

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

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94th Legislative Day

Friday, April 16, 2010

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Prayer	By the chaplain, Reverend John Thompson, Park Hill United Methodist Church, Denver.	10
Call to Order	By the President at 9:00 a.m.	12
Pledge	By Senator Cadman.	15
Roll Call	Present--22. Absent--0. Excused-- 13, Bacon, Boyd, Harvey, Heath, Hodge, Keller, Kester, King, Kopp, Mitchell, Romer, Tapia, White. Present later-- 13, Bacon, Boyd, Harvey, Heath, Hodge, Keller, Kester, King, Kopp, Mitchell, Romer, Tapia, White.	17 18 19 20 21 22
Quorum	The President announced a quorum present.	24
Reading of Journal	On motion of Senator Lundberg, reading of the Journal of Thursday, April 15, 2010, was dispensed with and the Journal was approved as corrected by the Secretary.	26 27

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**MESSAGE FROM THE HOUSE**

April 15, 2010

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1375.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1277, amended as printed in House Journal, April 14, page 1223.  
HB10-1352, amended as printed in House Journal, April 14, pages 1223-1224, and amended on Third Reading, April 15.  
HB10-1363, amended as printed in House Journal, April 14, page 1224.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB10-070, amended as printed in House Journal, April 14, page 1224.

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**MESSAGE FROM THE REVISOR OF STATUTES**

April 15, 2010

Without comment, HB10-1375.  
Without comment, as amended, HB10-1277, 1352, and 1363.  
Without comment, as amended, SB10-070.

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**SENATE SERVICES REPORT**

**Correctly Printed:** SJR10-032 and 033.  
**Correctly Revised:** HJR10-1017.  
**Correctly Enrolled:** SB10-098, 172, 174 and 175.

**SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS**

**The President has signed:** SJM10-003; SJR10-010, 029, 030 and 031; SM10-002; HB10-1058, 1062, 1133, 1236; SB10-038, 047, 060, 062, 075 and 111.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for consideration of resolutions.

**CONSIDERATION OF RESOLUTIONS**

**SJR10-026** by Senator(s) Lundberg, Bacon, Cadman, King K., Gibbs, Keller, Heath, Romer, Johnston, Schultheis, Williams, Boyd, Brophy, Carroll M., Foster, Harvey, Hodge, Hudak, Kester, Kopp, Morse, Newell, Penry, Renfroe, Sandoval, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tapia, Tochtrop, White, Whitehead; also Representative(s) Nikkel and Kefalas, Acree, Apuan, Balmer, Baumgardner, Bradford, Carroll T., Casso, Court, Curry, DelGrosso, Ferrandino, Fischer, Frangas, Gagliardi, Gardner C., Hullinghorst, Kagan, Kerr A., Kerr J., Labuda, Liston, Looper, May, McFadyen, McKinley, Miklosi, Murray, Pace, Pommer, Rice, Ryden, Scanlan, Schafer S., Solano, Soper, Stephens, Summers, Tipton, Todd, Tyler, Vigil, Waller--Concerning the designation of a portion of state highway 56 as the "Staff Sergeant Justin Bauer Memorial Highway".

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

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

Co-sponsors added: Mitchell

**SJR10-027** by Senator(s) Bacon; also Representative(s) Primavera--Concerning the role of the Colorado developmental disabilities council in facilitating collaboration among stakeholders in the system for persons with developmental disabilities.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for consideration of conference committee reports.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORTS**

**HB10-1376** by Representative(s) Pommer, Ferrandino, Lambert; also Senator(s) Keller, Tapia, White-- Concerning the provision for payment of the expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2010, except as otherwise noted.

Senator Keller moved for the adoption of the first report of the first conference committee on **HB10-1376**, as printed in Senate journal, April 15, pages 893-899. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

YES	23	NO	12	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

**COMMITTEE OF REFERENCE REPORTS**

Education

After consideration on the merits, the Committee recommends that **SB10-161** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, strike lines 15 through 19.

Renumber succeeding subsections accordingly.

Strike page 5 and substitute "OF MONEYS AVAILABLE THROUGH A NONFORMULAIC GRANT PROGRAM CREATED BY STATE OR FEDERAL STATUTE; EXCEPT THAT "COMPETITIVE STATE OR FEDERAL GRANTS" DOES NOT INCLUDE A GRANT PROGRAM CREATED IN THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS AMENDED, OR IN ITS IMPLEMENTING REGULATIONS.

(4) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION CREATED IN SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

**22-30.5-603. Charter school collaborative - creation - public status - structure.** (1) (a) TWO OR MORE CHARTER SCHOOLS MAY CONTRACT WITH ONE ANOTHER TO FORM A CHARTER SCHOOL COLLABORATIVE THAT IS A LEGAL ENTITY SEPARATE FROM THE CONTRACTING CHARTER SCHOOLS AND IS AUTHORIZED TO PROVIDE ANY

FUNCTION, SERVICE, OR FACILITY THAT IS LAWFULLY AUTHORIZED FOR EACH OF THE CONTRACTING CHARTER SCHOOLS. A CHARTER SCHOOL NEED NOT OBTAIN THE APPROVAL OF ITS AUTHORIZER TO CREATE OR PARTICIPATE IN A CHARTER SCHOOL COLLABORATIVE, EXCEPT AS OTHERWISE REQUIRED IN PARAGRAPH (c) OF THIS SUBSECTION (1).

(b) A CHARTER SCHOOL COLLABORATIVE, OPERATING AS A LOCAL EDUCATION AGENCY UNDER FEDERAL LAW, MAY APPLY DIRECTLY FOR A COMPETITIVE STATE OR FEDERAL GRANT. A CHARTER SCHOOL PARTICIPATING IN A CHARTER SCHOOL COLLABORATIVE THAT OPERATES AS A LOCAL EDUCATION AGENCY SOLELY AS PROVIDED IN THIS PARAGRAPH (b) NEED NOT OBTAIN THE APPROVAL OF ITS AUTHORIZER TO PARTICIPATE IN THE CHARTER SCHOOL COLLABORATIVE.

(c) (I) IN ADDITION TO PROVIDING THE FUNCTIONS, SERVICES, FACILITIES, AND PURPOSE AUTHORIZED IN PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (1), A CHARTER SCHOOL COLLABORATIVE MAY OPERATE AS A LOCAL EDUCATION AGENCY UNDER FEDERAL LAW FOR A SPECIFIED, LIMITED PURPOSE. A CHARTER SCHOOL MAY PARTICIPATE IN THE CHARTER SCHOOL COLLABORATIVE FOR THE SPECIFIED, LIMITED PURPOSE PURSUANT TO THIS PARAGRAPH (c) ONLY IF THE CHARTER SCHOOL'S AUTHORIZER SPECIFICALLY CONSENTS IN WRITING TO BOTH THE CHARTER SCHOOL'S PARTICIPATION AND THE SPECIFIED, LIMITED PURPOSE. IF THE AUTHORIZER DOES NOT CONSENT TO THE CHARTER SCHOOL'S PARTICIPATION, THE CHARTER SCHOOL MAY CONTINUE TO PARTICIPATE IN THE CHARTER SCHOOL COLLABORATIVE FOR PURPOSES OF THE FUNCTIONS, SERVICES, FACILITIES, AND PURPOSE AUTHORIZED IN PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (1). AN AUTHORIZER MAY CONDITION ITS CONSENT ON APPROPRIATE ARRANGEMENTS BETWEEN THE AUTHORIZER AND THE CHARTER SCHOOL COLLABORATIVE CONCERNING INDEMNITY, MAINTENANCE OF RESERVES, OR OTHER ASSURANCES AGAINST LIABILITY WITH RESPECT TO ANY FUNCTION OF THE CHARTER SCHOOL COLLABORATIVE THAT INVOLVES THE DISCHARGE OF LEGAL DUTIES OF THE AUTHORIZER.

(II) A SPECIFIED, LIMITED PURPOSE FOR WHICH A CHARTER SCHOOL COLLABORATIVE MAY OPERATE PURSUANT TO THIS PARAGRAPH (c) MAY INCLUDE, BUT NEED NOT BE LIMITED TO, APPLYING FOR MONEYS FROM A COMPETITIVE GRANT PROGRAM CREATED IN THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS AMENDED, OR ITS IMPLEMENTING REGULATIONS.

(2) A CHARTER SCHOOL COLLABORATIVE CREATED PURSUANT TO THIS SECTION SHALL BE A PUBLIC ENTITY THAT EXISTS SEPARATELY FROM THE INDIVIDUAL CHARTER SCHOOLS THAT ARE PARTICIPATING IN THE COLLABORATIVE. THE CHARTER SCHOOL COLLABORATIVE SHALL HOLD AND MAY EXERCISE THE DUTIES, PRIVILEGES, IMMUNITIES, RIGHTS, LIABILITIES, AND DISABILITIES OF A PUBLIC ENTITY, INCLUDING BUT NOT LIMITED TO THE POWER TO CONTRACT, TO SUE OR BE SUED, AND TO HOLD TITLE TO PROPERTY. THE CHARTER SCHOOL COLLABORATIVE SHALL BE SOLELY RESPONSIBLE FOR ITS DEBTS, LIABILITIES, AND OBLIGATIONS, AND SAID DEBTS, LIABILITIES, OR OBLIGATIONS SHALL NOT BE THE RESPONSIBILITY OF THE PARTICIPATING CHARTER SCHOOLS OR THEIR AUTHORIZERS.

(3) A CHARTER SCHOOL COLLABORATIVE CREATED PURSUANT TO THIS SECTION SHALL BE DEEMED A LOCAL PUBLIC BODY FOR PURPOSES OF THE OPEN MEETING REQUIREMENTS OF SECTION 24-6-402, C.R.S. EXCEPT AS OTHERWISE SPECIFICALLY AUTHORIZED IN THIS SECTION, A CHARTER SCHOOL COLLABORATIVE SHALL BE SUBJECT TO ALL STATE STATUTES REGULATING CHARTER SCHOOLS AS PUBLIC ENTITIES AS IF THE CHARTER SCHOOL COLLABORATIVE WERE AUTHORIZED BY A SCHOOL DISTRICT BOARD OF EDUCATION.

(4) (a) A CHARTER SCHOOL COLLABORATIVE, AS A SEPARATE LEGAL ENTITY, SHALL EXERCISE ADMINISTRATIVE CONTROL OR DIRECTION IN PROVIDING OR OPERATING SPECIFIED FUNCTIONS, SERVICES, OR FACILITIES FOR THE PARTICIPATING CHARTER SCHOOLS. THE CONTRACT CREATING A CHARTER SCHOOL COLLABORATIVE SHALL SET FORTH FULLY THE PURPOSES, POWERS, RIGHTS, OBLIGATIONS, AND RESPONSIBILITIES,

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FINANCIAL AND OTHERWISE, OF THE CHARTER SCHOOL COLLABORATIVE AND OF THE CONTRACTING CHARTER SCHOOLS. THE PARTICIPATING CHARTER SCHOOLS SHALL DELEGATE TO THE CHARTER SCHOOL COLLABORATIVE THE POWERS NECESSARY TO ENABLE THE CHARTER SCHOOL COLLABORATIVE TO PROVIDE OR OPERATE THE FUNCTIONS, SERVICES, OR FACILITIES SPECIFIED IN THE CONTRACT.

(b) IN ADDITION TO ANY DUTY REQUIRED TO BE PERFORMED BY LAW OR BY THE CONTRACT CREATING A CHARTER SCHOOL COLLABORATIVE, THE COLLABORATIVE SHALL HAVE AND PERFORM THE FOLLOWING DUTIES:

(I) TO ACT CONSISTENTLY WITH THE PROVISIONS OF THIS ARTICLE;

(II) TO ABIDE BY THE CONTRACT THAT CREATES AND ORGANIZES THE CHARTER SCHOOL COLLABORATIVE; AND

(III) TO ACT CONSISTENTLY WITH THE CHARTER CONTRACT AND MISSION OF EACH CHARTER SCHOOL THAT PARTICIPATES IN THE CHARTER SCHOOL COLLABORATIVE.

(5) A CONTRACT TO ESTABLISH A CHARTER SCHOOL COLLABORATIVE SHALL, AT A MINIMUM, SPECIFY:

(a) THE NAME AND PURPOSE OF THE CHARTER SCHOOL COLLABORATIVE AND THE FUNCTIONS, SERVICES, OR FACILITIES THAT THE CHARTER SCHOOL COLLABORATIVE SHALL PROVIDE OR OPERATE;

(b) THE ESTABLISHMENT AND ORGANIZATION OF A BOARD OF DIRECTORS OF THE CHARTER SCHOOL COLLABORATIVE, INCLUDING BUT NOT LIMITED TO:

(I) THE NUMBER OF DIRECTORS, THE MANNER OF APPOINTMENT, THE TERMS OF OFFICE, THE AMOUNT OF COMPENSATION, IF ANY, AND THE PROCEDURES FOR FILLING VACANCIES;

(II) THE OFFICERS OF THE CHARTER SCHOOL COLLABORATIVE, THE MANNER OF THEIR SELECTION, AND THEIR DUTIES;

(III) THE VOTING REQUIREMENTS FOR ACTION BY THE BOARD OF DIRECTORS; EXCEPT THAT, UNLESS SPECIFICALLY PROVIDED OTHERWISE IN THE CONTRACT, A MAJORITY OF DIRECTORS SHALL CONSTITUTE A QUORUM AND A MAJORITY OF A QUORUM SHALL BE NECESSARY TO AUTHORIZE ANY ACTION TAKEN BY THE BOARD OF DIRECTORS;

(c) PROVISIONS FOR THE DISPOSITION, DIVISION, OR DISTRIBUTION OF ANY PROPERTY OR ASSETS OF THE CHARTER SCHOOL COLLABORATIVE;

(d) THE TERM OF THE CONTRACT, WHICH MAY BE CONTINUED FOR A DEFINITE TERM OR UNTIL RESCINDED OR TERMINATED, AND THE METHOD, IF ANY, BY WHICH IT MAY BE RESCINDED OR TERMINATED; EXCEPT THAT THE CONTRACT MAY NOT BE RESCINDED OR TERMINATED SO LONG AS THE CHARTER SCHOOL COLLABORATIVE HAS OBLIGATIONS OUTSTANDING, UNLESS PROVISIONS FOR FULL PAYMENT OF THE OBLIGATIONS, BY ESCROW OR OTHERWISE, ARE MADE PURSUANT TO THE TERMS OF THE OBLIGATIONS; AND

(e) THE TERMS, IF ANY, UNDER WHICH A CHARTER SCHOOL THAT IS NOT INITIALLY A PARTICIPANT IN THE CHARTER SCHOOL COLLABORATIVE MAY JOIN THE COLLABORATIVE AND UNDER WHICH A CHARTER SCHOOL PARTICIPANT MAY WITHDRAW FROM THE CHARTER SCHOOL COLLABORATIVE."

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Health & Human Services

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

MEMBER OF THE AIR QUALITY CONTROL COMMISSION

for a term expiring January 31, 2013:

Teresa A. Coons of Grand Junction, Colorado, to serve as a representative with scientific experience, reappointed.

Health & Human Services

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

MEMBERS OF THE HOSPITAL PROVIDER FEE OVERSIGHT AND ADVISORY BOARD

for a term expiring May 15, 2012:

Menda K. Warne of Gilcrest, Colorado, a person with a disability, who is living with a disability, and who is not a representative or an employee of a hospital, health insurance carrier, or other health care industry entity, appointed;

for a term expiring May 15, 2013:

Dr. Jeremiah A. Bartley of Brighton, Colorado, a member of the health care industry who does not represent a hospital or health insurance carrier, appointed.

Health & Human Services

After consideration on the merits, the Committee recommends that **HB10-1332** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 19, after "DEVELOPED" insert "AND COPYRIGHTED".

Page 4, strike lines 26 and 27.

Page 5, strike line 1 and substitute:

"(8) "HIPAA CODE SET" MEANS ANY SET OF CODES USED TO ENCODE ELEMENTS, SUCH AS TABLES OF TERMS, MEDICAL CONCEPTS, MEDICAL DIAGNOSTIC CODES, OR MEDICAL PROCEDURE CODES, THAT HAVE BEEN ADOPTED BY THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES PURSUANT TO THE FEDERAL "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996", AS AMENDED. "HIPAA CODE SET" INCLUDES THE CODES AND THE DESCRIPTORS OF THE CODES."

Page 8, line 20, strike " include as".

Page 8, strike lines 21 through 23 and substitute "include, as may be applicable, service or procedure codes such as current procedural terminology (CPT) codes or health care common procedure coding system (HCPCS) codes and the associated".

Page 11, line 10, strike "**applicability.**" and substitute "**applicability - repeal.**".

Page 11, line 11, strike ""MEDICAL" and substitute ""BARRY KEENE MEDICAL".

Page 11, line 13, after "(a)" insert "(I)".

Page 11, line 19, strike "SEGMENTS," and substitute "SEGMENTS DIRECTLY AFFECTED BY THIS SECTION,".

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Page 11, strike line 20 and substitute "INCLUDING:

(A) HEALTH CARE PROVIDERS OR EMPLOYEES THEREOF FROM A DIVERSE GROUP OF SETTINGS, WHICH SHALL INCLUDE PROVIDERS FROM HEALTH CARE COMMUNITY CLINICS, AMBULATORY SURGICAL CENTERS, URGENT CARE CENTERS, AND HOSPITALS;

(B) PERSONS OR ENTITIES THAT PAY FOR".

Page 11, line 21, strike ""PAYERS"," and substitute ""PAYERS";".

Page 11, strike line 22 and substitute:

"(C) PRACTICE MANAGEMENT SYSTEM VENDORS;

(D) BILLING AND REVENUE CYCLE".

Page 11, line 23, strike "COMPANIES, AND STATE" and substitute "COMPANIES; AND

(E) STATE".

Page 11, line 26, strike "THE" and substitute:

"(II) THE TASK FORCE SHOULD BE COMPRISED OF INDIVIDUALS WITH EXPERTISE IN THE AREAS OF PAYMENT RULES AND CLAIM EDITS AND THEIR IMPACT ON THE SUBMISSION AND PAYMENT OF HEALTH INSURANCE CLAIMS.

(III) THE".

Page 17, strike lines 11 through 25 and substitute:

"(6) (a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL DESIGNATE A NONPROFIT OR PRIVATE ORGANIZATION AS THE CUSTODIAL OF FUNDS FOR THE TASK FORCE. THE DESIGNATED ORGANIZATION IS AUTHORIZED TO ACCEPT AND EXPEND FUNDS AS NECESSARY FOR THE OPERATION OF THE TASK FORCE AND MAY SOLICIT AND ACCEPT MONETARY AND IN-KIND GIFTS, GRANTS, AND DONATIONS FOR USE IN FURTHERANCE OF THE TASK FORCE'S DUTIES AND RESPONSIBILITIES. ANY MONEYS DONATED OR AWARDED TO THE DESIGNATED ORGANIZATION FOR THE BENEFIT OF THE TASK FORCE ARE NOT SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY, AND ANY SUCH MONEYS THAT ARE UNEXPENDED OR UNENCUMBERED AT THE TIME THE TASK FORCE IS DISSOLVED OR THIS SECTION REPEALS PURSUANT TO SUBSECTION (7) OF THIS SECTION SHALL BE RETURNED TO THE DONORS OR GRANTORS ON A PRO RATA BASIS, AS DETERMINED BY THE DESIGNATED ORGANIZATION.

(b) THE DESIGNATED ORGANIZATION, ON BEHALF OF THE TASK FORCE, MAY ACCEPT IN-KIND STAFF SUPPORT FROM NONPROFIT AGENCIES OR PRIVATE GROUPS OR MAY CONTRACT WITH NONPROFIT AGENCIES OR PRIVATE GROUPS FOR THE PURPOSE OF PROVIDING STAFF SUPPORT TO ASSIST THE TASK FORCE IN CONDUCTING ITS DUTIES AND RESPONSIBILITIES UNDER THIS SECTION. ANY STAFF SUPPORT PROVIDED BY A NONPROFIT AGENCY OR PRIVATE GROUP, WETHER DONATED OR ENGAGED THROUGH A CONTRACT, SHALL NOT BE CONSIDERED EMPLOYEES OF THE TASK FORCE OR THE DESIGNATED ORGANIZATION.

(c) THE DESIGNATED ORGANIZATION SHALL PREPARE AN OPERATING BUDGET FOR THE TASK FORCE. PRIOR TO EXPENDING ANY MONEYS IT RECEIVES, THE DESIGNATED ORGANIZATION, ON BEHALF OF THE TASK FORCE, SHALL TRANSMIT A COPY OF THE BUDGET TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING AND SHALL CERTIFY TO THE EXECUTIVE DIRECTOR THAT THE DESIGNATED ORGANIZATION HAS RECEIVED OR HAS AVAILABLE ADEQUATE FUNDING TO COVER THE EXPENSES OF THE TASK FORCE AS IDENTIFIED IN THE BUDGET.

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(7) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2012, UNLESS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING NOTIFIES THE REVISOR OF STATUTES, IN WRITING, THAT THE ORGANIZATION DESIGNATED PURSUANT TO SUBSECTION (6) OF THIS SECTION HAS CERTIFIED THAT, AS OF JUNE 30, 2012, IT HAS RECEIVED OR HAS AVAILABLE SUFFICIENT MONEYS TO IMPLEMENT THIS SECTION."

Page 22, after line 26 insert:

"25-37-116. Copyrights protected. NOTHING IN THIS ARTICLE, INCLUDING THE DESIGNATION OF STANDARDS, CODE SETS, RULES, EDITS, OR RELATED SPECIFICATIONS, DIVESTS COPYRIGHT HOLDERS OF THEIR COPYRIGHTS IN ANY WORK REFERENCED IN THIS ARTICLE."

Page 22, strike line 27.

Page 23, strike lines 1 through 8.

Renumber succeeding section accordingly.

Page 1, line 101, strike ""MEDICAL" and substitute ""BARRY KEENE MEDICAL";

Page 1, strike lines 102 and 103 and substitute "TRANSPARENCY AND UNIFORMITY ACT".

Health & Human Services

After consideration on the merits, the Committee recommends that HB10-1355 be referred to the Committee of the Whole with favorable recommendation.

Health & Human Services

After consideration on the merits, the Committee recommends that HB10-1242 be referred to the Committee of the Whole with favorable recommendation.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB10-020

by Senator(s) Boyd, Foster, Schwartz; also Representative(s) Massey, Apuan--Concerning measures to address the financial viability of the CoverColorado program.

Senator Boyd moved that the Senate concur in House amendments to SB10-020, as printed in House journal, April 13, pages 1198-1199. The motion was adopted by the following roll call vote:

Table with 8 columns: YES, NO, EXCUSED, ABSENT and corresponding names of legislators.

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

Table with 8 columns: YES, NO, EXCUSED, ABSENT and corresponding names of legislators.



A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

### CONSIDERATION OF HOUSE ADHERENCE

**HB10-1211** by Representative(s) Tyler; also Senator(s) Williams--Concerning a reduction in the amount of the penalty for late vehicle registration of a vehicle without motive power that weighs two thousand pounds or less.

Senator Williams moved that the Senate recede from its position on **HB10-1211**. The motion was **adopted** by the following roll call vote:

YES	20	NO	15	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	White	N
Foster	Y	King K.	N	Sandoval	Y	Whitehead	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Gibbs, Heath, Kopp and Romer.

### CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Gibbs, the following Governor's appointments were confirmed by a roll call vote:

#### MEMBERS OF THE TRANSPORTATION COMMISSION

for terms expiring July 1, 2013:

Douglas E. Aden of Grand Junction, Colorado, to serve as a commissioner from the 7th Transportation District, reappointed;

Gilbert Ortiz Sr. of Pueblo, Colorado, to serve as a commissioner from the 10th Transportation District, reappointed;

B. Stephens Parker of Durango, Colorado, to serve as a commissioner from the 8th Transportation District, reappointed;

Gary M. Reiff of Englewood, Colorado, to serve as a commissioner from the 3rd Transportation District, appointed;

Thomas M. Rogers III of Denver, Colorado, to fill the vacancy occasioned by the resignation of Michael L. Cheroutes Sr. of Denver, Colorado, and to serve as a commissioner from the 1st Transportation District, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

MEMBER OF THE  
ADVISORY COMMITTEE ON  
GOVERNMENTAL ACCOUNTING

for a term expiring May 18, 2011:

John A. Carlson of Louisville, Colorado, to fill the vacancy occasioned by the resignation of Gregory W. Demko of Loveland, Colorado, and to serve as a representative of city and county government, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

MEMBER OF THE  
ENERGY IMPACT ASSISTANCE  
ADVISORY COMMITTEE

for terms expiring August 24, 2013:

Vicki L. Spencer of Gunnison, Colorado, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

Call of the Senate.

Call raised.

**RECONSIDERATION OF HOUSE ADHERENCE**

**HB10-1211** by Representative(s) Tyler; also Senator(s) Williams--Concerning a reduction in the amount of the penalty for late vehicle registration of a vehicle without motive power that weighs two thousand pounds or less.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate actions, consideration of house adherence and the repassage of HB10-1211.

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

**CONSIDERATION OF HOUSE ADHERENCE**

**HB10-1211** by Representative(s) Tyler; also Senator(s) Williams--Concerning a reduction in the amount of the penalty for late vehicle registration of a vehicle without motive power that weighs two thousand pounds or less.

Senator Williams moved that the Senate recede from its position on **HB10-1211**. The motion was **adopted** by the following roll call vote:

YES	20	NO	15	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	White	N
Foster	Y	King K.	N	Sandoval	Y	Whitehead	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	N		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Spence

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Friday, April 16 was laid over until Monday, April 19, retaining its place on the calendar.

- Third Reading of Bills -- Final Passage: HB10-1118, SB10-185.
- General Orders -- Second Reading of Bills -- Consent Calendar: HB10-1362.
- General Orders -- Second Reading of Bills: HB10-1271, HB10-1038, HB10-1009, SB10-012, SB10-011, HB10-1147, HB10-1122, SB10-178, HB10-1149, HB10-1328, HB10-1342.
- Consideration of Resolutions: SJR10-033.
- Consideration of Memorials: SJM10-002
- Consideration of Conference Committee Reports: SB10-109.
- Conference Committees to Report: HB10-1021, HB10-1171, HB10-1369, HB10-1098.

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, April 19, 2010.

Approved:

Brandon C. Shaffer  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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