in an~~
55 ~~amount to be determined by the appropriate authority which issues or~~
56 ~~administers such license, certification, or other authority, not to exceed~~

1 ~~fifteen dollars. Such fee shall be transmitted to the state treasurer, who~~
2 ~~shall credit the same to the division of registrations cash fund, which~~
3 ~~moneys shall be used exclusively for the purposes of this article as~~
4 ~~annually appropriated by the general assembly."~~

5
6 Page 48, strike line 17 and substitute "amended to read:".

7
8 Page 48, line 18, strike "(a)".

9
10 Page 48, strike lines 26 and 27.

11
12 Page 49, strike lines 1 through 5.

13
14 Page 56, line 11, after "association," insert "OR THE SUCCESSOR OF EITHER
15 ENTITY,".

16
17 Page 59, after line 7 insert:

18
19 "SECTION 46. 12-36-134 (1) (b) and (1) (d), the introductory
20 portion to 12-36-134 (1) (g), and 12-36-134 (1) (g) (I), (1) (g) (II), (1) (g)
21 (III), (3), (4), and (5), Colorado Revised Statutes, are amended to read:

22
23 **12-36-134. Professional service corporations, limited liability**
24 **companies, and registered limited liability partnerships for the**
25 **practice of medicine - definitions.** (1) Persons licensed to practice
26 medicine by the board may form professional service corporations for
27 such persons' practice of medicine under the "Colorado Business
28 Corporation Act", articles 101 to 117 of title 7, C.R.S., if such
29 corporations are organized and operated in accordance with the
30 provisions of this section. The articles of incorporation of such
31 corporations shall contain provisions complying with the following
32 requirements:

33
34 (b) The corporation ~~shall be~~ IS organized solely for the purpose of
35 permitting individuals to conduct the practice of medicine through a
36 corporate entity, so long as all the individuals are actively licensed ~~by the~~
37 ~~board to practice medicine~~ PHYSICIANS OR PHYSICIAN ASSISTANTS in the
38 state of Colorado.

39
40 (d) All shareholders of the corporation ~~shall be~~ ARE persons
41 licensed by the board to practice medicine in the state of Colorado ~~and~~
42 who at all times own their shares in their own right; ~~They~~ EXCEPT THAT
43 ONE OR MORE PERSONS LICENSED BY THE BOARD AS A PHYSICIAN
44 ASSISTANT MAY BE A SHAREHOLDER OF THE CORPORATION AS LONG AS
45 THE PHYSICIAN SHAREHOLDERS MAINTAIN MAJORITY OWNERSHIP OF THE
46 CORPORATION. THE SHAREHOLDERS shall be individuals who, except for
47 illness, accident, time spent in the armed services, on vacations, and on
48 leaves of absence not to exceed one year, are actively engaged in the
49 practice of medicine OR AS A PHYSICIAN ASSISTANT in the offices of the
50 corporation.

51
52 (g) The articles of incorporation ~~shall provide~~ PROVIDES and all
53 shareholders of the corporation ~~shall~~ agree that all shareholders of the
54 corporation ~~shall be~~ ARE jointly and severally liable for all acts, errors,
55 and omissions of the employees of the corporation or that all shareholders
56 of the corporation ~~shall be~~ ARE jointly and severally liable for all acts,

1 errors, and omissions of the employees of the corporation, except during
2 periods of time when each ~~person licensed by the board to practice~~
3 ~~medicine in Colorado~~ LICENSEE who is a shareholder or any employee of
4 the corporation has a professional liability policy insuring himself or
5 herself and all employees who are not licensed to ~~practice medicine~~
6 PURSUANT TO THIS ARTICLE who act at his or her direction, in the amount
7 of fifty thousand dollars for each claim and an aggregate top limit of
8 liability per year for all claims of one hundred fifty thousand dollars, or
9 the corporation maintains in good standing professional liability insurance
10 ~~which shall meet~~ THAT MEETS the following minimum standards:

11
12 (I) The insurance ~~shall insure~~ INSURES the corporation against
13 liability imposed upon the corporation by law for damages resulting from
14 any claim made against the corporation arising out of the performance of
15 professional services for others by those officers and employees of the
16 corporation who are ~~licensed by the board to practice medicine~~
17 LICENSEES.

18
19 (II) ~~Such~~ THE policies ~~shall~~ insure the corporation against liability
20 imposed upon it by law for damages arising out of the acts, errors, and
21 omissions of all nonprofessional employees.

22
23 (III) The insurance ~~shall be~~ IS in an amount for each claim of at
24 least fifty thousand dollars multiplied by the number of ~~persons licensed~~
25 ~~to practice medicine~~ LICENSEES employed by the corporation. The policy
26 may provide for an aggregate top limit of liability per year for all claims
27 of one hundred fifty thousand dollars also multiplied by the number of
28 ~~persons licensed to practice medicine~~ LICENSEES employed by the
29 corporation, but no firm shall be required to carry insurance in excess of
30 three hundred thousand dollars for each claim with an aggregate top limit
31 of liability for all claims during the year of nine hundred thousand dollars.

32
33 (3) The corporation shall do nothing ~~which~~ THAT, if done by a
34 ~~person licensed to practice medicine in the state of Colorado,~~ LICENSEE
35 employed by it THE CORPORATION, would violate the standards of
36 professional conduct as provided for in section 12-36-117. Any violation
37 OF THIS SECTION by the corporation of ~~this section shall be~~ IS grounds for
38 the board to ~~terminate~~ REVOKE or suspend the LICENSE OF THE person or
39 persons responsible for the violation. ~~from the practice of medicine.~~

40
41 (4) Nothing in this section ~~shall be deemed to diminish or change~~
42 DIMINISHES OR CHANGES the obligation of each ~~person licensed to practice~~
43 ~~medicine~~ LICENSEE employed by the corporation to conduct his OR HER
44 practice in accordance with the standards of professional conduct
45 provided for in section 12-36-117. Any ~~person licensed by the board to~~
46 ~~practice medicine~~ LICENSEE who, by act or omission, causes the
47 corporation to act or fail to act in a way ~~which~~ THAT violates ~~such~~ THE
48 standards of professional conduct, including any provision of this section,
49 ~~shall be deemed~~ IS personally responsible for such act or omission and
50 ~~shall be~~ IS subject to discipline ~~therefor~~ FOR THE ACT OR OMISSION.

51
52 (5) Nothing in this section ~~shall be deemed to modify~~ MODIFIES
53 the physician-patient privilege specified in section 13-90-107 (1) (d),
54 C.R.S."

55
56 Renumber succeeding sections accordingly.

1 **HB10-1330** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4

5 Amend printed bill, page 2, strike line 17 and substitute "DATABASE".

6
7 Page 3, strike lines 3 and 4 and substitute:

8
9 "(II) A REPRESENTATIVE OF A STATEWIDE ASSOCIATION OF
10 HOSPITALS;"

11
12 Page 4, line 21, strike "2016." and substitute "2013".

13
14 Page 5, line 2, after "PAYERS," insert "PROVIDERS,".

15
16 Page 5, line 22, strike "PROVIDER" and substitute "OTHER PUBLICLY
17 AVAILABLE".

18
19 Page 5, line 25, strike "THE INCLUSION OF" and substitute "WHETHER TO
20 INCLUDE".

21
22 Page 6, after line 12 insert:

23
24 "(3) THE ADVISORY COMMITTEE SHALL MAKE RECOMMENDATIONS
25 TO THE EXECUTIVE DIRECTOR TO DETERMINE HOW THE ONGOING
26 OVERSIGHT OF THE OPERATIONS OF THE ALL-PAYER HEALTH CLAIMS
27 DATABASE SHOULD FUNCTION.".

28
29 Renumber succeeding subsections accordingly.

30
31 Page 6, strike lines 22 and 23 and substitute:

32
33 "(5) IF SUFFICIENT FUNDING IS RECEIVED, THE EXECUTIVE
34 DIRECTOR SHALL DIRECT THE ADMINISTRATOR TO CREATE THE DATABASE
35 AND THE ADMINISTRATOR SHALL:".

36
37 Page 6, line 24, after "COLLECTED" insert "FROM PAYERS".

38
39 Page 7, line 17, after "PUBLIC" insert "WITH RECOMMENDATIONS FROM
40 THE ADVISORY COMMITTEE".

41
42 Page 8, line 5, strike "CHANGES" and substitute "CHANGES, WITH INPUT
43 FROM THE ADVISORY COMMITTEE OR ITS SUCCESSOR GOVERNANCE
44 ENTITY,".

45
46 Page 8, line 11, strike "ADMINISTRATOR:" and substitute
47 "ADMINISTRATOR, WITH INPUT FROM THE ADVISORY COMMITTEE:".

48
49 Page 8, line 12, after "UTILIZE" insert "PUBLICLY".

50
51 Page 8, line 17, strike "A DATA SOURCE" and substitute "PAYER DATA
52 SOURCES".

53
54 Page 8, line 22, strike "NATIONAL" and substitute "NATIONAL, REGIONAL,
55 AND OTHER UNIFORM ALL-PAYER CLAIMS DATABASES".

56

1 Page 9, line 27, strike "AN ENTITY" and substitute "A PAYER".

2
3 Page 10, after line 1 insert:

4
5 "(10) THIS SECTION IS REPEALED, JANUARY 1, 2012, UNLESS THE
6 EXECUTIVE DIRECTOR NOTIFIES THE REVISOR OF STATUTES ON OR BEFORE
7 SUCH DATE THAT SUFFICIENT FUNDING TO CREATE THE DATABASE, AS
8 DETERMINED BY THE EXECUTIVE DIRECTOR, ADVISORY COMMITTEE, AND
9 ADMINISTRATOR, HAS BEEN RECEIVED THROUGH GIFTS, GRANTS, AND
10 DONATIONS.

11
12 (11) IF AT ANY TIME, THERE IS NOT SUFFICIENT FUNDING TO
13 FINANCE THE ONGOING OPERATIONS OF THE DATABASE, THE DATABASE
14 SHALL CEASE OPERATING AND THE ADVISORY COMMITTEE AND
15 ADMINISTRATOR SHALL NO LONGER HAVE THE DUTY TO CARRY OUT THE
16 FUNCTIONS REQUIRED PURSUANT TO THIS SECTION. IF THE DATABASE
17 CEASES TO OPERATE, THE DATA SUBMITTED SHALL BE DESTROYED OR
18 RETURNED TO ITS ORIGINAL SOURCE."

19
20 Page 10, line 2, strike "(cc)," and substitute "(z),".

21
22 Page 10, strike line 7 and substitute:

23
24 "(z) July 1, 2013:".

25
26 Page 10, line 8, strike "(III)" and substitute "(VI)".

27
28
29
30 **HB10-1332** be amended as follows, and as so amended, be referred to
31 the Committee on Appropriations with favorable
32 recommendation:

33
34 Amend printed bill, page 3, strike lines 5 through 8.

35
36 Renumber succeeding subsections accordingly.

37
38 Page 6, line 6, strike "(10)," and substitute "(9),".

39
40 Page 6, after line 17 insert:

41
42 "(11) "NATIONAL INITIATIVE" MEANS A NATIONAL INITIATIVE BY
43 THE AMERICAN SOCIETY FOR QUALITY OR ANOTHER NEUTRAL PARTY IN
44 THE INDUSTRY THAT BRINGS TOGETHER DIVERSE STAKEHOLDERS TO
45 CREATE A LEVEL OF UNDERSTANDING OF THE IMPACT OF CODING EDITS ON
46 THE INDUSTRY AND A UNIFORM, STANDARDIZED SET OF CLAIMED EDITS THAT
47 MEETS THE NEEDS OF THE STAKEHOLDERS IN THE INDUSTRY."

48
49 Renumber succeeding subsection accordingly.

50
51 Page 11, line 25, strike "ASQ" and substitute "NATIONAL".

52
53 Page 12, line 23, strike "ASQ" and substitute "NATIONAL".

54
55 Page 14, line 7, strike "ASQ" and substitute "NATIONAL".

56

1 Page 14, line 15, strike "NO LATER THAN".

2

3 Page 14, strike line 16 and substitute "ACCORDING TO A SCHEDULE
4 OUTLINED UNDER THE NATIONAL INITIATIVE OR BY JANUARY 1, 2014,
5 WHICHEVER OCCURS FIRST; AND".

6

7 Page 14, line 19, strike "DECEMBER".

8

9 Page 14, strike line 20 and substitute "JANUARY 1, 2015".

10

11 Page 14, line 22, strike "ASQ" and substitute "NATIONAL".

12

13 Page 15, line 21, strike "NO LATER THAN DECEMBER".

14

15 Page 15, strike line 22 and substitute "ACCORDING TO A SCHEDULE
16 OUTLINED IN THE TASK FORCE RECOMMENDATIONS OR BY JANUARY 1,
17 2015, WHICHEVER OCCURS FIRST; AND".

18

19 Page 15, line 25, strike "DECEMBER".

20

21 Page 15, strike line 26 and substitute "JANUARY 1, 2016".

22

23 Page 16, line 4, strike "SERVICES." and substitute "SERVICES; EXCEPT
24 THAT, IF NATIONAL STANDARDS ARE LATER IDENTIFIED FOR
25 STANDARDIZED PAYMENT RULES AND CLAIM EDITS, COLORADO PAYERS
26 SHALL COMPLY WITH THE NATIONAL STANDARDS WITHIN TWENTY-FOUR
27 MONTHS AFTER THOSE STANDARDS ARE PUBLISHED.".

28

29 Page 16, after line 22 insert:

30

31 "(5) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING
32 IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM
33 PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION; EXCEPT
34 THAT THE DEPARTMENT SHALL NOT ACCEPT A GIFT, GRANT, OR DONATION
35 IF IT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS
36 SECTION OR ANY OTHER LAW OF THE STATE. THE DEPARTMENT SHALL
37 TRANSMIT ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS,
38 GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT
39 THE SAME TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING
40 CASH FUND CREATED PURSUANT TO SECTION 25.5-1-109, C.R.S.

41

42 (6) UNLESS THE DEPARTMENT OF HEALTH CARE POLICY AND
43 FINANCING RECEIVES SUFFICIENT MONEYS FROM GIFTS, GRANTS, AND
44 DONATIONS MADE PURSUANT TO SUBSECTION (5) OF THIS SECTION, THE
45 DEPARTMENT SHALL NOT BE REQUIRED TO IMPLEMENT THE REQUIREMENTS
46 OF THIS SECTION.".

47

48

49

50

51 **JUDICIARY**

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

54

55 **HB10-1056** be postponed indefinitely.

56

1 **HB10-1168** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4

5 Amend printed bill, strike everything below the enacting clause and
6 substitute:
7

8 "SECTION 1. Part 1 of article 1 of title 10, Colorado Revised
9 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
10 read:
11

12 **10-1-135. Reimbursement for benefits - limitations - notice -**
13 **definitions - legislative declaration.** (1) THE GENERAL ASSEMBLY
14 HEREBY FINDS AND DECLARES THAT:
15

16 (a) WHEN A PAYER OF BENEFITS SEEKS REPAYMENT OF THE
17 BENEFITS PROVIDED TO AN INJURED PARTY, THE REPAYMENT REDUCES THE
18 AMOUNT AVAILABLE TO THE INJURED PARTY TO COMPENSATE HIM OR HER
19 FOR INJURIES AND DAMAGES OTHER THAN THE COST OF MEDICAL CARE
20 AND MEDICAL SERVICES;
21

22 (b) REIMBURSEMENT OR REPAYMENT OF BENEFITS SHOULD NOT BE
23 PERMITTED WHEN THE INJURED PARTY WOULD NOT BE FULLY
24 COMPENSATED FOR HIS OR HER INJURIES AND DAMAGES;
25

26 (c) IT IS IN THE BEST INTERESTS OF THE CITIZENS OF THIS STATE TO
27 ENSURE THAT EACH INSURED INJURED PARTY RECOVERS FULL
28 COMPENSATION FOR BODILY INJURY CAUSED BY THE ACT OR OMISSION OF
29 A THIRD PARTY, AND THAT SUCH COMPENSATION IS NOT DIMINISHED BY
30 REPAYMENT, REIMBURSEMENT, OR SUBROGATION RIGHTS OF THE PAYER
31 OF BENEFITS;
32

33 (d) THIS LAW REGULATING INSURANCE AND HEALTH BENEFIT
34 PLANS IS INTENDED TO ENSURE THAT AN INJURED PARTY WHO RECOVERS
35 DAMAGES FOR BODILY INJURIES CAUSED BY A THIRD PARTY AND RECEIVES
36 BENEFITS PURSUANT TO AN INSURANCE POLICY, CONTRACT, OR BENEFIT
37 PLAN IS FULLY COMPENSATED FOR HIS OR HER INJURIES AND DAMAGES
38 BEFORE THE PAYER OF BENEFITS MAY SEEK REPAYMENT OF BENEFITS
39 PROVIDED TO THE INJURED PARTY;
40

41 (e) IN THE ABSENCE OF THIS SECTION, PAYERS OF BENEFITS MAY
42 SEEK REPAYMENT OF BENEFITS OUT OF A RECOVERY OBTAINED BY THE
43 INJURED PARTY WITHOUT PAYING ATTORNEY FEES INCURRED BY THE
44 INJURED PARTY IN OBTAINING THE RECOVERY, THEREBY BENEFITTING
45 FROM ATTORNEY SERVICES FOR WHICH THEY DID NOT PAY;
46

47 (f) THIS SECTION IS INTENDED TO REQUIRE A PAYER OF BENEFITS
48 TO PAY A PROPORTIONATE SHARE OF THE ATTORNEY FEES WHEN THE
49 PAYER OF BENEFITS IS A BENEFICIARY OF THE ATTORNEY SERVICES PAID
50 FOR BY THE INJURED PARTY.
51

52 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
53 REQUIRES:
54

55 (a) "BENEFITS" MEANS PAYMENT OR REIMBURSEMENT OF HEALTH
56 CARE EXPENSES, HEALTH CARE SERVICES, DISABILITY PAYMENTS, LOST

1 WAGE PAYMENTS, OR ANY OTHER BENEFITS OF ANY KIND, INCLUDING
2 DISCOUNTS AND WRITE-OFFS, PROVIDED TO OR ON BEHALF OF AN INJURED
3 PARTY UNDER A POLICY OF INSURANCE, CONTRACT, OR BENEFIT PLAN WITH
4 AN INDIVIDUAL OR GROUP, WHETHER OR NOT PROVIDED THROUGH AN
5 EMPLOYER.

6
7 (b) "INJURED PARTY" MEANS A PERSON WHO HAS SUSTAINED
8 BODILY INJURY AS THE RESULT OF THE ACT OR OMISSION OF A THIRD
9 PARTY, HAS PURSUED A PERSONAL INJURY OR SIMILAR CLAIM AGAINST THE
10 THIRD PARTY OR HAS MADE A CLAIM UNDER HIS OR HER UNINSURED OR
11 UNDERINSURED MOTORIST COVERAGE, AND HAS RECEIVED BENEFITS AS A
12 POLICYHOLDER, PARTICIPANT, OR BENEFICIARY FROM THE PAYER OF
13 BENEFITS. "INJURED PARTY" INCLUDES THE PERSONAL REPRESENTATIVE
14 OF THE ESTATE OF AN INJURED PARTY OR THE LEGAL REPRESENTATIVE OF
15 A PERSON UNDER A DISABILITY AS PROVIDED IN ARTICLE 81 OF TITLE 13,
16 C.R.S.

17
18 (c) "PAYER OF BENEFITS" MEANS ANY INSURER, HEALTH
19 MAINTENANCE ORGANIZATION, HEALTH BENEFIT PLAN, PREFERRED
20 PROVIDER ORGANIZATION, EMPLOYEE BENEFIT PLAN, OTHER INSURANCE
21 POLICY OR PLAN, OR ANY OTHER PAYER OF BENEFITS. "PAYER OF
22 BENEFITS" INCLUDES A FIDUCIARY OF AN INSURER, PLAN, OR OTHER PAYER
23 OF BENEFITS.

24
25 (d) "RECOVERY" MEANS RECOVERY OF A MONETARY AWARD FROM
26 A THIRD PARTY THROUGH EITHER SETTLEMENT OR JUDGMENT TO
27 COMPENSATE AN INJURED PARTY FOR BODILY INJURY SUSTAINED AS A
28 RESULT OF AN ACT OR OMISSION OF THE THIRD PARTY. "RECOVERY"
29 INCLUDES BENEFITS PAID OR SETTLEMENT OF CLAIMS UNDER UNINSURED
30 OR UNDERINSURED MOTORIST COVERAGE PURSUANT TO SECTION 10-4-609.

31
32 (3) (a) (I) REIMBURSEMENT OR SUBROGATION PURSUANT TO A
33 PROVISION IN AN INSURANCE POLICY, CONTRACT, OR BENEFIT PLAN IS
34 PERMITTED ONLY IF THE INJURED PARTY HAS FIRST BEEN FULLY
35 COMPENSATED FOR ALL DAMAGES ARISING OUT OF THE CLAIM. ANY
36 PROVISION IN A POLICY, CONTRACT, OR BENEFIT PLAN ALLOWING OR
37 REQUIRING REIMBURSEMENT OR SUBROGATION IN CIRCUMSTANCES IN
38 WHICH THE INJURED PARTY HAS NOT BEEN FULLY COMPENSATED IS VOID
39 AS AGAINST PUBLIC POLICY.

40
41 (II) THIS PARAGRAPH (a) DOES NOT LIMIT THE RIGHT OF AN
42 INSURER TO SEEK REIMBURSEMENT OR SUBROGATION TO RECOVER
43 AMOUNTS PAID FOR PROPERTY DAMAGE OR THE RIGHT OF AN INSURER
44 PROVIDING UNINSURED OR UNDERINSURED MOTORIST COVERAGE
45 PURSUANT TO SECTION 10-4-609 TO AN INJURED PARTY TO PURSUE CLAIMS
46 AGAINST AN AT-FAULT THIRD PARTY, AND ANY AMOUNTS RECOVERED BY
47 SUCH INSURER SHALL NOT BE REDUCED PURSUANT TO PARAGRAPH (c) OF
48 THIS SUBSECTION (3).

49
50 (b) IF THE INJURED PARTY IS FULLY COMPENSATED AND
51 REIMBURSEMENT OR SUBROGATION OF BENEFITS IS AUTHORIZED, THE
52 REIMBURSEMENT OR SUBROGATION AMOUNT CANNOT EXCEED THE
53 AMOUNT ACTUALLY PAID BY THE PAYER OF BENEFITS TO COVER BENEFITS
54 UNDER THE POLICY, CONTRACT, OR BENEFIT PLAN OR, FOR HEALTH CARE
55 SERVICES PROVIDED ON A CAPITATED BASIS, THE AMOUNT EQUAL TO
56 EIGHTY PERCENT OF THE USUAL AND CUSTOMARY CHARGE FOR THE SAME

1 SERVICES BY HEALTH CARE PROVIDERS THAT PROVIDE HEALTH CARE
2 SERVICES ON A NONCAPITATED BASIS IN THE GEOGRAPHIC REGION IN
3 WHICH THE SERVICES ARE RENDERED.

4
5 (c) THE AMOUNT RECOVERABLE, IF ANY, BY THE PAYER OF
6 BENEFITS FOR REIMBURSEMENT OR SUBROGATION SHALL BE REDUCED BY
7 AN AMOUNT EQUAL TO THE PAYER OF BENEFITS' PROPORTIONATE SHARE
8 OF THE ATTORNEY FEES AND EXPENSES INCURRED BY OR ON BEHALF OF
9 THE INJURED PARTY IN MAKING THE RECOVERY, BASED ON THE RATIO OF
10 THE AMOUNT OF ATTORNEY FEES AND EXPENSES INCURRED TO THE
11 AMOUNT OF THE RECOVERY.

12
13 (d) (I) IF THE INJURED PARTY MAKES A RECOVERY OF AN AMOUNT
14 THAT IS LESS THAN THE TOTAL AMOUNT OF COVERAGE AVAILABLE UNDER
15 ANY THIRD-PARTY LIABILITY INSURANCE POLICY OR UNINSURED OR
16 UNDERINSURED MOTORIST COVERAGE PURSUANT TO SECTION 10-4-609,
17 THERE IS A REBUTTABLE PRESUMPTION THAT THE INJURED PARTY HAS
18 BEEN FULLY COMPENSATED. IF THE INJURED PARTY MAKES A RECOVERY
19 OF AN AMOUNT EQUAL TO THE TOTAL AMOUNT OF COVERAGE AVAILABLE
20 UNDER ALL THIRD-PARTY LIABILITY INSURANCE POLICIES AND UNINSURED
21 OR UNDERINSURED MOTORIST COVERAGES, THERE IS A REBUTTABLE
22 PRESUMPTION THAT THE INJURED PARTY HAS NOT BEEN FULLY
23 COMPENSATED.

24
25 (II) IF THE INJURED PARTY OBTAINS A JUDGMENT, THE AMOUNT OF
26 THE JUDGMENT IS PRESUMED TO BE THE AMOUNT NECESSARY TO FULLY
27 COMPENSATE THE INJURED PARTY.

28
29 (4) (a) (I) ANY DISPUTES BETWEEN THE PAYER OF BENEFITS AND
30 THE INJURED PARTY REGARDING ENTITLEMENT TO REIMBURSEMENT OR
31 SUBROGATION SHALL BE RESOLVED IN ACCORDANCE WITH THIS
32 PARAGRAPH (a), REGARDLESS OF WHETHER ADMINISTRATIVE REMEDIES
33 CONTAINED IN THE POLICY, CONTRACT, OR BENEFIT PLAN DOCUMENTS
34 HAVE BEEN EXHAUSTED BY THE INJURED PARTY.

35
36 (II) IF THE INJURED PARTY OBTAINS A RECOVERY THAT IS LESS
37 THAN THE SUM OF ALL DAMAGES INCURRED BY THE INJURED PARTY AND
38 INTENDS TO ENFORCE THE REQUIREMENTS OF SUBSECTION (3) OF THIS
39 SECTION, THE INJURED PARTY SHALL NOTIFY THE PAYER OF BENEFITS
40 WITHIN SIXTY DAYS OF RECEIPT OF EACH RECOVERY. THE NOTICE SHALL
41 INCLUDE THE TOTAL AMOUNT AND SOURCE OF THE RECOVERY; THE
42 COVERAGE LIMITS APPLICABLE TO ANY AVAILABLE INSURANCE POLICY,
43 CONTRACT, OR BENEFIT PLAN; AND THE AMOUNT OF ANY COSTS CHARGED
44 TO THE INJURED PARTY. IF RECOVERY WAS OBTAINED THROUGH A
45 SETTLEMENT AGREEMENT THAT CONTAINS A CONFIDENTIALITY PROVISION
46 THAT AFFECTS THE INFORMATION REQUIRED BY THIS SUBPARAGRAPH (II),
47 THE CONFIDENTIALITY PROVISION IS UNENFORCEABLE AS TO THE
48 DISCLOSURE OF THE REQUIRED INFORMATION.

49
50 (III) IF THE PAYER OF BENEFITS DISPUTES THAT THE INJURED
51 PARTY'S RECOVERY IS LESS THAN THE SUM OF ALL DAMAGES INCURRED BY
52 THE INJURED PARTY, THE DISPUTE SHALL BE RESOLVED BY ARBITRATION.
53 THE PAYER OF BENEFITS MAY REQUEST ARBITRATION OF THE DISPUTE TO
54 DETERMINE THE EXTENT TO WHICH THE PAYER OF BENEFITS MAY BE
55 ENTITLED TO SHARE IN THE RECOVERY PURSUANT TO SUBSECTION (3) OF
56 THIS SECTION. THE PAYER OF BENEFITS MAY REQUEST ARBITRATION NO

1 LATER THAN SIXTY DAYS AFTER RECEIPT OF ANY NOTICE UNDER
2 SUBPARAGRAPH (II) OF THIS PARAGRAPH (a).

3
4 (IV) IF THE PAYER OF BENEFITS REQUESTS ARBITRATION OF THE
5 DISPUTE, THE INJURED PARTY AND THE PAYER OF BENEFITS SHALL JOINTLY
6 CHOOSE AN ARBITRATOR TO RESOLVE THE DISPUTE. IF THE INJURED PARTY
7 AND THE PAYER OF BENEFITS CANNOT AGREE ON AN ARBITRATOR, THE
8 DISPUTE SHALL BE RESOLVED BY A PANEL OF THREE ARBITRATORS
9 SELECTED AS FOLLOWS:

10
11 (A) THE INJURED PARTY SHALL SELECT ONE ARBITRATOR;

12
13 (B) THE PAYER OF BENEFITS SHALL SELECT ONE ARBITRATOR; AND

14
15 (C) THE ARBITRATORS CHOSEN BY THE PARTIES PURSUANT TO
16 SUB-SUBPARAGRAPHS (A) AND (B) OF THIS SUBPARAGRAPH (IV) SHALL
17 SELECT THE THIRD ARBITRATOR.

18
19 (b) IF THE ARBITRATOR DETERMINES THAT THE AMOUNT OF THE
20 RECOVERY DOES NOT FULLY COMPENSATE THE INJURED PARTY FOR HIS OR
21 HER DAMAGES, THE PAYER OF BENEFITS SHALL HAVE NO RIGHT TO
22 REPAYMENT, REIMBURSEMENT, OR SUBROGATION.

23
24 (5) A PAYER OF BENEFITS SHALL NOT DENY OR REFUSE TO PROVIDE
25 ANY PLAN BENEFITS OTHERWISE AVAILABLE TO AN INJURED PARTY
26 BECAUSE OF THE EXISTENCE OF A POTENTIAL PERSONAL INJURY OR
27 SIMILAR CLAIM OR THE RESOLUTION OF A PERSONAL INJURY OR SIMILAR
28 CLAIM.

29
30 (6) (a) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
31 PARAGRAPH (a), A PAYER OF BENEFITS SHALL NOT BRING A DIRECT ACTION
32 FOR SUBROGATION OR REIMBURSEMENT OF BENEFITS AGAINST A THIRD
33 PARTY ALLEGEDLY AT FAULT FOR THE INJURY TO THE INJURED PARTY OR
34 AN INSURER PROVIDING UNINSURED MOTORIST COVERAGE.

35
36 (II) IF AN INJURED PARTY HAS NOT PURSUED A CLAIM AGAINST A
37 THIRD PARTY ALLEGEDLY AT FAULT FOR THE INJURED PARTY'S INJURIES BY
38 THE DATE THAT IS SIXTY DAYS PRIOR TO THE DATE ON WHICH THE STATUTE
39 OF LIMITATIONS APPLICABLE TO THE CLAIM EXPIRES, A PAYER OF BENEFITS
40 MAY BRING A DIRECT ACTION FOR SUBROGATION OR REIMBURSEMENT OF
41 BENEFITS AGAINST AN AT-FAULT THIRD PARTY. NOTHING IN THIS
42 SUBPARAGRAPH (II) PRECLUDES AN INJURED PARTY FROM PURSUING A
43 CLAIM AGAINST THE AT-FAULT THIRD PARTY AFTER THE PAYER OF
44 BENEFITS BRINGS A DIRECT ACTION PURSUANT TO THIS SUBPARAGRAPH
45 (II), AND THE PAYER OF BENEFITS' RIGHT TO REIMBURSEMENT OR
46 SUBROGATION IS LIMITED BY SUBSECTION (3) OF THIS SECTION.

47
48 (b) A THIRD PARTY SHALL NOT INCLUDE A PAYER OF BENEFITS
49 THAT IS CLAIMING REPAYMENT OR REIMBURSEMENT PURSUANT TO
50 SUBSECTION (3) OF THIS SECTION AS A COPAYEE ON ANY CHECK OR DRAFT
51 IN PAYMENT OF A SETTLEMENT WITH OR JUDGMENT FOR OR ON BEHALF OF
52 THE INJURED PARTY.

53
54 (7) (a) A PAYER OF BENEFITS SHALL NOT DELAY, WITHHOLD, OR
55 OTHERWISE REDUCE BENEFITS:

56

1 (I) BECAUSE THE OBLIGATION TO PAY BENEFITS RESULTS FROM AN
2 ACT OR OMISSION FOR WHICH A THIRD PARTY MAY BE LIABLE; OR

3
4 (II) AS A MEANS OF ENFORCING OR ATTEMPTING TO ENFORCE A
5 CLAIM FOR REIMBURSEMENT OR SUBROGATION.

6
7 (b) NOTHING IN THIS SUBSECTION (7) PROHIBITS THE
8 COORDINATION OF BENEFITS BETWEEN OR AMONG PAYERS OF BENEFITS.

9
10 (8) WHEN A PAYER OF BENEFITS OBTAINS REIMBURSEMENT OF
11 BENEFITS PAID IN ACCORDANCE WITH THIS SECTION, THE PAYER OF
12 BENEFITS SHALL APPLY THE AMOUNT OF THE REIMBURSEMENT AS A CREDIT
13 AGAINST ANY LIFETIME MAXIMUM BENEFIT CONTAINED IN THE POLICY,
14 PLAN, OR CONTRACT UNDER WHICH THE BENEFITS WERE PAID.

15
16 (9) ANY LANGUAGE IN AN INSURANCE POLICY, CONTRACT, OR
17 BENEFIT PLAN THAT IS CONTRARY TO THIS SECTION IS VOID AND
18 UNENFORCEABLE. ALTHOUGH SUCH LANGUAGE IS UNENFORCEABLE,
19 NOTHING IN THIS SECTION REQUIRES AN INSURER TO MODIFY AND REFILE
20 WITH THE COMMISSIONER, PRIOR TO THE STANDARD FILING DATE, AN
21 INSURANCE POLICY, CONTRACT, OR BENEFIT PLAN THAT CONTAINS
22 LANGUAGE THAT IS CONTRARY TO THIS SECTION.

23
24 (10) NOTHING IN THIS SECTION MODIFIES:

25
26 (a) THE REQUIREMENT OF SECTION 13-21-111.6, C.R.S.,
27 REGARDING THE REDUCTION OF DAMAGES BASED ON AMOUNTS PAID FOR
28 THE DAMAGES FROM A COLLATERAL SOURCE. THE FACT OR AMOUNT OF
29 ANY COLLATERAL SOURCE PAYMENT OR BENEFITS SHALL NOT BE
30 ADMITTED AS EVIDENCE IN ANY ACTION AGAINST AN ALLEGED
31 THIRD-PARTY TORTFEASOR OR IN AN ACTION TO RECOVER BENEFITS UNDER
32 SECTION 10-4-609.

33
34 (b) LIEN RIGHTS OF HOSPITALS PURSUANT TO SECTION 38-27-101,
35 C.R.S., OR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING
36 PURSUANT TO SECTION 25.5-4-301 (5), C.R.S.; OR

37
38 (c) SUBROGATION AND LIEN RIGHTS GRANTED TO WORKERS'
39 COMPENSATION CARRIERS OR SELF-INSURED EMPLOYERS PURSUANT TO
40 SECTION 8-41-203, C.R.S.

41
42 **SECTION 2. Act subject to petition - effective date -**
43 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
44 following the expiration of the ninety-day period after final adjournment
45 of the general assembly (August 11, 2010, if adjournment sine die is on
46 May 12, 2010); except that, if a referendum petition is filed pursuant to
47 section 1 (3) of article V of the state constitution against this act or an
48 item, section, or part of this act within such period, then the act, item,
49 section, or part shall not take effect unless approved by the people at the
50 general election to be held in November 2010 and shall take effect on the
51 date of the official declaration of the vote thereon by the governor.

52
53 (2) The provisions of this act shall apply to a recovery made on or
54 after the applicable effective date of this act.".

55
56

1 **HB10-1215** be amended as follows, and as so amended, be referred to
2 the Committee on Appropriations with favorable
3 recommendation:
4

5 Amend printed bill, page 2, line 15, strike "SHALL" and substitute "MAY".
6
7

8
9 **HB10-1218** be amended as follows, and as so amended, be referred to
10 the Committee of the Whole with favorable
11 recommendation:
12

13 Amend printed bill, page 2, line 2, strike "(a) (VII)," and substitute "(a),".
14

15 Page 2, line 3, after "amended" insert "BY THE ADDITION OF A NEW
16 SUBPARAGRAPH".
17

18 Page 2, strike lines 8 through 12 and substitute:
19

20 "(VIII) AN INDICATION WHETHER THE CONDITIONS OF THE
21 PROTECTION ORDER ARE ALSO CONDITIONS OF A BAIL BOND FOR A FELONY
22 CHARGE.".
23
24
25

26 **HB10-1239** be postponed indefinitely.
27

28
29 **HB10-1261** be postponed indefinitely.
30

31
32 **HB10-1265** be referred to the Committee of the Whole with favorable
33 recommendation.
34
35
36
37

38 **STATE, VETERANS, & MILITARY AFFAIRS**

39 After consideration on the merits, the Committee recommends the
40 following:
41

42 **HB10-1140** be referred to the Committee of the Whole with favorable
43 recommendation.
44
45

46 **HB10-1210** be amended as follows, and as so amended, be referred to
47 the Committee on Appropriations with favorable
48 recommendation:
49

50 Amend printed bill, page 5, line 25, strike "STATE." and substitute "STATE
51 AND TO THE GENERAL ASSEMBLY TO PAY THE EXPENSES RELATED TO A
52 SPECIAL SESSION FOR CONGRESSIONAL REDISTRICTING.".
53
54
55
56

1 **TRANSPORTATION & ENERGY**

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

4
5 **HB10-1098** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:
8

9 Amend printed bill, page 3, strike lines 6 through 9 and substitute:

10
11 "(c) WRITTEN MINUTES SHALL BE MADE OF ALL MEETINGS OF THE
12 BOARD OF DIRECTORS AND SHALL BE POSTED ON THE WEB SITE OF THE
13 ASSOCIATION AS SOON AS THEY HAVE BEEN APPROVED. UPON REQUEST BY
14 A MEMBER OF THE BOARD, THAT MEMBER'S OWN VOTE ON ANY ISSUE
15 SHALL BE NOTED IN THE MINUTES."
16

17 Page 3, strike lines 17 and 18 and substitute "ASSOCIATION'S WEB SITE.
18 THE ELECTION POLICY SHALL".
19

20 Page 4, line 2, strike "AND MAILING".
21

22 Page 4, line 6, strike "SIX MONTHS BEFORE THE ELECTION AND AGAIN".
23

24 Page 4, line 12, after "ANY" insert "MANAGEMENT-LEVEL".
25

26 Page 4, line 13, strike "IS HIRED BY" and substitute "REPORTS DIRECTLY
27 TO".
28

29 Page 5, line 7, strike "ELECTRONIC FILES OF".
30

31 Page 5, line 10, after the period add "CANDIDATES SHALL USE SUCH LISTS
32 ONLY FOR PURPOSES OF THE ELECTION AND SHALL RETURN OR DESTROY
33 THEM IMMEDIATELY AFTER THE ELECTION."
34

35 Page 5, line 16, after "(2) (a)" insert "(I)".
36

37 Page 5, strike line 18 and substitute "for such purpose or by mail, BUT
38 NOT BOTH. A MEMBER WHO HAS VOTED BY MAIL SHALL NOT BE ENTITLED
39 TO VOTE AT THE MEETING.
40

41 (II) Mail voting shall be in writing on ballots".
42

43 Page 5, strike lines 24 through 27.
44

45 Page 6, strike line 1 and substitute "the meeting held for the purpose of
46 electing the board of directors. ~~The presence of a member at such~~
47 ~~meeting shall revoke a mail vote theretofore executed by such member,~~
48 ~~and such member shall be entitled to vote at such meeting in the same~~
49 ~~manner and with the same effect as if such member had not voted by~~
50 ~~mail."~~
51

52 Page 6, strike lines 9 through 14 and substitute "PRIVACY OF THEIR
53 CONTENT. ALL CANDIDATES FOR THE BOARD OF DIRECTORS SHALL BE
54 GIVEN THE OPPORTUNITY TO BE PRESENT TO OBSERVE THEIR
55 TABULATION."
56

1 Page 6, line 22, strike "THREE" and substitute "TWO".

2

3 Page 7, line 7, strike "(a)" and strike "AND LOCATION" and substitute
4 "LOCATION, AND AGENDA".

5

6 Page 7, line 9, strike "FOURTEEN" and substitute "TEN".

7

8 Page 7, strike lines 14 through 23.

9

10

11

12 **HB10-1167** be referred to the Committee of the Whole with favorable
13 recommendation.

14

15

16 **HB10-1172** be amended as follows, and as so amended, be referred to
17 the Committee on Appropriations with favorable
18 recommendation:

19

20 Amend printed bill, page 2, line 2, after "42-1-102" insert "(33),".

21

22 Page 2, after line 6 insert:

23

24 "(33) "Farm tractor" means every ~~motor vehicle~~ IMPLEMENT OF
25 HUSBANDRY designed and used primarily as a farm implement for
26 drawing plows and mowing machines and other implements of
27 husbandry."

28

29 Page 3, line 4, strike "~~five hundred~~ ONE THOUSAND" and substitute "five
30 hundred".

31

32 Page 3, line 12, strike "ONE THOUSAND" and substitute "FIVE HUNDRED".

33

34 Page 5, strike line 5 and substitute "amended, and the said 42-3-106 is
35 further amended BY THE ADDITION OF A NEW SUBSECTION, to
36 read:".

37

38 Page 5, strike lines 12 through 16 and substitute "be Class F personal
39 property. IF A FARM TRACTOR, MEETING THE DEFINITION OF SPECIAL
40 MOBILE MACHINERY, IS USED FOR ANY PURPOSE OTHER THAN
41 AGRICULTURAL PRODUCTION FOR MORE THAN TWENTY-FOUR HOURS, IT IS
42 CLASS F PERSONAL PROPERTY, BUT IT MAY BE GRANTED A PRORATED
43 REGISTRATION UNDER SECTION 42-3-107 TO COVER SUCH USE. THE
44 AUTHORIZED AGENT SHALL NOTIFY THE OWNER OF THE FARM TRACTOR OF
45 THE PRORATED REGISTRATION. STORING A FARM TRACTOR AT A SITE DOES
46 NOT GIVE RISE TO A PRESUMPTION THAT THE TRACTOR WAS USED FOR THE
47 SAME PURPOSES THAT OTHER EQUIPMENT IS USED FOR AT THE SITE."

48

49 Page 5, after line 16 insert:

50

51 "(6) (a) IF A MOTOR VEHICLE AND THE EQUIPMENT MOUNTED ON
52 THE VEHICLE ARE THE SAME MODEL YEAR:

53

54 (I) THE OWNER OF THE MOTOR VEHICLE AND THE MOUNTED
55 EQUIPMENT MAY REGISTER BOTH AS CLASS F PERSONAL PROPERTY; OR

56

(II) THE OWNER OF THE MOTOR VEHICLE MAY REGISTER THE VEHICLE AS CLASS A, CLASS B, OR CLASS C PERSONAL PROPERTY AND THE MOUNTED EQUIPMENT MAY BE REGISTERED AS CLASS F PERSONAL PROPERTY.

(b) IF A MOTOR VEHICLE AND THE EQUIPMENT MOUNTED ON THE VEHICLE ARE DIFFERENT MODEL YEARS:

(I) THE OWNER OF THE MOTOR VEHICLE SHALL REGISTER THE VEHICLE AS CLASS A, CLASS B, OR CLASS C PERSONAL PROPERTY; AND

(II) THE OWNER OF THE VEHICLE SHALL REGISTER THE MOUNTED EQUIPMENT AS CLASS F PERSONAL PROPERTY."

Page 7, line 12, strike "AGENT." and substitute "AGENT OR EXEMPT FROM REGISTRATION PURSUANT TO SECTION 42-3-104 (3)."

Page 8, line 9, strike "THE" and substitute "EFFECTIVE JANUARY 1, 2011, THE".

MESSAGE(S) FROM THE SENATE

The Senate has passed on Third Reading and returns herewith: HB10-1324.

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The Speaker has signed: **HB10-1324, HR10-1006; SB10-021, 022, 023, 024, 046, 049, 053.**

DELIVERY OF BILL TO GOVERNOR

The Chief Clerk of the House of Representatives reports the following bill has been delivered to the Office of the Governor: **HB10-1324** at 11:28 a.m. on February 26, 2010.

MESSAGE(S) FROM THE SENATE

The President has announced that Senators Boyd and Newell will be the Senate joint prime sponsors on HB10-1260.

The Senate has passed on Third Reading and transmitted to the Revisor of Statutes: SB10-129, SB10-158, SB10-025.

The Senate has passed on Third Reading and transmitted to the Revisor of Statutes:

1 SB10-111 amended as printed in Senate Journal, February 24, 2010,
2 page 345.
3 SB10-088 amended as printed in Senate Journal, February 24, 2010,
4 pages 345-346.
5 SB10-147 amended as printed in Senate Journal, February 24, 2010,
6 page 347.
7 SB10-116 amended as printed in Senate Journal, February 24, 2010,
8 page 347.
9 SB10-155 amended as printed in Senate Journal, February 24, 2010,
10 page 347.
11 SB10-148 amended as printed in Senate Journal, February 24, 2010,
12 page 348.
13 SB10-006 amended as printed in Senate Journal, February 24, 2010,
14 page 348.
15 SB10-072 amended as printed in Senate Journal, February 24, 2010,
16 page 348.
17 SB10-068 amended as printed in Senate Journal, February 24, 2010,
18 pages 348-349.
19 SB10-098 amended as printed in Senate Journal, February 24, 2010,
20 pages 348-349.
21

22 The Senate has passed on Third Reading and transmitted to the Revisor
23 of Statutes:
24

25 HB10-1306 amended as printed in Senate Journal, February 23, 2010,
26 page 324.
27 HB10-1318 amended as printed in Senate Journal, February 24, 2010,
28 pages 327-328.
29 HB10-1339 amended as printed in Senate Journal, February 24, 2010,
30 pages 333-334 and in Senate Journal, February 26, 2010.
31 HB10-1320 amended as printed in Senate Journal, February 24, 2010,
32 page 328.
33 HB10-1327 amended as printed in Senate Journal, February 24, 2010,
34 page 335.
35

36 The Senate has passed on Third Reading and returns herewith:
37

38 HB10-1065, HB10-1014, HB10-1316, HB10-1307, HB10-1299,
39 HB10-1308, HB10-1315, HB10-1297, HB10-1309, HB10-1325,
40 HB10-1326, HB10-1314, HB10-1317, HB10-1304, HB10-1310,
41 HB10-1313, HB10-1301, HB10-1298, HB10-1303, HB10-1305,
42 HB10-1312, HB10-1300, HB10-1302, HB10-1311, HB10-1319,
43 HB10-1321, HB10-1322, HB10-1323, HB10-1063.
44

46 MESSAGE(S) FROM THE REVISOR

47 We herewith transmit:
48

49 Without comment, SB10-025, 129 and 158.

50 Without comment, as amended, HB10-1306, 1318, 1339, 1320, and 1327.

51 Without comment, as amended, SB10-006, 072, 088, 098, 111, 116, 147,
52 148, and 155.

53 With comment, as amended, SB10-068.
54
55
56

INTRODUCTION OF BILLS
First Reading

- 1
2
3
4 The following bills were read by title and referred to the committees
5 indicated:
6
7 **SB10-007** by Senator(s) Hudak; also Representative(s) Gagliardi--
8 Concerning collaboration in the provision of multi-agency
9 services.
10 Committee on Health and Human Services
11
12 **SB10-048** by Senator(s) Heath; also Representative(s) Levy--
13 Concerning the regulation of the purchase of commodity
14 scrap metals.
15 Committee on Judiciary
16
17 **SB10-059** by Senator(s) Williams; also Representative(s) Ryden--
18 Concerning the addition of a line to Colorado state
19 individual income tax return forms whereby individual
20 taxpayers may make a voluntary contribution benefiting
21 the Colorado D.A.R.E. fund, and making an appropriation
22 therefor.
23 Committee on Finance
24
25 **SB10-063** by Senator(s) White; also Representative(s) Waller--
26 Concerning limiting civil liability for attorneys who
27 contract to provide certain services for the office of
28 alternate defense counsel.
29 Committee on Judiciary
30
31 **SB10-066** by Senator(s) Hudak, Carroll M., Steadman; also
32 Representative(s) Levy, Ryden--Concerning the
33 requirement that certain persons report child abuse or
34 neglect.
35 Committee on Judiciary
36
37 **SB10-075** by Senator(s) White; also Representative(s) Baumgardner--
38 Concerning the requirement that military vehicles valued
39 for historical purposes bear a license plate.
40 Committee on Transportation & Energy
41
42 **SB10-080** by Senator(s) Newell, Steadman, Bacon, Gibbs, Hudak,
43 Johnston, Morse, Romer, Sandoval, Tapia, Tochtrop,
44 Williams; also Representative(s) Frangas, Todd--
45 Concerning allowing court-entered civil protection orders
46 to include directives concerning animals.
47 Committee on State, Veterans, & Military Affairs
48
49 **SB10-081** by Senator(s) Sandoval; also Representative(s) Solano--
50 Concerning creation of the "Farm-to-School Healthy Kids
51 Act", and, in connection therewith, establishing an
52 interagency task force to develop farm-to-school program
53 policies.
54 Committee on Education
55

- 1 **SB10-103** by Senator(s) Sandoval, Schwartz, Gibbs, Harvey, Hudak,
2 Kester, Morse, Romer, Tochtrop, White, Williams; also
3 Representative(s) Baumgardner, Bradford, Fischer,
4 Frangas, Gardner B., Kerr A., McFadyen, McNulty,
5 Miklosi, Murray, Nikkel, Primavera, Priola, Solano, Tyler-
6 -Concerning the creation of a Colorado state parks special
7 license plate, and making an appropriation therefor.
8 Committee on Transportation & Energy
9
- 10 **SB10-112** by Senator(s) Kopp, Carroll M.; also Representative(s)
11 Swalm--Concerning rate setting for workers' compensation
12 insurance.
13 Committee on Business Affairs and Labor
14
- 15 **SB10-118** by Senator(s) Tochtrop, Carroll M.; also Representative(s)
16 Miklosi, Primavera--Concerning authorizing the
17 department of human services to obtain a fingerprint-based
18 criminal history record check on an individual who cares
19 for a related child whose care is funded in whole or in part
20 with moneys received from the Colorado child care
21 assistance program.
22 Committee on Health and Human Services
23
- 24 **SB10-122** by Senator(s) Morse; also Representative(s) Weissmann--
25 Concerning the elimination of the nonprofit corporation
26 organized to be a lessor in the master lease program of the
27 state, and, in connection therewith, specifying the types of
28 entities that can be a lessor in the master lease program
29 and authorizing the executive director of the department of
30 personnel to execute documents regarding lease-purchase
31 agreements for which said nonprofit corporation was the
32 lessor.
33 Committee on Finance
34
- 35 **SB10-146** by Senator(s) Keller, Tapia, White; also Representative(s)
36 Pommer, Ferrandino, Lambert--Concerning a temporary
37 modification to the contribution rates for certain divisions
38 of the public employees' retirement association, and
39 making an appropriation therefor.
40 Committee on Appropriations
41
- 42 **SB10-149** by Senator(s) Tapia, Keller, White; also Representative(s)
43 Ferrandino, Pommer, Lambert--Concerning advancements
44 to counties from the county tax base relief fund.
45 Committee on Appropriations
46
- 47 **SB10-150** by Senator(s) Tapia, Keller, White; also Representative(s)
48 Pommer, Ferrandino, Lambert--Concerning the transfer in
49 state fiscal year 2010-11 of all moneys not otherwise
50 allocated from state public school lands to the state public
51 school fund instead of the permanent school fund.
52 Committee on Appropriations
53
54
55

1 **SB10-151** by Senator(s) White, Keller, Tapia; also Representative(s)
2 Pommer, Ferrandino, Lambert--Concerning the repeal of
3 the Colorado comprehensive health fund.
4 Committee on Appropriations
5 _____
6
7

8 **NOTICE OF CALENDARED ITEM(S)**
9

10 On motion of Representative Weissmann, the following bill(s) will be
11 calendared for Second Reading on March 1, 2010: **HB10-1128, 1240,**
12 **1053, 1206, 1273, 1168, 1218, 1265, 1167, 1330, 1140.**
13 _____
14
15

16 **LAY OVER OF CALENDAR ITEM(S)**
17

18 On motion of Representative Weissmann, the following item(s) on the
19 Calendar (was)were laid over until March 1, retaining place on Calendar:
20

21 Consideration of Senate Amendment(s)--**HB10-1055.**
22 _____
23
24

25 On motion of Representative Weissmann, the House adjourned until
26 10:00 a.m., March 1, 2010.
27

28 Approved:
29 TERRANCE D. CARROLL,
30 Speaker

31 Attest:
32 MARILYN EDDINS,
33 Chief Clerk